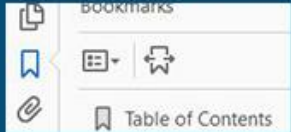


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[GO TO TABLE OF CONTENTS](#)

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REVISED ORDINANCES of the City of Watertown, South Dakota

Updated to July 29, 2022 (Ordinance 22-19)

**Compiled and published by Authority of the
City Council**

Originally passed and approved June 4, 1984.

Originally published June 1984 and effective July 1, 1984

ARRANGEMENT

The subject matter of this ordinance in revision is divided into 24 Titles, from Title 1, Airport, to Title 24, Subdivision of Land, with Title 22 covering General Provisions which are applicable to all parts of this ordinance.

TABLE OF CONTENTS

The "Table of Contents" which immediately follows this explanatory information sets out all titles, each followed by the list of chapters within such title.

SYSTEM OF NUMBERING

The system of numbering is similar to that used in the South Dakota Code of 1939. Each section number is divided by a decimal point. The figures to the left of the decimal point always indicate the title number; the two figures immediately to the right of the decimal point refer to the chapter number within that title, and the two figures at the right indicate the section number within the title and chapter.

SOURCE

Except sections relating to punishment (as to which the source will be the same as the section to which it relates, or readily ascertainable from that source) the source of each section which is a codification or revision of an existing ordinance is shown at the close of the section by figures in parentheses. Figures without other designation refer to sections in the 1926 Ordinances of this City. Figures preceded by the letter "C," "D" or "E" refer to the ordinance of that number enacted subsequent to the 1926 Ordinances, and when followed by an additional number (as, for instance, C-7-2) the final number is the section of the ordinance involved. A third source citation method was adopted in 2001 to denote the ordinance number and the effective date of the ordinance.

TABLE OF CONTENTS

<u>Title 1 - Airport</u>	<u>1.01 Acceptance of Conveyance</u>
	<u>1.02 Traffic Rules</u>
	<u>1.03 Vehicle Operation on Airport</u>
	<u>1.04 Requirements for Businesses and Services at the Airport</u>
	<u>1.05 Watertown Regional Airport Board</u>
	<u>1.99 Punishment</u>
<u>Title 2 - Alcoholic Beverages</u>	<u>2.01 Alcoholic Beverages</u>
	<u>2.02 On-Sale Licenses for Full-Service Restaurants</u>
	<u>2.98 Cross-References</u>
	<u>2.99 Punishment</u>
<u>Title 3 - Animals, Poultry, Etc.</u>	<u>3.01 General Provisions</u>
	<u>3.02 Rabies Control</u>
	<u>3.03 Impounding</u>
	<u>3.04 Licensing</u>
	<u>3.05 Feeding of Wild Animals</u>
	<u>3.98 Cross-References</u>
	<u>3.99 Punishment</u>
<u>Title 4 - Reserved</u>	
<u>Title 5 - Building Codes And Floodplain Regulations</u>	<u>5.01 Excavating, Filling, Grading, Lagooning and Dredging</u>
	<u>5.02 Flood Damage Prevention</u>
	<u>5.03 General Regulations</u>
	<u>5.04 Petroleum Products</u>
	<u>5.05 Definitions</u>
	<u>5.97 Interpretation, Abrogation and Severability</u>
	<u>5.98 Cross-References</u>
	<u>5.99 Punishment</u>
<u>Title 6 - Cemeteries</u>	<u>6.01 General Provisions</u>
	<u>6.02 Interment and Disinterment</u>
	<u>6.03 Monuments and Markers</u>
	<u>6.04 General Regulations</u>
	<u>6.05 Veterans' Burial Plot</u>
	<u>6.06 Infant Burial Plot</u>
	<u>6.08 Additional Cemeteries Prohibited</u>
	<u>6.09 Crematory Interment</u>
	<u>6.98 Cross-References</u>
	<u>6.99 Punishment</u>
<u>Title 7 - City Government</u>	<u>7.01 City Limits and Datum Line</u>
	<u>7.02 Wards</u>
	<u>7.03 City Council Procedure</u>
	<u>7.04 Franchises Granted</u>
	<u>7.05 Watertown Regional Library</u>
	<u>7.06 Registration and Payment of Salaries</u>
	<u>7.07 Police Department</u>
	<u>7.08 Miscellaneous City Appointees</u>
	<u>7.09 Salaries and Bonds</u>
	<u>7.10 Appropriations</u>
	<u>7.12 Fair Housing Ordinance</u>
	<u>7.14 Cable Television Regulatory Ordinance</u>
	<u>7.15 Mayor's Committee for People with Disabilities</u>
	<u>7.16 Upper Big Sioux River Watershed Advisory Board</u>
	<u>7.17 Elections</u>

	<u>7.18 Composition, Election and Term of Office of Mayor and Alderman</u>
	<u>7.19 Home Rule Charter Revision Commission</u>
	<u>7.20 Watertown Business Improvement District</u>
	<u>7.21 911 Emergency Telephone Service</u>
	<u>7.22 Administrative Appeals</u>
	<u>7.98 Cross-References</u>
	<u>7.99 Punishment</u>
<u>Title 8 - Civil Service</u>	
	<u>8.01 Civil Service Board, Powers and Duties</u>
	<u>8.02 Scope and General Provisions</u>
	<u>8.03 Removals, Discharge, Suspension</u>
	<u>8.99 Punishment and Rules</u>
<u>Title 9 - Electrical Regulations</u>	
	<u>9.01 Electrical Inspections</u>
	<u>9.02 Licenses, Permits, Fees</u>
	<u>9.03 General Regulations</u>
	<u>9.04 Radio and Television</u>
	<u>9.98 Cross-References</u>
	<u>9.99 Punishment</u>
<u>Title 10 - Fire Prevention and Protection</u>	
	<u>10.01 Fire Department</u>
	<u>10.02 Fire Code and Prevention</u>
	<u>10.04 Hazardous Materials</u>
	<u>10.98 Cross-References</u>
	<u>10.99 Punishment</u>
<u>Title 11 - Health</u>	
	<u>11.01 Health Board, Officers, General Powers and Duties</u>
	<u>11.02 Liquor Establishments</u>
	<u>11.04 Garbage and Rubbish</u>
	<u>11.05 Eradication of Rats</u>
	<u>11.06 Pollution of Lake Kampeska</u>
	<u>11.07 General Provisions</u>
	<u>11.08 Abandonment of Vehicles</u>
	<u>11.09 Swimming Pools</u>
	<u>11.98 Cross-References</u>
	<u>11.99 Punishment</u>
<u>Title 12 - Licenses and Regulations</u>	
	<u>12.01 General Provisions</u>
	<u>12.02 Vocational Licenses</u>
	<u>12.05 Pawnbrokers and Secondhand Dealers</u>
	<u>12.06 Residential Contractors License</u>
	<u>12.09 Advertising at the Watertown Regional Airport</u>
	<u>12.10 Security Guard</u>
	<u>12.11 Licensing and Regulating Ambulance Services</u>
	<u>12.15 House Moving Businesses</u>
	<u>12.98 Cross-References</u>
	<u>12.99 Punishment</u>
<u>Title 13 - Offenses and Regulations</u>	
	<u>13.01 Miscellaneous Provisions</u>
	<u>13.03 Public Safety</u>
	<u>13.04 Taking or Damaging Property</u>
	<u>13.06 Indecent Acts</u>
	<u>13.07 Ultimate Fighting</u>
	<u>13.98 Cross-References</u>
	<u>13.99 Punishment</u>

<u>Title 14 - Parks and Recreation</u>	<u>14.01 Parks, Recreation and Forestry Board</u> <u>14.02 Trees, Shrubs, Etc.</u> <u>14.03 Park Regulations</u> <u>14.04 Maintenance and Removal of Trees</u> <u>14.05 Arborist's License</u> <u>14.06 City Forester</u> <u>14.07 Tree Disease</u> <u>14.99 Punishment</u>
<u>Title 15 - Plumbing Regulations</u>	<u>15.01 Plumbing Definitions</u> <u>15.02 South Dakota State Plumbing Commission</u> <u>15.03 Building Official Role</u> <u>15.04 Plumbing - Licenses</u> <u>15.05 Plumbing – Permits and Inspection</u> <u>15.06 Plumbing – Rules and Regulations</u> <u>15.98 Cross-References</u> <u>15.99 Punishment</u>
<u>Title 16 - Sales, Service and Use Tax</u>	<u>16.01 Sales, Service and Use Tax</u> <u>16.02 Gross Receipts Tax</u>
<u>Title 17 – Wastewater Systems</u>	<u>17.01 General Regulations</u> <u>17.02 Sewer Users Charge</u> <u>17.04 Industrial Pretreatment Program</u> <u>17.05 Hauled Wastewater</u> <u>17.06 Regulation of Unpolluted Water and Sump Pump Discharge</u> <u>17.99 Punishment</u>
<u>Title 18 - Streets and Public Ways</u>	<u>18.01 General Provisions</u> <u>18.02 Street Widths</u> <u>18.03 Sidewalks, Curbs and Gutters</u> <u>18.04 Building - Numbering</u> <u>18.05 Railroads</u> <u>18.98 Cross-References</u> <u>18.99 Punishment</u>
<u>Title 19 - Traffic</u>	<u>19.01 General Regulations</u> <u>19.02 Accidents: Duties, Reports</u> <u>19.03 Pedestrians</u> <u>19.04 Parking</u> <u>19.05 Traffic Control Devices</u> <u>19.07 Bicycles and Other Personal Conveyances</u> <u>19.08 Buses</u> <u>19.09 Taxicabs</u> <u>19.10 Transportation Network Companies</u> <u>19.11 Motorcycles</u> <u>19.12 Truck Routes and Load Limits</u> <u>19.13 Snowmobiles</u> <u>19.14 Off-Road Vehicles</u> <u>19.14A Golf Carts</u> <u>19.15 Procedure on Arrest of Violator</u> <u>19.98 Cross-References</u> <u>19.99 Punishment</u>

Title 20 - Utilities

- [20.01 All Utilities](#)
- [20.02 Electric, Steam, Water and Gas](#)
- [20.04 Gas Installation Definitions](#)
- [20.05 Gas Installation Inspector](#)
- [20.06 Gas Licenses](#)
- [20.07 Gas Permits and Inspection](#)
- [20.08 Municipal Utility Board](#)
- [20.99 Punishment](#)

Title 21 - Zoning

- [21.01 Purpose](#)
- [21.02 Administration and Enforcement](#)
- [21.03 General Provisions](#)
- [21.04 Nonconformities](#)
- [21.05 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 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 – “AP” Aquifer Protection](#)
- [21.52 Overlay District – “WE” Wind Energy](#)
- [21.54 Overlay District – “GT-1” Gateway](#)
- [21.56 Overlay District – “DT” Downtown](#)
- [21.60 Required Yards and Open Spaces](#)
- [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 \(All District\)](#)
- [21.64 Performance Standards](#)
- [21.65 Outside Storage and Display Requirements for Specific Uses](#)
- [21.70 Home Occupations and Standards](#)
- [21.71 Manufactured and Mobile Home Provisions](#)
- [21.72 Microwave Antennas](#)
- [21.73 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 Limitations on Communal Living](#)
- [21.80 Signs and Outdoor Advertising](#)
- [21.90 Definitions](#)
- [21.97 Interpretation, Abrogation and Severability](#)
- [21.98 Cross-References](#)
- [21.99 Punishment](#)

<u>Title 22 - General Provisions</u>	<u>22.01 Title and Numbering</u>
	<u>22.02 Definitions</u>
	<u>22.03 General Provisions</u>
<u>Title 23 - Stormwater</u>	<u>23.01 Definitions and Abbreviations</u>
	<u>23.02 Illicit Discharge</u>
	<u>23.03 Construction Site Runoff Erosion and Sediment Control</u>
	<u>23.04 Post Construction Stormwater Management</u>
<u>Title 24 – Subdivision of Land</u>	<u>24.01 Title and Purpose</u>
	<u>24.02 Legal Provisions</u>
	<u>24.03 Subdivision Plans in General</u>
	<u>24.04 Administration and Penalties</u>
	<u>24.05 General Requirements and Design Standards</u>
	<u>24.06 Subdivision Procedure</u>
	<u>24.07 Final Plat Approval</u>
	<u>24.08 Street Maintenance and Acceptance</u>
	<u>24.09 Changes and Variances</u>
	<u>24.10 Definitions</u>
	<u>24.97 Interpretation, Abrogation and Severability</u>
	<u>24.98 Cross-References</u>
	<u>24.99 Punishment</u>
<u>Title 25 – Cannabis Regulation And Uses</u>	<u>25.01 Purpose and Intent</u>
	<u>25.02 Severability Clause</u>
	<u>25.03 Most Stringent Regulation Applies</u>
	<u>25.04 Other Laws and Ordinances Remain Applicable</u>
	<u>25.05 License Required</u>
	<u>25.06 Locations and Special Use Provisions for Medical Cannabis Establishments</u>
	<u>25.07 Limitation on Number of Medical Cannabis Dispensaries</u>
	<u>25.08 Building Permit Required</u>
	<u>25.09 Adoption of NFPA Code</u>
	<u>25.10 Smoking of Cannabis in Public Places Prohibited</u>
	<u>25.11 Public Nuisance</u>
	<u>25.12 Liability for Violations</u>
	<u>25.13 Penalties</u>
	<u>25.14 Definitions</u>

TITLE 1

AIRPORT

Chapter

[**\(back to Table of Contents\)**](#)

1.01	Acceptance of Conveyance
1.02	Traffic Rules
1.03	Vehicle Operation on Airport
1.04	Requirements for Businesses and Services at the Airport
1.05	Watertown Regional Airport Board
1.99	Punishment

Chapter 1.01
ACCEPTANCE OF CONVEYANCE

Section

[\(back to Title contents\)](#)

[1.0101 Conveyance Accepted](#)

[1.0102 City Committed to Reservations, etc.](#)

[1.0103 All Former Acts Ratified](#)

1.0101: CONVEYANCE ACCEPTED

[\(back to Chapter contents\)](#)

That Quit Claim Deed, in the form in which same was submitted for consideration by the Council of this City, executed by the United States of America, acting by and through the War Assets Administrator, as Grantor, to City of Watertown, South Dakota, as Grantee, affecting certain real estate therein described, including certain portions of Sections numbered 22, 23, 24, 25, 26, 27 and 35, all in Township 117 North, of Range 53 West of the Fifth P.M., in Codington County, South Dakota, and other property therein described, together with all reservations, restrictions and conditions therein contained, be, and the same hereby is in all things approved, and the acceptance of said deed is hereby authorized and approved on behalf of this City. (C-266-1)

1.0102: CITY COMMITTED TO RESERVATIONS, ETC.

[\(back to Chapter contents\)](#)

That said City be, and it hereby is, committed to all the reservations, restrictions and conditions contained in said Quit Claim Deed. (C-266-2)

1.0103: ALL FORMER ACTS RATIFIED

[\(back to Chapter contents\)](#)

That all instruments heretofore executed on behalf of said City relative to the acceptance of said deed, and all expenditures heretofore made incidental to the execution and recordation of said deed are hereby in all things ratified. (C-266-3, 4)

Chapter 1.02
TRAFFIC RULES

Section

[\(back to Title contents\)](#)

[1.0201 Purpose and Intent](#)

[1.0202 Traffic Rules](#)

[1.0203 Taxi Rules](#)

[1.0204 Ramp Rules](#)

[1.0205 Federal Aviation Administration Laws, Rules and Regulations Govern](#)

1.0201: PURPOSE AND INTENT

[\(back to Chapter contents\)](#)

1. These regulations covering a variety of activities and services are adopted for the purpose of attempting to make the Watertown Regional Airport a safer facility and to set standards for orderly and proper development at the Airport.
2. Basic requirements are desirable for all types of operators, whether specialized or offering the full gamut of aeronautical services. Establishment of uniform requirements and their application, and encourage the orderly development of the Airport's commercial aeronautical services. (E-436-1)
3. As stated above, these regulations have been developed with the intent of creating a safer and more orderly developed airport for Watertown, South Dakota.

1.0202: TRAFFIC RULES

[\(back to Chapter contents\)](#)

That the following be, and the same hereby are, established as the rules governing all traffic upon the airport situated within the limits of this City:

1. All FAA rules and regulations shall be observed.
2. All planes shall take off and land on the runway indicated by the wind. This section shall not apply in emergency situations or practice landings and in such cases notice shall be given.
3. All traffic shall circle the field to the left while in flight and approaching the field for a landing.
4. All aircraft taxiing on the active runway shall yield the right-of-way to landing and departing aircraft.
5. All pilots shall check for inbound traffic immediately before taking off.
6. Planes taking off with the intention of leaving traffic shall proceed straight ahead until over the end of the runway.
7. Planes taking off with the intention of staying in the traffic pattern shall proceed straight ahead until an altitude of four hundred (400) feet above the field is reached, planes shall then make a left turn of ninety (90) degrees and climb to an altitude of eight hundred (800) feet above the ground. No departing aircraft shall turn until over the end of the runway.
8. Planes shall enter the established traffic pattern at eight hundred (800) feet above the ground.
9. All planes which are incapable of following the established air and ground pattern shall maintain an altitude and pattern in keeping with their limitations and in keeping with the safety of the traffic as established.
10. Planes engaged in practicing (except landings and practice instrument approaches) shall maintain a minimum of three (3) miles from the center of the airport.
11. All pilots shall be required to follow these rules except when it is necessary in the interests of safety of the plane or passengers to do otherwise.
12. No vehicle other than aircraft shall be allowed upon any taxiway or runway except for purposes of maintaining or repairing such taxiway or runway, except with the permission of the Airport Manager.

1.0203: TAXI RULES

[\(back to Chapter contents\)](#)

1. No person shall taxi an aircraft until he has ascertained that there will be no danger of collision with any person or object in the immediate area.
2. All aircraft shall be taxied at a safe and reasonable speed with due regard for other aircraft, persons and property.

3. Aircraft awaiting take-off shall stop at least two hundred (200) feet from the center line (unless useable area does not permit) from the runway in use and in a position so as to have direct view of aircraft approaching for landing. (E-436-1)

1.0204: RAMP RULES

[\(back to Chapter contents\)](#)

1. All owners shall see that aircraft are responsibly tied down at all times. No aircraft shall be parked in the ramp tie-down area for over ten (10) days without being moved.
2. All aircraft in the ramp tie-down area shall be moved immediately after each snow to facilitate snow removal on the ramp. Any owner using the ramp designates the Fixed Base Operator as his/her agent and delegates to the Fixed Base Operator the authority to move said plane. (There will be a service charge for moving the aircraft for snow removal. It will be the Fixed Base Operator's responsibility to move the aircraft and collect the service charge. This service charge to be determined by the Airport Committee.)
3. No aircraft other than licensed flyable aircraft shall be allowed to park on the airport ramp area, unless approved by the manager. (E-436-1)

1.0205: FEDERAL AVIATION ADMINISTRATION LAWS, RULES AND REGULATIONS GOVERN

[\(back to Chapter contents\)](#)

All laws, rules and regulations applicable to or promulgated from time to time by Federal Aviation Administration (FAA) shall be in full force and effect at all times notwithstanding any provision of this chapter. (E-436-1)

Chapter 1.03
VEHICLE OPERATION ON AIRPORT

Section

[\(back to Title contents\)](#)

[1.0301 Vehicles, Licensing and Registration](#)

[1.0302 Rules of Operation](#)

[1.0303 Parking](#)

[1.0304 Repair of Vehicles](#)

[1.0305 Radio Equipment](#)

1.0301: VEHICLES, LICENSING AND REGISTRATION

[\(back to Chapter contents\)](#)

1. No person shall operate motorized ground equipment of any kind on the airport without a valid state driver's license.
2. No person shall operate any motor vehicle in the air operations area without having first registered the same with the Airport Manager and obtained permission for the operation of such equipment.
 - a. Permission shall be granted to qualified persons in form of a permit which shall be carried in that vehicle at all times during vehicle operation in the air operations area.
 - b. Permit will be issued for each vehicle, not transferable, and will expire five (5) years from date of issue. No notice upon expiration shall be given permit holder, whose sole responsibility it shall be to renew said permit.
 - c. Airport Manager may restrict vehicle operations to a certain portion or segment of aircraft facility areas. Such restrictions shall prohibit vehicle operations by permit holder outside designated areas.
 - d. Vehicle operations must be in strict compliance with Section 1.0302, regarding speed limits, exercise of caution, etc.
3. Any person violating any of the provisions of this section shall, upon conviction, be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50) for each offense. (E-436-2)

1.0302: RULES OF OPERATION

[\(back to Chapter contents\)](#)

1. No person shall operate a motor vehicle of any kind on the airport in a reckless or negligent manner, or in excess of the speed limits prescribed by the Airport Manager. Speed limits shall not exceed fifteen (15) miles per hour on ramp, apron, in aircraft parking and hangar areas.
2. Pedestrians and aircraft shall at all times have right-of-way over vehicular traffic. All vehicles shall pass to the rear of taxiing aircraft.
3. No persons operating a motor vehicle on the airport shall fail to give proper signals, or fail to observe the directions of posted traffic signs.
4. No person shall operate any motor vehicle on the airport overloaded or carrying more passengers than that for which the vehicles were designed. No person shall ride on the running board, stand up in the body of moving vehicles, ride on the outside of the body of a vehicle, or with arms or legs protruding from the body of motor vehicles other than crash fire and rescue vehicles designed for standing personnel.
5. No vehicles shall be operated on the airport if it is so constructed, equipped or loaded as to endanger persons or property.
6. No person shall operate a motor scooter, truck or other motor vehicle without exhausts protected by screens or baffles to prevent the escape of sparks or the propagation of flames in any hangar on the airport.
7. When parking adjacent to a runway, all vehicles must park parallel to the runway and at least one hundred (100) feet to the outside of the runway lights.
8. During daylight hours all authorized vehicles traversing on the airport proper without a two-way radio, shall display and fly on the rear of the vehicle an orange and white checkered flag of a size not less than three feet square. Before crossing any runway, all vehicles will first obtain permission to cross said runway from the Airport Manager and then inform the flight service station by either radio or prior personal arrangements. Upon receiving clearance the driver will insure by personal observation that no aircraft is approaching his position before crossing. Vehicles which do not obtain proper clearance shall be reported to the Airport Manager by the flight service station.

9. During the hours of darkness, no vehicle shall cross a lighted runway unless specific clearance is obtained from the Airport Manager and the flight service station is informed, either by radio communications or prior personal arrangements. Vehicles without radio will first call the flight service station by phone.
10. All vehicles shall pass to the rear of taxiing aircraft and on the field side of parked aircraft and shall pass not nearer than twenty (20) feet horizontal distance from any wing or tail section of a parked aircraft.
11. Emergency conditions existing at any time on the airport will not mitigate or cancel these regulations. During such conditions, the driver of any vehicle will make certain that he does not move his vehicle in any direction unless specifically cleared by the Airport Manager to do so. Permits issued under Section VII, Part 107, FAA Regulations shall be rendered invalid until the emergency situation has been alleviated. The Airport Manager shall determine when normal operations may be resumed.
12. Speed Limits.
 - a. No person shall drive a motor vehicle or a motor bicycle upon any public street or road within the territorial limits of the airport at a speed greater than is reasonable and proper having regard for the traffic and use of the street and road; or so to endanger the life or limb or injure the property of any person; if the rate of speed of any motor vehicle or motor bicycle operated upon a public street or road within the airport, exceed thirty (30) miles per hour, such rate of speed shall be prima facie evidence that the person operating such motor vehicle or motor bicycle is running at a rate of speed greater than is reasonable or proper having regard to the traffic and the use of the street or road, or so as to endanger the life or limb or the property of any person.
 - b. The rate of speed on the street or road shall not exceed thirty five (35) miles per hour and it shall be unlawful for any person except emergency vehicle to drive a motor vehicle or motor bicycle at a rate of speed greater than twenty five (25) miles per hour upon any street or road within the territorial boundaries of the airport. (E-436-2)

1.0303: PARKING

[\(back to Chapter contents\)](#)

1. No person shall park a motor vehicle for loading, or unloading or any other purpose on the airport other than in the areas specifically established for parking and in the manner prescribed by signs, lines or other means. No person shall abandon any motor vehicle on the airport. No person shall park a motor vehicle in a manner so as to obstruct roadways, nor in aircraft parking areas, nor on grassed areas.
2. No person shall park a vehicle in any space marked for parking in such a manner as to occupy part of another marked space, nor shall any person park, stand or wait in any vehicle in any reserved or restricted areas so marked.
3. Persons found in violation of these regulations pertaining to parking shall be cited for traffic violations under the applicable provisions of the city ordinances.
4. Parking in designated public parking areas is open to all members of the public using the airport. (E-436-2)

1.0304: REPAIR OF VEHICLES

[\(back to Chapter contents\)](#)

No person shall clean or make any repairs to vehicles anywhere within the airport boundary other than in shop or other areas designated for such purposes, except minor repairs necessary to remove such vehicles from the airport, nor shall any person move, interfere or tamper with any vehicle or put in motion the engine or take or use any vehicle part, instrument or tool thereof without permission of the owner on satisfactory evidence of the right to do so presented to the Airport Manager. (E-436-2)

1.0305: RADIO EQUIPMENT

[\(back to Chapter contents\)](#)

1. All vehicles operating in the aircraft facilities area must be equipped with two-way radio and be in continuous communication with the flight service station, with the exception of the following equipment, which will be accompanied by an escort vehicle when operating or working on usable runways or taxiways:
 - a. Crash equipment while attending an accident.
 - b. Refueling vehicles and towing tugs may cross aircraft areas for loading purposes only. Prior to crossing, the operator must obtain clearance from the Airport Manager as well as inform the flight service station.
 - c. Operational, agricultural and maintenance equipment not engaged in working on runways proper will keep the flight service station informed of the general area in which they are working.

- d. Any vehicle crossing any taxiway or runway, and not equipped with a two-way radio and in direct contact with the flight service station, shall not operate within the landing area until prior permission is received from the Airport Manager and the flight service station is informed.
2. The installation of two-way radio does not permit the operation of vehicles on the airport operating area without prior permission from the Airport Manager.
3. Any vehicles that have been permitted to operate on the airport operating area will not proceed closer than two hundred (200) feet from the edge of the runways nor across any of the runways prior to being cleared by the Airport Manager and informing the flight service station.
4. Penalties. Any person violating any provision of this section shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50) for each offense. (E-436-2)

Chapter 1.04
REQUIREMENTS FOR BUSINESSES AND SERVICES AT THE AIRPORT

Section

[\(back to Title contents\)](#)

1.0401	Purpose
1.0402	Commercial Business other than Aeronautical Services
1.0403	Minimum General Requirements - Aeronautical Services
1.0404	Lease Proposal Requirements
1.0405	Aircraft Sales
1.0406	Airframe and /or Power Plant Repair
1.0407	Aircraft Rental
1.0408	Flight Training
1.0409	Aircraft Fuels and Oil Dispensing Service
1.0410	Radio, Instrument or Propeller Repair Service
1.0411	Air Taxi Service
1.0412	Aerial Application
1.0413	Specialized Commercial Flight Services
1.0414	Multiple Services
1.0415	Private Storage Hangars
1.0416	Lease Rates for Building Sites on Airport
1.0417	Lease Provisions
1.0418	Special Interest Flying Clubs
1.0419	Use of Public Aircraft Facilities by Commercial Carriers Not Under Separate Contract and Establishment of Fees for the Use of These Facilities
1.0420	Temporary Variations Permitted

1.0401: PURPOSE

[\(back to Chapter contents\)](#)

The City Council of the City of Watertown, South Dakota, being in a position of responsibility for the administration of the Watertown Regional Airport, Codington County, South Dakota and in order to insure adequate aeronautical services and facilities to the users of the Airport, and to encourage the development of the Airport and its activity, and to foster the economic health and orderly development of commercial aeronautical operators at the Airport, herewith provide:

1. The minimum standards for a person or persons, firm or corporation based upon and engaging in one or more aeronautical services at the Watertown Regional Airport, Codington County, South Dakota.
2. These lease clauses which shall be included in all leases between City and any person or persons, firm or corporation desiring to be based upon the Watertown Regional Airport, Watertown, Codington County, South Dakota, and engage thereon in any aeronautical service.

1.0402: COMMERCIAL BUSINESS OTHER THAN AERONAUTICAL SERVICES

[\(back to Chapter contents\)](#)

1. Any person, firm or corporation desiring to enter into any form of business or commercial activity of any nature upon the premises of the Airport shall first obtain permission from the City in the form of a permit or lease agreement, meeting the provisions herein.
2. The City will act individually on a case by case basis, relative to the requirements for buildings, personnel, services, hours of operation and insurance requirements, based on the type of business or commercial activity being proposed.

1.0403: MINIMUM GENERAL REQUIREMENTS - AERONAUTICAL SERVICES

[\(back to Chapter contents\)](#)

1. Building space requirements may be provided in one building, attached buildings or separate buildings. The Airport Committee may allow a portion of any building to be unheated.
2. All lessee personnel required to hold FAA certificates and ratings shall maintain such certificates and ratings. All lessees offering any of the services or combinations thereof shall do so under written lease or agreement with the airport.

1.0404: LEASE PROPOSAL REQUIREMENTS

[\(back to Chapter contents\)](#)

1. The Airport will not accept an original request to lease land area unless the proposed lessee puts forth in writing a proposal which sets forth the scope of operation he/she proposes, including the following:
 - a. The services he/she will offer
 - b. The amount of land the lessee desires to lease
 - c. The building space he/she will construct or lease
 - d. The number of aircraft he/she will provide
 - e. The number of persons he/she will employ
 - f. The hours of proposed operation
 - g. The number and types of insurance coverage he/she will maintain
 - h. Evidence of his/her financial capability to perform and provide the above services and facilities.
2. The following subsection shall be considered the minimum requirements that will be allowed by the Airport to establish and operate an aeronautical service on the Airport.

1.0405: AIRCRAFT SALES

[\(back to Chapter contents\)](#)

Any person, firm or corporation desiring to engage in the sale of new or used aircraft must lease and/or provide as a minimum the following:

1. **Building Requirements:** Lease or construct eight hundred (800) square feet of properly lighted and heated space for office and public lounge, indoor rest rooms and public use telephone. Buildings shall be all metal or an approved equal with such approval to be made by the Building Inspector and the Airport Committee jointly, and shall meet all city codes including, but not limited to, the most current International Building Code, as adopted by the City.
2. **Personnel Requirements:** One person having a current pilot certificate with ratings appropriate for the types of aircraft to be demonstrated.
3. **Dealership Requirements:** New aircraft dealers shall hold an authorized factory or sub-dealership. All aircraft dealers shall hold a dealership license or permit from the State of South Dakota.
4. **Aircraft Requirements:** A dealer of new aircraft shall have available or on call one current model demonstrator, and shall provide for demonstrations of an additional model demonstrator. The dealer shall also provide for demonstrations of additional models of the manufacture for which a dealership is held.
5. **Services Requirements:** Provide for the repair and servicing of aircraft during warranty period by own facilities or through written agreement with repair shop specializing in the make of aircraft sold.
6. **Hours of Operation:** Normal operating hours will be five (5) days per week and eight (8) hours per day.
7. **Insurance Coverage:**
 - a. Aircraft Liability:

Bodily Injury	\$ 250,000 each person
	\$ 500,000 each accident
Property Damage	\$ 250,000 each accident
Passenger Liability	\$ 250,000 each person
	\$ 250,000 each accident
 - b. Comprehensive Public and Property Damage:

Bodily Injury	\$ 250,000 each person
	\$ 500,000 each accident
Property Damage	\$ 250,000 each accident

Note: The above coverage should also include aircraft held for sale and demonstration by the lessee but owned by others.

1.0406: AIRFRAME AND / OR POWER PLANT REPAIR

[\(back to Chapter contents\)](#)

Any person, firm or corporation desiring to engage in airframe and/or power plant repair service must provide as a minimum the following:

1. **Building Requirements:** Lease existing facility or construct a building sufficient to provide two thousand (2,000) square feet of shop space meeting local and state industrial code requirements plus adequate office space. Provide public telephone, customer lounge and rest rooms. Buildings shall be all metal or approved equal with such approval to be made by the Building Inspector and the Airport Committee jointly, and shall meet all city codes including, but not limited to, the most current International Building Code, as adopted by the City.
2. **Personnel Requirements:** One person currently certified by FAA with ratings appropriate for work being performed who may hold an airframe and/or power plant rating.
3. **Hours of Operation:** Normal operating hours will be five (5) days per week and eight (8) hours per day.
4. **Equipment Requirements:** Sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturers' recommendations or equivalent.
5. **Insurance Coverage:** Comprehensive Public Liability and Property Damage:

Bodily Injury	\$ 250,000 each person
	\$ 500,000 each accident
Property Damage	\$ 250,000 each accident
Hangar Keepers Liability	\$ 250,000 each accident

Note: Coverage depends on the type and number of aircraft serviced at any one time.

1.0407: AIRCRAFT RENTAL

[\(back to Chapter contents\)](#)

Any person, firm or corporation desiring to engage in the rental of aircraft to the public must provide as a minimum the following:

1. **Building Requirements:** Lease or construct building which will provide six hundred (600) square feet of properly heated and lighted office space, including adequate space for the public, including customer lounge, rest rooms, and public use telephone. Buildings shall be all metal or an approved equal with such approval to be made by the Building Inspector and the Airport Committee jointly, and shall meet all city codes including, but not limited to, the most current International Building Code, as adopted by the City.
2. **Personnel Requirements:** One person having a current commercial pilot certificate with appropriate ratings.
3. **Aircraft Requirements:** One airworthy aircraft owned or leased in writing to the lessee.
4. **Hours of Operation:** Normal operating hours will be five (5) days per week and eight (8) hours per day.
5. **Insurance Coverage:** for Owned or Leased Aircraft. Aircraft Liability:

Bodily Injury	\$ 250,000 each person
	\$ 500,000 each accident
Property Damage	\$ 250,000 each accident

1.0408: FLIGHT TRAINING

[\(back to Chapter contents\)](#)

Any person, firm or corporation desiring to engage in pilot flight instruction shall provide as a minimum the following:

1. **Building Requirements:** Lease or construct a building having nine hundred (900) square feet of properly lighted and heated floor space to provide classroom, briefing room, pilot lounge, office space, public use telephone, and rest rooms. Buildings shall be all metal or an approved equal with such approval to be made by the Building Inspector and the Airport Committee jointly, and shall meet all city codes including, but not limited to, the most current International Building Code, as adopted by the City.
2. **Personnel Requirements:** One person properly certificated by FAA as flight instructor to cover the type of training offered.
3. **Aircraft Requirements:** The lessee shall own or have leased to him in writing one properly certificated aircraft equipped for flight instruction.
4. **Hours of Operation:** Normal operating hours will be five (5) days per week and eight (8) hours per day.
5. **Insurance Coverage:** for Owned or Leased Aircraft.
 - a. Aircraft Liability:

Bodily Injury	\$ 250,000 each person
	\$ 500,000 each accident

	Property Damage	\$ 250,000 each accident
b. Passenger Liability		\$ 250,000 each person
		\$ 500,000 each accident (if appropriate)

1.0409: AIRCRAFT FUELS AND OIL DISPENSING SERVICE

[\(back to Chapter contents\)](#)

Any person, firm or corporation desiring to dispense aviation fuels and oil and provide other related services such as tie-down and parking, shall provide as a minimum the following services and facilities:

1. **Building Requirements:** Construct or lease a building providing nine hundred (900) square feet of properly lighted and heated floor space for office, public lounge, rest rooms, and telephone. Lease or construct a building providing five thousand (5,000) square feet of space for aircraft storage. Buildings shall be all metal or an approved equal with such approval to be made by the Building Inspector and the Airport Committee jointly, and shall meet all city codes including, but not limited to, the most current International Building Code, as adopted by the City.
2. **Personnel Requirements:** One or more properly trained personnel. The office shall be attended at all times during required operating hours.
3. **Aircraft Service Equipment Requirements:** Emergency starting equipment, adequate fire extinguishers, towing equipment.
4. **Service Requirements:** Fuel, park and tie-down for aircraft. Provide aircraft hangar storage. Provide minor repairs and services not requiring certificated mechanic rating.
5. **Fueling Facility Requirements:** Two metered filter equipped dispensers fixed or mobile for dispensing two grades 100-120 octane low lead gasoline and Jet A fuel storage tanks having a minimum capacity of ten thousand (10,000) gallons each. Mobile dispensing truck(s) shall have a total of one thousand (1,000) gallon capacity for each grade of fuel required.
6. **Hours of Operation:** Normal operating hours will be seven (7) days per week and eight (8) hours per day. On-call service shall be required during the hours service is closed.
7. **Insurance Coverage:**
 - a. Comprehensive Public Liability and Property Damage:

Bodily Injury	\$ 250,000 each person
	\$ 500,000 each accident
Property Damage	\$ 250,000 each accident
 - b. Hangar Keeper's Liability \$ 250,000 each accident
 - c. Motor Vehicle Liability and Physical Damage \$ 250,000 each accident

Bodily Injury	\$ 250,000 each person
	\$ 500,000 each accident
Property Damage	\$ 250,000 each accident

1.0410: RADIO, INSTRUMENT OR PROPELLER REPAIR SERVICE

[\(back to Chapter contents\)](#)

Any person, firm or corporation desiring to provide a radio, instrument or propeller repair service must hold an FAA repair station certificate and ratings for same and provide as a minimum the following:

1. **Building Requirements:** Construct or lease building providing two thousand (2,000) square feet of properly lighted and heated space to house office, rest room facilities, a public telephone, and minimum shop and hangar space as required for FAA repair shop certification. Buildings shall be metal or an approved equal with such approval to be made by the Building Inspector and the Airport Committee jointly, and shall meet all city codes including, but not limited to, the most current International Building Code, as adopted by the City.
2. **Personnel Requirements:** One FAA certificated repairman qualified in accordance with the terms of the Repair Station Certificate.
3. **Hours of Operation:** Normal operating hours will be five (5) days per week and eight (8) hours per day.
4. **Insurance Coverage:**
 - a. Hangar Keepers' Liability \$ 250,000 each accident
 - b. Products Liability \$ 500,000 each accident

c. Non Ownership Aircraft Liability and Property Damage:

Bodily Injury	\$ 250,000 each person
	\$ 500,000 each accident
Property Damage	\$ 250,000 each accident

1.0411: AIR TAXI SERVICE

[\(back to Chapter contents\)](#)

Any person, firm or corporation desiring to engage in air taxi service must hold an FAA Air-Taxi Commercial Operator Certificate with ratings appropriate to the functions to be accomplished, and provide as a minimum the following:

1. **Building Requirements:** Lease or construct a building providing a minimum of nine hundred (900) square feet of properly heated and lighted space for office and customer lounge, telephone, and rest room. Buildings shall be all metal or an approved equal with such approval to be made by the Building Inspector and the Airport Committee jointly, and shall meet all city codes including, but not limited to, the most current International Building Code, as adopted by the City.
2. **Personnel Requirements:** One FAA certificated commercial pilot who is appropriately rated to conduct air taxi service offered.
3. **Aircraft Requirements:** One four-place aircraft meeting all the requirements of the Air-Taxi Commercial Operator Certificate held.

NOTE: Aircraft shall be owned or leased by agreement in writing and meet all the relevant requirements in Part 135 of the FAA Regulations.

4. **Hours of Operation:** Normal operating hours will be six (6) days per week and eight (8) hours per day.
5. **Insurance Coverage:**

a. Aircraft Liability:

Bodily Injury	\$ 250,000 each person
	\$ 500,000 each accident
Property Damage	\$ 250,000 each accident
Passenger Liability	\$ 250,000 each passenger
	\$ 500,000 each accident

b. Comprehensive Public Liability and Property Damage:

Bodily Injury	\$ 250,000 each person
	\$ 500,000 each accident
Property Damage	\$ 250,000 each accident

1.0412: AERIAL APPLICATION

[\(back to Chapter contents\)](#)

Any person, firm or corporation desiring to engage in aerial application operations must hold an Agricultural Aircraft Operator Certificate issued by the FAA under Part 137; comply with requirements of the state and political subdivisions thereof; and provide as a minimum the following:

1. **Building Requirements:** Lease or construct six hundred (600) square feet of building space for office and storage, telephone, and rest rooms. Building shall be all metal or an approved equal with such approval to be made by the Building Inspector and the Airport Committee jointly and shall meet all city codes including, but not limited to, the most current International Building Code, as adopted by the City.
2. **Personnel Requirements:** One person holding current FAA commercial certificate, properly rated for the aircraft to be used and meeting the requirements of Part 137 of FAA regulations and applicable regulations of the State of South Dakota.
3. **Aircraft Requirements:** One aircraft which will be airworthy, meeting all the requirements of Part 137 of FAA regulations and applicable regulations of the State of South Dakota. This aircraft shall be owned or leased by agreement in writing and based at the lessee's leasehold.
4. **Facility Requirements:** A segregated chemical storage area protected from public access. Centrally drained, paved or graveled area for aircraft loading, washing, servicing and dumping facility nine hundred (900) square feet in area. Tank trucks for handling of liquid spray and mixing liquids. Adequate ground equipment for handling and loading of all materials used.

5. **Hours of Operation:** Normal operating hours will be at the operator's discretion, but he should be reasonably available to the public.
6. **Insurance Coverage:** Aircraft Liability:

Bodily Injury	\$ 250,000 each person
	\$ 500,000 each accident
Property Damage	\$ 250,000 each accident

Note: Such facilities will be located on the airport in a location which will provide the greatest safeguard to the public.

1.0413: SPECIALIZED COMMERCIAL FLIGHT SERVICES

[\(back to Chapter contents\)](#)

Any person, firm or corporation desiring to engage in the specialized commercial air activities including but not limited to those listed below shall provide as a minimum the following:

1. **Types of Services:**
 - a. Banner towing and aerial advertising
 - b. Aerial photography or survey
 - c. Fire fighting or fire patrol
 - d. Any other operations specifically excluded from Part 135 of the FAA Regulation.
2. **Building Requirements:** Construct or lease six hundred (600) square feet of properly heated and lighted floor space for office, telephone, and rest rooms. Building shall be all metal or an approved equal with such approval to be made by the Building Inspector and the Airport Committee jointly, and shall meet all city codes including, but not limited to, the most current International Building Code, as adopted by the City.
3. **Personnel Requirements:** One person having a current Commercial Pilot Certificate with appropriate ratings for the aircraft to be flown.
4. **Aircraft Requirements:** One properly certificated aircraft owned or leased in writing to the lessee.
5. **Hours of Operation:** Normal operating hours will be seven (7) days per week and eight (8) hours per day.
6. **Insurance Coverage:** for Owned or Leased Aircraft.
 - a. Aircraft Liability:

Bodily Injury	\$ 250,000 each person
	\$ 500,000 each accident
Property Damage	\$ 250,000 each accident
 - b. Comprehensive Public Liability:

Bodily Injury	\$ 250,000 each person
	\$ 500,000 each accident
Property Damage	\$ 250,000 each accident

1.0414: MULTIPLE SERVICES

[\(back to Chapter contents\)](#)

Any person, firm or corporation desiring to engage in two or more commercial aeronautical activities must provide as a minimum the following:

1. **Building Requirements:** Lease or construct a building or buildings containing not less than seven thousand (7,000) square feet to provide properly lighted and heated space for office, public lounge, pilot briefing room, rest rooms and aircraft storage. Aircraft storage need not be heated. Buildings shall be metal or approved equal with such approval to be made by the Building Inspector and the Airport Committee jointly, and shall meet all city codes including, but not limited to, the most current International Building Code, as adopted by the City.
2. **Personnel Requirements:** Multiple responsibilities may be assigned to personnel to meet personnel requirements for all activities.
3. **Aircraft Requirements:** All requirements for aircraft for the specific activities to be engaged in must be provided; however, multiple uses can be made of all aircraft, except aerial applicator aircraft, to meet these

requirements. In order to meet these requirements, however, a minimum of two aircraft must be owned under the direct control of the lessee and based on the lessee's leasehold.

4. **Equipment Requirements:** All equipment, specifically required for each activity, must be provided.
5. **Services:** All services specifically required for each activity shall be eight (8) hours daily and seven (7) days per week.
6. **Hours of Operation:** The lessee will adhere to the operating schedule as required for each activity.
7. **Insurance Coverage:** The lessee will obtain the highest single coverage in amounts established for each type of insurance required for the specific activity. (E-437-l)

1.0415: PRIVATE STORAGE HANGARS

[\(back to Chapter contents\)](#)

Policy governing construction of storage facilities (Hangars) for general aviation type aircraft on the Watertown Regional Airport, Watertown, South Dakota:

Site construction of T or Multi-T hangars should only be started after receiving, from the City, an approved, leased site which will conform to the current Airport Layout Plan (Master Plan), the application for which should provide assurance that the proposed construction will conform to the following:

1. The standard width shall be forty (40) feet maximum. Requests for sites for hangars wider than forty (40) feet should receive special consideration as to location which will be other than in line and adjacent to a line of standard width hangars.
2. The structures shall be designed for a minimum roof load (snow or live load) of thirty (30) pounds per square foot on the horizontal projection.
3. The structures shall be designed for a minimum wind load of twenty (20) pounds per square foot on the vertical walls and the vertical projection of the roof plus a minimum of fifteen (15) pounds per square foot uplift normal to the roof surfaces.
4. All steel structural members shall be in accord with the 1962 Edition of AISI Specification for the design of lite gauge cold-formed steel structural members, and all timber structural members shall be in accord with Timber Construction Standards AITC 100-65 of the American Institute of Timber Construction.
5. Applicants shall build so as to accommodate the addition of a hard surface floor; all developed hangar sites are graded to final floor elevation. Applicants shall be encouraged to construct portland cement concrete floors or other satisfactory hard surface floors during initial construction.
6. It shall be the responsibility of the applicant for a hangar site to provide the necessary ramp or tread runs from the hangar floor to the nearest taxiway surface, a distance of about twenty five (25) feet.
7. All hangars equipped with doors shall use a door design which will assure that all parts of said doors are confined within the limits of the main hangar structure.
8. Erection shall not commence until the owner has secured a proper building permit from the City of Watertown and Zoning Board. (E-437-l)

1.0416: LEASE RATES FOR BUILDING SITES ON AIRPORT

[\(back to Chapter contents\)](#)

1. All private storage hangar sites leased by the City shall be on the following basis:
 - a. Private Use
 - b. Commercial Use (any hangar or portion of any hangar built and/or used for rental purposes.)
2. All office and shop site areas leased by the City.
3. Negotiation for rates will be set at the time of the lease by the Airport Committee. (E-437-1)

1.0417: LEASE PROVISIONS

[\(back to Chapter contents\)](#)

1. The Lessee for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree "as a covenant running with the land" that:
 - a. no person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities,

- b. that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination,
 - c. that the Lessee shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
- 2. Lessee shall furnish its accommodations and/or services on a fair, equal and not unjustly discriminatory basis to all users thereof and it shall charge fair, reasonable and not unjustly discriminatory prices for each unit or service; PROVIDED THAT the Lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates or other similar types of price reductions to volume purchasers.
- 3. Lessees (licensee, contractor, etc.) shall make its accommodations and/or services available to the public on fair and reasonable terms without unjust discrimination on the basis of race, color, religion, sex, age or national origin.
- 4. Noncompliance with Provisions 1, 2 and 3 above after written findings, shall constitute a material breach thereof and in the event of such noncompliance the Lessor shall have the right to terminate this lease and the estate hereby created without liability therefore or at the election of the Lessor or the United States either or both said governments shall have the right to judicially enforce said Provisions 1, 2 and 3.
- 5. Lessee agrees that it shall insert the above four provisions in any lease (agreement, contract, etc.) by which said Lessee grants a right or privilege to any person, firm or corporation to render accommodations and/or services to the public on the premises herein leased.
- 6. The Lessor reserves the right to further develop or improve the landing area of the airport as it sees fit, regardless of the desires or view of the Lessee, and without interference or hindrance.
- 7. The Lessor reserves the right, but shall not be obligated to the Lessee, to maintain and keep in repair the landing area of the airport and all publicly owned facilities of the airport, together with the right to direct and control all activities of the Lessee in this regard.
- 8. This lease shall be subordinate to the provisions and requirements of any existing or future agreement between the Lessor and the United States, relative to the development, operation or maintenance of the airport.
- 9. Lessee agrees to comply with the notification and review requirements covered in Part 77 of the FAA Regulations in the event any future structure or building is planned for the leased premises, or in the event of any planned modification or alteration of any present or future building or structure situated on the leased premises.
- 10. It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of Section 308(a) of the Federal Aviation Act of 1958, as amended.
- 11. The Lessee assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, to ensure that no person shall on the grounds of race, creed, color, national origin or sex be excluded from participation in any employment activities covered in 14 CFR Part 152, Subpart E. The Lessee assures that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by this subpart. The Lessee assures that it will require that its covered suborganizations provide assurances to the Lessee that they similarly will undertake affirmative action programs and that they will require assurance from their suborganizations, as required by 14 CFR Part 152, Subpart E, to the same effect.
- 12. General Lease Provisions.
 - a. All leases between Airport and an operator covering the performance by an operator of any aeronautical service as hereinbefore provided shall be in writing.
 - b. Lessee shall provide a performance bond insuring the completion of the building to be erected on the leasehold.
 - c. Lessee shall furnish such evidence as may be reasonably requested by Airport to show the Lessee is financially capable of providing the services and facilities set forth in the lease. (E-437-l)

1.0418: SPECIAL INTEREST FLYING CLUBS[\(back to Chapter contents\)](#)

The following requirements pertain to all special interest flying clubs desiring to base their aircraft on the airport and be exempt from the minimum standards.

1. Special Interest Flying Club Organizations. Each "Special Interest" club may not derive greater revenue from the use of its aircraft than the amount necessary for the actual use of operation, maintenance and replacement of its aircraft. The property rights of the members of the club shall be equal; no part of the net earnings of the club will inure to the benefit of any individual in any form, including salaries, bonuses, etc. The club will file and keep current with the airport a complete list of the club's membership, tax returns, insurance, policies, and other documents as may be reasonably necessary to assure that the club is a nonprofit organization.
2. The club's aircraft will not be used by other than bona fide members for rental and by no one for hire, charter or air taxi. Clubs may conduct aircraft flight instruction for regular members only, and only members of the flying club may operate the aircraft. No club shall permit its aircraft to be used for flight instruction for any person, including members of the club owning the aircraft, when such person pays or becomes obligated to pay for such instruction. Club flight instructors may only be compensated by credit to the instructor against payment of dues or flight time associated with the club. Otherwise, student instruction must be given by a Lessee based on the airport who provides flight training.
3. Violations. In the event that the club fails to comply with these conditions, the Airport Manager will notify the club in writing of such violations. If the club fails to correct the violations in fifteen (15) days, the Airport Manager may take any action deemed advisable by the Manager, including termination of all operations as a special interest flying club.
4. Insurance. Each aircraft owned by the special interest flying club must have aircraft liability insurance coverage for no less than the following amounts:

Aircraft Liability:

Bodily Injury	\$ 250,000 each person
	\$ 500,000 each accident
Property Damage	\$ 250,000 each accident
(E-437-1) (Ord 16-26; Rev 1-13-17)	

1.0419: USE OF PUBLIC AIRCRAFT FACILITIES BY COMMERCIAL CARRIERS NOT UNDER SEPARATE CONTRACT AND ESTABLISHMENT OF FEES FOR THE USE OF THESE FACILITIES.

[\(back to Chapter contents\)](#)

1. **General.** This section shall apply to those commercial carriers of persons or property and using the Airport facilities, for scheduled flights, and those nonscheduled commercial carriers, which are not operating under a separate contract with the City.
2. **"Public Aircraft Facilities" defined.** As used herein, the phrase "Public Aircraft Facilities" shall mean (a) public runways; (b) public taxiways; (c) public passenger ramp and apron areas; and (d) extensions or additions to the above and other space or facilities provided by the City at the airport for public and common use by aircraft operators in connection with the landing and taking off of aircraft, or in connection with operations hereinafter authorized to be performed by aircraft operators upon the aforesaid public runways, public taxiways and public passenger ramp and apron areas; but only as and to the extent that they are from time to time provided by the City at the Airport for public and common use by aircraft operators.
3. **Use of Public Aircraft Facilities.** The carriers shall be entitled to use the public aircraft facilities for the following purposes:
 - a. Public runways for the purpose of the landing and taking off of aircraft.
 - b. Public taxiways for the purpose of the ground movement of aircraft.
 - c. Public passenger ramp and apron areas for the purpose of unloading and loading passengers, baggage, freight mail, supplies and cargo to and from the aircraft. Also, fueling and other ramp services as are more extensively defined in Subsection 5 for the purpose of parking mobile equipment while being actively used in connection with ramp operations, or for any of such.
 - d. Training operations of carrier.
 - e. Any other use normally incidental to the foregoing.

The use of the public aircraft facilities shall be in common with others authorized by the City to do so, upon compliance with the reasonable and nondiscriminatory terms and conditions (including the payment of rates,

fees and charges) upon which they are made available for such use, and in conformity with the rules and regulations prescribed by the City with respect to the use thereof.

4. Rates and Charges for the Use of Public Aircraft Facilities.

- a. **Scheduled Carrier.** A fee for each landing of an aircraft will be determined by gross weight, or by a carrier operating on a published or advertised schedule, which fee shall be computed at a rate per thousand pounds of maximum allowable gross landing weight of such aircraft at the airport. However, there shall be a minimum charge per each landing, said charge to be determined by the Airport Committee at the time of the landing lease request.
- b. **Nonscheduled Carrier.** A fee for each landing of an aircraft of twelve thousand five hundred (12,500) pounds gross weight and over, or capable of carrying more than ten (10) passengers, by a nonscheduled carrier, computed at a rate per thousand pounds of maximum allowable gross weight for such aircraft at the airport. However, there shall be a minimum charge per landing, said charge to be determined by the Airport Committee at the time of the landing lease request.
- c. The term "maximum allowable gross landing weight" for any aircraft, as used herein, shall be the maximum landing weight approved by the FAA for landing such aircraft at the Airport herein, and the carrier shall provide the City such "approved maximum gross landing weight" for each aircraft it operates.
- d. The carrier through their local Station Manager shall upon the first (1st) day of each month, furnish to the Airport Manager a detailed listing of the number of landings for each scheduled flight and all other revenue landings. The listing shall show the number of landings by type of aircraft and the number of revenue passengers both originating and terminating. The report will be submitted on forms furnished by the Airport Manager.

The rates, fees and charges for the use of the public aircraft facilities shall be payable not later than fifteen (15) days after the billing of the carrier by the airport.

5. Ramp Services. Positions on the ramp for the purpose of loading and unloading aircraft will be at all times under the control of the Airport Manager.

No services will be permitted by the carrier to aircraft occupying such loading or unloading positions other than those services (herein called "ramp services") incidental to the immediate preparation of aircraft for scheduled departure. Services include, among others, fueling, inspection, interior cleaning and non-routine maintenance involving minor repairs and the replacement or adjustment of equipment of an emergency nature or in order to insure the safe departure of the aircraft. Ramp services may be provided at loading and unloading positions in accordance with these rules and regulations and the direction of the Airport Manager. The carrier shall leave the ramp area used by it for such purposes in a neat, clean, safe and orderly condition upon completion of such services.

6. Exclusion from this Section. Any carrier holding a valid and current negotiated contract with the City, which covers the use of and charges for these public aircraft facilities shall be excluded from Section 1.0419 of these Rules and Regulations. (E-437-1)

1.0420: TEMPORARY VARIATIONS PERMITTED

[\(back to Chapter contents\)](#)

The Airport Board may grant temporary variations from the regulations contained in this Chapter. Approved variations shall be included in a contract or lease authorized first by the Airport Board and then by the City Council. Any contract or lease under this Section shall be for a term no longer than one year. (Ord 21-15; Add 6-11-21)

Chapter 1.05
WATERTOWN REGIONAL AIRPORT BOARD

Section

[\(back to Title contents\)](#)

- [1.0501 Establishment](#)
- [1.0502 Members–Qualifications–Compensation](#)
- [1.0503 Members–Appointment–Terms–Removal](#)
- [1.0504 Bond Required](#)
- [1.0505 Officers–Election–Terms](#)
- [1.0506 Airport Employees](#)
- [1.0507 Powers](#)
- [1.0508 Signature Authority](#)
- [1.0509 Meetings–Quorum](#)
- [1.0510 Recordkeeping and Reporting Requirements](#)
- [1.0511 Legal Advisor](#)
- [1.0512 Budget Preparation](#)
- [1.0513 Funds Requisitions](#)
- [1.0514 Reporting Requirements–Records Inspection](#)

1.0501: ESTABLISHMENT

[\(back to Chapter contents\)](#)

There is hereby established the Watertown Regional Airport Board as authorized by SDCL §50-7-13. (Ord 17-14; Rev 05-12-17)

1.0502: MEMBERS–QUALIFICATIONS–COMPENSATION

[\(back to Chapter contents\)](#)

The Board shall be composed of five (5) members, each of whom shall reside within thirty-five (35) miles of the Watertown Regional Airport. Three (3) members must be duly qualified electors and residents of the City. Members shall be appointed as provided herein and shall serve without compensation; however, members shall be entitled to reimbursement for expenses incurred in the performance of their duties. No Board member shall have a direct or indirect financial interest in any lease or concession at the Watertown Regional Airport; however, a licensed pilot who leases space from the City for a non-commercial hangar shall be eligible to serve on the Board, but shall abstain from voting on actions pertaining to their lease. (Ord 18-29; Rev 2-1-19)

1.0503: MEMBERS–APPOINTMENT–TERMS–REMOVAL

[\(back to Chapter contents\)](#)

The Mayor shall recommend for approval to the City Council the appointment of each member of the Board for a three (3) year term. To ensure staggering of membership on the Board; two initial Board members shall serve a two-year term; the remaining three (3) initial directors shall serve three-year terms. No Board member shall serve more than three (3) consecutive 3-year terms. The Mayor shall also appoint a City Council member to be a liaison to the Airport Board.

1.0504: BOND REQUIRED

[\(back to Chapter contents\)](#)

Each member of the Board shall be provided bond by the city in an amount deemed sufficient and conditioned upon the faithful performance of the duties of their office. The bond shall be filed in the Finance Office. All premiums for bonds required shall be paid by the city.

1.0505: OFFICERS–ELECTION–TERMS

[\(back to Chapter contents\)](#)

The Board members shall elect a President, Vice President and a Secretary, each of whom shall serve for a term of one (1) year or until their successor is elected and qualified. The Vice President shall act in the absence or disability of the President. Members may be re-elected as officers after not serving a particular office for one (1) year.

1.0506: AIRPORT EMPLOYEES

[\(back to Chapter contents\)](#)

All employees of the airport shall be deemed employees of the city and subject to personnel policy or applicable union contract. Members of the Board may assist in annual performance evaluation of airport employees.

1.0507: POWERS

[\(back to Chapter contents\)](#)

The Board shall have the power to improve, care for, regulate and manage the Watertown Regional Airport in accordance with applicable laws and regulations; and shall have the power to make recommendations to the City Council regarding revenue, fees, rates and other charges. Expenditures by the Board shall not exceed the annual appropriation set by the City Council. Any expenditure from the appropriated budget which exceeds five thousand dollars (\$5,000) must be pre-authorized by the City Manager. (Ord 21-14; Rev 6-11-21)

1.0508: SIGNATURE AUTHORITY

[\(back to Chapter contents\)](#)

The President of the Board, and in their absence or disability, the Vice President, shall have authority to sign, execute and acknowledge in the name of the Board documents of any character required by this chapter or by SDCL Chapter 50-6.

1.0509: MEETINGS–QUORUM

[\(back to Chapter contents\)](#)

The Board shall hold meetings on an as-needed basis. Meetings may be called by the President or by any two (2) members of the Board. Three members shall constitute a quorum. ([Ord 14-21](#); [Rev 06-27-14](#))

1.0510: RECORDKEEPING AND REPORTING REQUIREMENTS

[\(back to Chapter contents\)](#)

The Secretary of the Board shall keep a record of its proceedings and shall make reports as required by the Board. In their absence or disability to act, the Board may appoint a secretary, pro tempore, to perform those duties.

1.0511: LEGAL ADVISOR

[\(back to Chapter contents\)](#)

The City Attorney shall be the legal advisor of the Board.

1.0512: BUDGET PREPARATION

[\(back to Chapter contents\)](#)

The Board, on or before July 15 of each year, shall make an estimate of the amount of money necessary for maintaining, improving, caring for, regulating and managing the Watertown Regional Airport and its necessary structures and buildings for the ensuing year which shall be submitted to the Finance Officer.

1.0513: FUNDS REQUISITIONS

[\(back to Chapter contents\)](#)

The President, and in his or her absence or disability, the Vice President, shall have authority to expend money in accordance with this Chapter. Such expenditures shall be countersigned by the secretary or, in their absence or disability, some member of the Board other than the President or Vice President.

1.0514: REPORTING REQUIREMENTS–RECORDS INSPECTION

[\(back to Chapter contents\)](#)

The Board shall make an annual report to the City Council of its accounts and expenditures. The City Council may require a report from the Board at any time, and the books, papers, records and accounts shall be open to the inspection of the City Council and its officers and agents.

([Ord No. 12-03](#); [Add 02-10-12](#))

Chapter 1.99
PUNISHMENT

[\(back to Title contents\)](#)

1.9901: PUNISHMENT

Any person violating any of the provisions of this title, or any rule set out therein, shall, upon conviction thereof, be punished by a fine not to exceed two hundred dollars (\$200) or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment. (C-258-2) (E-679)

TITLE 2

ALCOHOLIC BEVERAGES

Chapter

([back to Table of Contents](#))

2.01	Alcoholic Beverages
2.02	On-Sale Licenses for Full-Service Restaurants
2.98	Cross-References
2.99	Punishment

Chapter 2.01
ALCOHOLIC BEVERAGES

Section

[\(back to Title contents\)](#)

2.0101	Definitions
2.0102	Location
2.0103	Hours and Closing
2.0103A	Repealed
2.0104	Sale, Serving or Allowing Consumption Prohibited
2.0105	Persons Under Age
2.0106	Misstatement as to Age
2.0107	No Consuming or Unsealed Package or Container in Possession in a Public Place
2.0108	Underage Prohibited in Premises Holding Alcoholic Beverage License
2.0109	Repealed
2.0110	Operation of Malt Beverage License at Same Time as Other On-Sale License
2.0111	Revocation or Suspension of License
2.0112	Video Lottery Machine Licenses
2.0113	Repealed
2.0114	Number of Licenses And Fees Charged
2.0115	Sidewalk Café Permits
2.0116	Limitations on Transfer of Certain Alcoholic Beverage Licenses
2.0117	Renewal of Retail Licenses
2.0118	Special Alcoholic Beverage Licenses in Conjunction with Special Events

2.0101: DEFINITIONS

[\(back to Chapter contents\)](#)

Except where a contrary intention clearly appears, wherever the terms hereinafter set out are used in this chapter, they shall be construed to mean the following:

Alcoholic Beverage: includes all distilled, fermented, spirituous, vinous and malt beverages, spirits, concoctions and combinations, patented or not, except as is otherwise provided by State Law regarding sacramental wine.

Off-sale: the sale, in original packages, at retail for consumption off or away from the premises where sold.

On-sale: the sale, by the glass or in mixture, for consumption on the premises only.

Person: includes natural persons, firms, corporations, clubs, lodges, societies and every other combination of individuals, co-partnerships, stock companies, associations and corporations.

Place: the room in which alcoholic beverage is delivered to the purchaser and, as relating to "on-sale," shall also include the room in which such alcoholic beverage, or any part thereof, is drunk. (E-584-1)

Sell: includes the transfer of title for a consideration, barter, trade, exchange, gift and furnishing.

Street: includes any regularly laid out street or avenue but does not include any alley.

2.0102: LOCATION

[\(back to Chapter contents\)](#)

With the exception of applications for Special Alcoholic Beverage Licenses pursuant to Section 2.0118 of this chapter, no application for a license to sell alcoholic beverages, either "on-sale," "off-sale," or malt beverage, shall be approved by the City Council under any of the following conditions:

1. If the premises are to be located in any residential districts as set forth in Title 21 of these ordinances.
2. If the premises are within one hundred (100) yards measured by the regular and usual path of travel from any door or exit, of any church, school, Boy's or Girl's Club, church or community sponsored recreation center, provided, however, that this restriction shall not apply when any church, school, Boy's or Girl's Club or community sponsored recreation center is located in a C-1 Community Commercial or C-3 Highway Commercial District or the business authorized by such license has been continually so authorized at the same location from a time prior to the establishment of one of the organizations mentioned herein.
3. If the applicant has not presented with their application a zoning verification letter from the Community Development Division. A zoning verification letter is not required for a renewal or transfer at the same geographical location.

Source: (E-584-1) (Ord 15-02; Rev 02-13-15) (Ord 18-21; Rev 11-10-18) (Ord 21-21; Rev 7-16-21)

2.0103: HOURS AND CLOSING

[\(back to Chapter contents\)](#)

No licensee shall sell, serve or allow to be consumed on the licensed premises any alcoholic beverages at any time or on any day not permitted by SDCL Title 35. (E-584-1) (Ord 15-28; Rev 12-11-15) (Ord 16-03; Rev 04-15-16) (Ord 18-18; Rev 10-12-18)

2.0103A: REPEALED (Ord 18-18; Rev 10-12-18)

[\(back to Chapter contents\)](#)

2.0104: SALE, SERVING OR ALLOWING CONSUMPTION PROHIBITED

[\(back to Chapter contents\)](#)

No person shall sell or serve to any person, or allow alcoholic beverages to be consumed by any person, under the age set by SDCL Title 35, nor shall any person become intoxicated on said premises. (E-584-1)

2.0105: PERSONS UNDER AGE

[\(back to Chapter contents\)](#)

No person under the age set by SDCL Title 35, shall purchase or attempt to purchase any alcoholic beverage nor shall any such person drink or have in his possession any alcoholic beverage. (E-584-1)

2.0106: MISSTATEMENT AS TO AGE

[\(back to Chapter contents\)](#)

No persons under the age set by SDCL Title 35, or other person on his behalf, shall falsely state the age of such person or present any token or identification falsely stating such age, for the purpose of purchasing any alcoholic beverage. (E-584-1)

2.0107: NO CONSUMING OR UNSEALED PACKAGE OR CONTAINER IN POSSESSION IN A PUBLIC PLACE (E-691)

[\(back to Chapter contents\)](#)

No person shall consume any intoxicating liquor or mix or blend alcoholic beverage with any other beverage, regardless of whether the beverage is an alcoholic beverage, or have in possession any package, bottle, glass or other container of alcoholic beverage which is not sealed as required by law, in any public building, or on any street, alley, sidewalk or parking lot; except those sidewalks or other public areas which have been issued a sidewalk café permit pursuant to [Section 2.0115](#) of this chapter. For the purposes of this section, the term “public building” shall not be deemed to include the clubhouse located at the Derby Downs complex. This section shall not apply to any premise duly licensed under SDCL Title 35. (Ord 01-07; Rev 08-06-01) (Ord 08-01; Rev 02-15-08) (Ord 10-04; Rev 04-09-10)

2.0108: UNDERAGE PROHIBITED IN PREMISES HOLDING ALCOHOLIC BEVERAGE LICENSE

No person under the age set by SDCL Title 35, for consumption of alcoholic beverage shall loiter on the licensed premises. (E-584-1)

2.0109: REPEALED (Ord 18-18; Rev 10-12-18)

[\(back to Chapter contents\)](#)

2.0110: OPERATION OF MALT BEVERAGE LICENSE AT SAME TIME AS OTHER ON-SALE LICENSE

[\(back to Chapter contents\)](#)

No person, firm or corporation shall operate a malt beverage license at the same time as such person, firm or corporation is operating any other on-sale license under SDCL Title 35. However, a malt beverage license may be operated at the same time if the location is physically separated from any other license being operated. (E-584-1)

2.0111: REVOCATION OR SUSPENSION OF LICENSE

[\(back to Chapter contents\)](#)

The City Council may revoke or suspend any license issued under any provision of this chapter upon proof that the licensee has violated any provision hereof, or any provision of SDCL Title 35 or upon proof that such licensee is unfit to perform the service authorized by such license. Whenever information comes to said City Council which is believed by said Council to justify revocation of such license, notice shall be mailed to such licensee at the address set out in the application made by such licensee for license hereunder stating the intention of such City Council to suspend or revoke said license, and informing said licensee that he may have a public hearing before said City Council upon such question if he makes demand for such hearing within three (3) days after the mailing of such notice. The City Council, in its discretion after hearing, may recommend to the South Dakota Department of Revenue that such license be suspended or revoked if the evidence justifies such action. (E-584-1)

2.0112: VIDEO LOTTERY MACHINE LICENSES

[\(back to Chapter contents\)](#)

There is hereby imposed on any person who is licensed pursuant to SDCL 35-4-2 and who is issued a video lottery establishment license pursuant to SDCL 42-7A-41 an annual license fee for the privilege of locating video lottery machines on the licensed premises. The fee for each video lottery machine shall be established by resolution of the City Council. (E-623-1) (Ord 12-23; Rev 09-14-12)

2.0113: REPEALED (Ord. 16-16; Rev. 10-14-16)

[\(back to Chapter contents\)](#)

2.0114: NUMBER OF LICENSES AND FEES CHARGED

[\(back to Chapter contents\)](#)

1. The number of off-sale package liquor licenses for the retail sale of alcoholic beverages issued pursuant to SDCL 35-4-2(3), shall be limited to ten (10). The fee charged for renewal of each off-sale package liquor license shall be established by resolution of the City Council. (Ord 12-23; Rev 09-14-12)
2. The number of on-sale liquor licenses for the retail sale of alcoholic beverages issued pursuant to SDCL 35-4-2(4), shall be limited to twenty-four (24). The fee charged for renewal of each on-sale liquor license shall be established by resolution of the City Council. (Ord 05-08; Add 09-16-05) (Ord 08-27; Rev 01-09-09) (Ord 12-23; Rev 09-14-12)

2.0115: SIDEWALK CAFÉ PERMITS

[\(back to Chapter contents\)](#)

1. Notwithstanding any other contrary provision of this code, the City Council may authorize businesses to operate sidewalk cafés upon public sidewalks and other public areas as hereinafter described, subject to the conditions set forth herein. A sidewalk café is defined as an outdoor area located in the public right-of-way which is operated and maintained by a coffeehouse, tea shop, restaurant or bar. The area in which sidewalk cafés may be permitted within the corporate limits of Watertown is the area identified as the Urban Renewal District.
2. **Application.** An application for a sidewalk café permit shall be filed with the Building Official for consideration by the City Council. Application fee shall be established by resolution of the City Council. The application shall include a site plan which identifies the location of tables, chairs, awnings, umbrellas, trash receptacles, heaters, barricades, and landscape features as applicable. (Ord 12-23; Rev 09-14-12)
3. **Design Criteria.** An exception to any of the design criteria herein may be granted by the City Council.
 - a. Sidewalk cafés are permitted only on sidewalks or other public areas with a minimum width of ten (10) feet of area width. The location of the sidewalk café must be directly in front of the business operating the café, and may not extend beyond the property lines. For the purposes of this section, when any portion of a public street or other public way is closed in conjunction with a community recognized or sponsored event; the term property line may be deemed to include the entire portion of such closed portion of street or public way. Sidewalk cafés must maintain a clear pedestrian path of at least five (5) feet at all times which must remain free of any obstructions that might hinder pedestrian passage and may not interfere with utilities or other facilities including telephone poles, fire hydrants, fire protection appurtenances, or signs located in the public right-of-way.
 - b. Sidewalk cafés may not attach any element permanently to the sidewalk or public right-of-way. Physical barriers should not exceed four (4) feet in height. Bolting a barrier to the sidewalk is not considered permanent as long as the method of bolting allows the barrier and the bolts to be readily removed.
 - c. Umbrellas should be designed to be secure during windy conditions and must be at least seven (7) feet above the sidewalk when open.
 - d. Proposed lighting for sidewalk cafés will be reviewed by the City Council and should not cause glare to passing motorists or pedestrians. Tabletop lighting may include candles and battery operated fixtures.
 - e. Physical barricades are required if alcoholic beverages are sold at the sidewalk café. Such barricades shall be designed to control access to areas where alcoholic beverages are consumed or sold to minimize the potential of loitering by minors in such areas.
 - f. Any signs advertising a sidewalk café shall comply with applicable ordinance.
 - g. The permit holder is responsible for proper supervision of the sidewalk café in order to ensure the requirements of this section are met.
4. **Insurance.** Every sidewalk café permit holder shall furnish a certificate of insurance proving commercial insurance coverage of at least one million dollars (\$1,000,000) for bodily injury, death, disability, and property damage liability. The City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In the event that the

insurance is cancelled, the permit holder has twenty four (24) hours to reinstate coverage or the permit shall be revoked.

5. **Accessibility.** All sidewalk cafés shall abide by all accessibility requirements of the Building Code and Americans with Disabilities Act.
6. **Appeal.** Any decision by the City Council on a sidewalk café permit is final with no right of appeal therefrom.
7. **Compliance with other laws.** All permit holders shall be required to abide by all federal, state, and local laws.
8. **Hours of Operation.** The City Council will establish the hours of operation at the time of permit issuance.
9. **Revocation or suspension.** A sidewalk café permit may be revoked or suspended for cause. A notice of intent to revoke or suspend a sidewalk café permit shall be given in writing by the Building Official ten (10) days prior to the revocation or suspension and shall specify the grounds therefore. A permit holder may prevent revocation or suspension if compliance occurs during the ten (10) day notice period. Any revoked or suspended permit shall be reported to the City Council at its next regular meeting. (Ord 10-04; Add 04-09-10)

2.0116: LIMITATIONS ON TRANSFER OF CERTAIN ALCOHOLIC BEVERAGE LICENSES

[\(back to Chapter contents\)](#)

Notwithstanding any provision contrary to this section, whether in this code or state statute, for a period of three (3) years from the effective date of a resolution annexing property to the City which at the time of annexation has situated thereon an alcoholic beverage license issued by Codington County, the City Council shall not consider any application to transfer such license to another property. The provisions of this ordinance shall not apply to any property annexed prior to its effective date. (Ord 09-26; Add 12-11-09)

2.0117: RENEWAL OF RETAIL LICENSES

[\(back to Chapter contents\)](#)

Pursuant to SDCL 35-2-1.2, any application for reissuance of a retail license may be approved by the City Council without hearing unless in the past year the licensee or one or more of the licensee's employees were subjected to a criminal penalty for violation of the alcoholic beverage control law or the license has been suspended. In the event a hearing is required, all costs associated with the hearing will be paid for by the applicant. (Ord 12-14; Add 05-11-12)

2.0118: SPECIAL ALCOHOLIC BEVERAGE LICENSES IN CONJUNCTION WITH SPECIAL EVENTS

[\(back to Chapter contents\)](#)

1. **Authority – Licenses Issued.** Pursuant to SDCL § 35-4-124, the City Council is authorized to issue special alcoholic beverage licenses, including any combination of such licenses, for a special event. Issuance and authorization is permitted only to the person or entity and location specified on the application. The following special alcoholic beverage licenses, as they are described in SDCL § 35-4-124, are available for issuance by the City Council:
 - a. Special Malt Beverage Retailers License;
 - b. Special On-Sale Wine Retailers License;
 - c. Special On-Sale License;
 - d. Special Off-Sale Package Wine Dealers License;
 - e. Special Off-Sale Package Wine Dealers License – Donated Beverages;
 - f. Special Off-Sale Package Malt Beverage Dealers License – Donated Beverages; and
 - g. Special Off-Sale Package Dealers License – Donated Beverages.
2. **Licensing Period.** Licenses can be issued for a period of time to be established by the Council for the duration of a special event, but not to exceed fifteen (15) consecutive days.
3. **No public hearing for certain license holders.** No public hearing is required if the applicant already holds an on-sale alcoholic beverage license or a retail malt beverage license, and the license is to be used

for a special event held at a publicly-owned facility; but any application for issuance of a special alcoholic beverage license requires Council approval. A public hearing is required for all other applicants.

4. **Annual limit on number of special events.** No person or entity can be issued special alcoholic beverage licenses for more than four (4) special events within any calendar year.
 - a. The Annual Limit shall not include licenses for Weekly Seasonal Events in Section 2.0118.9. (Ord 23-11; Add 06-20-23)
5. **Location; Conditional Use Zoning Permit Not Required.** Licenses may be issued for events located on private or public property. Licensees are not required to obtain a conditional use permit for the premises from the Board of Adjustment.
6. **Fees.** The fee for any special alcoholic beverage license or combination of licenses authorized under this section shall be established by resolution of the City Council and paid at the time of application. (Ord 23-11; Rev 06-20-23)
7. **Insurance.** 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.
8. **Revocation by the City.** Any and all special alcoholic beverage licenses may be revoked by the City Manager, Police Chief, or their designees without notice. Any revocation is not subject to appeal and the license fee is non-refundable.
9. **Weekly Seasonal Events.** Any person or entity can apply for a special alcoholic beverage license for a weekly seasonal event held by a civil, charitable, educational, fraternal, or veterans organization on publicly-owned property consisting of a minimum of one day each week for four (4) consecutive weeks and not exceeding twelve (12) weeks at one location. (Ord 23-11; Rev 06-20-23)

Source: (Ord. 16-17; Add. 10-14-16) (Ord 18-21; Rev 11-10-18) (Ord 20-44; Rev 1-1-21) (Ord 21-14; Rev 6-11-21) (Ord 23-11; Rev 06-20-23)

Chapter 2.02
ON-SALE LICENSES FOR FULL-SERVICE RESTAURANTS

Section

[\(back to Title contents\)](#)

2.0201	Purpose
2.0202	Conflict with other provisions
2.0203	Definitions
2.0204	License Application Requirements
2.0205	Annual Reports
2.0206	License Renewals
2.0207	Only Retail On-Sale Service Permitted
2.0208	Smoking Prohibited
2.0209	Full-Service Restaurant License Fee
2.0210	Registry of Full-Service On-Sale Licenses
2.0211	Restriction on Issuance of New Full-Service Restaurant Licenses
2.0212	Hours and Days of Operation

2.0201: PURPOSE

[\(back to Chapter contents\)](#)

The purpose of this chapter is to establish the procedure for issuance of on-sale licenses for full-service restaurants as provided for in SDCL chapter 35-4.

2.0202: CONFLICT WITH OTHER PROVISIONS

[\(back to Chapter contents\)](#)

Any provision within this title that is contrary to any provisions of this chapter shall have no further force or effect upon the passage of this ordinance.

2.0203: DEFINITIONS

[\(back to Chapter contents\)](#)

Bar: any permanently installed counter within the restaurant area from which alcoholic beverages are regularly served to customers by a person who is tending bar or drawing or mixing alcoholic beverages.

Full-service restaurant: any restaurant at which a waiter or waitress delivers food and drink offered from a printed food menu to patrons at tables, booths, or the bar. Any restaurant that only serves fry orders or food such as sandwiches, hamburgers, or salads is not a full-service restaurant.

Restaurant: any area in a building maintained, advertised, and held out to the public as a place where individually priced meals are prepared and served primarily for consumption in such area and where not more than forty percent (40%) of the gross revenue of the restaurant is derived from the sale of alcohol or alcoholic beverages. The restaurant shall have a dining room or rooms, a kitchen, and the number and kinds of employees necessary for the preparing, cooking, and serving of meals.

2.0204: LICENSE APPLICATION REQUIREMENTS

[\(back to Chapter contents\)](#)

An applicant for a full-service restaurant on-sale license shall provide sufficient documentation to the municipality with an application form provided by the municipality to prove that the primary source of revenue from the operation of the restaurant will be derived from the sale of prepared food and nonalcoholic beverages and not from the sale of alcoholic beverages. Notwithstanding the provisions of SDCL 1-27-1, the supporting documentation concerning the primary source of revenue submitted pursuant to this section is confidential.

2.0205: ANNUAL REPORTS

[\(back to Chapter contents\)](#)

The full-service restaurant on-sale licensee shall submit an annual report and supporting documentation to the City on forms provided by the City of the annual sales of the full-service restaurant, which includes an oath verifying the validity of the information provided in the report. Notwithstanding the provisions of SDCL 1-27-1, the report and the supporting documentation submitted pursuant to this section are confidential. The report shall contain the annual gross sales of the licensee for the following two categories:

1. Food and nonalcoholic beverage sales; and
2. Alcoholic beverages.

2.0206: LICENSE RENEWALS

[\(back to Chapter contents\)](#)

When renewing a full-service restaurant on-sale license, the City shall condition the license renewal upon receiving the documentation that not more than forty percent (40%) of gross sales from the preceding twelve (12) months operation of the full-service restaurant is derived from the sale of alcohol or alcoholic beverages. The fee for renewal shall be established by resolution of the City Council.

2.0207: ONLY RETAIL ON-SALE SERVICE PERMITTED

[\(back to Chapter contents\)](#)

A full-service restaurant on-sale licensee may only serve alcoholic beverages for on-premise consumption in the bar and dining room area of the restaurant.

2.0208: SMOKING PROHIBITED

[\(back to Chapter contents\)](#)

No licensee that has a full-service restaurant on-sale license may allow smoking on the licensed premises.

2.0209: FULL-SERVICE RESTAURANT LICENSE FEE

[\(back to Chapter contents\)](#)

1. As required by state statute, the license fee charged for full-service on-sale restaurant licenses shall be at or above the current fair market value for such license as determined herein. However, any fair market value so established shall be a minimum of one dollar (\$1.00) for each person residing within the city as measured by the last preceding decennial federal census.
2. The license fee shall be initially established by resolution within ninety (90) days of the initial adoption of this ordinance. Subsequent changes in the license fee shall not be made for a period of ten (10) years from the effective date of adoption of this ordinance unless a population growth reported by the federal decennial census requires an increase in the fee.
3. Fair Market Value for full-service restaurant license shall be established as follows:
 - a. Within ninety (90) days of the effective date of this ordinance and as required by state statute, each licensee within the City who owns an on-sale license issued pursuant to SDCL 35-4-2 (4) or (6) as of January 1, 2008, and who purchased the license or had the license transferred to such licensee at any time between January 1, 2003, and January 1, 2008, shall report the amount originally paid for the on-sale license to the Finance Office on forms provided by the City. Any form submitted pursuant to this provision shall be signed under oath and shall include the documents establishing the amount originally paid for the on-sale license. If the transaction for the purchase of the on-sale license included real or personal property, the full market value of the real or personal property on the date of the original sale shall be deducted from the total transaction price to determine the amount paid by the licensee for the on-sale license. The burden of establishing the amount paid for the license shall be on the licensee. Any licensee contesting the fair market value of the real and personal property may appeal the valuation adopted by the City to the Third Judicial Circuit through a writ of certiorari.
 - b. For purposes of this section, the term “Current Fair Market Value” means the documented price of the on-sale license most recently sold between January 1, 2003, and January 1, 2008, through an arm’s length transaction, less the value of any real or personal property included within the transaction.

2.0210: REGISTRY OF FULL-SERVICE RESTAURANT ON-SALE LICENSES [\(back to Chapter contents\)](#)

The City shall maintain a registry of each full-service on-sale restaurant license that is being offered for sale and the City shall furnish a copy of the registry to anyone who requests a new full-service restaurant on-sale license. The existing full-service restaurant on-sale licensee is responsible for registering with the City that the full-service restaurant on-sale license is for sale.

2.0211: RESTRICTION ON ISSUANCE OF NEW FULL-SERVICE RESTAURANT LICENSES

The City may only issue a new license pursuant to this ordinance if no on-sale license is on the registry or a person desiring to purchase an on-sale license listed on the registry provides documentation showing that the person is unable to purchase the on-sale license at the price established in Section 2.0209(1), and on terms satisfactory to both the potential buyer and seller. The price of any on-sale license registered as “for sale” with the City shall be sold at the current fair market price set by the City pursuant to a resolution adopted in accordance with Section 2.0209(2).

2.0212: HOURS AND DAYS OF OPERATION

[\(back to Chapter contents\)](#)

Any licensee pursuant to this chapter shall comply with the provisions of [Section 2.0103](#) and is eligible to make application for Sunday sale privileges pursuant to [Section 2.0103A](#). (Ord No 8-12; Add 12-26-08)

Chapter 2.98
CROSS-REFERENCES

2.9801: CROSS-REFERENCES

[\(back to Title contents\)](#)

Liquor Establishments.....[Chapter 11.02](#)

Chapter 2.99
PUNISHMENT

[\(back to Title contents\)](#)

2.9901: PUNISHMENT

Any person violating any provision of this title shall, upon conviction thereof, be punished by a fine of not more than two hundred dollars (\$200) or by imprisonment for not exceeding thirty (30) days, or by both such fine and imprisonment. A violation of the statute shall be cause for revocation for any license involved. (E-584-1) (E-679)

TITLE 3

ANIMALS, POULTRY, ETC.

Chapter

[\(back to Table of Contents\)](#)

3.01	General Provisions
3.02	Rabies Control
3.03	Impounding
3.04	Licensing
3.05	Feeding of Wild Animals
3.98	Cross-References
3.99	Punishment

Chapter 3.01 GENERAL PROVISIONS

Section

[\(back to Title contents\)](#)

3.0101	Definitions
3.0102	Running At-Large Prohibited
3.0103	Dogs and Cats on School Grounds or Municipally Controlled Public Parks and Recreation Areas
3.0104	Dangerous and Vicious Dogs
3.0105	Dog Kennels: Animals Disturbing the Public
3.0106	Cruelty to Animals
3.0107	Stray, Abandoned or Unkept Animals
3.0108	Unlawful to Poison
3.0109	Keeping of Certain Animals
3.0110	Responsibility
3.0111	Abandoning of Animals
3.0112	Permissions and Appeals
3.0113	Police Dogs Exempt

3.0101: DEFINITIONS

[\(back to Chapter contents\)](#)

For the purposes of this chapter, the following words and phrases have the meanings respectively ascribed to them.

Animal: any mammal, bird, reptile, amphibian, or fish; except humans.

Animal Control Officer: any person employed or appointed by the City who is authorized to investigate and enforce violations relating to animal control or cruelty under the provisions of this Ordinance.

Assistance Animal: an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability, but is not individually trained or certified to provide that assistance.

At-Large: a dog or cat shall be deemed to be running at-large when off or away from the premises and not under the control of the owner, possessor, keeper, agent or a member of the family by means of a leash, except in areas designated as "off-leash" by the City.

Dangerous Animals: skunks, foxes or raccoons or other indigenous animals with a propensity for carrying or transmitting rabies or other harmful diseases or having vicious propensities and capabilities, and unpredictability despite attempts at domestication.

Dangerous Dog: A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a companion animal or killed a companion animal. A canine or canine crossbreed is not a dangerous dog if, upon investigation, the animal control officer finds that (i) no serious physical injury, as determined by a licensed veterinarian, has occurred to the dog or cat as a result of the attack or bite; (ii) both animals are owned by the same person; or (iii) such attack occurred on the property of the attacking or biting dog's owner or custodian; or

A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person. A canine or canine crossbreed is not a dangerous dog if, upon investigation, the animal control officer finds that the injury inflicted by the canine or canine crossbreed upon a person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury.

No animal shall be found to be a dangerous dog if the threat, injury, or damage was sustained by a person who was (i) committing, at the time, a crime (e.g., criminal trespass pursuant to SDCL Ch. 22-35) upon the premises occupied by the animal's owner or custodian; or (ii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous or a vicious dog.

No dog shall be found to be a dangerous dog if the Animal Control Board or a Court determines, based on the totality of the evidence before it, or for other good cause, that the dog is not dangerous or a threat to the community.

Domestic Fowl: ducks, geese and chickens.

Exotic Animals: non-human primates, venomous reptiles and crocodilians.

Owner: any person harboring or keeping an animal, and who is the head of the household, of the residence, or the owner or manager in charge of the establishment or premises at which an animal remains or returns to, is the owner of the animal within the meaning of this ordinance.

Pet Shelter: a building and facilities therein approved by the health authority for the impounding of dogs or cats (E-259-2). The Board of Health shall enter into appropriate agreement with the Codington County Humane Society for use of their facilities as a pet shelter and for office space for the Animal Control Officer.

Serious Injury: an injury having a reasonable potential to cause death or any injury other than a sprain or strain, including serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention.

Service Animal: an animal as defined in 28 C.F.R. §§ 35.104 and 35.136, or as otherwise defined under the authority of the Americans with Disabilities Act.

Vicious Dog: a canine or canine crossbreed that has (i) killed a person, (ii) inflicted serious injury to a person, or (iii) continued to exhibit the behavior that resulted in a previous finding by a court, the Animal Control Board, or the animal control officer as authorized by ordinance that it is a dangerous dog, provided that its owner has been given notice of that finding.

No animal shall be found to be a vicious dog if the threat, injury, or damage was sustained by a person who was (i) committing, at the time, a crime (e.g., criminal trespass pursuant to SDCL Ch. 22-35) upon the premises occupied by the animal's owner or custodian; or (ii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous or a vicious dog.

No dog shall be found to be a vicious dog if the Animal Control Board or a Court determines, based on the totality of the evidence before it, or for other good cause, that the dog is not vicious or a threat to the community.

Source: (E-660) (E-384-1) (E-397-1) (E-420-1) (E-549-1) (Ord 01-08; Rev 09-14-01) (Ord 10-16; Rev 10-01-10) (Ord 16-08; Rev 07-18-16) (Ord 17-17; Add 05-26-17) (Ord. 19-11; Rev. 9-27-19) (Ord 21-19; Rev 7-16-21) (Ord 21-20; Rev 7-16-21)

3.0102: RUNNING AT-LARGE PROHIBITED

[\(back to Chapter contents\)](#)

The owner of a dog or cat shall not permit such dog or cat to run at-large within the City. Whenever a dog or cat is found running at-large, the same shall constitute prima facie evidence that the owner permitted it to run at-large. (E-259-2) (E-549-1).

3.0103: DOGS AND CATS ON SCHOOL GROUNDS OR MUNICIPALLY CONTROLLED PUBLIC PARKS AND RECREATION AREAS

[\(back to Chapter contents\)](#)

Owners shall not permit their dogs or cats on any school ground when school is in session. Dogs or cats shall not be permitted on any municipally controlled public parks and recreation areas where the Parks, Recreation and Forestry Board has caused signs to be posted advising that dogs or cats are not permitted. The Parks, Recreation and Forestry Board may cause signs to be posted permitting dogs or cats to be present in designated areas when not controlled by a leash. In all other municipally controlled public parks and recreation areas, dogs or cats shall not be permitted unless controlled by a leash to prevent the dog or cat from biting any person or other animal. Service animals are exempt from the provisions of this section and assistance animals are exempt from all provisions of this section except any leash requirement. (E-259-2) (E-600-2) (Ord 09-20; Rev 10-02-09) (Ord 17-17; Rev 05-26-17).

3.0104: DANGEROUS AND VICIOUS DOGS

[\(back to Chapter contents\)](#)

A. Purpose and intent. The purposes of this section are to promote the public health, safety and general welfare of both the citizens of the City of Watertown and other domestic animals. It is intended to be applicable to dangerous and vicious dogs, as defined herein, and to ensure responsible handling by their owners.

B. Procedure for initiating an investigation into a dog's dangerousness or viciousness.

1. The Animal Control Officer may initiate an investigation into the dangerousness of an animal based on his or her own observations.
2. Any adult person may request that an animal be investigated as to its dangerousness by submitting a written complaint to the Watertown Police Department on a form to be provided for such complaints. Upon receipt of the complaint, the Animal Control Officer shall notify the owner of the animal that a complaint has been filed and that an investigation into the allegations as set forth in the

complaint will be conducted. The Animal Control Officer will initiate his or her investigation within two (2) business days after receipt of the complaint.

3. At any time during the course of an investigation, the Animal Control Officer may impound the animal being investigated if the Animal Control Officer determines that the public safety so requires.

C. Investigation.

1. The Animal Control Officer shall thoroughly investigate each complaint to determine if the dog is dangerous or vicious, as each of those terms are defined herein. The Animal Control Officer shall consider all relevant factors including, but not limited to, severity of injury to the victim, statements from witnesses/victims, previous aggressive history of the dog, observable behavior of the dog, and circumstances of the incident.
2. At the conclusion of an investigation, the Animal Control Officer may:
 - a. Find that the dog is neither vicious nor dangerous and, if the dog is impounded and not quarantined pending a rabies evaluation, release the dog to its owner upon payment of any required impoundment or pickup fees; or
 - b. Find that the dog is dangerous and order the owner to comply with the requirements for keeping dangerous dogs set forth in subsection I. of this section, and, if the dog is impounded and not quarantined pending a rabies evaluation, release the dog to its owner after the owner has paid all required impoundment or pickup fees and complied with the relevant parts of subsection I. of this section. If all impoundment fees have not been paid and conditions met within ten (10) business days after the owner receives notice that the Animal Control Officer has found the dog to be dangerous, the Animal Control Officer may cause the dog to be humanely euthanized. The humane euthanization shall not relieve the owner of the responsibility for payment of impoundment or pickup fees.
 - c. Find that the dog is vicious and order the dog humanely euthanized in accordance with subsection J. of this section.

D. Notification of dangerous or vicious dog finding.

1. Within three (3) business days after finding a dog dangerous or vicious, the Animal Control Officer shall notify the owner by personal service of the dog's designation as a dangerous or vicious dog. In the case of a dangerous dog, the notice shall state the required restrictions and conditions for keeping the dog, as set forth in subsection I. of this section. In the case of a vicious dog, the Animal Control Officer may seize the dog and shall notify the owner that, absent a successful appeal to the Animal Control Board, the dog will be humanely euthanized following the tenth business day after either the declaration by the Animal Control officer or the determination of the Animal Control Board, whichever is later. The Animal Control Officer also shall forward to the City Attorney and the Assistant Chief of Police a written report describing the designation of any dog as a dangerous or vicious dog. The notification shall describe the dog and specify any requirements or conditions placed upon the dog or owner.
2. The notice shall inform the owner that he or she may request, in writing, within ten (10) business days after delivery of the notice, a hearing to contest the Animal Control Officer's finding and designation and shall contain instructions on how to appeal the finding and designation.

E. Notification to complainant. In all cases, the Animal Control Officer shall notify the complainant of the Animal Control Officer's finding and designation within three (3) business days of making the finding and designation. Notice to the complainant shall be made by first class mail, and shall contain instructions on how to appeal the finding and designation.

F. Humane euthanization of unclaimed animal. If the Animal Control Officer cannot with due diligence locate the owner of a dog that has been seized pursuant to this section, the Animal Control Officer shall cause the dog to be impounded for not less than ten (10) business days. If, after ten (10) business days, the owner fails to claim the dog, the Animal Control Officer may cause the dog to be humanely euthanized.

G. Hearing on dangerous or vicious declaration.

1. If the owner or complainant disagrees with the Animal Control Officer's finding and determination, he or she may request, in writing to the Watertown Police Department, a hearing before the Animal Control Board within ten (10) business days after receiving the Animal Control Officer's determination. Unless another date is agreed upon, the Animal Control Board shall hold a hearing not less than three (3) nor

more than ten (10) business days after receiving the owner's or complainant's written request for such a hearing. The purpose of the hearing shall be to uphold, overturn or modify the Animal Control Officer's finding and determination. The Animal Control Officer shall provide notice of the date, time and location of the hearing to the dog's owner by personal service and to the complainant by first-class mail. Notice must be received by the owner and complainant a minimum of two (2) business days prior to the hearing.

2. At the hearing, all interested persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness or viciousness. Criteria to be considered in a hearing required by this section shall include, but not be limited to, the following:
 - a. Provocation;
 - b. Severity of attack or injury to a person or domestic animal;
 - c. Previous aggressive history of the animal;
 - d. Observable behavior of the animal;
 - e. Site and circumstances of the incident; and
 - f. Statements from interested parties.
3. The Animal Control Board shall issue a decision upholding, overturning, or modifying the Animal Control Officer's determination. The Animal Control Board is empowered to negotiate with the owner to place alternative conditions (e.g., microchipping, neutering, fencing, obedience training, etc.) on a dangerous dog as a replacement for, but not in addition to, those conditions enumerated in subsection I. of this section. In instances of an appeal from a vicious dog declaration, the Animal Control Board is empowered to negotiate with the owner a reduction to dangerous dog status contingent upon any and all reasonable conditions including, but not limited to, those enumerated in subsection I. of this section.
4. The Animal Control Board's decision may be issued verbally at the hearing but, in any case, shall be issued in writing and personally served on the dog's owner within three (3) business days after the hearing.
5. Unless modified pursuant to subsection G.3. of this section, a determination by the Animal Control Board that the dog is a dangerous dog shall subject the animal and its owner to the provisions of subsection I. of this section. A determination that the animal is a vicious dog shall result in the vicious dog being humanely euthanized not less than ten (10) business day following receipt of notice of the Animal Control Board's decision.
6. Failure of either the owner or the complainant to request a hearing within the prescribed time shall result in the Animal Control Officer's determination being final.

H. Appeal from dangerous or vicious dog declaration. If the Animal Control Board determines that a dog is dangerous or vicious after a hearing conducted under subsection G. of this section, that decision shall be final unless the owner or complainant, within 10 business days after receiving notice that the dog has been determined to be dangerous or vicious, applies to the South Dakota Circuit Court, Third Judicial Circuit, for any remedies that may be available.

I. Keeping of dangerous dogs. No person may keep within the boundaries of the city any dangerous dog unless the following conditions are met:

1. **Leash.** No person having charge, custody, control or possession of a dangerous dog shall allow the dog to exit its kennel, pen or other proper enclosure unless the dog is securely attached to a leash not more than 4 feet in length. No such person shall permit a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person capable of controlling the dog is in physical control of the leash and the leash is not more than 4 feet in length.
2. **Muzzle.** It is unlawful for any owner or keeper of a dangerous dog to allow the dog to be outside of its proper enclosure, even when on a leash, unless it is necessary for the dog to receive veterinary care or exercise. In such cases, the dog shall wear a properly fitted muzzle to prevent it from biting humans or other animals. The muzzle shall not interfere with the dog's breathing or vision.
3. **Confinement.** Except when leashed and muzzled as provided in this section, a dangerous dog shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the dog from escaping. The enclosure shall include shelter and protection from the elements and shall

provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

- a. The structure must have secure sides and a secure top;
- b. The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than 1 foot into the ground; and
- c. The structure must be of a material and closed in a manner that the animal cannot exit the enclosure on its own.

No dangerous dog shall be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its own volition. In addition, no dangerous dog shall be kept in a house or structure when screen windows or doors are the only obstacle preventing the dog from exiting the structure.

4. **Insurance.** The owner of a dangerous dog shall maintain liability insurance coverage in the amount of at least one-hundred thousand dollars (\$100,000) for death and bodily injury per person, two-hundred thousand dollars (\$200,000) for death and bodily injury per incident, and twenty-five thousand dollars (\$25,000) for property damage, which may result from actions of the dangerous dog, or from actions or inactions of the owner of the dangerous dog. Proof of the required insurance coverage shall be provided to the Animal Control Officer upon demand.
5. **Notification of escape.** The owner or keeper of a dangerous dog shall immediately notify the Watertown Police Department if the dog escapes from its enclosure or restraint and is at large. The immediate notification shall also be required if the dog bites or attacks a person or domestic animal or livestock.
6. **Failure to comply.** It is unlawful and a Class II misdemeanor, subject to the punishment provisions in Section 3.9901, for any owner of a dangerous dog to fail to comply with the requirements and conditions set forth in this section. Any dog found by the Animal Control Officer to be in violation of this section, and whose owner has previously been convicted of failure to comply pursuant to this section, shall be immediately seized and humanely euthanized as soon as reasonably practicable on the second business day after seizure.

J. Humane euthanization of vicious dogs. It is unlawful and a Class II misdemeanor, subject to the punishment provisions in Section 3.9901, for any owner of a vicious dog to possess any vicious dog in the city limits. All dogs finally determined to be vicious, either by declaration of the Animal Control Officer or an unsuccessful appeal to the Animal Control Board, shall be humanely euthanized following the tenth business day after either the declaration by the Animal Control Officer or the decision of the Animal Control Board, whichever is later, unless the decision of the Animal Control Board is appealed to South Dakota Circuit Court.

K. Change of ownership.

1. Any owner of a dangerous dog who sells or otherwise transfers ownership, custody or residence of the dog shall, within 10 business days after the change of ownership or residence, provide written notification to the Watertown Police Department of the name, address and telephone number of the new owner. It also shall be the responsibility of the person transferring ownership or custody of the dog to provide written notification of the dog's classification as dangerous to the person receiving the dog. The previous owner shall furnish a copy of the notification to the Watertown Police Department along with written acknowledgment by the new owner of his or her receipt of the notification. The new owner shall notify the Watertown Police Department of any changes of ownership, custody or residence of the dog within three (3) business days after receiving the required information from the previous owner.
2. Any person receiving a dog classified as dangerous must comply fully with all provisions of this section pertaining to ownership of a dangerous dog.

L. Continuation of dangerous dog declaration.

1. Any dog that has been declared dangerous by the City of Watertown, or another municipality, county or state shall be subject to the provisions of this section for the remainder of its life unless the dangerous dog designation is removed in accordance with subsection L.2. of this section. The person owning or having custody of any dog designated as dangerous by any municipality, county or state government shall notify the Watertown Police Department of the dog's address and conditions of maintenance within 10 days of moving the dog into the city. The restrictions and conditions of maintenance of any dog

declared dangerous by the City of Watertown, another municipality, county or state shall remain in force while the dog remains in the city.

2. The owner of a dangerous dog may petition the Animal Control Board for a removal of the dangerous dog designation after three (3) consecutive years during which the owner has received no violations under this section. The Animal Control Board shall, upon the owner's petition, review the designation of a dog as dangerous and, if the dog is determined no longer to be dangerous, the dangerous dog designation shall be removed. The Animal Control Board may place conditions upon the removal of a dog's dangerous designation including, but not limited to, requiring the dog be neutered and requiring the dog to attend obedience classes.

M. Police and military animals. Nothing in this section shall be construed to limit, affect or apply to the use of dogs by law enforcement, military or rescue organizations.

N. Retroactivity. No dog may be declared dangerous or vicious based solely on the dog's activity prior to the effective date of the ordinance codified in this section; however, the activity, including, but not limited to substantiated reports of bites or aggressive behavior, may be considered during a current investigation.

Source: (Ord. 19-11; Rev. 9-27-19) (Ord 21-20; Rev 7-16-21)

3.0105: CLEAN DOGHOUSES; ANIMALS DISTURBING THE PUBLIC [\(back to Chapter contents\)](#)

1. Doghouses shall be kept clean and sanitary, and shall not become stagnant, noxious or a nuisance. The Animal Control Officer or Police Department shall cause a written notice to clean any such offensive doghouse within twenty-four (24) hours to be served when necessary.
2. It shall be unlawful to keep within the limits of this City any animal, including a cat, which causes a disturbance by barking or by being a nuisance to the annoyance or disturbance of the public.

Source: (E-259-2) (E-420-1) (Ord 17-17; Rev 05-26-17) (Ord 21-19; Rev 7-16-21)

3.0106: CRUELTY TO ANIMALS [\(back to Chapter contents\)](#)

No person shall willfully or negligently maltreat or abuse or neglect in a cruel or inhumane manner any animal or fowl. (E-259-2).

3.0107: STRAY, ABANDONED OR UNKEPT ANIMALS [\(back to Chapter contents\)](#)

No person shall harbor or keep any stray animals. Animals known to be stray shall be immediately reported to the Animal Control Officer. (E-259-2).

3.0108: UNLAWFUL TO POISON [\(back to Chapter contents\)](#)

Unless recommended by the Animal Control Officer or Police Department, it shall be unlawful for any person to willfully or maliciously administer or cause to be administered, poison of any sort whatsoever to any dog or cat, the property of another, with the intent to injure or destroy such dog or cat or to willfully or maliciously place any poison or poisoned food where the same is accessible to any dog or cat. (E-259-2) (E-420-I) (E-600-2).

3.0109: REGULATIONS ON THE KEEPING OF CERTAIN ANIMALS [\(back to Chapter contents\)](#)

1. Horses: It shall be unlawful for any person to maintain horses or to operate or maintain stables in any R1, R2, R2A, R3 or R4 residential district within the city limits of this City, with the exception of any service animal or any assistance animal authorized under the Fair Housing Act or Section 504 of the Rehabilitation Act of 1973, unless signatures by petition of one hundred percent (100%) of the adjoining land owners and fifty percent (50%) of the land owners within three hundred (300) feet of the same shall have signified approval thereof and provided further that said area be adequately fenced with woven wire, wood or equivalent fence at least two and one-half (2-1/2) feet high and plain strand for any higher fence.
 - a. The City Council shall have authority to grant variances from the above requirements after notice and hearing.
 - b. Any area where horses are maintained shall be kept neat and orderly. (Ord 17-17; Rev 05-26-17).
2. Hooved Animals Other than Horses: Excluding horses, no hooved animals shall be kept or maintained within City limits. (Ord 17-17; Rev 05-26-17).
3. Domestic Fowl: The keeping of domestic fowl shall be by special permission of the animal control board. (Ord 16-08; Rev 07-18-16).

4. **Dangerous Animals:** The keeping or harboring of dangerous animals, not already declared vicious under [Section 3.0104](#), is expressly prohibited within the city limits of Watertown. Any Dangerous Animal found within the city limits of Watertown shall be immediately impounded by proper authority and either removed from the city limits or humanely destroyed. Dangerous Animal determinations are not subject to appeal to the animal control board. (Ord 16-08; Rev 07-18-16).
5. **Exotic Animals:** Any Exotic Animal found within the city limits of Watertown shall be immediately impounded by proper authority and removed from the city limits. Exotic Animal determinations may be appealed to the animal control board with the exception of non-human primates. (Ord 16-08; Rev 07-18-16).
6. **More Than Five Dogs:** It is unlawful for any person to have or keep more than five (5) dogs over the age of four (4) months on any lot or premises in the city, unless the person residing on or in the lot or premises has a valid commercial kennel conditional use permit granted by the Board of Adjustment. Veterinary clinics and the city pet shelter (pursuant to Section 3.0302 of this Ordinance) are exempt from this provision. (Ord 21-19; Rev 7-16-21)

3.0110: RESPONSIBILITY

[\(back to Chapter contents\)](#)

1. No person shall create or maintain any condition, or operate any equipment or keep any animal, fowl, pet or insect under his jurisdiction in such a way that such condition or operation causes or is likely to cause the transmission of diseases from animals or insects to man.
2. The Bramble Park Zoo shall not be governed by this chapter but shall have an ongoing program to minimize the public's exposure to disease communicable from animal to man within its jurisdiction.
3. No owner, keeper, caretaker or attendant of a dog or cat shall allow a dog or cat to defecate on public or private property other than his own. If such a dog or cat does defecate upon public or private property, the owner, keeper, caretaker or attendant must immediately and thoroughly clean the fecal material from such property. (E-259-2) (E-600-2).
4. Any person accompanied by any animal on public or private property other than his own must carry with him visible means of cleaning up any fecal matter left by the animal. Service animals and animals used in parades are exempt from the provisions of this section. (Ord 01-08; Rev 09-14-01).
5. No person shall keep any animals on any lot on a scale or basis creating a nuisance (E-259-2) (Ord 16-08; Rev 07-18-16).

3.0111: ABANDONING OF ANIMALS

[\(back to Chapter contents\)](#)

No person shall abandon an animal within the city limits of this City. (E-259-2).

3.0112: SPECIAL PERMISSIONS AND APPEALS

[\(back to Chapter contents\)](#)

1. As contemplated by certain provisions of Section 3.0109, an owner may appeal a declaration to or seek the permission of, the Animal Control Board by filing with the Watertown Police Department a written statement seeking special permission or objecting or appealing to the declaration of an animal. Such written statement of objection or appeal or request for special permission must be filed within ten (10) business days of the date of service of a declaration or violation. (Ord 19-11; Rev 9/27/19)
2. Within ten (10) business days of the date of filing the appeal or request for special permission the Animal Control Board shall hear such appeal or request for special permission and determine whether it has been shown by a preponderance of the evidence that either a declaration should be upheld or special permission should be granted. Such hearing date may be extended by a written order signed by a majority of the Animal Control Board. (Ord 16-08; Rev 07-18-16), (Ord 19-11; Rev 9-27-19)

3.0113: POLICE DOGS EXEMPT

[\(back to Chapter contents\)](#)

Any dog owned by any state, county or municipal police department or any state or federal law enforcement agency which has been trained to aid law enforcement officers is exempt from the provisions of this Chapter when actually being used for law enforcement purposes.

Chapter 3.02 RABIES CONTROL

Section

[\(back to Title contents\)](#)

- [3.0201 Cooperation of the Animal Control Officer](#)
- [3.0202 Vaccination Required](#)
- [3.0203 Impounded Dogs and Cats](#)
- [3.0204 Vaccinated Animals Reported](#)
- [3.0205 Impounding for Observation](#)
- [3.0206 Keeping Rabid Animals](#)
- [3.0207 Report of Suspected Cases - Generally](#)
- [3.0208 Report of Suspected Cases - by Veterinarians](#)
- [3.0209 Report of Suspected Cases - by Physicians](#)
- [3.0210 Destruction of Rabid Animals](#)
- [3.0211 Muzzling Proclamation](#)

3.0201: COOPERATION OF THE ANIMAL CONTROL OFFICER

[\(back to Chapter contents\)](#)

The Animal Control Officer shall cooperate with the State Department of Health, the State Livestock Sanitary Board, the U.S. Fish and Wildlife Service, the State Department of Game, Fish and Parks, state and local veterinary associations and any other county, state or federal agency concerned with the control of rabies in a combined effort to reduce rabies in wildlife and domestic animals. The Animal Control Officer shall institute such additional measures for the control of rabies as may be deemed necessary by the City Manager, the City Council and the Animal Control Board. (E-397-I) (E-420-2) (Ord 21-14; Rev 6-11-21)

3.0202: VACCINATION REQUIRED

[\(back to Chapter contents\)](#)

1. Every dog or cat held as a domestic pet in the City, six (6) months of age or older, is hereby required to be vaccinated against rabies by a licensed veterinarian or other qualified person. The owner or keeper of a dog or cat may elect to have their animal vaccinated for rabies every year, or once every three (3) years. (Ord 13-15; Rev 08-30-13).
2. Any owner acquiring a dog or cat by purchase, gift, birth or otherwise, shall have such animal vaccinated against rabies within one (1) month following acquisition or when the animal reaches the age of six (6) months. (E-259-2).

3.0203: IMPOUNDED DOGS AND CATS

[\(back to Chapter contents\)](#)

Any unvaccinated impounded dog or cat shall be released by the Animal Control Officer to any person who shall have forty eight (48) hours in which to get said dog or cat vaccinated. (E-259-2) (E-600-2).

3.0204: VACCINATED ANIMALS REPORTED

[\(back to Chapter contents\)](#)

All veterinarians and other qualified persons vaccinating dogs or cats for rabies immunization shall report all such vaccinations monthly to the Animal Control Officer. (E-259-2) (E-420-2).

3.0205: IMPOUNDING FOR OBSERVATION

[\(back to Chapter contents\)](#)

1. When any person owning or harboring a dog or cat has been notified that said animal has bitten or attacked any person, the owner must within twenty four (24) hours place the dog or cat under the care and observation of the Animal Control Officer or a licensed veterinarian for a period of not less than ten (10) days. However, in those cases when the owner has a current rabies vaccination for said dog or cat, the Animal Control Officer may, if he feels the facilities are adequate and if the owner is a responsible person, quarantine the dog or cat on the owner's premises. In this case the owner must sign a statement and understand the responsibility and assume the liability that is involved with the quarantine of a dog or cat that has bitten. The quarantined dog or cat must at all times be available for inspection during the quarantine.
2. At the end of the ten (10) day observation period the dog or cat shall be examined by a veterinarian or the Animal Control Officer, and if cleared, may be reclaimed by the owner. The owner must pay the expense incurred incident thereto.

3. Any dog or cat impounded or placed for observation, showing active signs of rabies, suspected of having rabies or known to have been exposed to rabies, shall be confined under competent observation for such time as may be deemed necessary to determine a diagnosis.
4. Any dog or cat that has bitten or attacked that cannot be captured may be destroyed in such a manner that the head is not damaged and can be submitted for a rabies examination to a laboratory. (E-259-2).

3.0206: KEEPING RABID ANIMALS

[\(back to Chapter contents\)](#)

No person shall knowingly harbor or keep any animal infected with rabies or any animal known to have been bitten by an animal known to have been infected with rabies. (E-259-2).

3.0207: REPORT OF SUSPECTED CASES – GENERALLY

[\(back to Chapter contents\)](#)

Any person who shall suspect that any animal in the City is infected with rabies shall report said animal to the Animal Control Officer or Police Department, describing the animal and giving the name and address of the owner if known (E-259-2) (E-420-2).

3.0208: REPORT OF SUSPECTED CASES - BY VETERINARIANS

[\(back to Chapter contents\)](#)

Veterinarians within the City receiving information or reports of suspected rabies in wild animals or domestic animals shall report such information to the Animal Control Officer or Police Department. (E-259-2) (E-420-2).

3.0209: REPORT OF SUSPECTED CASES - BY PHYSICIANS

[\(back to Chapter contents\)](#)

Physicians within the City, immediately upon treatment of any person bitten by a dog or cat, shall report such information to the Animal Control Officer or Police Department. (E-259-2) (E-420-2) (E-600-2).

3.0210: DESTRUCTION OF RABID ANIMALS

[\(back to Chapter contents\)](#)

Any rabid animal may be destroyed by the Animal Control Officer or veterinarian. (E-259-2) (E-420-2).

3.0211: MUZZLING PROCLAMATION

[\(back to Chapter contents\)](#)

Whenever the Animal Control Officer or Animal Control Board shall have determined that there is danger of the existence or spread of rabies in the City, he shall make the facts known to the City Manager in writing. The City Manager, upon receipt of said facts, may by proclamation in the interest of the public safety and general welfare of the citizenry, order all dogs or cats muzzled when off the premises of the owner. Forty eight (48) hours after the publication of said proclamation all dogs or cats found off the premises of the owner unmuzzled shall be seized and impounded or may be immediately destroyed if all reasonable efforts to seize the dogs or cats fail. All dogs or cats seized and impounded shall be held for observation for ten (10) days, and if cleared by a licensed veterinarian, may be claimed by the owner and the owner must pay the expense incidental thereto. Any dog or cat not claimed may be disposed of. (E-259-2) (E-420-2) (E-600-2) (Ord 21-14; Rev 6-11-21)

Chapter 3.03 IMPOUNDING

Section

[\(back to Title contents\)](#)

3.0301	Enforcement of Article
3.0302	Pet Shelter Generally
3.0303	Authority
3.0304	Fees
3.0305	Redemption of Unvaccinated or Unlicensed Dogs and Cats
3.0306	Notice to Owner
3.0307	Redemption by Person Other than Owner
3.0308	Disposition of Unredeemed Dogs and Cats
3.0309	Impounding by Private Persons
3.0310	Records Generally
3.0311	Record of Bites
3.0312	Injured Dogs and Cats
3.0313	Alternative to Impounding

3.0301: ENFORCEMENT OF ARTICLE

[\(back to Chapter contents\)](#)

It shall be the duty of the Animal Control Officer to carry out and enforce all the provisions of this title. (E-259-2) (E-657).

3.0302: PET SHELTER GENERALLY

[\(back to Chapter contents\)](#)

The Animal Control Officer shall maintain a pet shelter in some convenient location which shall be sanitary, heated, ventilated and lighted. The Animal Control Officer shall establish emergency service to properly enforce the regulations set forth in this chapter. (E-259-2).

3.0303: AUTHORITY

[\(back to Chapter contents\)](#)

The Animal Control Officer, any policeman or any other person of proper authority is hereby authorized and empowered to impound any dog or cat found within the City in violation of any provision of this title. (E-259-2) (E-420-3) (E-600-2) (E-657).

3.0304: FEES

[\(back to Chapter contents\)](#)

When an owner redeems a dog or cat impounded under the provisions of this title, he shall pay within forty eight (48) hours to the Animal Control Officer the sum of twenty dollars (\$20) plus a per day cost of five dollars (\$5.00), said fees to be paid at the City Finance Office. Any person may redeem an unclaimed dog or cat after paying the Animal Control Officer the sum of twenty dollars (\$20) plus a per day care cost of five dollars (\$5.00) to a maximum of twenty five dollars (\$25). Persons bringing unwanted dogs or cats to the pet shelter for disposal shall pay a fee of ten dollars (\$10) per dog or cat. (E-259-2) (E-620-1) (E-624-1) (99-17).

3.0305: REDEMPTION OF UNVACCINATED OR UNLICENSED DOGS AND CATS

The owner of any impounded dog or cat which has not been vaccinated or licensed under this chapter, upon satisfactory proof of ownership, shall be allowed forty eight (48) hours to get such dog or cat vaccinated and properly licensed. If such owner fails to procure a certificate of vaccination and city license within forty eight (48) hours, the dog or cat shall be impounded again. It shall be the duty of the Animal Control Officer to inform the City Finance Office of the dogs or cats so released. It shall be the duty of the City Finance Office to inform the Animal Control Officer of those dogs or cats that are not licensed as required by this section. (E-259-2) (E-420-4) (E-600-2).

3.0306: NOTICE TO OWNER

[\(back to Chapter contents\)](#)

The owner of any dog or cat impounded under the provisions of this article, if his identity and location can be obtained by reasonable means, shall be notified within twenty four (24) hours that his dog or cat has been impounded. (E-259-2) (E-600-2).

3.0307: REDEMPTION BY PERSON OTHER THAN OWNER

[\(back to Chapter contents\)](#)

If the owner of any dog or cat impounded under the provisions of this article shall fail to redeem such dog or cat impounded within three (3) consecutive days not counting Sundays and holidays after such impounding, any other

person may, upon complying with the provisions of this article, redeem such dog or cat from the pet shelter and be the lawful owner thereof. (E-259-2) (E-600-2).

3.0308: DISPOSITION OF UNREDEEMED DOGS AND CATS

[\(back to Chapter contents\)](#)

All dogs and cats impounded under the provisions of this ordinance and remaining unredeemed after three (3) consecutive days not counting Sundays and holidays of impounding, unless impounded for a longer specified time, may be disposed of by the Animal Control Officer by any humane means. The total period of impoundment shall not, when practical, exceed a maximum period of fifteen (15) days. (E-259-2) (E-600-I).

3.0309: IMPOUNDING BY PRIVATE PERSONS

[\(back to Chapter contents\)](#)

The Animal Control Officer shall not receive any dog or cat into the pet shelter from any person unless such person shall leave his full name and place of residence, which shall be registered in a proper book kept by the Animal Control Officer. It shall be unlawful for any person to give any false information or statement concerning the owner, keeper or harbinger of any dog or cat or concerning any dog or cat brought into the pet shelter or impounded therein. (E-259-2) (E-600-2).

3.0310: RECORDS GENERALLY

[\(back to Chapter contents\)](#)

The Animal Control Officer shall keep accurate records of all dogs or cats received at the shelter and released including the date and from whom received, the description of the dog or cat and the name and address of the person receiving the dog or cat. He shall also keep an accurate count and description of animals destroyed. (E-259-2) (E-600-2).

3.0311: RECORD OF BITES

[\(back to Chapter contents\)](#)

The Animal Control Officer shall keep an accurate record of all dog or cat bites and shall use forms supplied by the Police Department. The forms shall be made out in duplicate and filled out in detail with one copy sent to the Police Department and the other copy kept on file by the Animal Control Officer for his record. (E-259-2) (E-420-4) (E-600-2).

3.0312: INJURED DOGS AND CATS

[\(back to Chapter contents\)](#)

1. In those instances when a dog or cat without identification is injured and the owner cannot be found, it will be the duty of the Animal Control Officer to determine if that dog or cat for humane reasons, due to the extent of the injury and the suffering, shall be destroyed. The City and/or Animal Control Officer shall not be held liable in any way for this humane act.
2. In those instances when an injured dog or cat with a license tag issued by the City is picked up, it shall be delivered to a licensed veterinarian. All expenses of the City and the veterinarian charges and fees must be paid by the pet owner. (E-259-2) (E-420-4) (E-600-2).

3.0313: ALTERNATIVE TO IMPOUNDING

[\(back to Chapter contents\)](#)

Each violation of each section is a separate violation of this ordinance and is a separate misdemeanor in this ordinance. As an alternative to impounding the dog or cat in the pet shelter, if said dog or cat cannot be captured and the owner is known to the Animal Control Officer, then in that case the said Animal Control Officer may issue a notice to the owner that the dog or cat is in violation of this chapter which said notice shall state the violation date, time, location, breed and color of the dog or cat, license number if known and the name and address of the owner of said dog or cat and which said notice shall direct the owner of said dog or cat to appear before the Magistrate Court to answer to the charge of such violation. (E-259-2) (E-600-2).

Chapter 3.04
LICENSING

Section

[\(back to Title contents\)](#)

[3.0401 Licensing of Dogs and Cats](#)

[3.0402 Reserved](#)

[3.0403 Animal Control Board](#)

3.0401: LICENSING OF DOGS AND CATS

[\(back to Chapter contents\)](#)

1. Each owner or keeper of a dog or cat of the age of six (6) months or over shall cause such dog or cat to be vaccinated and licensed. A current color coded rabies vaccination tag shall serve as a license and no other license shall be required. (Ord 13-15; Rev 08-30-13).
2. A vaccination tag shall be issued by the immunizing veterinarian upon immunization or proffer of proper proof exhibiting the immunization status of said animal as current. The vaccination tag shall at all times be worn by the dog or cat so licensed.
3. If a vaccination tag is lost, it may be replaced upon proffer of proper proof to a veterinarian exhibiting the immunization status of said animal as current.

3.0402: RESERVED

3.0403: ANIMAL CONTROL BOARD

[\(back to Chapter contents\)](#)

An Animal Control Board shall be appointed by the Mayor as an advisory board to the City Council to formulate and maintain an effective animal control program. The Board may adopt bylaws and elect officers for its administration. The Board shall consist of five (5) members, who shall be appointed for three (3) year terms. The terms shall be staggered so that no more than two terms expire each year. The members shall hold office until their successors have been appointed. Its members shall consist of a licensed veterinarian, a member of the City Council, an employee or board member of the Glacial Lakes Humane Society, and two citizens at large. The Animal Control Officer shall be an ex-officio member of the Board without vote. (E-259-2) (E-420-5) (Ord 01-15; Rev 10-20-01) (Ord 20-04; Rev 3-5-20)

Chapter 3.05
FEEDING OF WILD ANIMALS

Section

[\(back to Title contents\)](#)

[3.0501 Definitions](#)

[3.0502 Feeding of Wild Animals and Waterfowl Prohibited](#)

[3.0503 Feeding of Songbirds and Other Backyard Birds Permitted](#)

[3.0504 Continuing Violation](#)

3.0501: DEFINITIONS

[\(back to Chapter contents\)](#)

For purposes of this chapter, the following terms shall have the meanings indicated:

Farm Animal. Domestic animals, such as cattle, horse, or chickens, raised for home use or for profit.

Songbird or Other Backyard Bird. Includes birds of the suborder oscines or passerine including but not limited to larks, jays, cardinals, shrikes, finches, and orioles, characterized by a vocal apparatus highly specialized for singing.

Waterfowl. Any bird that frequents the water, or lives about rivers, lakes, or other bodies of water; an aquatic fowl, including but not limited to ducks, geese, swans, herons, and egrets.

Wild Animal. Shall include any animal, which is not normally domesticated in this state, including but not limited to coyotes, deer, turkeys, feral cats, foxes, raccoons, skunks, and waterfowl.

Source: (Ord 22-02; Add 3-18-22)

3.0502: FEEDING OF WILD ANIMALS AND WATERFOWL PROHIBITED

[\(back to Chapter contents\)](#)

1. No person shall purposely or knowingly, with intent to provide such food, feed, bait, or in any manner provide access to food to any wild animal or waterfowl within the corporate limits of the City of Watertown, on lands either publicly or privately owned. This section shall not apply to the feeding of farm animals lawfully kept within the city limits.
2. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed, birdseed, fruit, or grain in a manner that would constitute any attractant to any wild animal or waterfowl.
3. Nothing in this section shall prohibit the actions of any agent of the City of Watertown or the State of South Dakota lawfully engaged in a wildlife or waterfowl management program.

Source: (Ord 22-02; Add 3-18-22)

3.0503: FEEDING OF SONGBIRDS AND OTHER BACKYARD BIRDS PERMITTED

[\(back to Chapter contents\)](#)

Feeding of songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that: (1) such feeding does not create an unreasonable disturbance with wildlife; (2) any apparatus used to feed such birds does not become an attractant for wild animals and (3) bird feeders are placed where wildlife other than songbirds would have a difficult time eating from them.

Source: (Ord 22-02; Add 3-18-22)

3.0504: CONTINUING VIOLATION

[\(back to Chapter contents\)](#)

Failure to remove or remedy a violation of this chapter within 24 hours after notice from the city shall constitute a separate violation of this chapter.

Source: (Ord 22-02; Add 3-18-22)

Chapter 3.98
CROSS-REFERENCES

3.9801: CROSS-REFERENCES

[\(back to Title contents\)](#)

Dogs in Parks..... [14.0303](#)

Chapter 3.99
PUNISHMENT

3.9901: PUNISHMENT

[\(back to Title contents\)](#)

Any person violating any of the provisions of this title shall, upon conviction thereof, be punished by a fine of not more than two hundred dollars (\$200) or by imprisonment for not exceeding thirty (30) days, or by both such fine and imprisonment. (E-506) (E-679) (99-8).

TITLE 4

RESERVED

[\(back to Table of Contents\)](#)

TITLE 5

BUILDING CODES AND FLOODPLAIN REGULATIONS

Chapter

[\(back to Table of Contents\)](#)

5.01	Excavating, Filling, Grading, Lagooning and Dredging
5.02	Flood Damage Prevention
5.03	General Regulations
5.04	Petroleum Products
5.05	Definitions
5.97	Interpretation, Abrogation and Severability
5.98	Cross-References
5.99	Punishment

Chapter 5.01
EXCAVATING, FILLING, GRADING, LAGOONING AND DREDGING

Section[\(back to Title contents\)](#)

- [5.0101 Purpose](#)
- [5.0102 Permit Required for Filling and Grading](#)
- [5.0103 Permit Required: Dredging](#)
- [5.0104 Conditions](#)
- [5.0105 Issuance, Fees and Security](#)

5.0101: PURPOSE[\(back to Chapter contents\)](#)

This chapter sets forth rules and regulations to control dumping, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction. Any person making or causing an excavation to be made shall be solely responsible for initiating, maintaining and supervising all safety precautions in connection with the work. The person making or causing the excavation to be made shall take all necessary precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all persons on the site or who may be affected by the work. Filling, grading, lagooning, dredging or disturbing of ground which would result in any detriment to streams, rivers and lakes by reason of erosion, sedimentation or impairment of fish and aquatic life is prohibited. (E-299-1)

5.0102: PERMIT REQUIRED FOR FILLING AND GRADING[\(back to Chapter contents\)](#)

No person shall do any grading without first having obtained a grading permit from the City Engineer. See Title 23 Stormwater and Title 24 Subdivision of Land for additional requirements.

1. A grading permit shall be required:

- a. For any filling or grading of the floodplain or designated wetland areas. In addition a permit shall be obtained from the Department of Army, Corps of Engineers when applicable and any state agency having jurisdiction.
- b. For any filling or grading of any area which is within three hundred (300) feet horizontal distance of a natural water area and which has surface drainage toward the water and on which there is:
 - (1) Filling of more than five hundred (500) square feet of any wetland which is contiguous to the water. For purposes of this section a wetland shall be defined as any area where ground water is at or near the surface a substantial part of the year.
 - (2) Filling or grading on all slopes of twenty percent (20%) or more
 - (3) Filling or grading of more than one thousand (1,000) square feet on slopes of 12-20 percent.
 - (4) Filling or grading of more than two thousand (2,000) square feet on slopes of 12 percent or less.
- c. For any shoreland or bank alteration involving the removal of natural barriers to soil erosion.

2. A grading permit is not required for the following:

- a. A separate grading permit is not required where a site plan for a new building, structure or addition is submitted for plan review where an excavation below finished grade for basements and footings of a building, retaining wall or other structure is authorized by a valid building permit. Site plans must include proposed final ground elevations and must include sufficient information to define the proposed plan for controlling runoff so as to not negatively impact adjacent properties.
- b. When approved by the City Engineer, for grading in an isolated, self-contained area if there is no danger to private or public property.
- c. Cemetery graves.
- d. Refuse disposal sites controlled by other regulations.
- e. Excavations for wells or tunnels or utilities.
- f. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property, as determined by a professional engineer.
- g. Exploratory excavations under the direction of soil engineers or engineering geologists.
- h. An excavation that: (a) is less than two (2) feet in depth or (b) does not create a cut slope greater than five (5) feet in height and steeper than one (1) unit vertical in 1½ units horizontal (66.7% slope).

- i. A fill less than one (1) foot in depth and placed on natural terrain with a slope flatter than one (1) unit vertical in five (5) units horizontal (20 percent slope), or less than three (3) feet in depth, and where such fill is not intended to support structures, which does not exceed one hundred (100) cubic yards on any one undeveloped lot or group of lots under the same ownership and does not impact a floodway, floodplain, base flood conveyance corridor, or wetland. This one hundred (100) cubic yard exemption is a one time exemption. At any time one hundred (100) cubic yards has been filled, this exemption shall expire, and a grading permit will be required.
- j. Excavation, removal, or stockpiling of rock, sand, dirt, gravel, clay, or other like material, as may be required by the state, county, or city authorities in connection with the construction or maintenance of any road, highway or roadway. Nothing herein shall be deemed to exempt any road, highway or roadway work performed by private developers.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances applicable to, or adopted by, the City.

5.0103: PERMIT REQUIRED: DREDGING

[\(back to Chapter contents\)](#)

A grading permit shall be required before constructing, dredging or commencing work on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within three hundred (300) feet of the high water mark of a natural water area or where the purpose is the ultimate connection with the natural water area. This requirement does not apply to soil conservation practices such as terraces, runoff diversions and grassed waterways which are used for sediment retardation. In addition, a permit shall be obtained from any other state or federal agency having jurisdiction.

The City Engineer shall evaluate each application according to the following standards, and may deny any application deemed unsuitable:

- 1. The maintenance of safe and healthful conditions.
- 2. The prevention and control of water pollution including sedimentation.
- 3. Existing topographic and drainage features and vegetative cover on the site.
- 4. The location of the site with respect to floodplains and floodways of rivers or streams.
- 5. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover. (E-299-1)

5.0104: CONDITIONS

[\(back to Chapter contents\)](#)

In granting a grading permit for excavating, filling, grading, lagooning or dredging, the City Engineer may attach the following conditions:

- 1. The smallest amount of bare ground shall be exposed for as short a time as feasible.
- 2. Temporary ground cover such as mulch shall be used and permanent cover such as sod be planted.
- 3. Diversions, silting basins, terraces and other methods to trap sediment shall be used.
- 4. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions.
- 5. Fill is stabilized according to accepted engineering standards.
- 6. Fill will not restrict a floodway or destroy the storage capacity of a floodplain.
- 7. Sides of a channel or artificial water course shall be stabilized to prevent slumping.
- 8. Sides of channels or artificial water courses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter, unless bulkheads or rip rapping are provided. (E-299-1)

5.0105: ISSUANCE, FEES AND SECURITY

[\(back to Chapter contents\)](#)

- 1. **Issuance.** Grading permits shall expire at the end of the calendar year. Any permittee holding an unexpired permit may apply for an extension of the time within which work may be completed, upon the showing of good cause. The City Engineer may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days on written request by the permittee showing that circumstances beyond the

control of the permittee have prevented work from commencing. No permit shall be granted more than one extension. Grading operations shall be completed in a timely manner to minimize the time any site is disturbed and decrease the potential for erosion. If grading operations are not performed for thirty (30) days or more, all construction related equipment must be removed from the permitted site.

2. **Grading Permit Fees.** The City Council shall, by resolution, establish a schedule of fees for grading permits. The fee schedule shall be available in the office of the City Engineer, and may be altered or amended only by resolution of the City Council. The grading permit fee will be doubled if a grading permit is not obtained prior to commencement of grading operations. The fee for a grading permit authorizing additional work shall be the difference between the fee paid for the original permit and the fee calculated for the entire project.
3. **Security.** The City Engineer will require bonds for fills in excess of five thousand (5,000) cubic yards, in such form and in an amount necessary to ensure that work, if not completed in accordance with approved plans and specifications, will be completed using any surety or bond amount provided, necessary to correct or eliminate hazardous conditions.

In lieu of a surety bond, an applicant may file a cash bond, or other sufficient instrument of credit with the City Engineer, in an amount equivalent to that required by a surety bond.

Chapter 5.02
FLOOD DAMAGE PREVENTION

Section

[\(back to Title contents\)](#)

5.0201	Statutory Authorization
5.0202	Findings of Fact
5.0203	Statement of Purpose
5.0204	Methods of Reducing Flood Losses
5.0205	Reserved
5.0206	General Provisions
5.0207	Floodplain Development Permit Required
5.0208	Designation of the Administrative Official
5.0209	Duties and Responsibilities of the Administrative Official
5.0210	Development Adversely Affecting Big Sioux River, Roby Creek or Willow Creek Prohibited
5.0211	Storage of Materials and Equipment
5.0212	Anchoring
5.0213	Construction Materials and Methods
5.0214	Utilities
5.0215	Subdivision Proposals in Areas of Special Flood Hazard
5.0216	Residential Construction
5.0217	Non-Residential Construction
5.0218	Openings in Enclosures below the Lowest Floor
5.0219	Below Grade Residential Crawl Space Construction
5.0220	Manufactured Homes
5.0221	Recreational Vehicles
5.0222	Floodways
5.0223	Standards for Areas of Shallow Flooding (AO/AH Zones)
5.0224	Alteration or Relocation of Watercourse
5.0225	Variance Procedure

5.0201: STATUTORY AUTHORIZATION

[\(back to Chapter contents\)](#)

The legislature of the State of South Dakota has, in SDCL §9-29-1, 9-32, 9-36 and 7-18-14, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, on January 16, 2009, the effective date of most recent revisions to this ordinance, the City of Watertown, South Dakota does ordain as follows: (E-582-1)

5.0202: FINDINGS OF FACT

[\(back to Chapter contents\)](#)

1. The flood hazard areas of Watertown are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from damage also contribute to the flood loss. (E-582-1)

5.0203: STATEMENT OF PURPOSE

[\(back to Chapter contents\)](#)

It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditures of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. To restrict or prohibit uses and activities which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights, velocities, and erosion and sedimentation potential;
7. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
8. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
9. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions. (E-582-l)
10. To ensure that eligibility is maintained for property owners in the City to purchase flood insurance.

5.0204: METHODS OF REDUCING FLOOD LOSSES

[\(back to Chapter contents\)](#)

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (E-582-l)

5.0205: RESERVED

[\(back to Chapter contents\)](#)

5.0206: GENERAL PROVISIONS

[\(back to Chapter contents\)](#)

1. **Lands to Which this Ordinance Applies.** This ordinance shall apply to all special flood hazard areas of the Big Sioux River, Roby Creek, Willow Creek, Lake Kampeska, and Lake Pelican, including adjacent hydraulically connected areas, that are subject to the jurisdiction of the City (Community Number 460016).
2. **Basis for Establishing the Areas of Special Flood.** The areas of special flood hazard are identified by the Federal Emergency Management Agency in Flood Insurance Study Number 46029CV000A, a scientific and engineering report entitled "Flood Insurance Study, Codington County, South Dakota and Incorporated Areas," dated January 16, 2009, with an accompanying FIRM. The identified areas of special flood hazard within the City are found on the FIRM map numbers and panel numbers listed herein:

Map Number	Panel Number
46029C0295D	295 of 500
46029C0305D	305 of 500
46029C0310D	310 of 500
46029C0315D	315 of 500
46029C0317D	317 of 500
46029C0319D	319 of 500
46029C0320D	320 of 500
46029C0336D	336 of 500
46029C0338D	338 of 500
46029C0340D	340 of 500
46029C0345D	345 of 500
46029C0455D	455 of 500

Flood Insurance Study Number 46029CV000A, along with the accompanying FIRM, is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and FIRM are on file at City Hall, 23 Second Street NE, Watertown, SD.

The areas of special flood hazard for Willow Creek are based on a scientific and engineering report prepared by the City of Watertown entitled Willow Creek Floodplain Study. The Willow Creek Floodplain Study dated September 2004 is hereby adopted by reference and declared to be a part of this ordinance. The Willow Creek Floodplain Study is on file at City Hall, 23 Second Street NE, Watertown, SD.

3. **Compliance.** No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance or other applicable regulations.
4. **Abrogation and Greater Restrictions.** This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
5. **Interpretation.** In the interpretation and application of this ordinance, all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Deemed neither to limit nor repeal any other powers granted under state statutes.
6. **Warning and Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City, any officer or employee thereof, or the FEMA for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder. (E-582-1)

5.0207: FLOODPLAIN DEVELOPMENT PERMIT REQUIRED

[\(back to Chapter contents\)](#)

A floodplain development permit shall be obtained before construction or development begins within any area of special flood hazard established in [Section 5.0206\(2\)](#). A property receiving, or having received, a Letter of Map Revision (LOMR) based on fill must also obtain a floodplain development permit. Application for a development permit shall be made on forms furnished by the Administrative Official and may include, but not limited to:

1. Plans in duplicate drawn to scale and referenced to the city's vertical and horizontal datum's showing the nature, location, dimensions and elevations of the area in question; elevation in relation to mean sea level of the lowest floor (including basement) of improvements including existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing in relation to the channel, floodway, and areas of special and moderate flood hazard.
2. For all new or substantially improved flood-proofed non-residential structures:
 - a. Elevation in relation to mean sea level to which any structure has been flood-proofed;
 - b. Certification by a registered professional engineer that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in [Section 5.0217](#).
3. For proposed development activities that involve the alteration or relocation of the Big Sioux River, Roby Creek or Willow Creek watercourse, or activities proposed for development in the floodway, the applicant is required to submit with the floodplain development permit application sufficient information to document the effect of the development on base flood elevation, floodway, areas of special and moderate flood hazard, flow velocity, stream stability and water quality at any location within any of the watercourse reaches included and covered by the Flood Insurance Rate Map and Flood Insurance Study report, including but not limited to:
 - a. Topographic map of the area in question referenced to the city's vertical and horizontal datum's indicating existing contours and the proposed final grade. The contour interval shall be sufficient to determine the character and topography of the area in question, but in no case shall the intervals be more than one (1) foot for land with a slope of one percent (1%) or less, two (2) feet for a slope greater than one percent (1%) up to ten percent (10%), and five (5) feet for land with a slope exceeding ten percent (10%).
 - b. A description and plan of the proposed development, alteration, or relocation including:

- (1) layout and details of proposed modifications
- (2) measures to preserve the environment, natural features, special community assets, habitat, vegetation and other natural protective barriers
- (3) an erosion and sediment control plan for construction
- (4) long term post-development erosion and sediment control plan
- (5) channel and stream bank stability requirements
- (6) recommended long-term channel and stream bank maintenance requirements
- c. A comparison of existing and proposed base flood elevations and flow velocities complete with computer modeling input and output data.
- d. A comparison of the existing and proposed channel capacity, meander geometry and cross section geometry in the area of question complete with geomorphic and stable channel analysis calculations, results, conclusions, and recommendations.
- e. Land use of adjacent properties.
- f. Photographs of the area.
4. Where base flood elevations are utilized, all new construction, substantial improvements and other development must comply with requirements of Section 5.0209(2) and Sections 5.0211 through 5.0224.

5.0208: DESIGNATION OF THE ADMINISTRATIVE OFFICIAL

[\(back to Chapter contents\)](#)

The City Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

5.0209: DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATIVE OFFICIAL

Duties of the Administrative Official shall include, but not be limited to:

[\(back to Chapter contents\)](#)

1. Permit Review

- a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of [Section 5.0222](#) are met.

2. Use of other Base Flood Data

When base flood elevation data has not been provided in accordance with [Section 5.0206\(2\)](#) BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Administrative Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state, county, municipal or other source approved by the City Engineer and require that all new construction, substantial improvements or other development in are administered in accordance with Section 5.0209(3) “Information to be Obtained and Maintained” and Sections 5.0211 through 5.0224.

3. Information to be Obtained and Maintained

- a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. For all new or substantially improved flood-proofed structures:
 - (1) Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed.
 - (2) Maintain the flood-proofing certifications required in [Sections 5.0207\(2\)](#).
- c. Maintain for public inspection all records pertaining to the provisions of this ordinance.

4. Alteration of Watercourses

- a. Ensure that the applicant for a floodplain development permit:
 - (1) obtains a Conditional Letter of Map Revision from the Federal Emergency Management Agency;
 - (2) notifies adjacent landowners and communities, the Codington County Drainage Board, United States Army Corps of Engineers regulatory office, South Dakota Division of Emergency

Management, and South Dakota Department of Environment and Natural Resources prior to any alteration or relocation of a watercourse;

- (3) and submits evidence of such notification to the Federal Emergency Management Agency.
- b. Ensure that the provisions of [Section 5.0224](#) of this ordinance are met.
- c. As a condition of the floodplain development permit, require the applicant to provide written assurance of the applicant's responsibility for costs associated with updating the Flood Insurance Rate Map and Flood Insurance Study report to reflect the applicant's alteration or relocation of said watercourse.

5. Interpretation of FIRM Boundaries

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in [Section 5.0225](#). (E-582-l)

5.0210: DEVELOPMENT ADVERSELY AFFECTING BIG SIOUX RIVER, ROBY CREEK OR WILLOW CREEK PROHIBITED [\(back to Chapter contents\)](#)

No development or obstruction shall be constructed which will adversely affect the conveyance capacity and stability of the Big Sioux River, Roby Creek or Willow Creek channel, floodway, or base flood conveyance corridor, or that is dangerous to health, safety, and property due to water or erosion hazards.

5.0211: STORAGE OF MATERIALS AND EQUIPMENT [\(back to Chapter contents\)](#)

Storage of materials and equipment that are flammable, explosive, or otherwise injurious to life is prohibited unless the storage facility is elevated to one foot above the base flood elevation.

5.0212: ANCHORING [\(back to Chapter contents\)](#)

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:
 - a. over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side.
 - b. frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
 - c. all components of the anchoring system shall be capable of carrying a force of forty eight hundred (4,800) pounds, and,
 - d. any additions to the manufactured home are similarly anchored.

5.0213: CONSTRUCTION MATERIALS AND METHODS [\(back to Chapter contents\)](#)

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designated and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.0214: UTILITIES [\(back to Chapter contents\)](#)

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.0215: SUBDIVISION PROPOSALS IN AREAS OF SPECIAL FLOOD HAZARD ([back to Chapter contents](#))

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Base flood elevation data shall be provided for all subdivision proposals and other proposed developments.

5.0216: RESIDENTIAL CONSTRUCTION ([back to Chapter contents](#))

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, machinery, or equipment, elevated to a minimum of one (1) foot above the base flood elevation. This requirement includes machinery and equipment placed within attached garages and/or within enclosures below elevated buildings, with the exception of utility meters and equipment specifically designated to withstand inundation according to the standards of the International Residential Codes and NFIP. Properties that have received a LOMR based on fill must still have the lowest floor, including machinery and equipment, elevated to or above one (1) foot above the base flood elevation.

Source: (Ord 18-23; Rev 12-14-2018) (Ord 21-47; Rev 2-11-2022)

5.0217: NON-RESIDENTIAL CONSTRUCTION ([back to Chapter contents](#))

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, machinery, or equipment, elevated to a minimum of one (1) foot above the base flood elevation or together with attendant utility and sanitary facilities shall:

1. Be flood-proofed so that below one (1) foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in Sections [5.0209\(3\)\(b\)](#) and [5.0207\(2\)](#).
4. Flood-proofing safeguards shall be designed consistent with the flood protection elevation, flood velocities, event duration, rate of water surface rise, hydrostatic and hydrodynamic forces, and other factors associated with the base flood. The following are examples of flood-proofing safeguards that may be required as a condition of granting a variance to this ordinance:
 - a. anchorage to resist flotation and lateral movement;
 - b. reinforcement of walls and other building components to resist rupture or collapse due to water pressures or floating debris;
 - c. addition of mass or weight to resist flotation;
 - d. pumping facilities or comparable practices for subsurface drainage systems to relieve external foundation wall and basement flood pressures;
 - e. installation of isolation and backflow prevention valves or controls on sanitary sewer and storm drains;
 - f. storage of hazardous materials in facilities flood-proofed or elevated to one foot or more above the base flood elevation;
 - g. requirements set forth in [Section 5.0213 “Construction Materials and Methods”](#) and [Section 5.0214 “Utilities”](#).

5. Properties that have received a Letter of Map Revision based on Fill must still have the lowest floor elevated, or be flood-proofed, to or above one (1) foot above the base flood elevation.

Source: (99-7) (Ord 18-23; Rev 12-14-2018) (Ord 21-47; Rev 2-11-2022)

5.0218: OPENING IN ENCLOSURES BELOW THE LOWEST FLOOR ([back to Chapter contents](#))

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

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

5.0219: BELOW GRADE RESIDENTIAL CRAWL SPACE CONSTRUCTION ([back to Chapter contents](#))

New construction and substantial improvement of any below grade crawlspace shall:

1. Have the interior grade elevation, that is below base flood elevation, no lower than two (2) feet below the lowest adjacent grade;
2. Have the height of the below grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not exceed four (4) feet at any point;
3. Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood;
4. Meet the provisions of [Section 5.0212, “Anchoring”](#); [Section 5.0213, “Construction Materials and Methods”](#); and [Section 5.0218, “Openings in Enclosures Below the Lowest Floor”](#).

5.0220: MANUFACTURED HOMES ([back to Chapter contents](#))

Manufactured homes shall be anchored in accordance with [Section 5.0212\(2\)](#).

1. All manufactured homes that are placed or substantially improved within Zones AI-30, AH and AE on sites:
 - a. outside of a manufactured home park or subdivision,
 - b. in a new manufactured home park or subdivision,
 - c. in an expansion to an existing manufactured home park or subdivision, or
 - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor, including basement, machinery, or equipment, of the manufactured home is elevated to or above one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.
2. All manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions within zones AI-30, AH and AE that are not subject to the provisions of the previous paragraph shall be elevated so that either
 - a. the lowest floor, including basement, machinery, or equipment, of the manufactured home is at or above one (1) foot above the base flood elevation, or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty six (36) inches in height above grade and is securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.

Source: (E-592-2) (99-7) (Ord 21-47; Rev 2-11-2022)

5.0221: RECREATIONAL VEHICLES[\(back to Chapter contents\)](#)

Recreational vehicles must satisfy the same floodplain development requirements as those applied to manufactured homes unless the vehicle is placed on the same site within a special flood hazard area for less than one hundred eighty (180) consecutive days and is fully licensed and ready for highway use.

5.0222: FLOODWAYS[\(back to Chapter contents\)](#)

Located within areas of special flood hazard established in [Section 5.0206\(2\)](#) is an area designated as the floodway. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential. The placement of buildings, structures and other flood barriers, as well as the accumulation of flood debris, in the floodway will increase water and erosion hazards due to increased flood heights and flow velocities. Therefore, the following provisions apply to the floodway:

1. Appropriate land uses include those compatible with open space, recreation, wildlife habitat, or wetlands management practices, all without structures or other obstructions that may tend to impede the flow of water. In general, such uses may include, but not necessarily be limited to, parks for outdoor recreational activities such as golf courses, tennis courts without fences, driving ranges, archery ranges, picnic grounds, wildlife and nature preserves, fishing areas, pedestrian and horseback riding trails, plant nurseries, gardens, lawn areas, and other uses of similar nature.
2. Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless:
 - a. the applicant of the floodplain development permit provides written certification and documentation, prepared by a professional engineer licensed in South Dakota and qualified in the fields of hydrology and hydraulics, demonstrating that the proposed encroachment and development in the floodway:
 - (1) will not result in any increase in flood levels during the occurrence of the base flood at any location within any of the watercourse reaches included and covered by the Flood Insurance Rate Map and Flood Insurance Study report, and
 - (2) will not result in the relocation of the floodway boundary as indicated in the Flood Insurance Rate Map. Proposed development in the floodway that requires or results in relocation of the floodway boundary shall be considered as an alteration or relocation of the watercourse subject also to the provisions of [Sections 5.0209\(4\)](#) and [5.0224](#). (Clerical Edit per § 22.0106, 11-7-16)
 - b. the applicant of the floodplain development permit provides written certification and documentation, prepared by a professional engineer licensed in South Dakota and knowledgeable of the natural geometric tendencies and stability requirements of rivers and streams, demonstrating that the proposed encroachment and development in the floodway will not result in increased erosion and sedimentation potential at any location within any of the watercourse reaches included and covered by the Flood Insurance Rate Map and Flood Insurance Study report, and
 - c. the applicant of the floodplain development permit enters into a maintenance agreement with the City providing for the applicant's responsibility to perform maintenance activities in the floodway located on the applicant's property as may be necessary to ensure conveyance capability and channel stability throughout any of the watercourse reaches included and covered by the Flood Insurance Rate Map and Flood Insurance Study report. The applicant shall file the maintenance agreement with the parcel or parcels of land in question at the office of the Codington County Register of Deeds as a covenant that runs with the land pursuant to state statute.
3. In addition to satisfying the requirements of [Sections 5.0222\(1\)](#) and [5.0222\(2\)](#), all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of [Sections 5.0211 through 5.0221](#).
4. New construction and substantial improvements in the floodway shall not be for permanent residential use.
5. Pipeline watercourse crossings shall be buried in the streambed and banks, or otherwise sufficiently protected, to prevent damage due to flood flows, associated floating debris, and channel degradation and meandering.
6. Owners of property located in the floodway are responsible for the perpetual maintenance of the channel and adjacent floodplain areas of the floodway to ensure that the flood carrying capacity of the subject watercourse is not diminished over time. The floodway shall be maintained in its natural condition and in accordance with a floodplain development permit issued by the Administrative Official.

7. In lieu of the maintenance responsibilities set forth in Sections 5.0222(2)(c) and 5.0222(6) above, the owner(s) of floodway property may, at the time of annexation or master planning, but prior to any development, dedicate those areas designated as floodway to the City, under the jurisdiction of the Parks, Recreation and Forestry Board, for use as public parks. Floodway property dedicated under this ordinance provision may be used to partially fulfill the park dedication requirements of [Section 14.0120](#) at the discretion and direction of the Parks, Recreation and Forestry Board.

5.0223: STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

[\(back to Chapter contents\)](#)

Located within the areas of special flood hazard established in [Section 5.0206 \(2\)](#) are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of **residential** structures have the lowest floor (including basement, machinery, or equipment) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
2. All new construction and substantial improvements of **non-residential** structures;
 - a. have the lowest floor (including basement, machinery, or equipment) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or;
 - b. together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section, as proposed in [Section 5.0207](#), are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

Source: (Ord 21-47; Rev 2-11-2022)

5.0224: ALTERATION OR RELOCATION OF WATERCOURSE

[\(back to Chapter contents\)](#)

Every effort shall be made to avoid alteration or relocation of any watercourse included and covered by the Flood Insurance Rate Map and Flood Insurance Study report. In the case in which alteration or relocation is unavoidable:

1. Structural modifications and channel alterations shall be kept to a minimum.
2. The watercourse alteration or relocation shall not decrease the conveyance capability or increase the base flood elevation at any location in the watercourse reaches included in and covered by the Flood Insurance Rate Map and Flood Insurance Study report.
3. The watercourse alteration or relocation shall not result in flow velocities that are hazardous to the public's health, safety, and property, or that cause an increase in erosion and sedimentation potential at any location in the watercourse reaches included in and covered by the Flood Insurance Rate Map and Flood Insurance Study report for flows of varying return frequency.
4. Based on a geomorphic and stable channel analysis performed by the applicant's professional engineer, the watercourse alteration or relocation shall be designed and constructed such that the channel remains stable either through manmade stabilization techniques and materials or the use of artificial, correctly-sized meander and riffle-pool geometry.
5. The applicant of the floodplain development permit shall obtain a CLOMR from the FEMA Region 8 Mitigation Division Director prior to the issuance of the permit by the Building Official.
 - a. The Administrative Official shall submit the request for the CLOMR to FEMA.
 - b. The applicant of the floodplain development permit shall be financially responsible for fees associated with the CLOMR request.

- c. The applicant of the floodplain development permit shall provide to the Administrative Official the technical data in support of the CLOMR request including without limitation detailed hydrologic and hydraulic analyses and other pertinent project information as may be indicated in [Section 5.0207](#).
6. The applicant of the floodplain development permit involving the alteration or relocation of a watercourse shall provide written assurance:
 - a. that perpetual maintenance will be provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished over time. The applicant shall file the written assurance with the parcel or parcels of land in question at the office of the Codington County Register of Deeds as a covenant that runs with the land pursuant to state statute.
 - b. that the applicant is financially responsible for costs associated with updating the FIRM and Flood Insurance Study report to reflect the applicant's alteration or relocation of the subject watercourse.
7. The applicant's professional engineer, licensed in South Dakota, qualified in the fields of hydrology and hydraulics, and knowledgeable of the natural geometric tendencies and stability requirements of rivers and streams, shall provide written certification that the provisions of [Section 5.0223](#) have been satisfied. (Ord 07-21; Rev 09-14-07)

5.0225: VARIANCE PROCEDURE

[\(back to Chapter contents\)](#)

1. The Board of Adjustment, as established by the City, shall hear and decide appeals and request for variances from the requirements of this ordinance.
2. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Administrative Official in the enforcement or administration of this ordinance.
3. Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decisions to the Third Judicial Circuit Court, as provided in South Dakota State Statute.
4. When necessary, the Administrative Official may procure the services of a registered professional engineer for assistance in evaluating the scientific and engineering data, other technical data, and other relevant information.
5. In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and;
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 - d. The importance of the services provided by the facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with the existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
6. Upon consideration of the factors of Section 5.0225(5) and the purpose of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
7. The Administrative Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

8. Conditions for variances:

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level providing items (a-k) in Section 5.0225(5) have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justifications required for issuing the variance increases.
- b. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
- c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in unnecessary hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 5.0225(5) or conflict with existing local laws or ordinances.
- f. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation. (E-582-1) (Clerical Edit per § 22.0106, 10-13-16)

Chapter 5.03 GENERAL REGULATIONS

Section

[\(back to Title contents\)](#)

5.0301	Building Codes Adopted with Modifications
5.0302	Grade Established before Construction/Moving of Buildings to New Sites
5.0303	Filling or Raising Lots
5.0304	Obstructing Street
5.0306	Obstructing Gutters, Etc.
5.0307	Permit to Place Building Material on Street
5.0308	Planking Required on Pavement
5.0309	Piling Material Against Trees
5.0310	Basement Stairway on Street
5.0311	Eaves Pipes
5.0313	Excavating Near Streets
5.0314	Permit to Excavate
5.0315	Street Cut Prohibition; Exceptions and Waivers
5.0318	Barricades, Lights, Etc.
5.0319	Excavation must be Refilled
5.0320	Settling and Tamping Refill
5.0321	Sediment Run-off

5.0301: BUILDING CODES ADOPTED WITH MODIFICATIONS

[\(back to Chapter contents\)](#)

1. Building Permits and Application Required. See Title 21, Chapter 2, and Sections [21.0205](#) and [21.0206](#).
2. There is hereby adopted by the City Council for the purpose of establishing rules and regulations governing building, that certain building code known as the **International Residential Code 2018 Edition**, Chapters 1-23 and 43, and Appendices H and J, subject to the following modifications (Ord 18-27; Rev 12-28-18):
 - a. **Section R101.1 Title.** Change [NAME OF JURISDICTION] to City Of Watertown.
 - b. **Section R103 DEPARTMENT OF BUILDING SAFETY** is hereby deleted in its entirety.
 - c. **Section R105.2 Work exempt from permit.** Delete items 1, 2, 7, and 10 under “**Building:**” and replace with the following (Ord 18-27; Rev 12-28-18):
 1. Replacement of siding, gutters, downspouts, storm windows, storm doors, or similar type roofing materials.
 2. (Reserved)
 7. Seasonal above ground prefabricated swimming pools. (Ord 18-27; Rev 12-28-18)
 10. (Reserved)
 - d. **Section R105.5 Expiration.** Modify the maximum incremental time period the Building Official may grant written extensions of permit expiration date from one hundred eighty (180) days to one (1) year.”
 - e. **Section R106.3.1 Approval of construction documents** is hereby amended to read as follows: Upon the Building Official’s completed review of construction documents, a permit shall be issued. One set of construction documents so reviewed shall be retained by the Building Official. **Section R106.3.2 Previous approvals** is hereby amended by revising the section title to **Section R106.3.2 Previous reviews**.
 - f. **Section R106.3.3 Phased approval** is hereby amended by revising the section title to **Section R106.3.3 Phased review**.
 - g. **Section R106.3 Examination of documents** is hereby amended by adding the following: **R106.3.4 Applicant’s responsibility for compliance.** Neither examination nor review of construction and/or construction documents by the Building Official, nor the issuance of a building permit by the Building Official, shall relieve the permit applicant of the responsibility and duty to comply with this code and any other applicable local, state and federal rules, regulations, and ordinances.
 - h. **Section R106.4 Amended construction documents** is hereby amended to read as follows: Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the reviewed construction documents shall be resubmitted for review as an amended set of construction documents.

- i. **Section R106.5 Retention of construction documents** is hereby amended to read as follows: One set of reviewed construction documents shall be retained by the Building Official for a period of not less than one hundred eighty (180) days from the date of completions of the permitted work, or as required by state or local laws.
- j. **Section R107 Temporary Structures and Uses** is hereby deleted in its entirety.
- k. **Section R108.3 Building Permit Valuations** is hereby amended to read as follows: The determination of value or valuation under any of the provisions of this code shall be made by the Building Official in accordance with valuation schedules established by the applicable governing body. Building permit valuation shall represent the total value of the work for which a permit is being issued including material costs and labor for electrical, gas, mechanical, plumbing and other permanent systems, as well as interior and exterior finish work, painting, roofing, elevators, and fire extinguishing equipment.
- l. **Section R108.6 Investigation fees for work without a permit** is hereby amended by adding the following: Whenever any work for which a permit is required by this code has been commenced prior to the issuance of said permit, the Building Official shall conduct an investigation before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the greater of a minimum fee amount established by resolution of the governing body or the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
- m. **Section R109.0 General** is hereby amended by adding the following: All construction or work for which a permit is required shall be subject to inspection by the Building Official. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes until approved by the Building Official. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Approval of the construction or work as a result of an inspection shall not be construed to be an approval of a violation of any local, state, or federal rules, regulations, ordinances, or codes.

Buildings or structures built without one or more of the inspections required by Section R109 of this Code, or others as deemed necessary by the Building Official, may be classed as an unsafe building or structure and action taken as specified by *Section 108 Unsafe Structures and Equipment* of the currently adopted *International Property Maintenance Code*. (Ord 18-27; Rev 12-28-18)

Buildings or structures wired, plumbed, provided with mechanical equipment, vents, connectors, chimneys, or other similar appurtenances without required inspections, as specified by the currently adopted Electrical Code, as amended; the currently adopted Plumbing Code, as amended; and the currently adopted Mechanical Code, as amended; may be classed as an unsafe building or structure and action taken as specified by Section 108 *Unsafe Structures and Equipment* of the currently adopted *International Property Maintenance Code*. (Ord 18-27; Rev 12-28-18)

A person shall not occupy as owner-occupant, or permit another person to occupy, any structure or premise which does not comply with the requirements of this code.
- n. **Section R110 CERTIFICATE OF OCCUPANCY** is hereby deleted in its entirety.
- o. **Section R112 BOARD OF APPEALS** is hereby amended such that all references to Board of Appeals shall mean Board of Adjustment.
- p. **Section R112.1 General** is hereby amended to read as follows: The Board of Adjustment shall hear and decide appeals of orders, decisions and determinations made by the Building Official relative to the application and interpretation of this code.
- q. **Section R112.3 Qualifications** is hereby deleted in its entirety.
- r. **Table R301.2(1) Climatic and geographic design criteria** is hereby amended by inserting applicable information into the table as follows: Ground Snow Load – 50 psf; Wind speed – 90 mph; Seismic Design Category – A; Weathering – Severe; Frost line depth – 48” to bottom of footing; Termite – Slight to moderate; Decay – None to slight; Winter Design Temp – 17; Ice Shield Underlayment Required – Yes; Flood Hazards – 7-4-89; Air Freezing Index -3033; Mean Annual Temperature – 42.1. (Ord 18-27; Rev 12-28-18)
- s. **Section R302.5.1 Opening protection.** Delete “equipped with a self-closing or automatic-closing device.”
- t. **Section R302.13 Fire protection of floors.** Not adopted by City. (Ord 18-27; Add 12-28-18)
- u. **Section R303.4 Mechanical ventilation.** Not adopted by City.

- v. **Section R303.5.1 Intake openings.** Add “**Exception:** For equipment replacement on existing structures, gravity outdoor intake openings for combustion air shall be located a minimum of 3 feet from any hazardous or noxious contaminant.” (Ord 18-27; Rev 12-28-18)
- w. **Section R304 MINIMUM ROOM AREAS.** Change “**Exception**” to “**Exceptions**” Change “Kitchen” to “1. Kitchen” Add “2. Studio apartments/single family dwelling shall have a floor area of not less than 160 square feet.” (Ord 18-27; Add 12-28-18)
- x. **Section R309.5 Fire sprinkler.** Delete private garages.
- y. **Section R310.2.1 Minimum opening area.** Change “5.7 square feet” to “4.6 square feet” (Ord 18-27; Rev 12-28-18)
- z. **Section R310.2.1 Exception.** Change “5.0 square feet” to “4.6 square feet”
- aa. **Section R310.2.2 Window sill height.** Change “44 inches” to “48 inches” (Ord 18-27; Rev 12-28-18)
- bb. **Section R310.2.3.1 Ladder and steps.** Change “44 inches” to “48 inches” (Ord 18-27; Rev 12-28-18)
- cc. **Section R311 MEANS OF EGRESS.** Change all “7 ¾ inches” riser height to “8 inches”
- dd. **Section R311.7.5.1 Risers. Exceptions: 1.** Add “and exterior decks” (Ord 18-27; Rev 12-28-18)
- ee. **Section R311.7.8.5 Grip size.** Add “**Exception:** Exterior stairs are allowed to have a horizontal 2x member to form a 1 ½ inch graspable dimension in lieu of the above-referenced perimeter dimensions.”
- ff. **Section R312.1.3 Opening limitations.** Change “4 inches” to “5 inches”
- gg. **Section R312.1.3 Exceptions: 2.** Change “4 3/8 inches” to “5 inches”
- hh. **Section R313 Automatic fire sprinkler systems.** Not required by state, follow code when installed.
- ii. **Section R315.2.2 Alterations, repairs and additions.** Not adopted by City. (Ord 18-27; Rev 12-28-18)
- jj. **Section R326 SWIMMING POOLS, SPAS AND HOT TUBS.** Not adopted by City. (Ord 18-27; Rev 12-28-18)
- kk. **Section R403.1.4.1 Frost protection. 1.** Add “or 48 inches whichever is greater.”
- ll. **Section R403.1.4.1 Exceptions: 1.** Change “600 square feet” to “1300 square feet.” **Exceptions: 2.** Change “400 square feet” to “1300 square feet” and “an eave height of 10 feet to 12 feet. **Exceptions: 3.** Amend to read “Decks not supported by a dwelling or are 30 inches or less above grade need not be provided with footings that extend below the frost line.” (Ord 18-27; Rev 12-28-18)
- mm. **Section R404.4 Retaining walls.** Change “24 inches” to “48 inches”
- nn. **Section R602.12 Simplified wall bracing. 3.** Change “10 feet” to “12 feet” **4.** Change “15 feet to 20 feet”
- oo. **Section R905.1.2 Ice Barrier.** Amend “24 inches (610 mm) inside the exterior wall line of the building” to “36 inches” (Ord 18-27; Rev 12-28-18)
- pp. **Section 1102.2.9 Basement walls.** Add “**Exception:** Exterior basement walls of enclosed mechanical rooms.” (Ord 18-27; Rev 12-28-18)
- qq. **Section N1102.4.1.2 (R402.4.1.2) Testing.** Not adopted by City
- rr. **Section N1103.3.2 (R403.2.2) Sealing (Mandatory).** Not adopted by City. Duct tightness shall be verified by either of the following: 1. Post-construction test, 2. Rough-in test. (Ord 18-27; Rev 12-28-18)
- ss. **Section N1103.3.2.1 (R403.2.2.1) Sealed air handler.** Not adopted by City (Ord 18-27; Rev 12-28-18)
- tt. **Section N1103.2.3 (R403.2.3) Building cavities (Mandatory).** Add “**Exception:** Stud spaces for floor joist cavities may be used for return air plenums.”
- uu. **Section N1103.3.3 Duct Testing.** Not adopted by City (Ord 18-27; Add 12-28-18)
- vv. **Section N1103.3.4 Duct Leakage.** Not adopted by City (Ord 18-27; Add 12-28-18)
- ww. **Section N1103.5 (R403.4) Service hot water systems.** Energy conservation measures for service hot water systems shall be in accordance with the *Plumbing Code*. (Ord 18-27; Rev 12-28-18)
- xx. **Section N1104 (R404) ELECTRICAL POWER AND LIGHTING SYSTEMS (MANDATORY).** Not adopted by City
- yy. **Section M1301.1 Scope** is hereby amended to read as follows: The provisions of this chapter shall govern the installation of mechanical systems not specifically covered in other chapters of this code or by other provisions of the City’s Revised Ordinances applicable to mechanical systems. Installations of

mechanical appliances, equipment and systems not addressed by this code shall comply with the applicable provisions of the *International Mechanical Code* and the current *National Fuel Gas Code* adopted by the City. ([back to Chapter contents](#))

3. There is hereby adopted by the City Council, for the purpose of establishing rules and regulations governing building, that certain building code known as the **International Building Code 2018 Edition**, Chapters 1-26, 30-35, and Appendices C and I, is subject to the following modifications (Ord 18-27; Rev 12-28-18):
 - a. **Section [A]101.1 Title.** Change [NAME OF JURISDICTION] to City Of Watertown.
 - b. **Section [A]101.4.1 Gas** is hereby amended by replacing “*the International Fuel Gas Code*” with “*the most current edition of codes adopted by the City governing the installation and approval of gas burning equipment as set forth in Title 20 of the City’s Revised Ordinances.*”
 - c. **Section [A]101.4.3 Plumbing** is hereby amended by replacing “*the International Plumbing Code*” with “*the current plumbing code adopted by the South Dakota State Plumbing Commission along with local revisions set forth in Title 15 of the City’s Revised Ordinances.*” It is further amended by deleting the sentence: “*The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.*”
 - d. **Section [A]101.4.5 Fire Prevention** is hereby amended by replacing “*the International Fire Code*” with “*the provisions of the current fire prevention code adopted by the City in Title 10 of the City’s Revised Ordinances.*”
 - e. **Section [A]101.4.6 Energy** is hereby deleted in its entirety.
 - f. **Section 103 Department of Building Safety** is hereby deleted in its entirety.
 - g. **Section [A]105.2 Work exempt from permit.** Delete items 1, 2, 3, and 4 under “Building:” and replace with the following: 1. Replacement of siding, gutters, downspouts, storm windows, or similar type roofing materials. 2. (Reserved)
 - h. **Section [A] 105.5 Expiration.** Modify the maximum incremental time period the Building Official may grant written extensions of permit expiration date from “*one hundred eighty (180) days*” to “*one (1) year.*” (Ord 09-17; Add 09-11-09)
 - i. **Section 107 SUBMITTAL DOCUMENTS** is hereby amended to read as follows:

[A] 107.2.2 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this code and the construction documents and shall be reviewed prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.
 - j. **Section [A] 107.3.1 Review of construction documents.** *The Building Official’s review of construction documents shall be indicated by issuance of a permit.* One set of construction documents so reviewed shall be retained by the Building Official.
 - k. **Section [A] 107.3.2 Previous approvals** is hereby amended by revising the section title to **Section [A] 107.3.2 Previous reviews.**
 - l. **Section [A] 107.3.3 Phased approval** is hereby amended by revising the section title to **Section [A] 107.3.3 Phased review.**
 - m. **Section [A] 107.3.4.1 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a specified period.

Deferral of any submittal items shall have the prior review of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal document have been reviewed by the Building Official.
 - n. **Section [A]107.4 Amended construction documents.** Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the reviewed construction documents shall be resubmitted for review as an amended set of construction documents.

- o. **Section [A]107.5 Retention of construction documents.** One set of *reviewed* construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.
- p. **Section 107 SUBMITTAL DOCUMENTS** is hereby *further* amended by adding the following:
[A] 107.6 Applicant’s responsibility for compliance. Neither examination nor review of construction and/or construction documents by the Building Official, nor the issuance of a building permit by the Building Official, shall relieve the permit applicant of the responsibility and duty to comply with this code and any other applicable local, state and federal rules, regulations, and ordinances.
- q. **Section [A] 108 TEMPORARY STRUCTURES AND USES** is hereby deleted in its entirety.
- r. **Section [A] 109.4 Work commencing before permit issuance** is hereby amended to read as follows:
Section [A] 109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee in addition to the required permit fees. *The investigation fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the greater of a minimum fee amount established by resolution of the governing body or the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.*
- s. **Section [A] 113.1 General** is hereby amended to read as follows: *The Board of Adjustment shall hear and decide appeals of orders, decisions and determinations made by the Building Official relative to the application and interpretation of this code.*
- t. **Section [A] 113.3 Qualifications** is hereby deleted in its entirety.
- u. **Section [F] 903.2.8 Group R.** Add “**Exception:** *Apartments or multifamily occupancies that are four dwelling units or less and two levels or less in height.*” (Ord 18-27; Rev 12-28-18)
- v. **Section 1010.1.7 Thresholds.** Change all “*7 ¾ inches*” to “*8 inches*” (Ord 18-27; Rev 12-28-18)
- x. **Section 1011.5.2 Riser height and tread depth. Exceptions: 5.** Change “*7.75 inches*” to “*8 inches*” (Ord 18-27; Rev 12-28-18)
- y. **Section 1015.4 Opening limitations.** Change “*4 inches in diameter*” to “*5 inches in diameter*” (Ord 18-27; Rev 12-28-18)
- z. **Section 1015.4 Opening limitations. Exceptions: 5.** Change “*4 3/8 inches in diameter*” to “*5 inches in diameter*” (Ord 18-27; Rev 12-28-18)
- aa. **Section 1030.2 Minimum size.** Change “*5.7 square feet.*” to “*4.6 square feet*” (Ord 18-27; Rev 12-28-18)
- bb. **Section 1030.2 Exception.** Change “*5.0 square feet*” to “*4.6 square feet*” (Ord 18-27; Rev 12-28-18)
- cc. **Section 1030.3 Maximum height from floor.** Change “*44 inches*” to “*48 inches*” (Ord 18-27; Rev 12-28-18)
- dd. **Section 1030.4.2 Ladder or steps.** Change “*44 inches*” to “*48 inches*” (Ord 18-27; Rev 12-28-18)
- ee. **Section 1601.1 Scope** is hereby amended as follows: It shall not be the responsibility of the Building Official to determine engineering requirements of this code. Exclusive of conventional light-frame wood construction provisions referenced in Section 2308, the method to resist loads as referenced in this chapter is the responsibility of a structural engineer or other qualified design professional.
- ff. **Section 1612.3 Establishment of flood hazard areas** is hereby amended as follows: To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “*The Flood Insurance Study for the City of Watertown,*” dated *January 16, 2009*, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section. *If there is a conflict between the provisions of this code and the city’s floodplain management ordinance, the provisions of the floodplain management ordinance shall prevail.*
- gg. **Section 1703.1 Approved agency** is hereby amended as follows: An approved agency or the design professional of record shall provide all information as necessary for the *Building Official* to determine that the agency meets the applicable requirements.
- hh. **Section 1809.5 Frost protection. 1.** Add “48 inches” after “locality.”
- ii. **Section 1809.5 Exceptions: 2.** Change “*600 square feet and 400 square feet*” to “*1300 square feet*”
Exceptions: 3. Change “*10 feet*” to “*10 feet 2 inches*” (Ord 18-27; Rev 12-28-18)
- jj. **Section [P] 2901.1 Scope.** Amend as follows: The provisions of this chapter and the *Plumbing Code* shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or

maintenance of plumbing equipment and systems. Toilet and bathing rooms shall be constructed in accordance with Section 1210. Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the *Plumbing Code*. Private sewage disposal systems shall conform to the *Plumbing Code*.

- kk. **[P] Table 2902.1 MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES.** Change “75 to 120” under “CLASSIFICATION” column and “ASSEMBLY” row under “WATER CLOSETS” column under “Male” column. Change “40” to “60” under “CLASSIFICATION” column and “ASSEMBLY” row under “WATER CLOSETS” column under “Female” (Ord 18-27; Rev 12-28-18)
- 4. There is hereby adopted by City Council for the purpose of establishing rules and regulations governing building, that certain building code known as the “**International Property Maintenance Code 2018 Edition**” subject to the following modifications (Ord 14-10; Rev 02-21-14) (Ord 18-27; Rev 12-28-18):
 - a. **Section [A] 101.1 Title.** Change [NAME OF JURISDICTION] to City Of Watertown.
 - b. **Section 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION** is hereby deleted in its entirety.
 - c. **Section [A] 111.2 Membership of board.** Amend to read “The board of appeals shall be the Board of Adjustment.”
 - d. **Section [A] 111.2.1 Alternate members** is hereby deleted in its entirety.
 - e. **Section [A] 111.2.2 Chairman** is hereby deleted in its entirety.
 - f. **Section [A] 111.2.3 Disqualification of member** is hereby deleted in its entirety.
 - g. **Section [A] 111.2.4 Secretary** is hereby deleted in its entirety.
 - h. **Section [A] 111.2.5 Compensation of members** is hereby deleted in its entirety.
 - i. **Section [A] 111.3 Notice of meeting.** Delete “, within twenty (20) days of the filing of an appeal, or”
 - j. **Section [A] 111.4.1 Procedure.** Amend to read “Administrative procedures of the Board of Adjustment per City Ordinance.”
 - k. **Section [A] 111.6 Board decision** is hereby deleted in its entirety.
 - l. **Section [A] 111.6.1 Records and copies** is hereby deleted in its entirety.
 - m. **Section [A] 111.6.2 Administration** is hereby deleted in its entirety.
 - n. **Section 303 Swimming pools, spas, and hot tubs** is hereby deleted in its entirety.
- 5. There is hereby adopted by City Council for the purpose of establishing rules and regulations governing building, that certain building code known as the “**International Mechanical Code 2018 Edition**”. (Ord 14-01; Rev 02-21-14) (Ord 18-27; Rev 12-28-18)
- 6. There is hereby adopted by City Council for the purpose of establishing rules and regulations governing existing building, that certain building code known as the “**International Existing Building Code 2018 Edition**” subject to the following modifications (Ord 18-27; Add 12-28-18):
 - a. **Section [A] 101.1 Title.** Change [NAME OF JURISDICTION] to City Of Watertown.
 - b. **Section 103 DEPARTMENT OF BUILDING SAFETY** is hereby deleted in its entirety.
 - c. **Section 106 CONSTRUCTION DOCUMENTS [A] 106** replace all references to “approved or approval” with “review or reviewed”
 - d. **Section [A] 112.1 General** is hereby amended to read as follows: “The Board of Adjustment shall hear and decide appeals of orders, decisions and determinations made by the Building Official relative to the application and interpretation of this code.”
 - e. **Section [A] 112.3 Qualifications** is hereby deleted in its entirety.

5.0302: GRADE ESTABLISHED BEFORE CONSTRUCTION/MOVING OF BUILDINGS TO NEW SITES

No person shall commence the construction of any building within this City nor shall any building be moved to a new location within this City unless and until the grade of said lot shall have been designated or approved by the City Engineer, nor shall any building be constructed on or moved to a lot within this City unless and until curbing shall have been constructed thereupon of a type and on a grade to be approved by the City Engineer; unless a Waiver of Right to Protest is approved and allowed by the City Engineer. (E-42-1) (Ord 02-04; Rev 06-14-02)

5.0303: FILLING OR RAISING LOTS

[\(back to Chapter contents\)](#)

No lot or part of lot shall be filled or raised in such manner as to interfere with natural drainage from any adjoining lot. (Ord 02-04; Rev 06-14-02)

5.0304: OBSTRUCTING STREET

[\(back to Chapter contents\)](#)

No person shall erect, build, set up, maintain or remove any house, store, shop or other building or shall leave, place or deposit any boxes, merchandise, timber, planks, boards, shingles, casks, barrels, hogsheads, lumber, bricks, stone, trucks, carts, wagons, sleds, carriages or any other obstruction upon, over or across any street, alley, sidewalk or public grounds within the limits of this City. Materials, including merchandise, on sidewalks shall be as allowed by [Ordinance 18.0308](#). (262) (E-644)

5.0306: OBSTRUCTING GUTTERS, ETC

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to place, permit to be placed, deposit or keep any lumber, stone, brick, goods, leaves, grass, ashes, dirt, tree limbs or other materials or obstructions of any kind in any public street or alley or the gutter thereof in this City without first obtaining permission of the City Engineer. This section shall not affect the lawful parking of motor vehicles. (C-240)

5.0307: PERMIT TO PLACE BUILDING MATERIAL ON STREET

[\(back to Chapter contents\)](#)

The City Engineer is authorized to grant permission in writing to any person to deposit and keep lumber, stone, brick or other materials for building in any public street, road or alley, adjacent to a building to be erected or repaired, for a space of time not exceeding six (6) consecutive months; but such permission shall not excuse the obstruction or occupancy with such material of more than one half the width of any sidewalk or more than one-half the width of carriage way or any street or road or the placing of such material in such a way as to impede the free flow of water in side gutters; and the City Engineer may require such conditions of the builders in consideration for the use of the street as he may deem advisable and necessary before granting such permit. (266)

5.0308: PLANKING REQUIRED ON PAVEMENT

[\(back to Chapter contents\)](#)

On each and every street that is paved such permit to use such street for building materials shall only be granted on the specific condition that before said street is used for the depositing of any such building materials the portion of the street so used shall be planked with planking at least two (2) inches thick, held together with side strips nailed across not less than six (6) feet apart. (267)

5.0309: PILING MATERIAL AGAINST TREES

[\(back to Chapter contents\)](#)

No building material or other material of any description shall be piled up against any street tree, unless said tree is first sufficiently protected by a proper guard to prevent possible injury, and all instructions issued for that purpose by the secretary of the Park Board must be promptly complied with by the owner. (296)

5.0310: BASEMENT STAIRWAY ON STREET

[\(back to Chapter contents\)](#)

No person shall construct any cellar or basement stairway, or any step, area or other appurtenance extending into any public street, alley or sidewalk, nor shall any person erect in any public street or road, any flight of stairs leading to a second or any higher story of any building. (272)

5.0311: EAVES PIPES

[\(back to Chapter contents\)](#)

No person shall place or maintain on any street, any pipe leading from the eaves of any building in such a position that the water discharged thereby may flow upon or over any public sidewalk. (274)

5.0313: EXCAVATING NEAR STREETS

[\(back to Chapter contents\)](#)

It shall be unlawful for any person, owner or occupant of any lot or parcel of land in this City to make or cause to be made, any excavation on said lot or parcel of land, adjacent to any street, alley, public or traveled path or roadway, except the same be securely guarded so as to prevent the injury to any person or persons or animals passing upon or along said streets, alleys, public grounds or traveled path or roadway. (276)

5.0314: PERMIT TO EXCAVATE

[\(back to Chapter contents\)](#)

1. No person, firm or corporation shall do any excavation work by machinery on private property where there exist utility service connections running from the main in the street or alley to said private property, and no person, firm or corporation shall hereafter excavate either by machinery or by hand within the boundaries of any public street, alley, public grounds, or on ground upon which there exists public utility easements in favor of the City of Watertown Utilities without first obtaining a written signed permit to excavate from the City Engineer or their duly authorized representatives. Excavation shall mean to dig or in any way remove

or physically disturb or penetrate any part of a right-of-way, except potholing by utility companies locating existing utilities within the right-of-way.

2. The City Engineer shall prepare definite directions as to the proper procedures to be followed in doing any excavation work. These written directions shall be followed by any firm, person or corporation doing any excavation work within the area set forth in this ordinance. Said directions shall be printed on the back of each written permit. Failure by any person, firm or corporation to follow said written directions shall constitute a violation of this ordinance.
3. No hard surface which is less than five (5) years old shall be disturbed unless pursuant to a permit to be obtained under the requirements identified in Section 5.0315.
4. All excavation permit fees are due at the time the permit is issued. These fees represent the value of staff time in processing a permit application and are non-refundable.
 - a. All past due fees, fines, and penalties owed by the applicant must be paid before a permit will be issued.
 - b. If a permit violation occurs, no other application will be processed until the fines and penalties have been paid and all permit conditions are met.
5. If work is done without obtaining a permit from the City, the City reserves the right to quadruple the permit fee.
6. In the event of an emergency, the excavator shall notify the City and apply for a street cut permit for “emergency work” within four (4) hours after the City office opens. Emergency work shall mean an occurrence which demands immediate action to prevent significant environmental damage or loss of life, health, property, or essential public services.
7. Permit duration shall be indicated on the permit:
 - a. All permits shall include estimated start and completion dates. A permit is valid from the construction start date specified on the approved permit until expiration as determined under subsection 8.
 - b. Excavation permits are not valid if other required permits are not obtained or required notifications are not given.
8. Permits expire and become void, unless otherwise amended:
 - a. Sixty (60) days after the start date, if no work has begun.
 - b. If the work is not diligently proceeding and there are delays of more than four (4) working days after the work has started, unless the delays are caused by weather or other circumstances beyond the permittee’s control.
 - c. When the excavation, including the trench restoration, is completed.
 - d. On the date specified on the permit as the expiration date.
9. A valid permit may be extended by requesting an extension prior to the expiration date by specifying the dates that need to be changed and explaining the reason for the extension. The City Engineer reserves the right to deny a request for extension.
10. Backfill shall be compacted to 95% of maximum dry density including the top foot which shall be base course.
11. There shall be a one (1) year warranty on all work completed within the City of Watertown right-of-way.
12. The permittee is responsible for immediately making all necessary repairs in accordance with the City of Watertown Engineering Design Standards. If the permittee refuses to immediately perform, or fails to sufficiently perform, the required repairs, the City of Watertown will make the repairs and:
 - a. The permittee will be charged all the actual costs including administration, construction, consultant fees, equipment, inspection, notification, and remediation made necessary by the action or inaction of the permittee.
 - b. The repair or restoration by the City of Watertown does not relieve the permittee from liability for future pavement failures.

- c. If the permittee fails or refuses to pay the restoration cost, the City may exercise any available legal remedy at law or equity to recover the costs.

Source: (E-150-1) (E-229-1) (E-240-1) (Ord 21-13; Rev 10-1-21)

5.0315 : STREET CUT PROHIBITION; EXCEPTIONS AND WAIVERS

[\(back to Chapter contents\)](#)

1. Unless a waiver is granted under this Section, no permit shall be issued under Section 5.0314 for work which requires cutting or excavating the paved surface of any street, alley, or other public place for a period of five (5) years from the completion of construction, resurfacing, or reconstruction of that surface, or for a period of three (3) years from completion of chip sealing, slurry seal coating, or micro paving. Utilities shall plan well enough in advance to determine alternate methods of making necessary repairs to avoid excavating in newly resurfaced streets. This prohibition shall not apply to:
 - a. Emergency repairs that could not have been anticipated or are necessary for the protection of the public's health and safety, or
 - b. Work necessary to ensure continued service delivery to an agency's or utility's existing customer; or
 - c. Work for new utility services where no other reasonable means of providing service to a building exists; or
 - d. Work that is mandated by City, State, or Federal legislation.
2. Any work that requires cutting or excavating of the paved surface of any street, alley, or other public place within the above five-year or three-year periods requires a waiver from the City Engineer.
3. To apply for a waiver, a written application must be submitted to the City Engineer. The application must include, but is not limited to:
 - a. The location of the excavation.
 - b. Description of work to be performed.
 - c. The reason(s) the work was not performed before the street was paved.
 - d. The reason(s) the work cannot be deferred until after the prohibition period.
 - e. The reason(s) the work cannot be performed at another location.
4. Within ten (10) business days of determining an application as technically complete, the City Engineer shall:
 - a. Transmit a copy of the application, or appropriate parts of the application, to each affected government agency and city department for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have 15 business days to comment on the application. The agency or city department is presumed to have no comment if comments are not received within this 15-business-day period. The City Engineer shall grant an extension of time only if the application involves unusual circumstances.
 - b. The City Engineer shall provide for public notice of application, if applicable.
5. Project review by the City Engineer and appropriate city staff shall identify specific project design and conditions relating to the character of the development and work with other agencies or utilities to ensure project cooperation.
6. The public notice and inter-agency communication set forth in this Chapter shall include a statement regarding whether the project involves the construction, reconstruction, or resurfacing of any street, alley or other public place and whether a five-year street cut prohibition period, will be in effect.
7. If a waiver is issued to the applicant, the pavement must be restored according to the currently adopted City of Watertown Engineering Design Standards for pavement restoration including, but not limited to, the following:

- a. A minimum of one (1) foot on both sides of the trench plus one (1) foot on both ends shall be resurfaced.
 - b. If the excavation affects the wheel path within the roadway, the repair shall be full lane width. The entire lane shall be ground down two (2) inches and resurfaced to match existing conditions. For streets that are slurry sealed, chip sealed, or micro surfaced, all lanes that are affected shall be required to match adjacent conditions.
8. If the applicant refuses to immediately perform, or fails to sufficiently perform, the required restoration, the City of Watertown will make the repairs and:
 - a. The applicant will be charged all the actual costs including administration, construction, consultant fees, equipment, inspection, notification, and remediation made necessary by the action or inaction of the permittee.
 - b. The repair or restoration by the City of Watertown does not relieve the applicant from liability for future pavement failures.
 - c. If the applicant fails or refuses to pay the restoration cost, the City may exercise any available legal remedy at law or equity to recover the costs.

Source: (Ord 21-13; Eff 10-1-21)

5.0318: BARRICADES, LIGHTS, ETC.

[\(back to Chapter contents\)](#)

Any person receiving a permit to make excavation in or upon or adjoining any street, alley, sidewalk, thoroughfare or public ground shall, during the progress and continuance of the work, erect, keep and maintain about and around the same by day and night, suitable guards and fences, lanterns and signals so as to prevent injury to any person, animals or vehicles on account of any such excavation. (281)

5.0319: EXCAVATION MUST BE REFILLED

[\(back to Chapter contents\)](#)

Every person making such excavation shall, when the same shall be completed, promptly and without delay refill the same in the manner hereinafter provided. In all cases where excavations are made in paved streets or alleys the earth shall be replaced in the manner as hereinbefore provided, and the pavement shall forthwith and without delay be replaced in good workmanlike manner so as to conform to the paved surface of the street, leaving the surface in as good condition in every respect as before the excavation was made. (282)

5.0320: SETTLING AND TAMPING REFILL

[\(back to Chapter contents\)](#)

1. In refilling an excavation that has been authorized as hereinbefore provided, the earth shall be thoroughly and compactly settled, by use of water or by mechanical or pneumatic tamping methods as the refill is placed, provided however, that all refill material shall have sufficient moisture content for solid compaction. If settled by water, the job shall be done to the satisfaction of the City Engineer or his designee, and the top shall be hydratamped and the ditch allowed to settle for a period of one year prior to any street construction.
2. In the event that an excavation is made in frozen ground and the earth is removed in chunks, excavation shall be refilled with compacted sand or gravel, and the frozen excavated material shall be disposed of by the holder of the excavation permit.
3. Regulations covering the methods of compacting refill shall be on file at the City Engineer's Office and such regulations shall be followed on all refilling procedures. Any person who makes an excavation in a city street or alley shall notify the office of the City Engineer, in writing, on forms provided by said office, when refilling and compaction of such excavation has been completed and thereafter the City shall repair any bituminous surfacing required, with the charge for such bituminous surfacing to be paid to the City by the holder of such excavation permit. In the event that any person disturbs, damages, cuts or removes any concrete street, concrete base course, curbs or sidewalk, the same shall be replaced with concrete by such person in accordance with the requirements of the City Engineer and regulations on file in the City Engineer's office. The settling of any refilled excavation, within one (1) year from the date of said notification to the City Engineer, shall be repaired immediately by the holder of said excavation permit upon notification by the City Engineer and in accordance with such repairs as are deemed necessary by the City Engineer. In the event that

the holder of such excavation permit fails to make such repairs as directed, within ten (10) days from such notification the City Engineer may then have the City make such repairs and the cost thereof shall immediately be paid to the City by the holder of such excavation permit.

4. The failure of any person to comply with any part of this ordinance shall be deemed sufficient grounds for the City Engineer to deny any subsequent application for excavation permits by such person. (D-483) (E-506)

5.0321: SEDIMENT RUN-OFF

[\(back to Chapter contents\)](#)

No person shall construct any building, service trenches or other type construction in such a manner as to cause sediment run-off into a lake, natural drain or street. Sodding, seeding, rip-rapping or other means shall be used to prevent sediment run-off during construction and after completion. (E-190-1)

Chapter 5.04
PETROLEUM PRODUCTS

Section

[\(back to Title contents\)](#)

[5.0401 Permit Required](#)

[5.0402 Storage for Personal Use](#)

[5.0403 Storage for Sale or Commercial Use](#)

5.0401: PERMIT REQUIRED

No person shall keep for sale or in storage for sale or for use within this City, any benzene, camphene, turpentine, coal, rock or earth oils, gasoline, kerosene, naphtha, fuel oil, crude oil or other petroleum products in any part of the incorporated limits of this City where the same is now prohibited by the provisions of Title 21 or in any place where the approval of the Board of Adjustment is required, without first having obtained such approval.

5.0402: STORAGE FOR PERSONAL USE

A quantity of fifty (50) gallons or less of benzene, camphene, turpentine, coal, rock or earth oils, gasoline, kerosene, naphtha, fuel oil, crude oil, lubricating oil or other petroleum products may be kept in any place in this City if the same is kept in a container specifically designed for storage of such material. (C-107)

5.0403: STORAGE FOR SALE OR COMMERCIAL USE

A quantity of benzene, camphene, turpentine, coal, rock or earth oils, gasoline, kerosene, fuel oil, crude oil or other petroleum products may be kept in storage for use or sale in said City if kept in storage containers specifically designed for commercial uses in accordance with adopted ordinances; rules adopted by the South Dakota Department of Environment and Natural Resources; SDCL §34A-2-100; 34A-2-101, as well as all acts amendatory thereto. (Ord 06-23; Rev 12-15-06)

Chapter 5.05
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."

Administrative Official: the Building Official or such other officials as are authorized by the City of Watertown.

Appeal: a request for a review of the Administrative Official's interpretation of any provisions of this ordinance or a request for a variance.

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

Area of special flood hazard: the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

Base flood: the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): the height of the base flood in feet in relation to the North American Vertical Datum of 1988.

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

City Engineer: the duly appointed Administrative Official of the City of Watertown or designated representative.

Conditional Letter of Map Revision (CLOMR): (See Letter of Map Revision).

Development: any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or any other activity that results in the alteration of natural floodplains, stream channels, and natural protective barriers which help to accommodate the conveyance and temporary storage of flood waters and minimize damages due to erosion.

Existing manufactured home park or subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by Watertown, South Dakota. (E-592-1)

Expansion to existing manufactured home park or subdivision: preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads). (E-592-1)

Federal Emergency Management Agency (FEMA): the federal agency in charge of floodplain management.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Flood-proofing: any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

Highest adjacent grade: the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure: any structure that is:

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

Letter of Map Amendment (LOMA) or (CLOMA): an official amendment by letter from FEMA to an effective National Flood Insurance Program map. A LOMA established a property's location in relation to the Special Flood Hazard Area (SFHA) and removes the structure from the Special Flood Hazard Area based on the lowest adjacent grade being at or above the BFE. LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain; but is actually on natural high ground above the BFE. If conditions are included they are often referred to as a Conditional Letter of Map Amendment (CLOMA).

Letter of Map Revision (LOMR-F) of (CLOMR-F): an official amendment by letter from FEMA to an effective National Flood Insurance Program map. A LOMR established a property's location in relation to the Special Flood Hazard Area (SFHA) and removes the structure from the Special Flood Hazard Area based on the lowest adjacent grade being filled at or above the BFE. LOMR-Fs are usually issued because a property has been filled above the BFE. If conditions are included they are often referred to as a Conditional Letter of Map Revision (CLOMR-F).

Lowest floor: the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance.

Manufactured home: a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle." (E-592-1)

Manufactured home park or subdivision: a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction: structures for which the "start of construction" commenced on or after the effective date of the community's original flood damage prevention ordinance.

New manufactured home park or subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Watertown, South Dakota. (E-592-1)

Obstruction: any object or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, increase or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or any object or matter that is placed where the flow of water might carry the same downstream to the damage of life or property.

Permanent foundation: as found in the mobile home and manufactured housing definitions elsewhere in these Revised Ordinances, means any structural system for transporting loads from a structure to the earth below the established frost line without exceeding the safe bearing capacity of the supporting soil. For the purpose of this ordinance, permanent foundations shall also meet the requirements of being designed to resist the hydrostatic and

hydrodynamic forces and other factors associated with the base flood, and shall be constructed of standard materials resistant to flood damage.

Recreational vehicle: a vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. (E-592-1)

Special Flood Hazard Area: the area subject to flooding by the one percent (1%) annual chance flood.

Start of construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and /or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or any other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: a walled and roofed building or manufactured home that is principally above ground.

Subdivision: the division of any tract or parcel of land into two or more lots, sites, or other division for the purpose, whether immediate or future, of sale or building development and includes resubdivision. This definition does not apply to the conveyance of a portion of any previously platted tract, parcel, lot, or site if the conveyance does not cause the tract, parcel, lot, or site from which the portion is severed to be in violation of any existing zoning ordinance or subdivision regulation applying to such tract, parcel, lot, or site

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."

Unnecessary Hardship: a hardship that is "substantial and of compelling force, not merely for reasons of convenience or profit". Unnecessary hardship is demonstrated when:

1. the land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;
2. the plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood which may reflect the unreasonableness of the zoning ordinance itself; and
3. the use to be authorized by the variance will not alter the essential character of the locality.

Variance: a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance. (E-582-1) (E-59-1)

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

Willow Creek Floodplain Study: the scientific and engineering report prepared by the City of Watertown that includes flood profiles, the Flood Boundary Floodway Map, the water surface elevation of the base flood, the base flood conveyance corridor boundary map, and supporting input and output data.

Willow Creek Regulatory Flood Hazard Area: the special flood hazard area of Willow Creek along with adjacent areas that are hydraulically connected and have elevations of one (1) foot or less above the base flood elevation.

[\(back to Chapter contents\)](#)

Chapter 5.97
INTERPRETATION, ABROGATION AND SEVERABILITY

5.9701: 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 5.98
CROSS-REFERENCES

5.9801: CROSS-REFERENCES [\(back to Title contents\)](#)

Building Inspector, Bonds.....	7.0903
Business Buildings Must Be Rat-Proof and Rat-Free	11.0502
Electrical Regulations	Title 9
Plumbing Regulations	Title 15
Gas Regulations	Title 20
Utilities.....	Title 20
Zoning	Title 21
Subdivision of Land	Title 24

Chapter 5.99
PUNISHMENT

5.9901: PUNISHMENT [\(back to Title contents\)](#)

Any person violating any of the provisions of this title shall, 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.

Any violation of this title shall be a misdemeanor and punishable by a fine of not more than two hundred dollars (\$200). 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. (E-299-2) (E-679)

TITLE 6

CEMETERIES

Chapter

[\(back to Table of Contents\)](#)

6.01	General Provisions
6.02	Interment and Disinterment
6.03	Monuments and Markers
6.04	General Regulations
6.05	Veterans' Burial Plot
6.06	Infant Burial Plot
6.08	Additional Cemeteries Prohibited
6.09	Crematory Interment
6.98	Cross-References
6.99	Punishment

Chapter 6.01
GENERAL PROVISIONS

Section

[\(back to Title contents\)](#)

- [6.0101 Applicability](#)
- [6.0102 Definitions](#)
- [6.0103 Mount Hope Cemetery, Area](#)
- [6.0104 Supervision and Control by Parks, Recreation and Forestry Board](#)
- [6.0105 Sale of Lots](#)
- [6.0106 Perpetual Care Fund](#)
- [6.0107 City May Accept Bequests, Gifts and Permanent Deposits](#)
- [6.0108 Conditions Under Which Lots shall be Sold by City](#)
- [6.0109 Restrictions on Resale of Lots](#)
- [6.0112 Mausoleums](#)
- [6.0113 Certain Acts Unlawful](#)
- [6.0114 Unlawful to Remove Personal Property Without Permission](#)
- [6.0115 Fires Unlawful](#)
- [6.0116 Flowers, Trees or Shrubs on Lots or Grave Sites](#)

6.0101: APPLICABILITY

[\(back to Chapter contents\)](#)

The provisions of Chapter 6.01 to 6.09 inclusive, apply to Mount Hope Cemetery in the City of Watertown, South Dakota. (Ord 02-03; Rev 03-18-02)

6.0102: DEFINITIONS

[\(back to Chapter contents\)](#)

Whenever used in this title, unless a different intention clearly appears, the following words shall be deemed to have the following meanings, respectively:

Board: is the Parks, Recreation and Forestry Board of the City of Watertown.

Manager: is the person appointed to have charge of said cemetery.

Owner: is the owner of the title or any burial privilege, whether held under deed, contract for purchase, by descent, will or otherwise.

Sell: shall include not only the transfer of the title, or an interest therein, but also the transfer of any burial privileges.

Perpetual care: the cutting of grass upon the lot or grave at reasonable intervals, the raking and cleaning of the lot or grave, the pruning of the shrubs and trees planted by the City which were on the lot at the time of purchasing, and generally such work as may be necessary in order to keep the lot or grave in neat condition, meaning and intending to continue forever similar work to that now regularly done upon lots and graves in the cemetery, for which perpetual care has been arranged; provided, however, that this definition may be amended at any time as to future care. In particular, such term does not mean the repairing or replacing of any grave stones or monuments or other structures allowed upon the lots or graves, nor planting or caring for flowers or ornamental plants or shrubs, any special or unusual work, or watering of any lawns, trees, shrubs or any other vegetation. (C-128-10) (Ord 02-03; Rev 03-18-02)

6.0103: MOUNT HOPE CEMETERY, AREA

[\(back to Chapter contents\)](#)

1. Mount Hope Cemetery, Watertown, Codington County, South Dakota, shall be located in and consist of the following described property: The northeast quarter of the northwest quarter, and the southeast quarter of the northwest quarter of Section 29, in Township 117 North, of Range 52 West of the Fifth P.M., in Codington County, South Dakota. (E-187-1)
2. Mount Hope Cemetery includes all of the real estate above described together with any other land purchased with restricted cemetery funds or for cemetery purposes. (E-506)

6.0104: SUPERVISION AND CONTROL BY PARKS, RECREATION AND FORESTRY BOARD

The control of Mount Hope Cemetery shall be vested in the Board who shall be empowered to employ a Manager who will have control and supervision of the purchase and sale of lots therein, burial permits therein, the maintenance of all roads, paths, sidewalks, streets, entrances and exits thereto. The exercise of such control by the Board and Manager shall be subject to approval of the City Council. (C-39-2) (Ord 02-03; Rev 03-18-02)

6.0105: SALE OF LOTS

[\(back to Chapter contents\)](#)

1. The lots in such cemetery shall be sold according to the plans and specifications drawn by the City Engineer of this City, and maintained at the Parks, Recreation and Forestry Office of the City.
2. The selling price of all lots in said Mount Hope Cemetery shall be fixed from time to time by the Board and credited to the Cemetery Fund. (E-115-1) (Ord 02-03; Rev 03-18-02)
3. Not less than one-half lot shall be sold in the 4-grave sections and not less than one-fourth lot in the 8-grave sections; provided, however, that no part of any lot shall be sold unless access can be had thereto from the street without crossing any other part of said lot and access can also be had from the street to the remainder of said lot without crossing the part so sold. Only single lots shall be sold in the 1-grave sections. All lots sold must have perpetual care included in the purchase price. In the section devoted to single graves, there shall be no choice of location, and the grave space will be filled in regular order. Single graves will not be sold to remain vacant for future use. (C-39-3) (C-128-2) (Ord 02-03; Rev 03-18-02)

6.0106: PERPETUAL CARE FUND

[\(back to Chapter contents\)](#)

All money remitted to the City at the time of cemetery lot purchase, dedicated for perpetual care, shall be deposited into the general fund of the City and used for perpetual care at Mount Hope Cemetery. Perpetual care funds that are required by state law to be held in a separate trust fund shall be held in the general fund of the City in a restricted account for such purpose. Any expenditure of money remitted for perpetual care shall comply with applicable law. (E-159-1) (Ord 02-03; Rev 03-18-02) (Ord 04-03; Rev 03-29-04)

6.0107: CITY MAY ACCEPT BEQUESTS, GIFTS AND PERMANENT DEPOSITS

The City is hereby authorized and it shall have the right to receive and accept all bequests, permanent deposits and gifts to be placed in the perpetual fund for the general care of Mount Hope Cemetery and for the care of any and all individual or private lots or parts of lots therein, and the income from the investment of such bequests or gifts shall be used by the Board in the care of the burial space of the party so bequeathing or giving, and such care shall be along the lines of the general care given to adjoining and other parts of said Mount Hope Cemetery. (C-39-12) (Ord 02-03; Rev 03-18-02)

6.0108: CONDITIONS UNDER WHICH LOTS SHALL BE SOLD BY CITY

[\(back to Chapter contents\)](#)

1. All lots or parts of lots sold shall be sold under a Perpetual Care Deed. All deeds shall contain a provision that the purchaser or grantee agrees to abide by all provisions of all ordinances of this City in force at any time relating to said cemetery, including all amendments hereafter adopted, and all rules and regulations adopted in connection with said cemetery, and a provision that no transfer shall be made of said lot, or any part thereof, to any other person without the approval of the Board, after first offering said property to the City as hereinafter provided. (E-115-1) (Ord 02-03; Rev 03-18-02)
2. All lots shall be sold subject to agreement that nothing but the bodies of human beings shall be buried in said cemetery.
3. The City shall have the right, which shall be stated in all such deeds, to reclaim any lot after a period of twenty (20) years from the date of sale thereof, should the Board upon investigation determine that the owner thereof has not used said lot or any part thereof, that such owner is deceased and that such lot will not likely be used as a burial place for the owner or any members of his family. In the event that any such lot is to be reclaimed, inquiry shall be made to ascertain the names and addresses of heirs of such deceased lot owner, and if the names and addresses of such heirs, or any of them, can be obtained by the making of reasonable inquiry, notice shall be given to such heirs by mail of the intention of the City to reclaim said property, and the fact that said money will be deposited as hereinafter provided in this section. Whether any heirs of such deceased owner are located or not the original cost of said lot, as paid by said owner, shall be deposited in the fund of such cemetery, to there remain until such time as proof satisfactory to the City is made by the heirs of such deceased owner of the right to such proceeds. In case no heir of said deceased owner is located, notice of the reclaiming of such lot and the deposit of such fund shall be published once a week for three (3) successive weeks in the official newspaper of said City. (E-115-1) (Ord 02-03; Rev 03-18-02)
4. Prices: The price for each space (the same to be sold in minimum of two grave spaces) in any lot or parts in Section "A" through "T" of Mount Hope Cemetery reclaimed by the City of Watertown shall be established by the Board. (E-443-1) (E-568-1) (E-629-1) (E-683) (Ord 01-08; Rev12-17-01)(Ord 02-03; Rev 03-18-02)

5. Prices: That the prices to be charged for all lots shall be established by the Board for each space in any lot or part of lots in Mount Hope Cemetery proper and Memorial Park Addition to Mount Hope Cemetery. (E-442-I) (E-568-I) (E-629-I) (E-683) (Ord 01-08; Rev 12-17-01) (Ord 02-03; Rev 03-18-02)
6. Prices: The price for the following single grave lots, respectively, in Section "T", Mount Hope Cemetery, as follows: Lots numbered 177, 178, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228; shall be established by the Board, such price to include perpetual care, in the manner provided. (E-348) (E-443) (E-506) (E-568-I) (E-629) (E-683) (Ord 01-08; Rev 12-17-01) (Ord 02-03; Rev 03-18-02)

6.0109: RESTRICTION ON RESALE OF LOTS

[\(back to Chapter contents\)](#)

If the owner of any lot, or part thereof, desires to sell same, he shall inform the Manager of his desire to sell such property, which information shall be immediately conveyed to the Director of the Parks, Recreation and Forestry Department, or his designee, whereupon the City shall have an option for thirty (30) days thereafter to purchase said property by the refunding of the original selling price paid to the City by the owner thereof. If such option is not exercised by the City, said owner may then sell to any other person; upon condition, however, that no transfer or assignment of any lot or part of lot or interest therein shall be valid without the consent of the Board to such transfer or assignment, and no transfer shall be allowed of any lot until the price thereof is paid, provided perpetual care, if not previously paid, is paid in the amount of one half of the current selling price per grave space pursuant to [Section 6.0108 \(5\) and \(6\)](#) on those grave spaces sold. No person shall buy or sell any lot within the cemetery for purposes of speculation. In case any lot or part of lot is purchased by the City pursuant to option mentioned in this section, the Board shall ascertain that the owner has clear title to such property before such purchase is made. Reference to the restrictions contained in this section as to the sale of any lot shall be contained in all deeds hereafter issued. (E-187-1) (Ord 02-03; Rev 03-18-02)

6.0112: MAUSOLEUMS

[\(back to Chapter contents\)](#)

Mausoleums may be constructed in such places and such styles as shall be approved by the Board after the submission to it of complete plans and specifications. All burials in mausoleums shall be in caskets and in sealed compartments. Any mausoleums so constructed will be done only after execution of a written contract containing all of the terms and conditions. (E-348-3) (E-506) (Ord 02-03; Rev 03-18-02)

6.0113: CERTAIN ACTS UNLAWFUL

[\(back to Chapter contents\)](#)

The Director of Parks, Recreation and Forestry is authorized to establish rules and regulations, not inconsistent with this chapter, governing the operation and maintenance of the cemetery and the conduct of persons over and upon all property located within the described boundaries of Mount Hope Cemetery. Such rules and regulations shall be subject to approval by resolution of the Park and Recreation Board. After adoption of any rule, it shall be open and available for public inspection and kept on file at the Watertown Police Department, the Parks, Recreation and Forestry Office and the City Finance Office. After adoption of any rule or regulation, it shall be unlawful for any person to violate any such rule or regulation. (C-39-9) (Ord 02-03; Rev 03-18-02) (Ord 02-03; Rev 03-18-02) (Ord 04-03; Rev 03-29-04)

6.0114: UNLAWFUL TO REMOVE PERSONAL PROPERTY WITHOUT PERMISSION

It shall be unlawful for any person to remove from any lot any personal property of any kind, nature or description, without the consent of the owner thereof, except that the Board or those under their supervision may remove for the purpose of taking care of the personal property, after the purpose for which it has been placed there has ceased. (C-39-10) (Ord 02-03; Rev 03-18-02)

6.0115: FIRES UNLAWFUL

[\(back to Chapter contents\)](#)

It shall be unlawful for any person or persons to set or cause to be set any fire in or about the grounds in Mount Hope Cemetery. (C-39-11) (Ord 02-03; Rev 03-18-02)

6.0116: FLOWERS, TREES OR SHRUBS ON LOTS OR GRAVE SITES

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to maintain or place any flowers, trees or shrubs on any lot or grave site in Mount Hope Cemetery except for those placed fifteen (15) days prior to and remaining up to fifteen (15) days after Memorial Day. (E-370-1) (Ord 02-03; Rev 03-18-02)

Chapter 6.02
INTERMENT AND DISINTERMENT

Section

[\(back to Title contents\)](#)

- [6.0201 Limitations Upon Interment](#)
- [6.0202 Proof Furnished Upon Death of Owner](#)
- [6.0203 No Removal of Body Without Lawful Authority](#)
- [6.0204 Application for Permit for Interment; Grave Opening Prices](#)
- [6.0205 No Burial Until Full Compliance, Laws, Etc.](#)
- [6.0206 Written Permission Required, Certain Cases](#)
- [6.0207 Two or More Bodies in One Grave](#)
- [6.0208 Disinterment](#)
- [6.0209 Funeral Subject to Direction of Manager](#)

6.0201: LIMITATIONS UPON INTERMENT

[\(back to Chapter contents\)](#)

1. No owner of any lot or part of lot, or any other person, shall allow any interment to be made for a remuneration and no interment shall be permitted in any lot of the body of any person who was not at the time of death a relative of such owner either by blood or marriage, unless written consent of the Board is obtained for such interment.
2. All burials, except those in the infant burial plot, shall be made in a concrete box or other materials impervious to the soil (no wooden or fiberglass boxes and/or vaults). (C-128-5)(E-612-1) (Ord 02-03; Rev 03-18-02)

6.0202: PROOF FURNISHED UPON DEATH OF OWNER

[\(back to Chapter contents\)](#)

In case of the transfer of a cemetery lot, or any part thereof, by the death of the owner, it shall be the duty of the heirs or devisees to file with the Manager satisfactory proof of the change of ownership. Except for the burial of the remains of the owner of record of each property, no interment shall be made upon any such lot until such proof of change of ownership is given. (C-128-5) (Ord 02-03; Rev 03-18-02)

6.0203: NO REMOVAL OF BODY WITHOUT LAWFUL AUTHORITY

[\(back to Chapter contents\)](#)

No person, whether a relative or not, shall remove any body from any lot without lawful authority to do so. (C-128-5)

6.0204: APPLICATION FOR PERMIT FOR INTERMENT; GRAVE OPENING PRICES

Whenever an interment is to be made, application for permit must be made to the Manager at least twenty four (24) hours prior thereto, and shall be informed at such time of the size of the outside case to be used and the location of the grave on the lot.

1. The price of grave openings shall be established by the Board for residents and nonresidents. Whenever an interment is to be made on a Saturday, Sunday or legal holiday, there shall be an additional charge which shall be established by the board. In the event of interment on a lot where perpetual care has not previously been paid, the sum of one half of the current selling price per grave space shall be charged before burial is made, pursuant to [Section 6.0108 \(4\) and \(5\)](#), on the grave space where interment is made. The price of grave opening shall be established by the Board. (E-217-1) (E-303-1) (E-348-2) (E-568-2) (E-629-2) (E-683) (Ord 01-18; 12-17-01)
2. Where the mausoleum or other facility of the cemetery is used and burial is not in Mount Hope Cemetery, the fee shall be established by the Board. (Ord 01-18; 12-17-01)
3. Where the mausoleum is used for interment a service charge shall be established by the Board. (E-506) (Ord 01-18; Rev 12-17-01) (Ord 02-03; Rev 03-18-02)

6.0205: NO BURIAL UNTIL FULL COMPLIANCE, LAWS, ETC.

[\(back to Chapter contents\)](#)

No burial will be permitted in any lot nor may any body be placed in any vault until full compliance with all laws and ordinances regarding burials then in force. (C-128-5)

6.0206: WRITTEN PERMISSION REQUIRED, CERTAIN CASES

[\(back to Chapter contents\)](#)

For an interment in a lot of the remains of a person other than a member of the immediate family of the lot owner, written permission of the lot owner by letter must be filed with the Manager. (C-128-5) (Ord 02-03; Rev 03-18-02)

6.0207: TWO OR MORE BODIES IN ONE GRAVE

[\(back to Chapter contents\)](#)

No interment shall be made of two or more bodies in one grave, unless approved by the Manager, in which latter case the fees to be charged shall be the same as for two separate graves; provided, however, that a mother and an infant or two children may be interred in one casket. (C-128-5) (E-506) (Ord 02-03; Rev 3-18-02)

6.0208: DISINTERMENT

[\(back to Chapter contents\)](#)

Prior to any disinterment, a disinterment permit shall be issued by the South Dakota Department of Health. Such disinterment permit shall only be issued upon receipt of a written or electronic application from a person licensed by the State Board of Funeral Service or upon receipt of an order of a court of competent jurisdiction directing the disinterment. Disinterment shall be made only by employees of the cemetery upon orders issued by the Manager, or his designee. The disinterment permit becomes effective within fifteen (15) days after its issuance unless a circuit court has ordered otherwise. The Parks, Recreation and Forestry Board may request the circuit court prevent disinterment. The disinterment permit authorizes disinterment, transportation, and reinterment of a dead body or fetus. The Cemetery Manager, or his designee, may not transfer bodies buried in one part of the cemetery to another part without the authority of a disinterment permit. No disinterment shall be made at any time when there is frost in the ground except at the discretion of the Manager. (Ord 06-02; Rev 04-14-06)

6.0209: FUNERAL SUBJECT TO DIRECTION OF MANAGER

[\(back to Chapter contents\)](#)

All funerals while within the cemetery shall be subject to the direction and control of the Manager. (C-128-5) (Ord 02-03; Rev 03-18-02)

Chapter 6.03
MONUMENTS AND MARKERS

Section

[\(back to Title contents\)](#)

- [6.0301 Monuments](#)
- [6.0302 Foundations](#)
- [6.0303 Markers](#)
- [6.0304 Grave Marker Required](#)
- [6.0305 No Stone Seats](#)
- [6.0306 Corner Posts](#)
- [6.0307 Application for Permit Required](#)
- [6.0308 Permit](#)
- [6.0309 Install Only in Compliance with Permit](#)

6.0301: MONUMENTS

[\(back to Chapter contents\)](#)

1. Any stone exceeding two (2) feet by one (1) foot in size and which is designed to extend more than eight (8) inches above the ground shall be considered a monument for the purposes of this chapter. All monuments to be erected must first be approved as to size, text to be included on monument, location on lot, foundations and kind of stone to be used, by the Board or the Director of the Parks, Recreation and Forestry Department, or his designee. (C-128-5) (Ord 02-03; Rev 03-18-02)
2. Sections Two, Three and Five of Mount Hope Cemetery are restricted to one of three types of monuments (1) Die and base; (2) lawn level ledgers 6-6 x 2-6; or (3) single and double lawn level markers. Monuments must be so constructed to consist of two pieces, die and base, and must be placed on a cement foundation no wider than twenty two (22) inches. Monuments shall be faced to the east or west from the center of the section depending upon which side of the center line the lot is located.
3. Monuments are to be constructed of granite or similarly approved like stone; free from defects or variegations. The price for monument placing shall be established by the Board, except within the Veteran's Burial Plot described in Chapter 6.05 of this title where no monument placing fee will be charged. (E-443-3) (E-629-3) (Ord 01-16; Rev 10-20-01) (Ord 02-03; Rev 03-18-02) (Ord 04-03; Rev 03-29-04) (Ord 15-30; Rev 12/11/15)

6.0302: FOUNDATIONS

[\(back to Chapter contents\)](#)

All foundations for monuments shall be made of cement, sand and rock, to a depth of not less than one (1) foot, with a five (5) inch projection beyond the base of the monument. (C-128-5)

6.0303: MARKERS

[\(back to Chapter contents\)](#)

All markers and grave covers must be flush with the ground in all sections of Mount Hope Cemetery. Any monument not more than twelve (12) inches in height must be flush with the ground. This includes all government markers. Foundations for markers shall be not less than one (1) foot deep and five (5) inches wider than the marker all around; foundations to be constructed of cement and sand, and small rock if desired. All placing and construction of markers shall be subject to approval in the same manner as above specified for monuments. Markers are to be constructed of granite free from defects or variegations. (E-187-1)

6.0304: GRAVE MARKER REQUIRED

[\(back to Chapter contents\)](#)

A grave marker of some kind must be placed at each grave within two (2) weeks after burial takes place. Not more than one marker shall be set at each grave. (C-128-5) (Ord 02-03; Rev 03-18-02)

6.0305: NO STONE SEATS

[\(back to Chapter contents\)](#)

No stone seats shall be permitted on any lot. (C-147)

6.0306: CORNER POSTS

[\(back to Chapter contents\)](#)

If corner posts are set in connection with any lot, they must be of stone or cement, not more than six (6) inches square, not more than twelve (12) inches in length, must be smooth on the face and set level with the surface of the ground. (C-128-5) (Ord 02-03; Rev 03-18-02)

6.0307: APPLICATION FOR PERMIT REQUIRED

[\(back to Chapter contents\)](#)

Every person, before placing, constructing or installing a monument, marker or headstone anywhere in Mount Hope Cemetery, shall make an application to the Manager, stating the location, ownership of lot, dimensions of stone, text to be included on stone, kind of material of stone, and proposed method of placing, construction or installation, and for the issuance of a permit provided for in Section 6.0308. (C-141-1) (Ord 02-03; Rev 03-18-02) (Ord 02-03; Rev 03-18-02) (Ord 04-03; Rev 03-29-04)

6.0308: PERMIT

[\(back to Chapter contents\)](#)

If satisfied that said stone and the proposed method of placing, installation or construction comply with all ordinances of this City relating thereto, the Manager shall issue a permit for the placing, construction or installation of same, which permit shall contain all of the information required to be stated in the application referred to in Section 6.0307 hereof, and shall be issued before the work of placing, constructing or installing said stone is commenced. (C-141-2) (Ord 02-03; Rev 03-18-02)

6.0309: INSTALL ONLY IN COMPLIANCE WITH PERMIT

[\(back to Chapter contents\)](#)

No person shall place, construct or install any monument, marker or headstone in Mount Hope Cemetery without first complying with the provisions of this chapter, or otherwise than in accordance with the permit provided for in Section 6.0308 hereof. (C-141-3)

Chapter 6.04
GENERAL REGULATIONS

Section

[\(back to Title contents\)](#)

6.0401	General Provisions
6.0402	Reserved
6.0403	Workmen May be Refused Admission
6.0404	No Soliciting
6.0405	Permission Before Work
6.0406	Heavy Hauling Restricted
6.0407	Permission Required for Saturday Deliveries
6.0408	Sunday Work Limited

6.0401: GENERAL PROVISIONS

1. All graves must be sodded level with the surrounding ground.
2. No trees or shrubs shall be planted in or removed from any lot, walk or lawn space except with the approval of the Manager. No flowers or plants shall be planted or grown which are harmful to other vegetation.
3. If any tree or shrub situated on any lot shall become harmful to any adjacent lot or become unsightly or inconvenient, the Board shall have the right to cause the removal of same.
4. All owners of lots shall keep same free from obnoxious weeds of all kinds. If requested by the Manager, for the purpose of freeing any lot from such weeds, any such owner shall cause such lot to be spaded up and reseeded.
5. No enclosures, hedges or grave guards of any kind shall be permitted.
6. Wooden vases shall not be permitted in the cemetery.
7. If owners allow their vases to become unsightly for lack of paint or to otherwise become in bad repair, they shall, upon receipt of notice to that effect, have same painted or repaired so as to put them in reasonably good condition, failing to do so, the Manager may remove same from cemetery.
8. No plants, flowers, trees or shrubbery shall be removed or taken from the cemetery without a permit from the Manager.
9. When heavy material is moved over paths or lawns, planks must be laid to protect them and any damage caused shall be repaired at the expense of any party causing such damage.
10. No workmen or other person shall scatter any material over any adjoining lot or leave the same on the ground longer than is absolutely necessary for the work being done.
11. All flags and other decorations, funeral designs and cut flowers placed on lots or graves may be removed by the Manager when same become unsightly.
12. No person shall pick any flowers, either wild or cultivated, break any trees, shrubs or plants, or mar or deface any monument, stone or structure within the cemetery.
13. Persons accompanied by dogs running at-large shall not enter the cemetery.
14. No person shall catch, wound, kill or attempt to injure any bird or remove or destroy any bird's nests or eggs therein, within the cemetery.
15. No fire arms shall be permitted in the cemetery except at military or naval funerals.
16. No water utensils of any kind shall be left upon any lot.
17. In no case shall the City or any officer or employee thereof be responsible for articles which may be left on any lot or grave. In all cases, the right is given the City to remove from any lot or grave any article which is unsightly or otherwise objectionable. (C-128-5) (Ord 02-03; Rev 03-18-02) (Ord 04-03; Rev 03-29-04)

6.0402: RESERVED

6.0403: WORKMEN MAY BE REFUSED ADMISSION

[\(back to Chapter contents\)](#)

Workmen who disregard the rules and regulations may be refused admission to the cemetery by the Manager. (C-128-5) (Ord 02-03; Rev 03-18-02)

6.0404: NO SOLICITING

No person shall solicit work of any description in the cemetery or place business cards upon any lot therein. Any person so doing shall be excluded from the cemetery by the Manager. (C-128-5) (Ord 02-03; Rev 03-18-02)

6.0405: PERMISSION BEFORE WORK

Contractors and others having work to do in the cemetery shall make known their business to the Manager and obtain a permit before beginning such work. (C-128-5) (Ord 02-03; Rev 03-18-02)

6.0406: HEAVY HAULING RESTRICTED

Heavy hauling or delivering shall not be allowed in the cemetery at such times as the Manager determines such hauling or delivering may cause injury to the driveways. (C-128-5) (Ord 02-03; Rev 03-18-02)

6.0407: PERMISSION REQUIRED FOR SATURDAY DELIVERIES

No material of any kind shall be received in the cemetery on any Saturday except with advanced permission of the Manager. (C-128-5) (Ord 02-03; Rev 03-18-02)

6.0408: SUNDAY WORK LIMITED

No manual work of any kind shall be done on Sundays in the cemetery except what is necessary to do in connection with funerals, watering of shrubbery, flowers, etc. (C-128-5)

Chapter 6.05
VETERANS' BURIAL PLOT

Section

[\(back to Title contents\)](#)

[6.0501 Veterans' Burial Plot Established](#)

[6.0502 No Charge for Burial](#)

[6.0503 Subject to all Ordinances, Etc.](#)

6.0501: VETERANS' BURIAL PLOT ESTABLISHED

The following portion of Memorial Park Addition to Mount Hope Cemetery contained within the boundaries as hereinafter stated is hereby set aside for the burial of bodies of men and women of the Armed Services of the United States and Veterans of the said Armed Services of the United States of all wars. Said tract is bounded as follows:

Commencing at the northeast corner of Lot 470 in Section 1, thence east to the northwest corner of Lot 327 in Section 4, thence south to the southwest corner of Lot 329 in Section 4, thence east to the intersection of the south line of Lot 334 in Section 4 and the extension of the west lines of Lots 96-100 in Section 4, thence south to the southwest corner of Lot 100 in Section 4, thence west to the intersection of the south line of Lot 11 in the Section 1 and the extension of the east line of Lot 471 in Section 1, thence north to the point of beginning at the northeast corner of Lot 470 in Section 1. (Ord 16-11; Rev 7-15-16)

6.0502: NO CHARGE FOR BURIAL

No charge shall be made by the City for the use of any part of said parcel of ground described in Section 6.0501 hereof for said burials. (C-232-2)

6.0503: SUBJECT TO ALL ORDINANCES, ETC.

Said burials and the maintenance of said lots shall be subject to all of the ordinances, resolutions, rules and regulations of the City of Watertown or the Board. (C-232-3) (Ord 02-03; Rev 03-18-02)

Chapter 6.06
INFANT BURIAL PLOT

Section

[\(back to Title contents\)](#)

6.0601	Location of Plot
6.0602	Perpetual Care Furnished
6.0603	Price and Conditions
6.0604	No Monuments: Markers Furnished by City
6.0605	All Graves Level and Seeded to Grass
6.0606	All Cemetery Ordinances Apply to this Plot

6.0601: LOCATION OF PLOT

The tract of land one hundred (100) feet east and west and sixty (60) feet north and south, situated at the north end of Center Street in Mount Hope Cemetery, in Codington County, South Dakota, bounded on the west by lots numbered thirty nine (39) and forty (40) in Section T, and on the east by lots numbered one (1) and two (2) in Section A, in said Mount Hope Cemetery, hereby is established and dedicated as an Infant Burial Plot. The east half of said plot shall be divided into lots three (3) feet wide north and south and four (4) feet east and west, to be numbered from one (1) to one hundred sixty (160), with a street or pathway four (4) feet wide between each double tier of lots, and the west half of said plot shall be divided into lots three (3) feet wide north and south and five (5) feet long east and west, to be numbered from one hundred sixty one (161) to two hundred eighty (280), with a street or pathway four (4) feet wide between each double tier of lots. (C-165)

6.0602: PERPETUAL CARE FURNISHED

That there shall be furnished and provided for the whole of said tract perpetual care, as same is defined in [Section 6.0102](#) of this title, or as such term shall be from time to time defined as applied to said Mount Hope Cemetery. (C-160-2)

6.0603: PRICE AND CONDITIONS

The price for the perpetual use of each lot in said Infant Burial Plot shall be established by the Board for nonresidents of the City. No charge shall be made to residents of the City. No deeds shall be issued for any such lots, but a permanent record shall be kept in the office of the Parks, Recreation and Forestry Department of the names of the respective purchasers of burial rights therein. There shall be no choice of location, and the grave space shall be filled in regular order; provided, however, that the City may use such unsold lots as it deems proper from time to time for flower beds or other purposes. No charge shall be made to residents of the City. (E-109-4)(E-407-1)(E-498-1)

6.0604: NO MONUMENTS: MARKERS FURNISHED BY CITY

No monument shall be placed upon any of the lots hereinabove provided for, and that no marker shall be placed thereon except Dakota Mahogany Milbank Granite markers eight (8) inches by twelve (12) inches top, set on a foundation ten (10) inches by fourteen (14) inches. Six (6) inches deep, the top of such markers to be set level with the ground and any lettering thereon to be "skin-raised" lettering. A marker of the kind hereinabove described shall be placed upon each lot upon which interment is made, to be furnished and installed entirely at the expense of this City. (C-160-4)

6.0605: ALL GRAVES LEVEL AND SEEDED TO GRASS

No growing flowers, trees or shrubbery of any kind shall be placed or permitted upon any grave space in said tract, all graves shall be level with the surrounding ground and seeded to grass. (C-160-5)

6.0606: ALL CEMETERY ORDINANCES APPLY TO THIS PLOT

All ordinances relating to said Mount Hope Cemetery which now are or shall hereafter be in force shall in all things apply to the tract described herein, except as the provisions of this chapter shall be in conflict therewith. (C-160-6)

Chapter 6.08
ADDITIONAL CEMETERIES PROHIBITED

Section

[\(back to Title contents\)](#)

[6.0801 Purpose](#)

[6.0802 Cemeteries Prohibited within City and within One Mile Thereof](#)

[6.0803 Prohibition not Applicable to Existing Cemeteries](#)

6.0801: PURPOSE

For the purpose of exercising the power delegated to it by the laws of the State of South Dakota, the City Council of the City of Watertown, South Dakota, has determined and does hereby determine that good cause and reason exists for regulating and prohibiting the establishment of additional cemeteries within the corporate limits of the City of Watertown, South Dakota, and within one (1) mile of the city limits of the City of Watertown, South Dakota. (C-360-1)

6.0802: CEMETERIES PROHIBITED WITHIN CITY AND WITHIN ONE MILE THEREOF

It shall be unlawful for any person to establish and/or maintain a cemetery or cemeteries within the limits of the City of Watertown, South Dakota, or within one (1) mile of the corporate limits of the City of Watertown, South Dakota. (C-360-2)

6.0803: PROHIBITION NOT APPLICABLE TO EXISTING CEMETERIES

The prohibition herein contained shall not apply to any person that has heretofore established and is maintaining a cemetery within the limits of or within one (1) mile of the corporate limits of the City of Watertown, South Dakota, nor shall said prohibition be applicable to the Mother of God Monastery or a religious order as their successors in interest should said order or its successors desire to establish a cemetery for the exclusive use of members of said order on property now owned by said order in the city limits of the City of Watertown, described as the east half of Section 7 less the south 2,000 feet thereof, and less the south 1,000 feet of the north 2,540 feet of the west 800 feet of the east 850 feet of the northwest quarter of said Section 7, all in Township 116 North, of Range 52 west of the Fifth Principal Meridian. (E-32-1)

Chapter 6.09
CREMATORY INTERMENT

Section

[6.0901 Prices](#)

[\(back to Title contents\)](#)

6.0901: PRICES

The cost of interment of crematory burial shall be established by the Board. (E-109-5) (E-568-2) (E-629-5) (E-683) (Ord 01-18; Rev 12-17-01) (Ord 02-03; Rev 03-18-02)

Chapter 6.98
CROSS-REFERENCES

6.9801: CROSS-REFERENCE

[\(back to Title contents\)](#)

Cemetery Manager, Bonds [7.0903](#)

Chapter 6.99
PUNISHMENT

6.9901: PUNISHMENT

[\(back to Title contents\)](#)

Any person violating any of the provisions of this title shall, 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. (E-506) (E-679)

TITLE 7

CITY GOVERNMENT

Chapter

[\(back to Table of Contents\)](#)

7.01	City Limits and Datum Line
7.02	Wards
7.03	City Council Procedure
7.04	Franchises Granted
7.05	Watertown Regional Library
7.06	Registration and Payment of Salaries
7.07	Police Department
7.08	Miscellaneous City Appointees
7.09	Salaries and Bonds
7.10	Appropriations
7.12	Fair Housing Ordinance
7.14	Cable Television Regulatory Ordinance
7.15	Mayor’s Committee For People With Disabilities
7.16	Upper Big Sioux River Watershed Advisory Board
7.17	Elections
7.18	Composition, Election and Term of Office of Mayor and Alderman
7.19	Home Rule Charter Revision Committee
7.20	Watertown Business Improvement District
7.21	911 Emergency Telephone Service
7.22	Administrative Appeals
7.98	Cross-References
7.99	Punishment

Chapter 7.01 CITY LIMITS AND DATUM LINE

Section[\(back to Title contents\)](#)

7.0101	Datum Line
7.0102	City Limits
7.0103	Boundaries
7.0104	Authorities

7.0101: DATUM LINE[\(back to Chapter contents\)](#)

A datum line or base to which all elevations in this City shall be referred is hereby defined and designated by reference to the following described bench marks. Namely: a standard bench mark disk stamped U84 1934 and located near the intersection of the DM & E Railroad and 4th Ave SW extended is elevation 1726.532. A standard bench mark disk stamped W84 RESET 1958 and located on the NW corner of the SD Hwy 20 bridge over the inlet-outlet to Lake Kampeska is elevation 1724.524. A standard bench mark disk stamped SDDOT 376.39 1973 and located on the north side of the US Hwy 212 bridge over the Sioux River is elevation 1717.21. The said bench marks are the bench marks established by the Coast and Geodetic Survey and are hereby made the bench marks of the City of Watertown, South Dakota. (17)

7.0102: CITY LIMITS[\(back to Chapter contents\)](#)

The following property is situated within the limits of this City:

1. Water Tower OL, the east 195 feet of the south 150 feet of the SW $\frac{1}{4}$ of Section 19, Watertown School Addition, the east 660' of the north 1/2 of the south 1/2 of the SE $\frac{1}{4}$, the south 1/2 of the south 1/2 of the SE $\frac{1}{4}$, the south 1600' of the NW $\frac{1}{4}$, the road right-of-way extending north from the north boundary of 2nd Street NW to the northern most point of the south 1600' of the NW $\frac{1}{4}$, all located in Section 19; the SW $\frac{1}{4}$ less the north 10 rods thereof, of Section 20; Haan's First Addition, Haan's Second Addition, East Woods First Addition, East Woods Second Addition, East Woods Third Addition, the west 200' of Lots 1 & 2 of the plat entitled: "Kin-Bro Addition in Codington County, South Dakota," all located in Section 28; Blocks 1 thru 13, Lots 1 thru 9 Block 14, Block 15, Park Lot 1, and School Lot 1 of Konrady Addition in the NE $\frac{1}{4}$, the north 200' of the south 660' of the east 233' of the NE $\frac{1}{4}$, Eleventh Street East ROW in the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ and the W $\frac{1}{2}$ of Section 29; Sections 30, 31 and 32; OL "A" and OL "B" and the Catholic Cemetery, Little's First Addition, Lot 2 and Lot 3 of Edtom Addition, Willow Creek Plaza First Addition, the north 580' of the south 1247.1' of the west 733' of OL 6 in the SW $\frac{1}{4}$, the north 250' of the south 667.1' of the west 898' of OL 6 in the SW $\frac{1}{4}$, all highway and road right-of-way in the S 1/2 of Section 33, Lot 1 of Marvinred Addition in the SW $\frac{1}{4}$, all that part of OL 6 in the SW $\frac{1}{4}$ lying south and east of the centerline of Willow Creek, all located in Section 33; Lot 3 of Berven's Addition to Codington County, Watertown Hospitality Addition, New Venture First Addition, New Venture Second Addition, Country Camping Addition, the south $\frac{1}{2}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ less the south 834.5' lying east of Pheasant Ridge Drive and all highway and road right-of-way in the SW $\frac{1}{4}$ of Section 34; all in Township 117N, Range 52W of the Fifth P.M.
2. The NW $\frac{1}{4}$ of Section 3 less Interstate Office Addition and less Block 3 of Welter's Subdivision, Interstate Office Addition all in Section 3; all highway right-of-way in the N $\frac{1}{2}$ of Section 4, Lot 3 and Lot 4 of Willow Creek Subdivision, West 1/2 of Endres First Addition, Endres Industrial Addition, Lot 4 of Loretta Endres Addition, Watertown Estates OL, Lot 1 Watertown Mobile Estates Addition, Watertown Mobile Estates Second Addition, Nick Kranz Addition, Lot A and Lot B of Endres' Investment Addition, Endres' Investment Second Addition, Krantz First Addition, Building Products Outlots 1, 2 and 3, Endres Outlots 1 and 2, Office Max Addition, Great Lakes Tract 1, Missouri Basin Addition, Building Products OL, Scott OL in Government Lot 4, that portion of the SW $\frac{1}{4}$ lying north and east of the easterly ROW line of the DM & E Railroad, all located in Section 4. The W $\frac{1}{2}$ Of the SE $\frac{1}{4}$, E $\frac{1}{2}$ of SE $\frac{1}{4}$ less east 333.33' of north 653.4', NE $\frac{1}{4}$, NW $\frac{1}{4}$, OL 1, 4, 5, 8, 9 and 10 in the SW $\frac{1}{4}$, open ditch ROW, and U.S. Highway 81 ROW all in Section 5; NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the NW $\frac{1}{4}$, Reichling's Subdivision and U.S. Highway 81 ROW in the SE $\frac{1}{4}$ and OL 7, and section line right-of-way between Sections 6 and 7, the east 1,592.5 feet of the north 879 feet of the south 920 feet of the SW $\frac{1}{4}$, all in Section 6; Benedictine Sisters Subdivision less Hesel House Lot 1, the E $\frac{1}{2}$ less the S 2000' and less the S 1000' of the N 2540' of the W 800' of the E 850' of Section 7, the section line road ROW between Sections 6 and 7, all in Section 7; Wess Addition, Wess Second Addition, and Sunshine State Hatchery Outlot in Section 8; Kingslien Addition in Section 9; all in Township 116N, Range 52W of the Fifth P.M.

3. North ½ of Section 1, and that part of Government Lot 9 lying easterly of the easterly ROW line of the BN Railway in the SE¼ of Section 1; the south ½ Of U.S. Highway 212 ROW in the NW¼ of Section 2, and the NE¼ of Section 2; the north 687' of the east 553.5' of the NE¼, the easterly 1219.7' of that part of the plat entitled Railroad Addition, the east 1219.7' of the NE¼ less the north 687' and the south 80' of the west 128' of the east 1219.7' of the NE¼, all in Section 3; Township 116N, R53W.
4. OL 1 of Government Lot 2, OL 1 of Government Lot 3, Government Lot 5 in Section 15, NE¼ of the NE¼ less north 60 rods, all that part of Lots 2, 3 and 4 lying north and east of the ROW of the Minnesota, Dakota and Pacific Railway Company less Government Lot 1 of Lot 2, Section 15; replat of Paradise Beach Addition, Mitchell Outlots 1 and 2, Smith OL, Johnson Sub., American Sand and Gravel Sub. in Section 15, Freeland's Sub. in Section 10; Dexter Place, Leverett's OL; Lakeridge Addition, East Yahota Addition, Lake Shore Addition, Hopkins OL in Section 9; Benbow's Sub. in Section 16; Highland Park Addition, Hanten's North Shore Addition, Hubbards Sub., Hestad's Addition, Stoke's Sub., North Lake Drive Addition in Section 17; Belk's West Shore Addition, Hansen Addition in Section 18; Heathcote Addition, North Sunset Beach, Mahanke Schwandt Sub., Sunset Point, Sunny Acres, South Sunset Beach in Section 19; YMCA Camp, Memorial Park, Government Lot 4, Section 30; Pebble Beach, Fahnstock's Sub., Shaw's OL, that part of Government Lots 2, 3 and 4 lying north of the center of County Highway 14, Anderson's OL Sub., Buskohl Addition, Passig's First Addition, Sandy Shores, Gilmore Sub., Tuftland Sub., Eastwood Sub., Eastwood OL "D" in Section 31; Spooner's Sub., Biedinger OL, Arnold Addition, Sylvan Heights, Hidden Valley Sub., Griffin's Lakeview Heights Addition in Section 32; Stony Point, Stony Point OL, Minicilier Addition, William's Addition, Country Club Estates Addition, Hidden Valley Sub., Forsberg's Addition, Government Lot 2 less that portion lying south and east of South Lake Drive center line right-of-way, and less the south 40 rods. Government Lot 3 less the south 40 rods, all in Section 29; West ½, NE¼ and Shore Acres Addition, east-west quarter line road right-of-way, all in Section 28. The NW¼, Cook-Kolb Addition, the north 175 feet of the west 125 feet of the east half of the NW¼ of the NE¼ of the SW¼, Schilder Addition, Golf Course Addition, and Tract 1 in the NE¼, all in Section 27; Section 22; the SW¼ and the south ½ of the NW¼ and that portion of the east ½ lying south and west of State Highway 20 right-of-way in Section 23; that portion of the SW¼ lying south and west of State Highway 20 right-of-way, and the south 1600' of all that part of the NE¼ lying east of the right-of-way of the Great Northern Railroad less the north 315' thereof, all in Section 24; the west ½ of the NW¼, the south ½, OL 6, OL 7, Midwest Evangelistic Outlot, the south 1700' Of W½ of NE¼, west 150' of NE¼ less south 1700', the east 12 rods of west 32 rods of that part of the north 27-19/30 rods of E½ of NW¼ lying south and west of State Highway 20 ROW, Riverside Subdivision, Schmeling Addition, the north 100' of the S 342' of the north 1565.4' of the NE¼ of Section 25 lying west of the Big Sioux River, the south 732' of NE¼ lying east of the center of the Big Sioux River, that part of the SE¼ of the NE¼ lying east of Riverside Subdivision and west of the center of the Big Sioux River, all in Section 25; Section 26; the east 658' of the north 329' of the south 1128' of the NW¼, the NE¼, Lots 1 thru 7 Bohn's Addition and Lot H-2 in the SW¼ less the south 200' thereof in the SW¼, Discount Addition and all of the SE¼ of Section 35 lying south of the C&NW right-of-way; including Erstad OL 1; Section 36; all in Township 117N, R53W of the Fifth P.M.
5. Parkview OL, Bay View Addition, McAtee's Sub., Fischer-Spencer Sub., Pactola Beach, Marina Bay Sub., OL "B" in Government Lot 1 in Section 25; Benthin's Acres and Monohan's Subdivision in Section 36; all in Township 117N, R54W of the Fifth P.M.

7.0103: BOUNDARIES

[\(back to Chapter contents\)](#)

The territory included within the following boundaries and limits shall constitute the City of Watertown, South Dakota, to-wit:

Commencing at the NE corner of the NW¼ of Section 29, Township 117N, R52W, then north along the east line of said quarter to a point 10 rods south of the NE corner of said quarter, thence west to a point 10 rods south of the NW corner of said quarter, thence south along the west section line of said Section 20 to the NE corner of the east 660' of the north ½ of the SE¼ of the SE¼ of Section 19, Township 117N, R52 W, thence west to the NW corner of the east 660' of the north ½ of the SE¼ of the SE¼, thence south to the SW corner of the east 660' of the north ½ of the SE¼ of the SE¼, thence west to the SE corner of Watertown School Addition, thence north to the NE corner of Watertown School Addition, thence west to the NW corner of Watertown School Addition, thence south to the SW corner of Watertown School Addition, thence west to the east ROW line of Second Street West, thence north along said ROW line to a point 33' east of the NE corner of the south 1600' of the NW¼ of Section 19, Township 117N, R52W, thence west to the NW corner of the south 1600' of all that part of the NE¼ of Section 24, Township 117N, R53W lying east of the ROW of the Great Northern Railroad, thence southerly along said Great Northern Railroad ROW line to the south line of said NE¼, thence east along south line of said NE¼ and south line of NW¼ of Section 19 to

west ROW line of Second Street West, thence south along said ROW line to a point 33' east of the NE corner of the E 195' of the S 150' of the SW¼ of Section 19, thence west 195'; thence south 150' to the south line of Section 19, thence west along the section line to Water Tower Outlot, thence north along the east line of Water Tower OL, thence west along the north line, thence south along the west line of said Water Tower OL to the section line, thence west along the section line to the SW corner of said Section 19; thence southerly along the west section line of Section 30, Township 117N, R52W to the NE corner of the south 732' of the NE¼ of Section 25, Township 117N, R53W lying east of the center of the Big Sioux River, thence west to the center of the Big Sioux River; thence northerly along the Big Sioux River to a point 1179.1' north of the quarter line; thence west to the easterly 1/16 line, thence northerly along the 1/16 line to a point 1380.5' north of the C&NW northerly ROW line, thence westerly at right angles to the east line of the west 150' of NE¼ of Section 25, thence north along said east line to the north line of Section 25, thence west along the section line to the N¼ corner of Section 25, thence south along the ¼ line to the northerly boundary of OL 6, thence northwesterly along the northerly boundaries of OL 6, 7, Midwest Evangelistic Outlot and the east 12 rods of west 32 rods of that part of the north 27-19/30 rods of E½ of NW¼ lying south and west of State Highway 20 ROW to the NW corner of said east 12 rods of west 32 rods, thence south to the SW corner, thence east to the NW corner of the Midwest Evangelistic Outlot, thence southerly along the westerly line of Midwest Evangelistic Outlot to the SW corner, thence westerly to the SE corner of the west ½ of the NW¼ of Section 25, thence northerly along the east line of the west ½ of the NW¼ of Section 25, to the NE corner of the west ½ of the NW¼ of Section 25, thence easterly along the north line of Section 25, to the SW ROW of State Highway 20, thence northwesterly along said ROW line through Section 24 and Section 23, Township 117N, R53W to a point where said ROW line intersects the east line of the NW¼ of Section 23, thence southerly along said east line of the NW¼ of Section 23 to the NE corner of the south ½ of the NW¼ of Section 23, thence westerly along the north line of the south ½ of the NW¼ to the west line of the NW¼ of Section 23, thence northerly along the west section line of Section 23, Township 117N, R53W and the west section line of Section 14, Township 117N, R53W to the south ROW line of South Dakota State Highway 20; thence northwesterly along the south ROW line of said Highway 20 to the east line of Lakeridge Addition, thence north to the northerly line of Lakeridge Addition, thence northwesterly along the northerly line to the west line of Lakeridge Addition, thence south along the westerly line of Lakeridge Addition to the south ROW line of the South Dakota State Highway 20, thence northwesterly along said ROW to the southerly and easterly ROW line of South Dakota State Highway 139; then southerly and westerly along the said right-of-way line of State Highway 139 (the ROW line is on the lake side of the highway) to the east line of Government Lot 2 in Section 17-117-53, thence north on the east line of Government Lot 2 to the north line of Government Lot 2, thence west on the north line of Government Lot 2 to a distance of 210', thence south and southwesterly and west on the northerly and westerly line of Pheasant Lane to the west section line of 17-117-53, thence south on the west section line a distance of 203' to the west quarter corner of said section, thence east on the quarter line of Section 17-117-53 until it intersects the southerly ROW line of State Highway 139, thence southerly and westerly along the ROW line to the center line of County Highway 14; thence easterly along the center line of County Highway 14 to the NW corner of Griffin Lake View Addition, thence south to the SW corner thereof, thence northeasterly to the SE corner of said Addition, thence north to the center line of County Highway 14, thence west along the center line of County Highway 14 to the east boundary of Hidden Valley; thence northerly and easterly along the east and south boundary of Hidden Valley to a point 40 rods north of the south line of Government Lot 3 in Section 29, Township 117N, R53W of the Fifth P.M.; thence easterly along a line parallel to and 40 rods north of the south boundary of Government Lots 2 and 3 in Section 29, Township 117N, R53W to the centerline of County Highway 17; thence northeasterly along the center line of County Highway 17 to the northwest corner of Country Club Estates, thence to the SW corner of Country Club Estates, thence east along the south line of Country Club Estates to the west section line of Section 28, Township 117N, R53W of the Fifth P.M.; thence southerly along the west section line of said Section 28 to the SW corner thereof; thence easterly along the south line of said Section 28 to the south quarter corner; thence northerly along the north-south quarter line of said Section 28 to the south line of the east-west quarter line road ROW, thence easterly along said ROW line to the NW corner of Shore Acres Addition; thence southerly on the west line of Shore Acres Addition to the southwest corner; thence easterly along the south line of Shore Acres to the east section line of said Section 28; thence northerly along the east section line of said Section 28 to the SW corner of Cook-Kolb Subdivision; thence easterly to the SE corner of Schilder Addition, thence northerly along the east line of Schilder Addition to the south line of the NW¼, thence easterly to the SE corner of the NW¼, thence northerly 82.5' to the SW corner of Golf Course Addition, thence east along the south boundary line of Golf Course Addition to the east section line of Section 27, thence southerly on the section line to the SW corner of Section 26, Township 117N, R53W, thence easterly along the south line of Section 26 to the SE corner of the SW¼ of Section 26 and the NW corner of the NE¼ of Section 35, Township 117N, R53W, thence south along the west line of the NE¼ of Section 35, Township 117N, R53W, to the NE corner of the east 658' of the north 329' of the south 1128' of the NW¼ of Section 35, thence west 658', thence south 329', thence east 658' to the said west line of the NE¼ of Section 35, thence south along said west line of the NE¼ of Section 35, to the SW corner of the NE¼ of Section 35, thence east along the south line of the NE¼ of Section 35, Township 117N, R53W to the east section line of Section 35; thence south along the east section line to the southerly right-of-way line of the

C&NW railway, thence southwesterly along said right-of-way line to the southeasterly corner of Discount Addition, thence northwesterly to the northeasterly corner of Discount Addition, thence southwesterly along the northerly line of Discount Addition until it intersects the south section line of Section 35, thence west along the south section lines of Section 35 and Section 34 to the NW corner of the north 687' of the east 553.5' of the NE¼ of Section 3, T119N, R53W, thence south 687' to the north line of Borns First Addition, thence west along the north line of Borns First Addition to the NW corner of Borns First Addition, thence south along the west line of Borns First Addition and Borns Second Addition to the SW corner of Borns Second Addition, thence east 128', thence south 80' to the south line of Borns Second Addition, thence east along said south line of Borns Second Addition to the east section line of said Section 3, thence north along section line to the south ROW line of U.S. Highway 212, thence east along the south ROW line of U.S. Highway 212 to the west line of Government Lot 2, Section 2, Township 116N, R53W; thence south on the west line of Government Lot 2 and Government Lot 7 to the SW corner of said Government Lot 7; thence easterly along the south line of Government Lot 7 and Government Lot 8 to the SW corner of Government Lot 5 in Section 1, Township 116N, R53W; thence easterly to the SE corner of the NE¼ of Section 1, Township 116N, R52W; thence northerly along the east line of the northeast 1/4 of Section 1 to the southwest corner of the north ½ of the NW¼ Of Section 6, Township 116N, R52W, thence easterly along the south line of said north 1/2 to the SE corner of said north ½ of the NW¼ of Section 6, thence southerly along the west line of the NE¼ of Section 6 to the SW corner of said NE¼, thence easterly along the south line of the NE¼ of Section 6 to the NW corner of Reichling's Subdivision, thence southerly along the west line of Reichling's Subdivision to the south line of Reichling's Subdivision, thence easterly along the south line of Reichling's Subdivision to the westerly U.S. Highway 81 ROW, thence southerly along said ROW to the north ROW line along the south side of Section 6, thence west along said ROW to the SE corner of OL 7 in Section 6, Township 116N, R52W; thence north to the NE corner of OL 7; thence west to the NW corner of OL 7; thence south to the SW corner of OL 7; thence west along the Highway ROW to the east line of the SW¼ of Section 6, thence north along the east line of the SW¼ of Section 6 to the NE corner of the east 1344.7' of the south 920' of the SW¼ of Section 6, thence west 1592.5', thence south 879' to the north ROW line along the south side of Section 6; thence west along said ROW line to the east line of Government Lot 9 in Section 1, Township 116N, R53W. Thence north to the NE corner of said Government Lot 9, thence west along the north line of Government Lot 9 to the Burlington-Northern ROW, thence southwesterly along said ROW to the south section line of Section 1, thence east along the section line to the SE section corner, thence south 33' to the south ROW line of Section 7, Township 116N, R52W; thence east along said ROW to the ¼ line of said Section 7; thence southerly on the ¼ line to the SW corner of Benedictine Sisters Subdivision, thence easterly and southerly along the southerly boundary of Benedictine Sisters Subdivision to the NW corner of Hased House Lot 1 Benedictine Sisters Subdivision, thence east to the NE corner of said Lot 1, thence easterly to the SE corner of Benedictine Sisters Subdivision, thence north to the NE corner of Lot 2 Benedictine Sisters Subdivision, thence west to the SE corner of Lot 3 Benedictine Sisters Subdivision, thence north to a line 2000' north of the south section line of Section 7, Township 116N, R52W, thence easterly, parallel to the south section line to the east section line of Section 7, Township 116N, R52W, thence N along the east section line to the NE corner of Section 7, Township 116N, R52W, which is also the SW corner of Section 5, Township 116N, R52W, thence east 75', thence north along the easterly ROW of U.S. Highway 81 to the SW corner of OL 10 in Section 5, Township 116N, R52W, thence easterly along the south line of OL 10 to the east line of said OL, thence northerly along the east line of said OL to the NE corner of OL 8; thence easterly along the south line of OL 5 to the east line of OL 5; thence northerly along the east line of OL 5, OL 4 and OL 1 to the north line of OL 1; thence westerly along the north line of OL 1 in Section 5, Township 116N, R52W to the easterly ROW of U.S. Highway 81; thence northerly along the easterly ROW of U.S. Highway 81 to the south line of the NW¼ of Section 5, Township 116N, R52W, thence easterly to the west line of the open ditch ROW, thence south along said west line to the center of the Big Sioux River, thence easterly along the center of the Big Sioux River to the west line of the W½ of the SE¼, thence southerly to the SW corner of the west ½ of the SE¼, thence easterly to the NW corner of Wess Second Addition, thence southerly along the westerly boundary of Wess Second Addition to the SE corner of Wess Second Addition, thence north to the SW corner of Kingslien Addition, thence northerly along the easterly boundary of Kingslien Addition to the NE corner of Kingslien Addition which is also the SE corner of Nick Kranz Addition, thence northerly along the easterly boundary of Nick Kranz Addition to the westerly ROW line of the DM & E Railroad, thence northwesterly along the westerly ROW line of the DM & E Railroad to the southerly corner of Krantz First Addition, thence northeasterly 100' to the westerly corner of Building Products Outlot 1, thence southeasterly to the west ROW line of 19th Street East, thence southerly to the SW corner of Office Max Addition, thence east to a point on the southwesterly line of Building Products Outlot 1, thence southeasterly to the southerly corner of Building Products Outlot 1, thence northeasterly 50' to the easterly corner of Building Products Outlot 1, thence northwesterly to the southerly corner of Endres Outlot No. 2, thence north to the SW corner of Lot A Endres Investment Addition, thence east to the SE corner of Lot A, thence south to the SW corner of Endres' Investment Second Addition, thence east to the SE corner of Endres' Investment Second Addition which is also on the east line of Endres Industrial Addition, thence south and east along the perimeter boundary of Endres Industrial Addition to the center of Section 4, Township 116N, R52W, thence west to the easterly ROW line of the DM & E Railroad, thence southeasterly along the easterly ROW line of

the DM & E Railroad to the north-south $\frac{1}{4}$ line of Section 4, thence north to the center of Section 4, thence east to the east line of Section 4, thence south to a point 33' west of the SW corner of Interstate Office Addition, thence east to the SE corner of Interstate Office Addition, thence north to the north section line of Section 3, thence east along said section line to the east ROW of Pheasant Ridge Drive, thence north along the east ROW line of Pheasant Ridge Drive to the southern most line of Pheasant Ridge First Addition, thence east along said south line of Pheasant Ridge First Addition to the east line of Section 34, Township 117N, R52W, thence north along said east line of Section 34 to the NE corner of the south $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 34, Township 117N, R52W, thence west to the NW corner of said south $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 34, Township 117N, R52W, thence southerly along the north-south $\frac{1}{4}$ line of Section 34 to the center of Section 34, thence westerly along the east-west $\frac{1}{4}$ line of Section 34 to the westerly right-of-way line of I-29, thence southerly along said right-of-way line to the NE corner of Country Camping Addition, thence west to the NW corner of Country Camping Addition, thence south to the SW corner of Country Camping Addition, thence west to the NW corner of Watertown Hospitality Addition, thence north to the NE corner of New Venture Second Addition, thence west to the NW corner of New Venture Second Addition, thence south to the northerly right-of-way line of U.S. Highway 212, thence westerly along said right-of-way line to a point 33' east of the west section line of Section 34, thence northerly to the southwest corner of Lot 3 of Bervens Addition in the county of Codington, thence easterly to the SE corner of said Lot 3, thence northerly to the NE corner of said Lot 3, thence westerly to the NW corner of said Lot 3 and thence west 33' to the west section line of Section 34, thence northerly along said section line to a point 33' east of the NE corner of Little's First Addition; thence westerly along the north line of Little's First Addition to the NW corner; thence southerly along the westerly lines of Little's First Addition to the northerly right-of-way line of U.S. Highway 212, thence westerly in Section 33, Township 117N, R52W along the northerly right-of-way line of U.S. Highway 212 to the north-south $\frac{1}{4}$ line of Section 33, T117N R52W, thence north along said $\frac{1}{4}$ line to the centerline of Willow Creek, thence southwest along the centerline of Willow Creek to the north line of Lot "B" in OL 6 in the SW $\frac{1}{4}$ of Section 33, T117N R52W, thence west along the north line of said Lot "B" to the SE corner of the N250' of the S667.1' of the W898' of Outlot 6 in the SW $\frac{1}{4}$ of Section 33, Township 117N, R52W, thence north to the NE corner of the N250' of the S667.1' of the W898' of said Outlot 6, thence west to the SE corner of Rothhouse First Addition, thence north to the NE corner of Rothhouse First Addition, thence west to the SE corner of Willow Creek Plaza First Addition, thence north to the NE corner of Willow Creek Plaza First Addition, thence southeasterly to the SE corner of said Lot 1 of Marvinred Addition, thence northeasterly to the NE corner of said Lot 1, thence northwesterly to the NW corner of said Lot 1, thence west 33' to the east section line of Section 32, thence north on said east section line to a point 33' west of the southwest corner of Lot 3 of Edtom Addition, thence east to the southeast corner of said Lot 3, thence north to the northeast corner of said Lot 3, thence west to the east section line of Section 32, thence north along said east section line to a point 319' north of the $\frac{1}{4}$ line; thence east in Section 33, a distance of 200'; thence north 100'; thence west a distance of 200' to the east section line of Section 32; thence north to the NE corner of Section 32, and SE corner of Section 29, thence north along the east section line of Section 29 to a point 33' west of the SW corner of Lot No. 2 of the plat entitled "Kin-Bro Addition in Codington County, South Dakota," thence east 233', thence north 400' to the south line of the NW $\frac{1}{4}$ of Section 28, T117N, R52W, thence east along said south line of the NW $\frac{1}{4}$ of Section 28 to the SE corner of Haan's Second Addition, thence north to the NE corner of Haan's Second Addition, thence west to the SE corner of East Woods Second Addition, thence northeasterly and northwesterly along the perimeter boundaries of East Woods Second Addition and East Woods Third Addition to the north line of Section 28, Township 117N, R52W, thence west along said section line to the NE corner of said Section 28, thence south along the west line of said Section 28 to a point 33' east of the north ROW line of 12th Avenue North, thence westerly and northerly along the perimeter boundary of Konrady Addition to the north line of Section 29, Township 117N, R52W, thence west along said section line to the point of beginning at the NE corner of the NW $\frac{1}{4}$ of Section 29, Township 117N, R52W.

The following parcels are not within the city limits: (a) The S 1000' of the N 2450' of the west 800' of the east 850' of Section 7; Lots 1 and 2 of Willow Creek Subdivision, Endres First Addition, Endres Subdivision, Block 3 Welters Subdivision, and the unplatted portion of the NE $\frac{1}{4}$ of Section 4; east 333.33' of the north 653.4' of E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 5, all located in Township 116N, R52W.

7.0104: AUTHORITIES

[\(back to Chapter contents\)](#)

The authorities for the city limits and boundaries are the following:

Territorial Legislative Act of March 11th, 1885.

Resolution 13.

Ordinance A-60 Ordinance A- 105

Ordinance A-100 Ordinance A-107

Ordinance A-101 Resolution Y-67

Court Order recorded in G.M., page 445.

Court Order recorded in H.M., page 248.

City Councils Proceedings, November 1925.

Circuit Court Judgment, August, 1941.

Resolutions Y-202; Y-207; Y-216; Y-236; Y-269; Y-273; Y-274; Y-278; Y-384; Y-683; Y-1063; Y-1107; Y-1138; Y-1139; Y-1155; Y-1156; Y-1356; Y-1375; Y-1409; Y-1410; Y-1411; Y-1444; Y-1490; Y-1520; Y-1529; Y-1565; Y-1576; Y-1611; Y-1632; Y-1644; Y-1678; Y-1699; Y-1718; Y-1726; Y-1734; Y-1753; Y-1761; Y-1763; Y-1772; Y-1782; Y-1783; Y-1831; Y-1832; Y-1833; Y-1843; Y-1851; Y-1858; Y-1881; Y-1885; Y-1893; Y-1894; Y-1904; Y-1944; Y-1962; Y-1968; Y-1976; Y-1996; Y-2055; Y-2070; Y-2072; Y-2083; Y-2084; Y-2087; Y-2119; Y-2162; Y-2174; Y-2175; Y-2185; Y-2191; Y-2221; Y-2240; Y-2250; Y-2254; Y-2261; Y-2274; Y-2275; Y-2302; Y-2332; Y-2333; Y-2336; Y-2339; Y-2341A; Y-2342A; Y-2359; Y-2394; Y-2438; Y-2456; Y-2459; Y-2467; Y-2478; Y-2492; Y-2499; Y-2523; Y-2524; Y-2532; Y-2543; Y-2550; Y-2568; Y-2568A; Y-2570; Y-2576; Y-2580; Y-2591; Y-2600; Y-2602; Y-2614; Y-2631; Y-2640; Y-2644; Y-2674; Y-2685; Y-2690; Y-2705; Y-2712; Y-2731; Y-2743; Y-2747; Y-2749; Y-2756; Y-2766; Y-2775; Y-2782; Y-2784; Y-2785; Y-2793; Y-2794; Y-2796; Y-2768; Y-2769; Y-2770; Y-2812; Y-2843; Y-2849; Y-2856; Y-2874; Y-2877; Y-2878; Y-2899; Y-2902; Y-2932; Y-2934; Y-2942; Y-2945; Y-2976; Y-2997; Y-3002; Y-3022; Y-3024; Y-3037; Y-3038; Y-3046; Y-3065; Y-3067; Y-3074; Y-3105; Y-3107; Y-3109; Y-3111; 98-14; 98-16; 99-6; 99-8; 99-10; 99-13; 99-16 (Amended); 99-20.

Chapter 7.02 WARDS

Section

[\(back to Title contents\)](#)

7.0200	Division of City and Purpose
7.0201	Ward A
7.0202	Ward B
7.0203	Ward C
7.0204	Ward D
7.0205	Ward E

7.0200: DIVISION OF CITY AND PURPOSE

[\(back to Chapter contents\)](#)

The City of Watertown is divided into five (5) wards as set out in the following sections of this chapter. The purpose of this Chapter is to ensure the City's Wards and Voting Districts are apportioned in accordance with federal law.

7.0201: WARD A

[\(back to Chapter contents\)](#)

Ward "A" shall comprise all the territory within the city limits, described as follows, to-wit:

Commencing at the northerly city limits on U.S. Highway 81 (4th Street East) and running thence southerly along U.S. Highway 81 (4th Street East) to the intersection of U.S. Highway 81 (4th Street East) and 9th Avenue North, thence easterly along 9th Avenue North to the intersection of 9th Avenue North and 6th Street East, thence southerly along 6th Street East to the intersection of 6th Street East and 7th Avenue North, thence easterly along 7th Avenue North to the intersection of 7th Avenue North and 11th Street East, thence southerly along 11th Street East to the intersection of 11th Street East and 3rd Avenue North, thence easterly along 3rd Avenue North to the easterly city limits, thence northerly following the city limits boundary to the point of beginning.

Source: (Ord 21-46; Rev 1-28-2022)

7.0202: WARD B

[\(back to Chapter contents\)](#)

Ward "B" shall comprise all the territory within the city limits, described as follows, to-wit:

Commencing at the northerly city limits on U.S. Highway 81 (4th Street East) and running thence southerly along U.S. Highway 81 (4th Street East) to the intersection of U.S. Highway 81 (4th Street East) and 9th Avenue North, thence easterly along 9th Avenue North to the intersection of 9th Avenue North and 6th Street East, thence southerly along 6th Street East to the intersection of 6th Street East and 3rd Avenue North, thence westerly along 3rd Avenue North to the Big Sioux River, thence northerly along the Big Sioux River to the northerly city limits, thence northerly following the city limits boundary to the point of beginning.

7.0203: WARD C

[\(back to Chapter contents\)](#)

Ward "C" shall comprise all the territory within the city limits described as follows, to-wit:

Commencing at the intersection of the southerly city limits and the east section line of Section 12, T116N, R53W, thence northerly along the east section lines of Sections 12 and 1 to U.S. Highway 212 (9th Avenue South), thence easterly along U.S. Highway 212 (9th Avenue South) to the intersection of U.S. Highway 212 (9th Avenue South) and U.S. Highway 81 (5th Street East), thence northerly along U.S. Highway 81 (5th Street East) to the intersection of U.S. Highway 81 (5th Street East) and Arrow Avenue, thence easterly along Arrow Avenue to the intersection of Arrow Avenue and 11th Street East, thence northerly along 11th Street East to the intersection of 11th Street East and 7th Avenue North, thence westerly along 7th Avenue North to the intersection of 7th Avenue North and 6th Street East, thence southerly along 6th Street East to the intersection of 6th Street East and 3rd Avenue North, thence westerly along 3rd Avenue North to the Big Sioux River, thence southerly along The Big Sioux River to 4th Avenue South, thence westerly along 4th Avenue South to the intersection of 4th Avenue South and S.D. Highway 20 (10th Street West), thence southerly along S.D. Highway 20 (10th Street West) to the intersection of S.D. Highway 20 (10th Street West) and U.S. Highway 212 (9th Avenue South), thence westerly along U.S. Highway 212 (9th Avenue South) to the westerly city limits, thence southerly following the city limits boundary to the point of beginning.

Source: (Ord 21-46; Rev 1-28-2022)

7.0204: WARD D

[\(back to Chapter contents\)](#)

Ward "D" shall comprise all the territory within the city limits described as follows, to-wit:

Commencing at the intersection of the southerly city limits and the west section line of Section 7, T116N, R52W, thence northerly along the west section lines of Sections 7 and 6 to U.S. Highway 212 (9th Avenue South), thence easterly along U.S. Highway 212 (9th Avenue South) to the intersection of U.S. Highway 212 (9th Avenue South) and U.S. Highway 81 (5th Street East), thence northerly along U.S. Highway 81 (5th Street East) to the intersection of U.S. Highway 81 (5th Street East) and Arrow Avenue, thence easterly along Arrow Avenue to the intersection of Arrow Avenue and 11th Street East, thence northerly along 11th Street East to the intersection of 11th Street East and 3rd Avenue North, thence easterly along 3rd Avenue North to the easterly city limits, thence southerly following the city limits boundary to the point of beginning.

7.0205: WARD E

[\(back to Chapter contents\)](#)

Ward "E" shall comprise all the territory within the city limits described as follows, to-wit:

Commencing at the northerly city limits and the Big Sioux River, thence southerly along the Big Sioux River to 4th Avenue South, thence westerly along 4th Avenue South to the intersection of 4th Avenue South and S.D. Highway 20 (10th Street West), thence southerly along S.D. Highway 20 (10th Street West) to the intersection of S.D. Highway 20 (10th Street West) and U.S. Highway 212 (9th Avenue South), thence westerly along U.S. Highway 212 (9th Avenue South) to the westerly city limits, thence northerly following the city limits boundary around the southern, western and northern sides of Lake Kampeska and back to the point of beginning. (Ord 11-29; Rev 11-21-11)

Chapter 7.03
CITY COUNCIL PROCEDURE

Section

[7.0301 Special Meetings](#)

[7.0302 Rules of Order](#)

[7.0303 City Council Member Board Duties \(Reserved\)](#)

[\(back to Title contents\)](#)

7.0301: SPECIAL MEETINGS

[\(back to Chapter contents\)](#)

Special meetings of the City Council may be called by the Mayor, the Deputy Mayor, or by any two Council members, to consider only such matters as shall be mentioned in the call for such meeting, and written notice shall be given at least twenty-four (24) hours prior to such meeting, to each member of the Council then in the City. (C-1) (Ord 21-14; Rev 6-11-21)

7.0302: RULES OF ORDER

[\(back to Chapter contents\)](#)

The following rules of order and procedure shall be the rules and procedure of the City Council:

Rule 1

The Mayor shall take the chair at the hour fixed for the Council meeting and shall immediately call the members to order and have the roll called.

Rule 2

S(h)e shall preserve order and decorum and decide questions of order, subject to appeal to the Parliamentarian by any member; and shall decide all votes.

Rule 3

Questions shall be distinctly put in this form, to-wit: All those in favor of the motion (or ordinance or resolution), signify by saying aye; all those opposed to the motion (or ordinance or resolution) signify by saying no. If the Mayor doubts, or division be called for by a member of the Council, the Council shall vote by roll call to be called by the Finance Officer or person designated by the Finance Officer. Those in favor of the motion and those opposed shall both be recorded in the minutes of the meeting if a roll call is taken. The order of roll call shall be determined by the Mayor or the presiding officer for all matters where a roll call vote is taken. (Ord 23-13; Rev 08-04-23)

Rule 4

After the roll call of members, if a quorum be present, the order of business shall be as put forth in the approved agenda. A quorum shall consist of one (1) more than one half of the total number of Council members. (Ord 23-04; Rev 04-28-23)

Rule 5

When any member is about to speak in debate, or deliver any matter to the Council, he or she respectfully addresses himself or herself to "The Presiding Officer" and shall confine himself or herself to the questions under debate, and avoid personality.

Rule 6

Whenever any member is called to order, he or she shall maintain silence until it is determined whether he or she is in order or not.

Rule 7

When two or more persons rise at once, the Mayor shall name the member who is to speak.

Rule 8

While the Mayor is putting any question, or addressing the Council, none shall make any disturbance, or when a member is speaking, shall entertain private discourse; nor while a member is speaking, shall pass between him or her and the chair.

[\(back to Chapter contents\)](#)

Rule 9

Every member who shall be present when a question is put shall give his or her vote, unless the Council, for special reasons, shall excuse him or her. Any member wishing to be excused from voting may make a brief verbal statement of his or her reason for making such request, and the question shall then be taken without further debate.

Rule 10

Every motion or amendment shall be reduced to writing, if the Mayor or any member so desire; in such case it shall be signed by the member or committee offering the same.

Rule 11

When a motion is made and seconded, it shall be stated by the Mayor or, being in writing, it shall be handed to the auditor and read aloud before being debated.

Rule 12

After a motion is stated it shall be deemed to be in possession of the Council; but may be withdrawn at any time before a decision or any amendment.

Rule 13

When a question is under debate, no motion shall be received unless to adjourn, to lay on the table, to refer, to postpone to a day certain, to amend, or to postpone indefinitely; and these several motions shall have precedence in the order in which they stand arranged; a motion to postpone to a day certain, to refer, to postpone indefinitely, being decided, shall not again be allowed at the same meeting.

Rule 14

A motion to adjourn shall take precedence over all other motions except a motion to fix the time to which to adjourn. This motion and the motion to lay on the table shall be decided without debate, but a motion to adjourn when refused shall not be removed until further business shall have been had.

Rule 15

When a motion or question shall have been once put or carried in the affirmative or negative, it shall be in order for any member who voted with the prevailing side to move for a reconsideration thereof at the same or the next meeting only; and such motions shall take precedence of all questions, except a motion to adjourn. A motion of reconsideration being put and lost, shall not be renewed.

Rule 16

Any member may call for a division of the questions when the same will admit of it. A motion to strike out and insert shall be deemed indivisible. A motion to strike out being lost, shall not preclude an amendment.

Rule 17

Every petition, memorial, remonstrance, resolution or ordinance or report of committee, shall be endorsed with the appropriate title; and immediately under the endorsement the name of member presenting the same shall be written.

[\(back to Chapter contents\)](#)

Rule 18

In addition to any committee required by ordinance, the Mayor, with the approval of the City Council, may appoint any standing committee. The Mayor or a member of the City Council may be a voting member of those committees. An attempt shall be made to keep as even a distribution as possible of councilpersons on any committee.

Each committee created by the Mayor shall report its activities to the full Council.

All committees required by any ordinance shall:

- A. Hold meetings open to the public;
- B. Provide public notification of meeting agendas not less than twenty-four (24) hours in advance, unless an emergency is declared;
- C. Record minutes of their meetings which shall be available to the public for inspection at the City Finance Office during regular business hours.

(Ord 13-25; Rev 10-11-13) (Ord 23-04; Rev 04-28-23)

Rule 19

Every ordinance shall receive readings as required by state law and be subject to all requirements of the laws of the State of South Dakota. Any ordinance, resolution or motion may be referred as per state law.

Rule 20

It shall be competent for any member, when a vote is about to be taken, to call for the ayes and noes, which shall be inserted in the records; a call for the ayes and noes cannot be interrupted in any manner whatever.

Rule 21

These rules of order may be changed only by the procedures set forth governing ordinances of cities of the first class by the laws of the State of South Dakota.

Rule 22

The chairpersons of the different standing committees or of any select committee appointed by the Council shall give notice of meetings thereof to members of the committee.

Rule 23

When a blank is to be filled, and different sums or times are proposed, the question shall be, first, upon the smallest sum or the longest time.

Rule 24

The rules of parliamentary practice, as laid down in Robert's Rules of Order, shall govern in all cases not covered by the foregoing rules.

Rule 25

The Mayor, with the approval of the Council, at the first regular meeting of the City Council of each year or as soon thereafter as convenient, shall appoint a Parliamentarian. The Parliamentarian may be, but need not be, a city employee. The Parliamentarian selected shall be responsible for designating a replacement if he/she is to be absent from any regularly scheduled meetings of the City Council.

Rule 26

Every newly elected Council member shall be furnished with an Ordinance Book and a Municipal Officials Handbook.

[\(back to Chapter contents\)](#)

Rule 27

A Council member shall be deemed present at a meeting if, upon the taking of the roll, they appear in person or participate in the meeting telephonically or by other electronic means approved by the Council. A quorum may be established by any combination of members present, in person or participating telephonically or by other electronic means. All votes taken during a meeting with a member participating electronically shall be taken by roll call. Council members will exercise their best efforts to ensure a physical quorum at all Council meetings. (Ord 23-04; Rev 04-28-23)

Pursuant to the authority vested in the City of Watertown under SDCL 9-19-13; the City Council has declared this ordinance to be necessary for the immediate preservation of the public peace, health, safety, or support of the municipal government and its existing public institutions, and it shall therefore take effect immediately upon its passage on March 3, 2014. (Ord. 14-08; Add. 03-03-14)

Rule 28

The City Manager shall be responsible for ensuring an agenda is established and approved for each council meeting. Any two Council members can otherwise place an item on the agenda. Revisions to a proposed agenda drafted after noticing of the agenda shall be reviewed and approved by the City Manager (including revisions to supporting documentation). Any revised agenda must be issued no less than 24-hours prior to the start time of the City Council meeting. The 24-hour requirement does not apply to revisions in supporting documentation, which are otherwise regulated pursuant to SDCL 1-27-1.16.

The Finance Officer shall be responsible for compiling the proposed agenda for all City Council meetings, submitting the compiled agenda to the City Manager for approval, and for noticing the agenda to the public. (Ord. 17-35; Add. 09-29-17) (Ord 21-14; Rev 6-11-21)

Rule 29

The Mayor shall provide the name of each nominee for appointment to a city board or commission to the City Manager and the City Council a minimum of ten (10) days prior to the City Council meeting at which the Council will consider its advice and consent to such nominee. (Ord 21-14; Add 6-11-21)

7.0303: City Council Board Duties. RESERVED (Ord 23-04; Rev 04-28-23)

[\(back to Chapter contents\)](#)

Chapter 7.04
FRANCHISES GRANTED

Section

[\(back to Title contents\)](#)

7.0401	Franchise Granted, Northwestern Bell Telephone Company
7.0402	Subject to Exercise of Police Power
7.0403	When Effective
7.0410	Franchise Granted, Midland National Life Insurance Company, CATV
7.0411	Installation of "All Band" CATV System
7.0412	Installation of Microwave System
7.0413	Maintenance of Office in Franchised City
7.0414	Television Defined as to Application
7.0415	Further Rights to Grantees
7.0416	Selling, Renting or Leasing Television Receivers Prohibited
7.0417	Limitation of Rights Granted
7.0418	Junction Terminals to be provided for Specific Buildings
7.0419	Authority to Serve and Charge Subscribers
7.0420	Use of Grantee's Poles, etc. by City
7.0421	Indemnification of City by Grantees
7.0422	Annual Flat or Gross Receipts Payment
7.0423	Existing Television Signals
7.0424	Assignment of Rights to Grantees
7.0425	Grantee's Claim against City Prohibited
7.0426	Grantee's Compliance with Municipal Codes
7.0427	Rights Reserved by City
7.0428	Abandonment of Equipment and Removal Thereof
7.0429	Grantee's Failure to Complete Project and Reimbursement of Costs to City
7.0430	Acceptance of Franchise
7.0431	Franchise Election Required
7.0432	Separability Clause
7.0433	Section 9.0402 and 9.0403 not Applicable

7.0401: FRANCHISE GRANTED, NORTHWESTERN BELL TELEPHONE COMPANY

The Northwestern Bell Telephone Company, a corporation, its successors and assigns, was granted the right to use and occupy the streets, alleys and other public places of this City for a term of twenty (20) years from the effective date hereof, for the purpose of constructing, maintaining and operating a general telephone and telegraph system within said City. (E-81-1)

7.0402: SUBJECT TO EXERCISE OF POLICE POWER

[\(back to Chapter contents\)](#)

The rights herein granted are subject to the exercise of the police power as the same now is or may hereafter be conferred upon said City. (E-81-2)

7.0403: WHEN EFFECTIVE

[\(back to Chapter contents\)](#)

This chapter became in full force and effect and has constituted a binding contract between this City and Northwestern Bell Telephone Company when the same was approved by a majority of the electors of said City voting thereon at the election provided for, and when the provisions thereof were accepted in writing by said Northwestern Bell Telephone Company and such acceptance was filed with the Finance Officer. (E-81-4)

7.0410: FRANCHISE GRANTED, MIDLAND NATIONAL LIFE INSURANCE COMPANY, CATV

1. In consideration of the faithful performance and observance of the conditions and reservations which are hereinafter specified, the nonexclusive franchise is hereby granted to MIDLAND NATIONAL LIFE INSURANCE Company (hereinafter called "MIDLAND") and to its successors and assigns to use and occupy the streets, alleys and other public places of the City of Watertown, South Dakota including the right to erect, maintain and operate towers, poles, lines, cables, wires, other apparatus and additions thereto, in, under, over, along, across, and upon the present and future streets, lanes, avenues, sidewalks, alleys, bridges, highways, rights-of-way and other public places in said City, and subsequent additions thereto, for the purpose of constructing, maintaining and operating a community antenna television system, sometimes called

cable television, which shall include the right of transmission and distribution of audio, visual, electronic and electric signals or impulses and television energy, by cables and/or wires, in accordance with the laws and regulations of the United States of America, and the State of South Dakota, and the ordinances and regulations of the City, for a period of twenty (20) years, commencing from and after the adoption of said ordinance. The term public places as used in this ordinance shall include all platted utility easements, and reservations of utility easements. (E-142-1)

2. Pursuant to Section III of the agreement dated February 11, 1985 and Ordinance E-520, the City grants an eight (8) year extension to the franchise granted by Ordinance E-142. (E-520-1)

7.0411: INSTALLATION OF "ALL BAND" CATV SYSTEM

[\(back to Chapter contents\)](#)

1. MIDLAND shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, and shall commence the installation of said systems with due diligence and within a reasonable time subsequent to obtaining all of the aforementioned necessary permits and authorizations, including such authorization as is necessary from the Federal Communications Commission (FCC). (E-142-2)
2. MIDLAND shall install an "all band" community antenna television system capable of distributing such signals or impulses for up to twenty (20) television channels or their equivalent. This system shall be installed and maintained in accordance with the best accepted standards of the community antenna television industry. (E-142-3)

7.0412: INSTALLATION OF MICROWAVE SYSTEM

[\(back to Chapter contents\)](#)

1. MIDLAND shall furnish all channels allowable by the FCC up to twenty (20), including Minneapolis and St. Paul, and in addition, Denver signals via microwave, if available from a common carrier at a reasonable rate, as a part of the community antenna television system, and shall be responsible for obtaining or cooperating with other appropriate parties who seek to obtain all necessary microwave authorization from the FCC to furnish the same. The system must be operated in accord with all rules, regulations and proposed regulations of the FCC in order to assure the protection of free broadcasting. (E-142-4)
2. Pursuant to Section I of the agreement dated February 11, 1985, and Ordinance E-520, channel capacity shall be expanded to twenty one (21) channels, with the addition of five (5) channels to be added to present basic service. These channels will be available in March, 1986.
3. Pursuant to Section III of the agreement, and Ordinance E-520, Booth American Co. agrees to completely rebuild the system to a thirty five (35) channel capacity, upgradeable to fifty four (54) channels, within five (5) years. In addition one channel will be designated for governmental use upon completion of the thirty five (35) channel rebuild. This service will be capable of generating messages from city hall.
4. Booth American Co. will furnish basic subscribers, free of charge, a converter to receive the additional basic channels, if needed. Subscribers will be required to sign a converter agreement to insure the return of converters to Booth. (E-520-1)

7.0413: MAINTENANCE OF OFFICE IN FRANCHISED CITY

[\(back to Chapter contents\)](#)

MIDLAND shall maintain an office in the City of Watertown so that maintenance service shall be promptly available to subscribers upon request therefore. Said office shall be maintained immediately upon commencement of service, and all maintenance requests shall be promptly dealt with and accomplished in a workmanlike manner. (E-142-5)

7.0414: TELEVISION DEFINED AS TO APPLICATION

[\(back to Chapter contents\)](#)

Wherever used in this ordinance, the word "television" shall mean a system for transmission of audio signals and/or visual images by means of electrical impulses. (E-142-6)

7.0415: FURTHER RIGHTS TO GRANTEEES

[\(back to Chapter contents\)](#)

1. There is hereby granted the further nonexclusive right, privilege and authority to MIDLAND to lease, rent or in any other manner obtain the use of towers, poles, lines, cables and other equipment and facilities from any and all holders of public licenses and franchises within the corporate limits of the City, including the Northwestern Bell Telephone Company and Municipal Utilities Board of the City, and to use such towers, poles, lines, cables, conduit and other equipment and facilities, subject to all existing and future ordinances

and regulations of this City. The poles used for MIDLAND'S distribution system shall be those erected and maintained by the Northwestern Bell Telephone Company or the City through its Municipal Utilities Board, when and where practicable, providing mutually satisfactory rental agreements can be entered into with said company and the said Municipal Utilities Board. It is the stated intention of the City that all other holders of public licenses and franchises within the corporate limits of the City, including its Municipal Utilities Board, may cooperate with MIDLAND to allow MIDLAND'S joint usage of their poles and pole lines, conduit and other facilities whenever possible or wherever such usage does not interfere with the normal operation of said poles, pole-lines and conduit.

2. MIDLAND shall provide and keep current a map of the City showing the exact type, style and location of any and all lines, poles, conduit and other fixtures of MIDLAND within the city limits of Watertown.
3. MIDLAND shall have the nonexclusive right to erect and maintain its own poles, as may be necessary for the proper construction and maintenance of the television distribution system, with the approval as to the locating of poles of the City Electric Department.
4. Such contracts for the use of poles shall specify that they are nonexclusive, and copies of such contracts shall be filed with the City Engineer and shall be available for public inspection. (E-142-7)

7.0416: SELLING, RENTING OR LEASING TELEVISION RECEIVERS PROHIBITED

1. Neither MIDLAND, its subsidiaries nor its employees shall engage in the business of selling, renting or leasing television or other receivers which make use of signals transmitted by its system, nor shall MIDLAND, its subsidiaries or its employees engage in servicing of receivers owned or leased by its subscribers, or the sale of parts for the same. MIDLAND and its employees shall not require or attempt to direct its subscribers to deal with any particular firm or person in regard to sale, service, rental or leasing of television receivers, radio receivers of television or radio receiver related parts and accessories.
2. MIDLAND shall carry all television signals which are required to be carried by the FCC. (E-142-8)

7.0417: LIMITATION OF RIGHTS GRANTED

[\(back to Chapter contents\)](#)

1. The transmission and distribution system poles, wires and appurtenances of MIDLAND shall be located, erected and maintained so as not to endanger or interfere with the lives of persons, or to interfere with new improvements the City may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges or other public property. Removal of poles to avoid such interference shall be done promptly upon receiving written request to do so from the City Council or its designated official, and will be at the expense of MIDLAND.
2. Construction and maintenance of the transmission distribution system shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters, and such applicable ordinances and regulations of the City affecting electrical installations, which may be presently in effect or changed by future ordinances, and the City Council or its designated official shall ascertain that such standards have been maintained.
3. All installations of equipment shall be of permanent nature, durable and installed in accordance with good engineering practices, and of sufficient height to comply with all existing city regulations, ordinances and state laws so as not to interfere in any manner with the rights of the public or of any individual property owner, and shall not unreasonably interfere with the travel and use of public places by the public and during the construction, repair or removal thereof shall not unreasonably obstruct or impede traffic. Further, said construction shall be subject to inspection by and approval of the City Council or its designated official.
4. No poles are to be erected upon the public streets, alleys, avenues and other public places and no excavation thereon of any type shall be done or caused to be done unless permission is first obtained from the City Council or its designated official.
5. In the event that a change is made in the grade, width or location of public streets, alleys, avenues and other public places by authority of the City, which shall necessitate the removal of any poles, wires, transmission and distribution lines to conform to the change of grade, MIDLAND shall make the necessary changes in its equipment at its own expense, upon due notice from the City Council or its designated official to do so.
6. In the maintenance and operation of its television transmission and distribution system in the public streets, alleys, avenues and other public places, and in the course of any new construction or addition to its facilities, MIDLAND shall proceed so as to cause the least possible inconvenience to the general public. Any opening

or obstruction in the streets or other public places made by MIDLAND in the course of its operations shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which, during periods of dusk or darkness, shall be clearly designated by red warning lights.

7. All work in any way necessitated by the business of MIDLAND which may involve the opening, breaking up or tearing up of a portion of a street, sidewalk or other part of any city owned or city controlled property shall be done and repaired in a manner approved by the City Council or their designated official, and shall at the option of the City, be done by the City at the expense of MIDLAND. MIDLAND shall save the City harmless against all loss or damage to any person or property caused by the construction, laying, maintenance or operation of any of its lines or other undertakings under the authority of this ordinance. Nothing herein shall be construed as a requirement that the City conduct an excavation or repair on behalf of or as agents for MIDLAND.
8. MIDLAND shall, at its expense, protect, support, temporarily disconnect, relocate on the same street, alley or public place, or remove from the street, alley or public place, any property of MIDLAND when required by the City by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishments of street grade, installation of sewers, drains, water pipes, power lines, signal lines and tracks or any other types of structures or improvements by governmental agencies when acting in governmental or proprietary capacity, or other structures of public improvement; provided, however, that MIDLAND shall in all cases have the privileges and be subject to the obligations to abandon any property of MIDLAND in places as provided in [Section 7.0428](#) hereof.
9. MIDLAND agrees that if any existing above ground wires or cables of the Watertown Public Utilities Board in combination with Northwestern Bell Telephone Company are placed underground at any future date, then MIDLAND will likewise place its cables or wires at the same locations underground at the request of the City Council. (E-142-9)

7.0418: JUNCTION TERMINALS TO BE PROVIDED FOR SPECIFIC BUILDINGS

MIDLAND shall furnish to all schools within the City of Watertown, public and parochial, without charge, one cable service drop in each school building at a location therein to be selected by MIDLAND, and also without charge, regular service to all sets connected by such schools, within such buildings, to the cable service drop; and, in addition, MIDLAND shall furnish to the Municipal Building in Watertown and to four other public buildings to be selected by the City Council, without charge, one cable service drop in each of said buildings at a location therein to be selected by MIDLAND and shall also furnish to those buildings, without charge, regular service to all sets connected within such buildings to the cable service drop. (E-142-10)

7.0419: AUTHORITY TO SERVE AND CHARGE SUBSCRIBERS

[\(back to Chapter contents\)](#)

Pursuant to Section I of the agreement dated February 11, 1985, and Ordinance E-520, the City will deregulate all cable TV service rates effective January 1, 1986, to the extent that basic service rates are deregulated by the Cable Communications Policy Act of 1984 which became effective December 29, 1984. In the event the FCC in defining "effective competition" and setting standards for continued regulation of the basic service rate should determine that Watertown Cable TV does not have "effective competition," then Booth may adjust the basic service rate within a ten percent (10%) range of the averaged rate of three or more unregulated systems which are comparable in size and service offerings in the tri-state region of South Dakota, North Dakota and Minnesota. Booth will be entitled to an increase set forth in Section VI of the agreement in any event which Section VI states that upon rate deregulation January 1, 1986, Booth's maximum increase for basic service January 1, 1986 would not exceed ten percent (10%). Prior to January 1, 1986, the rate schedule shall be according to prior ordinance and agreement on file in the Finance Office. (E-520-1)

7.0420: USE OF GRANTEE'S POLES, ETC. BY CITY

[\(back to Chapter contents\)](#)

MIDLAND shall grant to the City, free of expense, joint use of any and all poles owned by it for any proper municipal purpose acceptable to MIDLAND insofar as it may be done without interfering with the free use and enjoyment by MIDLAND of its own wires and fixtures, and the City shall hold MIDLAND harmless from any and all actions, causes of action or damage caused by the placing of the city's wires or appurtenances upon the poles of MIDLAND. Proper regard shall be given to all existing safety rules covering construction and maintenance in effect at the time of construction. If, in accommodating with the City's joint use of its poles, MIDLAND is required to change or replace poles or install new poles, the City shall compensate MIDLAND for such additional expense. (E-142-12)

7.0421: INDEMNIFICATION OF CITY BY GRANTEEES

[\(back to Chapter contents\)](#)

1. MIDLAND shall, at all times, keep in effect the following types of insurance coverage:
 - a. Workmen's Compensation upon its employees engaged in any manner in the installation or servicing of its plant and equipment within the City of Watertown;
 - b. Property Damage Liability Insurance to the extent of twenty five thousand dollars (\$25,000) as to any person and one hundred thousand dollars (\$100,000) as to any one accident, and Personal Injury Liability Insurance to the extent of one hundred thousand dollars (\$100,000.00) as to any one person and three hundred thousand dollars (\$300,000) as to any one accident.
2. MIDLAND shall indemnify, protect and save harmless the City from and against losses and physical damage to property, and bodily injury or death to persons, including payments made under any Workmen's Compensation Law which may arise out of or be caused by the erection, maintenance, presence, use or removal of said attachments or pole or poles within the City, or by any act of MIDLAND, its agents or employees. MIDLAND shall carry insurance in the above described amounts to protect the parties hereto from and against all claims, demands, actions, judgments, costs, expenses and liabilities, which may arise or result directly or indirectly from or by reason of such loss, injury or damage. All insurance required shall be and remain in full force and effect for the entire life of the rights granted hereunder. A certified copy of said policy or policies of insurance shall be made available to the City Council or its designated official upon request. (E-142-13)

7.0422: ANNUAL FLAT OR GROSS RECEIPTS PAYMENT

[\(back to Chapter contents\)](#)

1. During the term of the rights granted hereunder and commencing at the end of the year following the institution of service to subscribers and so long as MIDLAND operates said system, MIDLAND shall pay to the City annually the sum of three thousand dollars (\$3,000) compensation for the said franchise. At any time during the said term the City may elect to receive in lieu of said flat compensation payment three percent (3%) of the total annual gross receipts of said CATV system. Gross receipts shall include monthly service charges but shall not include monies received as installation charges and charges and fees for reconnections, inspections, repairs or modifications or any installation and all state and federal taxes related thereto. Such payments by MIDLAND to City shall be in lieu of any occupation tax, license tax or similar levy, and shall be paid annually. Nothing herein contained, however, shall in any way relieve MIDLAND or its assigns or successors from the obligation of paying property taxes to the City or any other taxes lawfully levied by the State, or any other governmental subdivision of the State on the operation of MIDLAND.
2. MIDLAND shall file with the City, within thirty (30) days after the expiration of any year during the term of the rights granted hereunder, a statement prepared by a certified public accountant showing the gross receipts as defined herein. It shall be the duty of MIDLAND to pay to the City within fifteen (15) days after the time for filing such statements, the amount due for the operating year covered by such statement.
3. At the same time that the annual statement referred to in the preceding paragraphs is furnished, MIDLAND shall also furnish a complete list of all its personal property located within the city limits of the City of Watertown together with a statement of its actual costs and year of acquisition and each such statement shall be verified by the oath of the company. (E-142-14)

7.0423: EXISTING TELEVISION SIGNALS

[\(back to Chapter contents\)](#)

Installations shall be maintained so as not to interfere with television reception already in existence and MIDLAND shall carry all commercial and educational signals of stations which are in the City of Watertown service area as established from time to time by the FCC. (E-142-15)

7.0424: ASSIGNMENT OF RIGHTS TO GRANTEEES

[\(back to Chapter contents\)](#)

The rights hereunder granted to MIDLAND shall not be assigned or transferred for a period of twelve (12) months from the date of the adoption of this ordinance except to a company controlled by or associated with MIDLAND. Thereafter, any sale, assignment or transfer of the rights granted hereunder shall be made only with the prior consent of the City Council expressed by resolution. The said consent of the City Council may not be arbitrarily refused; provided, however, that the proposed transferee or assignee must show financial responsibility to the satisfaction of the City Council and must agree to comply with all the provisions of this ordinance; and provided further, that no such consent shall be required for a transfer by trust deed, mortgage or other hypothecation as a whole, to secure an indebtedness. (E-142-16)

7.0425: GRANTEE'S CLAIM AGAINST CITY PROHIBITED

[\(back to Chapter contents\)](#)

MIDLAND shall have no recourse whatsoever against the City for any loss, cost, expense or damage arising out of any provision or requirement of this ordinance or its enforcement. (E-142-17)

7.0426: GRANTEE'S COMPLIANCE WITH MUNICIPAL CODES

[\(back to Chapter contents\)](#)

MIDLAND is subject to all requirements of the city ordinances, rules, regulations and specifications of the City, including but not limited to those concerning street work, street excavation, use, removal and relocation of property within a street, and other street work. (E-142-18)

7.0427: RIGHTS RESERVED BY CITY

[\(back to Chapter contents\)](#)

There is hereby reserved to the City every right and power which is required to be herein reserved or provided by any state statute or ordinance of the City, and MIDLAND by its acceptance of the franchise granted hereunder, agrees to be bound thereby, and to comply with any action or requirement of the City in its exercise of such franchise. Further, the franchise granted hereunder shall not preclude the City from granting to any other person a franchise to provide similar services in the City of Watertown. (E-142-19)

7.0428: ABANDONMENT OF EQUIPMENT AND REMOVAL THEREOF

[\(back to Chapter contents\)](#)

1. In the event that the use of any part of the system is discontinued for any reason, other than acts of God, or action or inaction of any federal or other governmental agency, or as the result of a strike, for a continuous period of twelve (12) months, or in the event such system or property has been installed in any street or public place without complying with the requirements of this ordinance, or the franchise granted hereunder has been terminated, cancelled or has expired, MIDLAND shall remove from the streets and public places all such property and poles of such system, other than any which the City may permit to be abandoned in place. In the event of such removal, MIDLAND shall restore the street or other area from which such property has been removed to a condition satisfactory to the City.
2. Any property of MIDLAND to be abandoned in place shall be abandoned in such manner as the City may prescribe. Upon permanent abandonment of the property of MIDLAND in place, MIDLAND shall submit to the City an instrument to be approved by the City, transferring to the City the ownership of such property. (E-142-20)

7.0429: GRANTEE'S FAILURE TO COMPLETE PROJECT AND REIMBURSEMENT OF COSTS TO CITY

[\(back to Chapter contents\)](#)

Upon failure of MIDLAND to complete any work required by law or by the provisions of this ordinance to be done in any street, within the time prescribed and to the satisfaction of the City, the City may cause such work to be done and MIDLAND shall pay the City the cost thereof in the itemized amount reported to MIDLAND within thirty (30) days after receipt of such itemized report. (E-142-21)

7.0430: ACCEPTANCE OF FRANCHISE

[\(back to Chapter contents\)](#)

This ordinance shall be in full force and effect and shall constitute a binding contract between the City and MIDLAND when the same shall have been approved by a majority of the electors of said City voting thereon at the election provided for herein, and when the provisions hereof shall have been accepted in writing by MIDLAND and such acceptance filed with the Finance Officer. (E-142-22)

7.0431: FRANCHISE ELECTION REQUIRED

[\(back to Chapter contents\)](#)

1. The proposition of granting the franchise provided herein to MIDLAND in accordance with the terms of this ordinance shall be submitted to a vote of the electors of this City at a special election, to be held not sooner than thirty (30) days after the publication of this ordinance.
2. MIDLAND shall, within thirty (30) days after demand, pay to the City of Watertown, South Dakota, the cost of publishing this ordinance and of holding the election herein referred to. (E-142-23)

7.0432: SEPARABILITY CLAUSE

[\(back to Chapter contents\)](#)

If any section, sentence, clause or phrase of this ordinance is for any reason held illegal, invalid, unconstitutional or void, all other sections thereof not so held shall be and remain in full force and effect. (E-142-25)

7.0433: SECTION 9.0402 AND 9.0403 NOT APPLICABLE

[\(back to Chapter contents\)](#)

The provisions of Sections [9.0402](#) and [9.0403](#) shall have no application to cable installed under the provisions of this ordinance. (E-142-26)

Chapter 7.05
WATERTOWN REGIONAL LIBRARY

Section

[\(back to Title contents\)](#)

- [7.0501 Watertown Regional Library](#)
- [7.0502 Violation of Lending Privileges](#)
- [7.0503 Neglect to Return Property](#)
- [7.0504 Defacing Library Property](#)

7.0501: WATERTOWN REGIONAL LIBRARY

[\(back to Chapter contents\)](#)

The public library, previously established, shall be operated in accordance with the laws of the State of South Dakota, existing contracts, these ordinances, and any other rules and regulations adopted by the Library Board, and shall be referred to as Watertown Regional Library. (E-506-1)

7.0502: VIOLATION OF LENDING PRIVILEGES

[\(back to Chapter contents\)](#)

No person shall take from the Library any property, except in accordance with the rules of such Library. (E-506-1) (E-684) (Ord 08-06; Rev 05-16-08)

7.0503: NEGLECT TO RETURN PROPERTY

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to borrow from the Library any property, and neglect to return the same after such property has been overdue for ten (10) calendar days. (E-506-1) (E-684) (Ord 08-06; Rev 05-16-08)

7.0504: DEFACING LIBRARY PROPERTY

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to intentionally destroy or damage in whole or in part any property belonging to the Library, or who shall knowingly suffer any such injury to be inflicted while such property is in his custody, or shall willfully or wantonly mark or deface or in any way injure the Library or any part thereof, or any fixture therein or appertaining thereto, provided, however, that neither the foregoing provisions nor their implementation shall be a bar to any action by the Library for damages, restitution or special remedies as against one who is in violation of said provisions. (E-506-1) (E-684) (Ord 08-06; Rev 05-16-08)

Chapter 7.06
REGISTRATION AND PAYMENT OF SALARIES

Section

[\(back to Title contents\)](#)

[7.0601 Registration](#)

[7.0602 Payment of Salaries](#)

7.0601: REGISTRATION

[\(back to Chapter contents\)](#)

No person shall be allowed to vote in any annual or special municipal election in this City without first having complied with the provisions of SDCL and laws amendatory thereof relative to registration of voters in municipalities. The Finance Officer is authorized and directed to purchase all necessary registration books and other supplies necessary to carry this section into effect. (39)

7.0602: PAYMENT OF SALARIES

[\(back to Chapter contents\)](#)

The City Manager and Finance Officer are hereby authorized and directed to issue all warrants in the payment of all regular fixed salaries so that the same may be delivered on the first (1st) day of each and every month. All vouchers for salary shall be submitted to the City Council at the next meeting for allowance. (104) (Ord 21-14; Rev 6-11-21)

Chapter 7.07
POLICE DEPARTMENT

Section

[\(back to Title contents\)](#)

7.0701	Members
7.0702	Appointment
7.0703	Reserved
7.0704	Authority over Police
7.0705	Peace Officers
7.0706	Department
7.0707	Duties and Authority
7.0708	Require Aid
7.0709	Resisting Officer
7.0710	Bring Defendant before Court
7.0711	Issuance of Warning Tickets
7.0712	Volunteer Reserve Police Force
7.0713	Membership
7.0714	Duties
7.0715	Meetings
7.0716	Uniforms

7.0701: MEMBERS

[\(back to Chapter contents\)](#)

The police force in this city shall consist of the Chief of Police, and as many more members, as the City Council shall, from time to time, deem necessary for the proper protection of the City. (123)

7.0702: APPOINTMENT

[\(back to Chapter contents\)](#)

1. The Chief of Police shall be appointed by the City Manager by and with the consent of the City Council, and he shall hold his office for the term of his appointment unless sooner removed by the City Manager. (124) (Ord 21-14; Rev 6-11-21)
2. The Assistant Chiefs of Police shall be appointed by the Chief of Police and they shall hold office for the term of his appointment unless sooner removed by the Chief of Police. (E-252-1)
3. The City Manager, with the consent of the City Council, may appoint the same person to function as the Chief of Police and Chief of the Fire Department, and if so appointed and approved such person shall be designated as the Director of Public Safety. (E-352-1) (Ord 21-14; Rev 6-11-21)
4. When a Director of Public Safety shall have been appointed and approved, all references in this title or other titles to Chief of Police or Fire Chief, shall thereafter have reference to the Director of Public Safety. (E-352-1)

7.0703: RESERVED (00-7)

[\(back to Chapter contents\)](#)

7.0704: AUTHORITY OVER POLICE

[\(back to Chapter contents\)](#)

The Chief of Police shall direct who of the policemen of the City shall act by day and who shall act by night. All policemen shall be under the control of the City Manager and Chief of Police and shall be subject to their order. They shall be entitled to such compensation as the City Council shall from time to time provide. (126) (Ord 21-14; Rev 6-11-21)

7.0705: PEACE OFFICERS

[\(back to Chapter contents\)](#)

By their appointment and qualification they shall be constituted peace officers within the city limits, and it shall be their duty to carefully protect the lives and property of the inhabitants of the City, preserve the public peace and diligently inquire into and prevent the commission of all offenses against the ordinances of the city and laws of the state; and for these purposes they are hereby invested with the same authority in serving warrants and other criminal process, and in making or causing arrests, as is or may be conferred upon the Chief of Police. (127)

7.0706: DEPARTMENT

[\(back to Chapter contents\)](#)

Each member of the police force, when on duty, shall wear the insignia of his office in a conspicuous place on his outer garments, except when caution may require that it be not exposed, and must be quiet, civil and orderly in his conduct and deportment, refrain from violent, profane and insolent language, and abstain from intoxication, insubordination and dereliction of duty, and no police officer shall use the power conferred upon him by law or ordinance as such officer to persecute, tantalize or in any manner annoy any person against whom he may hold a personal grudge or grievance, and it shall be the duty of the Chief of Police or any other police officer to complain to the City Manager or City Council of any violation of this section immediately on obtaining knowledge thereof. (128) (Ord 21-14; Rev 6-11-21)

7.0707: DUTIES AND AUTHORITY

[\(back to Chapter contents\)](#)

1. It shall be lawful, and it shall be the duty of the Chief of Police or any other police officer of the City, under the direction of the Chief of Police, whenever he shall have personal knowledge, reliable information or just cause to believe that any room, building or premises is being used or occupied for gambling or gaming purposes, or that gambling is being carried on therein, or that such room, building or premises is being kept as a house of assignation or prostitution, to enter such room, building or premises and arrest forthwith any person or persons who may be found therein engaged in gambling or gaming, or who may be therein found for the purpose of engaging in gambling, or who may be a keeper or inmate of such house of assignation or prostitution.
2. It shall be the duty of the police force of this City to abate or remove or cause to be abated or removed, all nuisances within the limits of the City when required by the City Council and to prosecute all persons guilty of maintaining the same; to preserve and safely keep all moneys or property which may be found upon the person, or in the possession of any person arrested for crime, and pay or deliver the same by order of the court of said City and forthwith, after taking the same, report in writing the time and amount thereof to the court.
3. It shall be the duty of the Chief of Police or other officer in charge of the police, with such force as he may have at hand, exclusive of officers on duty on the street, to report immediately at the fire alarm to the place where the fire may be and there report themselves and remain for the preservation of the premises and the removal of idle and suspected persons and preservation and protection of property at and in the vicinity of the fire. (129)

7.0708: REQUIRE AID

[\(back to Chapter contents\)](#)

In the execution of the duties of any police officer in arresting any person accused or suspected of crime or any suppression of any riot or unlawful assembly, or in the prevention of any offense against the city or state, he shall have the power when necessary to require the aid of any citizen; and it shall be unlawful for any person to refuse or willfully neglect to obey the summons of any police officer in such cases. (130)

7.0709: RESISTING OFFICER

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to willfully resist or obstruct any police officer in the discharge of his duties. (131)

7.0710: BRING DEFENDANT BEFORE COURT

[\(back to Chapter contents\)](#)

Any policeman after making any arrest with or without warrant shall, without unreasonable delay, bring the defendant before the court to be dealt with according to law and the ordinances of the City. (132)

7.0711: ISSUANCE OF WARNING TICKETS

[\(back to Chapter contents\)](#)

1. Any officer of the Watertown Police Department, upon reasonable belief that any vehicle is being operated in violation of the ordinances of the City or in such unsafe condition to endanger any person, persons or property, may require the operator of said vehicle to stop said vehicle and submit to an inspection of said vehicle and its equipment, license plates and registration card, if any. Any member of the Police Department is hereby authorized to issue a warning ticket to any driver whose vehicle is in violation of any provisions of any ordinances of the City or South Dakota Compiled Laws. Such warning ticket shall clearly indicate the provision of said motor vehicle laws or ordinances of the City which is being violated and shall provide for notification to the Police Department when such violation is corrected. Such correction is to be made not later than ten (10) days after the date of issuance of the warning ticket, at the discretion of the issuing officers. The form and content of said warning ticket are to be at the discretion of the Chief of Police of the City.

2. Any operator of any motor vehicle who willfully fails or refuses to comply with any lawful order, signal or direction of any authorized member of the Police Department or who refuses to submit said motor vehicle to an inspection by any of said officers or who fails or refuses to comply with the provisions or requirements of any warning ticket so issued by virtue of this ordinance, shall be punished by a fine of not more than one hundred dollars (\$100) or by imprisonment in the city jail for a term not to exceed thirty (30) days or by both such fine and imprisonment. (D-527)

7.0712: VOLUNTEER RESERVE POLICE FORCE

[\(back to Chapter contents\)](#)

There is hereby established for the City of Watertown, South Dakota, a Volunteer Reserve Police Force, the membership of which shall consist of individual volunteers to be selected as hereinafter provided. (E-194-1)

7.0713: MEMBERSHIP

[\(back to Chapter contents\)](#)

The membership of the Volunteer Police Force shall be determined and selected by the Chief of Police of the City, and approved by a majority of the City Council at the next regular meeting following the selection. Volunteer applicants must be between the ages of twenty one (21) and sixty five (65), and of good moral character. The membership shall not exceed twenty (20) members at any one time. (E-194-1)

7.0714: DUTIES

[\(back to Chapter contents\)](#)

Each member of the Volunteer Police Force shall perform such duties and obey such rules and regulations as the Chief of Police or governing body of the City shall prescribe. Only said Chief of Police or governing body shall have authority to assign duties or activate members of said volunteer force. A member shall at all times when on duty be quiet, civil and orderly in his conduct and deportment; must refrain from vile, profane, obscene and insolent language; and must abstain from intoxication, insubordination and dereliction of duty. The Chief of Police or the governing body shall have the authority to discharge any member of the volunteer police force with or without cause upon written notice to such member. The discharge shall be effective upon mailing said notice to the last known mailing address of such member. (E-194-1)

7.0715: MEETINGS

[\(back to Chapter contents\)](#)

Meetings of the Volunteer Police Force shall be held not less than once a month at a place to be designated by the Chief of Police. A roll call shall be made at each meeting and any member absent from three consecutive meetings shall be subject to dismissal from said Volunteer Force. (E-194-1)

7.0716: UNIFORMS

[\(back to Chapter contents\)](#)

The uniforms for the volunteer police force and the amount and type of equipment to be used shall be determined by the Chief of Police, who shall, after determining same, submit to the governing body a budget request for such uniforms and equipment as he deems necessary for the operation of the volunteer police force. (E-194-1)

Chapter 7.08
MISCELLANEOUS CITY APPOINTEES

Section

[\(back to Title contents\)](#)

- [7.0801 Appointment of Department Heads](#)
- [7.0802 City Engineer - Duties](#)
- [7.0803 City Engineer - Annual Report](#)
- [7.0804 City Engineer - Vacancy, Absence or Disability](#)
- [7.0805 Reserved](#)
- [7.0806 Street Superintendent - Authority](#)
- [7.0807 Street Superintendent - Vacancy, Absence or Disability](#)

7.0801: APPOINTMENT OF DEPARTMENT HEADS

[\(back to Chapter contents\)](#)

Notwithstanding any contrary provision within the Revised Ordinances of the City of Watertown, Department Heads, after their initial appointment to office, shall not be required to be reappointed annually. Department Heads shall continue in office until a successor is appointed, unless they resign or are otherwise removed from office. (Ord. 13-27; Add. 10-11-13)

7.0802: CITY ENGINEER – DUTIES

[\(back to Chapter contents\)](#)

1. It shall be the duty of the City Engineer to make, or cause to be made, all surveys, maps, plats and profiles relating to the streets, alleys, public grounds, sewers and drains and other improvements within the limits of this City. He shall also, when requested by the City Council or any committee thereof, submit detailed estimates, together with suitable specifications, of any proposed public work or improvements.
2. He shall superintend in person and carefully watch the improvements of all streets, sidewalks, sewers, culverts and plumbing when attached or to be attached to the sewers, and see that the same are done in conformity with the contract and the ordinance or resolution of the City authorizing the same to be done, and shall have general supervision of the whole construction of cement walks, driveways, street and alley crossings, curbs or gutters, and shall establish the grades of the same subject at all times to the approval of the City Council.
3. He shall keep a book in which shall be recorded a map of all the streets opened, changed or vacated, with the street adjoining or connected with the same, to the extent, at least, of one block on each side of the extremity of such street opened, changed or vacated with the name of such street and the location thereof. There shall also be written on said map the date of such opening, changing or vacating of any street so recorded on said map and the date of the ordinance or resolution effecting such change.
4. It shall be his duty to report to the City Council a grade for all streets, lanes, alleys, sidewalks and curbs. When required to report the grade of any street, he shall also report plans and estimates for grading or changing the grade thereof, as the case may be.
5. He shall make a suitable plat or profile of all such surveys and grades to be filed in his office for reference. He shall establish landmarks for surveying or grading streets, by placing iron stakes or other permanent monument, from which such grade or survey may be readily ascertained.
6. He shall carefully preserve all maps, surveys, books, profiles, plans, specifications, reports and all other papers and things required to be made by him, and all such other things pertaining to his office, all of which he shall deliver to his successor in office within five (5) days after the expiration of his term of office, taking duplicate receipts therefore, in which receipt the property shall be specifically enumerated, one of which receipts shall be filed in the office of the Finance Officer of said City. At the time of making all such maps, plats, surveys, profiles or plans and specifications for the use of the City, he shall file a copy or blueprint thereof in the office of the Finance Officer, so that the same may be preserved for the City and no bill shall be allowed the City Engineer for any other work until such maps, plats, surveys and other papers and records are so filed with the Finance Officer.
7. It shall be the duty of the City Engineer to at any time make a written report to the City Council of any grade set by him, if requested to do so by the committee on streets and alleys, or if requested to do so by the owner of the property opposite the grade set. Said report shall be submitted to the City Council for its approval or correction at its next regular meeting. (42)

7.0803: CITY ENGINEER - ANNUAL REPORT

[\(back to Chapter contents\)](#)

1. It shall be the duty of the City Engineer, on April 1 of each year, to file with the Finance Officer a detailed report to the City Council of all grades set during the previous year and of all grades previously set which have not been approved by the City Council. Said report shall give the elevation of the sidewalk grade at each block corner and at each point of change of grade between those points.
2. The elevation shall be taken from a datum line established and marked by permanent benchmarks at various places in this City, referred to in [Section 7.0101](#) hereof.
3. The location and elevation of said benchmarks shall be recorded in the office of the City Engineer, and said report shall be spread upon the records of the Finance Officer. (43)

7.0804: CITY ENGINEER - VACANCY, ABSENCE OR DISABILITY

[\(back to Chapter contents\)](#)

In the event of a vacancy in the office of City Engineer of this City or in the event of the absence of said Engineer from this City or his disability, the duties of his office shall be performed by the Superintendent of Public Utilities of said City, who is hereby vested with full power and authority to act for and in the stead of said City Engineer and to perform any and all acts required of said City Engineer, under said circumstances; provided, however, that nothing herein contained in this section shall affect the office of Building Official. (C-218-1, 2)

7.0805: RESERVED (00-7)

[\(back to Chapter contents\)](#)

7.0806: STREET SUPERINTENDENT – AUTHORITY

[\(back to Chapter contents\)](#)

The Street Superintendent, under the direction of the City Council shall have the authority to inspect, maintain, and repair sidewalks, streets, highways, bridges and public grounds of the City; shall have the authority to cause to be removed therefrom all impediments and obstructions; shall have the authority to address all openings, pitfalls or other dangerous places in the streets or alleys of said City; and shall employ such help and assistance as is necessary to so care for and protect the streets, alleys and public grounds. The Street Superintendent shall report to the City Council the current expenses in such improvement as required by law. (45) (Ord 17-36; Rev 10-13-2017)

7.0807: STREET SUPERINTENDENT - VACANCY, ABSENCE OR DISABILITY [\(back to Chapter contents\)](#)

In the event of a vacancy in the office of Street Superintendent of this City or in the event of the absence of said Street Superintendent from this City or his disability, the duties of his office shall be performed by the City Engineer of said City, who is hereby vested with full power and authority to act for and in the stead of said Street Superintendent and to perform any and all acts required of said Street Superintendent, under said circumstances, and that no additional bond shall be required. (D-423)

Chapter 7.09
SALARIES AND BONDS

Section

[\(back to Title contents\)](#)

- [7.0903 Bonds](#)
- [7.0904 Overtime and Travel Expense](#)
- [7.0905 Vacations, Benefits and Sick Leave](#)
- [7.0907 Residency Requirements](#)
- [7.0908 Defense of City Employees and Board Members](#)

7.0903: BONDS

[\(back to Chapter contents\)](#)

The following city officials shall each give bond in an amount no less than the following sums, respectively, to-wit:

City Finance Office	\$ 250,000
All other city employees	\$ 250,000 (00-7)

7.0904: OVERTIME AND TRAVEL EXPENSE

[\(back to Chapter contents\)](#)

Overtime shall be held to a minimum, incurred only in cases of emergency and paid only upon the written approval of the head of the department involved, and the chairman of the Council Committee involved. Travel rates for mileage and per diem meal allowances shall be paid at the rates as set by the State of South Dakota. The City will reimburse actual cost, upon presentation of receipts for lodging, registration fees and/or dues and incidental expenses to travel. (Y-2383-4)

7.0905: VACATIONS, BENEFITS AND SICK LEAVE

[\(back to Chapter contents\)](#)

Vacations, benefits and sick leave shall be governed by union contract or labor agreement and these ordinances and officers not covered by union contract or agreement shall be entitled to but not limited to the benefits of the agreement with the unit for which they are employed. For purposes of sick leave, a day is considered eight (8) hours for all departments.

7.0907: REPEALED

[\(back to Chapter contents\)](#)

Source: (E-274-I) (E-655) (E-693) (99-3) (Ord. 14-07; Rev. 2-14-14) (Ord. 15-29; Rev. 12-11-15) (Ord 20-17; Rep 6-12-2020)

7.0908: DEFENSE OF CITY EMPLOYEES AND BOARD MEMBERS

[\(back to Chapter contents\)](#)

The City shall provide for the defense and pay all judgments in any case or proceeding against any city officer, employee or member of any board, which board has been created by ordinance or statute, unless it is determined by a majority vote of the entire City Council that the officer, employee or board member was clearly acting outside the scope of their official duties or that the officer, employee or board member acted illegally, maliciously or wantonly. (E-541-I)

Chapter 7.10
APPROPRIATIONS

Section

[\(back to Title contents\)](#)

[7.1001 Appropriations](#)

7.1001: APPROPRIATIONS

Appropriations shall be by annual ordinance which shall be on file in the office of the Finance Officer. (E-607-2)

Chapter 7.12
FAIR HOUSING ORDINANCE

Section

[\(back to Title contents\)](#)

7.1201	Purpose and Declaration of Policy
7.1202	Construction
7.1203	Definitions
7.1204	Discriminatory Terms
7.1205	Refusal to Negotiate
7.1206	Withholding Housing
7.1207	Advertisements, Signs and Notices
7.1208	Refusal of Offers
7.1209	Discrimination in Lending
7.1210	Licensing
7.1211	Representation
7.1212	Other Violations
7.1213	Fair Housing Board
7.1214	Composition of Fair Housing Board
7.1215	Method of Appointment
7.1216	Fair Housing Board Duties and Powers
7.1217	Complaints - Conciliations
7.1218	Hearings by Board
7.1219	Enforcement
7.1220	Limitation of Time to File Complaints
7.1221	Remedies
7.1222	Temporary Court Order
7.1223	Judicial Review of Board Order
7.1224	Fines
7.1225	Severability

7.1201: PURPOSE AND DECLARATION OF POLICY

[\(back to Chapter contents\)](#)

It is hereby declared to be the policy of the City and the purpose of this ordinance, in the exercise of the City, of its police and regulatory powers for the protection of the public safety, for the health, morals, safety and welfare of the persons in and residing in the City, and for the maintenance and promotion of commerce, industry and good government in the City to secure all persons living and/or working or desiring to live and/or work in the City, fair opportunity to purchase, lease, rent or occupy real estate without discrimination based on race, color, religion, sex, age, marital status, physical limitations, source of income, family responsibilities, educational association or national origin. (E-433-I)

7.1202: CONSTRUCTION

[\(back to Chapter contents\)](#)

This ordinance shall be construed according to the fair import of its terms and shall be liberally construed to further the purpose and policy stated in Section 7.1201 and the special purposes of the particular provision involved. (E-433-1)

7.1203: DEFINITIONS

[\(back to Chapter contents\)](#)

Age: chronological age.

Board: the Fair Housing Board.

City Council: the City Council of the City of Watertown.

Education Association: the fact of being enrolled or not being enrolled at any educational institution.

Family Responsibilities: the state of being or the potential to become a contributor to the support of an individual or individuals in a dependent relationship.

Lease: includes sublease, assignment and rental, and includes any contract to do any of the foregoing.

Lending Institution: any bank, insurance company, savings and loan association or any other person in the business of lending money or guaranteeing loans; any person obtaining, arranging or negotiating loans or guarantees as agent

or broker; or any person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real estate.

Marital Status: the state of being married, unmarried, divorced or widowed.

National Origin: includes the national origin of an ancestor.

Owner: any person who holds legal or equitable title to, owns any beneficial interest in any real property, or who holds legal or equitable title to shares of, or who holds any beneficial interest in any real estate cooperative which owns any real property.

Panel: a panel comprised of three or more members of the Board, designated by the chairman of the Board, to investigate and to attempt to conciliate a complaint filed or made under [Section 7.1213](#) of this ordinance.

Person: one or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, unincorporated organizations, trusts, trustees in bankruptcy, receivers and fiduciaries.

Physical Limitation: a limitation of physical capabilities unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion or a limitation of physical capabilities unrelated to one's ability to acquire, rent and maintain property. Physical Limitation includes, but is not limited to, blindness or partial sightedness, deafness or hearing impairment, muteness, partial or total absence of physical member, speech impairment and motor impairment.

Purchase: any contract to purchase.

Real Estate Agent: any real estate broker, any real estate salesman and any other person who, as employee or agent or otherwise, engages in the management or operation of any real property.

Real Estate Broker: any person licensed as a real estate broker in accordance with the provisions of South Dakota Compiled Laws or required thereby to be so licensed.

Real Estate Transaction: the purchase, sale, exchange, rental or lease of any real property, or an option to do any of the foregoing.

Real Property: any real estate, vacant land, building or other structure, or any part thereof, within the city limits.

Sale: any contract to sell, exchange or to convey, transfer or assign legal or equitable title to or a beneficial interest in real property.

Source of Income: any legal source from which a person obtains money. (E-33-I)

7.1204: DISCRIMINATORY TERMS

[\(back to Chapter contents\)](#)

It shall be an unlawful housing practice and a violation of this ordinance for any real estate broker, salesman, agent, owner or other person to sell or rent, or offer to sell or rent a real property on terms, conditions or privileges that discriminate between persons because of race, color, religion, sex, age, marital status, physical limitations, source of income, family responsibilities, educational association or national origin. (E-433-I)

7.1205: REFUSAL TO NEGOTIATE

[\(back to Chapter contents\)](#)

It shall be an unlawful real estate practice and a violation of this ordinance for any real estate broker, salesman, agent, owner or other person to refuse to negotiate for, enter into or perform any sale or lease of any real property because of race, color, religion, sex, age, marital status, physical limitations, source of income, family responsibilities, educational association or national origin. (E-433-1)

7.1206: WITHHOLDING HOUSING

[\(back to Chapter contents\)](#)

It shall be an unlawful real estate practice and a violation of this ordinance for any real estate broker, salesman, agent, owner or other person to represent to any person that any real property is not available for inspection, purchase, sale, lease or occupancy when in fact it is so available, or otherwise to hold real property from any person because of race, color, religion, sex, age, marital status, physical limitations, source of income, family responsibilities, educational association or national origin. (E-433-I)

7.1207: ADVERTISEMENTS, SIGNS AND NOTICES

[\(back to Chapter contents\)](#)

It shall be an unlawful real estate practice and a violation of this ordinance for any real estate broker, salesman, agent, owner or other person to publish or circulate a statement, advertisement or notice or to post or erect any sign or notice

upon any real property indicating any intent to sell or lease any real property in a manner that is unlawful under this section. (E-433-1)

7.1208: REFUSAL OF OFFERS

[\(back to Chapter contents\)](#)

It shall be an unlawful real estate practice and a violation of this ordinance for any real estate broker, salesman, agent or other person to refuse to receive or to fail to transmit a bona fide offer for the purchase, sale, exchange or lease of any real property because of the race, color, religion, sex, age, marital status, physical limitations, source of income, family responsibilities, educational association, or national origin of any person making such offer.(E-433-I)

7.1209: DISCRIMINATION IN LENDING

[\(back to Chapter contents\)](#)

It shall be an unlawful real estate practice and a violation of this ordinance for any lending institution to refuse to negotiate for, enter into or perform any agreement to lend or guarantee the loan of funds or in making, agreeing to make, arranging or negotiating any loan or guarantee of funds for the purpose of financing the purchase or sale, construction, lease, rehabilitation, improvement, renovation or repair of any real property, or to offer or agree to terms, conditions or privileges that discriminate between persons because of race, color, religion, sex, age, marital status, physical limitations, source of income, family responsibilities, educational association or national origin of any party to such agreement, or of any member of the family of any such party, or of the residents of the area in which such real property is located. (E-433-I)

7.1210: LICENSING

[\(back to Chapter contents\)](#)

Every real estate broker shall apply for and obtain a license from the South Dakota Real Estate Commission prior to transacting any business involving real estate as a real estate broker and prior to advertising or assuming to act as such real estate broker, as provided for under SDCL. (E-433-1)

7.1211: REPRESENTATION

[\(back to Chapter contents\)](#)

It shall be an unlawful real estate practice and a violation of this ordinance for any real estate broker, salesman, agent, owner or other person for the purpose of inducing any other person to enter into a real estate transaction with such person, his principal or his agent, to:

1. Represent that a change has occurred, will occur or may occur with respect to race, color, religion, sex, age, marital status, physical limitations, source of income, family responsibilities, educational association or national origin in the composition of the owners or occupants in any block, neighborhood or area in which the real property (which is the subject of the real estate transaction) is located, or
2. Represent that a change with respect to the race, color, religion, sex, age, marital status, physical limitation, source of income, family responsibilities, educational association or national origin in the composition of the owners or occupants in any block, neighborhood or area will result in the lowering of property values, or in an increase in criminal or anti-social behavior, or in a decline in the quality of schools in such blocks, neighborhood or area. (E-433-I)

7.1212: OTHER VIOLATIONS

[\(back to Chapter contents\)](#)

It shall be an unlawful real estate practice and a violation of this ordinance for any real estate broker, salesman, agent, owner or any other person:

1. To aid, abet, incite or coerce a person to commit an unlawful real estate practice under this ordinance.
2. To purchase, lease or rent real estate for residential purposes, or authorize and direct one in his employment or on his behalf to do so, or solicit any other person to do so on his behalf for the specific reason and intention of preventing any other person or persons from purchasing, renting, leasing or occupying such residential real estate by reason of the race, color, religion, sex, age, marital status, physical limitations, source of income, family responsibilities, educational association or national origin of such person or persons.
3. To deliberately and knowingly refuse examination of copies of any listing of real property in City to any person because of race, color, religion, sex, age, marital status, physical limitations, source of income, family responsibilities, educational association or national origin.
4. To enter into a listing agreement which prohibits the inspection, sale, lease or occupancy of real property to any person because of race, color, religion, sex, age, marital status, physical limitations, source of income, family responsibilities, educational association or national origin.

5. To knowingly and willfully interfere with the performance of a duty or the exercise of a power by the Board or one of its members or representatives.
6. To willfully obstruct or prevent or attempt to obstruct or prevent a person from complying with the provisions of this ordinance or an order issued thereunder. (E-433-1)

7.1213: FAIR HOUSING BOARD

[\(back to Chapter contents\)](#)

There is hereby created a Fair Housing Board which shall consist of five members as hereinafter provided. (E-433)

7.1214: COMPOSITION OF FAIR HOUSING BOARD

[\(back to Chapter contents\)](#)

All five (5) members of the Board shall be appointed from the City at large and shall be citizens who are willing to expend the time and effort necessary to carry out the duties of the Board. (E-433-1)

7.1215: METHOD OF APPOINTMENT

[\(back to Chapter contents\)](#)

Members shall be appointed by the Mayor subject to the approval of the City Council. In the first instance, three members shall be appointed for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. Thereafter, each member appointed shall serve for a term of three (3) years or until his successor is duly appointed and qualified. The Board shall elect one of its members to be its chairman. Three (3) members shall constitute a quorum, but the concurrence of the majority of the entire Board (obtained either at a meeting of the Board or in a poll conducted by the chairman) shall be necessary for Board action. (E-433-1)

7.1216: FAIR HOUSING BOARD DUTIES AND POWERS

[\(back to Chapter contents\)](#)

The Board shall have and exercise the following duties and powers:

1. To act to eliminate unlawful real estate practices that violate this ordinance.
2. To act to assure to persons living, working, or desiring to work, an opportunity to purchase, lease or occupy real property without discrimination because of race, color, religion, age, sex, marital status, physical limitations, source of income, family responsibilities, educational association or national origin.
3. To receive and investigate complaints alleging unlawful real estate practices in violation of this ordinance.
4. To attempt elimination of unfair real estate practices by conciliation, conference and/or persuasion.
5. To hold public hearings in the event that its efforts under the above Subsection 4 are ineffective or where it deems that such efforts will be ineffective.
6. To instruct the City Attorney to commence appropriate court action against those the Board has found to be in violation of this ordinance.
7. To recommend to the South Dakota Real Estate Commission suspension and/or revocation of licenses of real estate brokers in accordance with the requirements of this ordinance.
8. To render from time to time, but not less than every twelve (12) months, a written report to the City Council of its activities and recommendations with respect to fair real estate practices, which written reports shall be made public after submission to the City Council.
9. To exercise such other powers as are vested in the Board by other sections of this ordinance and to adopt such rules and regulations as may be necessary to carry out the purposes of this ordinance. (E-433-1)

7.1217: COMPLAINTS – CONCILIATIONS

[\(back to Chapter contents\)](#)

1. Any person aggrieved in any manner of any violation of any provision of this ordinance may file with the Board a written verified complaint setting forth his grievance. The complaint shall state:
 - a. The name and address of the complainant,
 - b. The name and address of the person against whom the complaint is brought, if known to the complainant, and
 - c. The alleged facts surrounding the alleged violation of this ordinance. Such complaint shall state the names and addresses of all persons believed to have knowledge concerning the alleged facts.

2. After the filing of any complaint, the Board shall serve a copy of the complaint on the party or parties charged and the chairman of the Board shall designate a panel, as defined above, to make a prompt investigation in connection therewith.
3. If such panel shall determine after such investigation that probable cause exists for the allegations of the complaint:
 - a. The chairman of the Board shall set a time and date for a conference with the Board. Said conference shall be private.
 - b. At such conference, the Board shall interview the complainant and the person or persons against whom the complaint has been directed and shall attempt to resolve the complaint by all proper methods of conciliation and persuasion.
4. If, at any time after the date of filing of the complaint, the Board shall determine that such attempt at conciliation and persuasion would not be in furtherance of the objectives of this ordinance, the Board shall thereupon proceed promptly to a full hearing on the complaint in accordance with Section 7.1218 below. (E-433-1)

7.1218: HEARINGS BY BOARD

[\(back to Chapter contents\)](#)

Such hearings shall be conducted by the entire Board or a quorum thereof upon ten (10) days notice to all parties. The Board shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The Board shall have the power to administer oaths and to take sworn testimony. The Board shall have the power to subpoena witnesses and pertinent documents, which power may be enforced by the Board by proper petition to the District Court of the county where the complainant resides. The complainant and any party alleged to have violated this ordinance shall be entitled to be represented by counsel and shall have the right to call witnesses on his own behalf and to cross-examine witnesses. (E-433-I)

7.1219: ENFORCEMENT

[\(back to Chapter contents\)](#)

1. If, upon all the evidence at the hearing, the Board finds that the person complained of has violated any of the provisions of this ordinance, the Board shall state its findings of fact and shall issue and cause to be served upon such person an order requiring such person to cease and desist from such violation, and to take such affirmative or other action as, in the judgment of the Board, will effectuate the purpose of this ordinance, including a report of the manner of compliance.
2. If, upon all the evidence at the hearing, the Board finds that the person complained of has not violated any of the provisions of this ordinance, the Board shall state its findings of fact and shall issue and cause to be served upon the complainant an order dismissing the complaint.
3. The Board shall retain jurisdiction of the case until it is satisfied that the person to whom the order was directed has complied. The order of the Board and its findings of fact shall be issued within thirty (30) days after the filing of the complaint and shall be delivered to the complainant, the person charged, and the City Manager. (Ord 21-14; Rev 6-11-21)
4. The Board shall be empowered at the conclusion of the proceedings held under Section 7.1218 to instruct the City Attorney to do any one or more of the following:
 - a. To institute and prosecute proceedings in a court of competent jurisdiction to enforce against any person found in violation of this ordinance the fine provided for in [Section 7.1224](#) below.
 - b. To apply to any court of competent jurisdiction for:
 - (1) An order restraining any person from violating any provision of this ordinance
 - (2) Such other future relief as may seem to the court appropriate for the enforcement of this ordinance and for the elimination of violations hereof.
 - c. To petition or institute proceedings with the South Dakota Real Estate Commission for the purpose of causing the Commission to revoke, suspend or refuse to renew the license granted by such Commission to any real estate broker or real estate salesman found to have violated any provision of this ordinance.
 - d. The Board is also empowered at the conclusion of such proceedings to recommend to the South Dakota Real Estate Commission suspension and/or revocation of the broker's license of any broker licensed by the South Dakota Real Estate Commission against whom a complaint shall have been filed and who shall have been a party to any proceedings thus filed and found guilty of violating any applicable provisions of this ordinance. (E-433-I)

7.1220: LIMITATION OF TIME TO FILE COMPLAINTS

[\(back to Chapter contents\)](#)

Any complaint filed hereunder with the Board must be filed within sixty (60) days after the alleged discriminatory practice occurred or it shall be barred. (E-433-I)

7.1221: REMEDIES

[\(back to Chapter contents\)](#)

Any person aggrieved in any manner by the violation of any provision of this ordinance who has exhausted the remedies provided in Sections [7.1217](#) and [7.1218](#) of this ordinance may apply to any court of competent jurisdiction for appropriate relief from such violation, including:

1. An order compelling compliance with this ordinance,
2. An order to prohibit any person found by the court to have violated any provision of this ordinance from the sale, lease, exchange, transfer, conveyance or assignment of any dwelling or housing which is the subject of such violation,
3. An order requiring specific performance of any contract for the sale, lease, exchange, transfer, conveyance or assignment of any dwelling or housing, by any person who in violation of this ordinance refuses or fails to perform such contract,
4. Compensatory damages and, if appropriate, punitive damages.
5. Such other and further relief as may seem appropriate to the court for the enforcement of this ordinance and the elimination of violations thereof. (E-433-1)

7.1222: TEMPORARY COURT ORDER

[\(back to Chapter contents\)](#)

Any complainant under this ordinance may apply to a court of competent jurisdiction for an order temporarily prohibiting any transaction affecting the real property which is the subject of the complainant's pending complaint under this ordinance prior to final determination by the Board where the owner of said property is one of the parties complained of. (E-433-I)

7.1223: JUDICIAL REVIEW OF BOARD ORDER

[\(back to Chapter contents\)](#)

Any party, complainant or person aggrieved by an order of the Board shall have the right to obtain judicial review of such order. (E-433-1)

7.1224: FINES

[\(back to Chapter contents\)](#)

Any person violating any provision of this ordinance may, in addition to revocation or suspension of the license herein required or in lieu thereof, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense. (E-433-1)

7.1225: SEVERABILITY

[\(back to Chapter contents\)](#)

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby. (E-433-1)

Chapter 7.14
CABLE TELEVISION REGULATORY ORDINANCE

Section

[\(back to Title contents\)](#)

7.1401	Intent
7.1402	Definitions
7.1403	Franchise to Install and Operate
7.1404	Franchise Required
7.1405	Term of the Franchise
7.1406	Franchise Territory
7.1407	Federal, State and City Jurisdiction
7.1408	Franchise Transfer
7.1409	Purchase by City Upon Expiration or Revocation
7.1410	Emergency Use
7.1411	Geographical Coverage
7.1412	Nonexclusive Franchise
7.1413	Multiple Franchises
7.1414	Franchise Applications
7.1415	Consideration of Initial Applications
7.1416	Franchise Renewal
7.1417	Consumer Protection and Service Standards
7.1418	Rate Regulation
7.1419	Franchise Fee
7.1420	Design and Construction Requirements
7.1421	Technical Standards
7.1422	Trimming of Trees
7.1423	Programming Decisions
7.1424	Indemnification
7.1425	Insurance
7.1426	Records Required and Grantor's Right to Inspect
7.1427	Franchise Violation
7.1428	Revocation
7.1429	Force Majeure; Grantee's Inability to Perform
7.1430	Abandonment or Removal of Franchise property
7.1431	Extended Operation and Continuity of Services
7.1432	Receivership and Foreclosure
7.1433	Rights Reserved to Grantor
7.1434	Rights of Individuals
7.1435	Conflicts
7.1436	Severability

7.1401: INTENT

[\(back to Chapter contents\)](#)

1. The City of Watertown, South Dakota, pursuant to applicable laws, is authorized to grant one or more nonexclusive franchises to construct, operate, maintain and reconstruct cable television systems within the city limits.
2. The City Council finds that the development of cable television systems has the potential of having great benefit and impact upon the residents of the City. Because of the complex and rapidly changing technology associated with cable television, the City Council further finds that the public convenience, safety and general welfare can best be served by establishing regulatory powers which should be vested in the City or such persons as the City shall designate. It is the intent of this ordinance and subsequent amendments to provide for and specify the means to attain the best possible cable television service to the public and any franchises issued pursuant to this ordinance shall be deemed to include this finding as an integral part thereof.

7.1402: DEFINITIONS

[\(back to Chapter contents\)](#)

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Words used in the present tense include the future, words in the plural number include the singular

number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

Applicable Laws: any law, statute, charter, ordinance, rule, regulation, code, license, certificate, franchise, permit, writ, ruling, award, executive order, directive, requirement, injunction (whether temporary, preliminary or permanent), judgment, decree or other order issued, executed, or entered by any Governmental Authority.

Basic Cable Service: any service tier which includes the retransmission of local television broadcast signals. Basic cable service as defined herein shall be consistent with 47 USC § 543(b)(7)(1993).

Cable Act: the Cable Communications Policy Act of 1984, Pub. L. No. 98-549, 98 Stat. 2779 (1984) (codified at 47 USC § 521-611 (1982 & Supp. V 1987)) as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385 and the Telecommunications Act of 1996, Pub. L. No. 104-458 and as the same may, from time to time, be amended.

Cable Television System, System or Cable System: a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include:

1. A facility that serves only to retransmit the television signals of one or more television broadcast stations;
2. A facility that serves subscribers without using any public rights-of-way;
3. A facility of a common carrier which is subject, in whole or in part, to the provisions of 47 USC § 201-226, except that such facility shall be considered a cable system (other than for purposes of 47 USC § 541) to the extent such facility is used in the transmission of video programming directly to subscribers; unless the extent of such use is solely to provide interactive on-demand services;
4. An open video system that complies with Section 653 of Title VI of the Cable Act; or
5. Any facilities of any electric utility used solely for operating its electric utility system.

Cable Service:

1. The one-way transmission to subscribers of video programming or other programming service; and
2. Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

Channel or Cable Channel: a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel as defined by the Federal Communications Commission.

Council: the City Council of the City of Watertown, South Dakota.

Franchise: an initial authorization, or renewal thereof, issued by the City, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement or otherwise, which authorizes the construction or operation of a cable system.

Franchise Agreement: a franchise granted pursuant to this ordinance containing the specific provisions of the franchise granted, including references, specifications, requirements and other related matters.

Franchise Fee: any tax, fee or assessment of any kind imposed by the City or any other governmental authority on a grantee or cable subscriber, or both, solely because of their status as such. The term "Franchise Fee" does not include:

1. any tax, fee or assessment of general applicability (including any such tax, fee or assessment imposed on both utilities and cable operators or their services but not including a tax, fee or assessment which is unduly discriminatory against cable operators or cable subscribers);
2. capital costs which are required by the Franchise Agreement to be incurred by the Grantee for PEG Access Facilities;
3. requirements or charges incidental to the awarding or enforcing of the franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties or liquidated damages; or
4. any fee imposed under Title 17 of the United States Code.

Governmental Authority: any court or other federal, state, county, municipal or other governmental department, commission, board, agency or instrumentality.

Grantee: any person receiving a franchise pursuant to this ordinance or any lawful successor, transferee or assignee.

Grantor or City: the City of Watertown, South Dakota as represented by the Council. The Finance Officer shall be responsible for the continuing administration of the franchise.

Gross Revenues: all revenue derived by the Grantee from the provision of cable service by the Grantee within the City from the operation of its cable system including, but not limited to, monthly fees charged to subscribers for basic cable service; monthly fees charged to subscribers for any optional cable service; monthly fees charged to subscribers for any tier of service other than basic cable service; installation, disconnection and reconnection fees; leased channel fees; payments or other consideration received by the Grantee from programmers for carriage of programming on the cable system and accounted for as revenue under generally accepted accounting principles (GAAP); converter rentals or sales; local advertising revenues; revenues from home shopping channels. Gross Revenues shall be the basis for computing the franchise fees imposed pursuant to [Section 7.0419](#) hereof.

Gross Revenues shall not include:

1. to the extent consistent with GAAP, bad debt; provided, however, that all or part of any such bad debt that is written off but subsequently collected shall be included in gross revenues in the period collected;
2. any capital contribution required by the franchise in support of PEG Access; or
3. any taxes on services furnished by the Grantee which are imposed directly on any subscriber or user by the state, city, or other governmental authority and which are collected by the Grantee on behalf of said governmental authority. The franchise fee is not such a tax. There shall be no deductions from gross revenues except for uncollected amounts unless specifically authorized herein.

Initial Service Area: the area of the City which will receive cable service initially, as set forth in any franchise agreement.

Installation: the connection of the system to subscribers' terminals, and the provision of cable service.

Normal Business Hours: those hours during which most similar businesses in the City are open to serve customers. In all cases, "Normal Business Hours" must include some evening hours at least one night per week and/or some weekend hours.

Normal Operating Conditions: those service conditions which are within the control of the Grantee. Those conditions which are not within the control of the Grantee include, but are not limited to: natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the Grantee include, but are not limited to: special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the system.

Person: any individual or any association, firm, general partnership, limited partnership, joint stock company, joint venture, trust, corporation, limited liability company or other legally recognized entity, private or public, whether for-profit or not-for-profit.

Public, Educational or Government Access Facilities or PEG Access Facilities:

1. Channel capacity designated for noncommercial public, educational or governmental use; and
2. Facilities and equipment for the use of such channel capacity.

Section: any section, subsection or provision of this ordinance.

Service Area or Franchise Area: the entire incorporated area within the City as it is now constituted or may in the future be constituted, unless otherwise specified in the Franchise Agreement.

Service Interruption: the loss of picture or sound on one or more cable channels.

State: the State of South Dakota.

Street: each of the following which have been dedicated to the public or are hereafter dedicated to the public and maintained under public authority or by others and located within the city limits: streets, roadways, highways, avenues, lanes, alleys, sidewalks, easements, rights-of-way and similar public property and areas that the grantor shall permit to be included within the definition of street from time to time.

Subscriber: any person who or which lawfully elects to subscribe to, for any purpose, a cable service provided by the Grantee by means of or in connection with the cable system.

7.1403: FRANCHISE TO INSTALL AND OPERATE

[\(back to Chapter contents\)](#)

1. A franchise granted by the City under the provisions of this ordinance shall encompass the following purposes:

- a. To engage in the business of providing cable service to subscribers within the service area.
 - b. To erect, install, construct, repair, rebuild, reconstruct, replace, maintain and retain cables, lines, related electronic equipment, supporting structures, appurtenances and other property in connection with the operation of a cable system in, on, over, under, upon, along and across streets within the service area.
 - c. To maintain and operate said franchise properties for the origination, reception, transmission, amplification and distribution of television and radio signals for the delivery of cable services.
 - d. To set forth the obligations of a Grantee under the Franchise Agreement.
2. Nothing contained in this ordinance relieves a person from liability arising out of failure to exercise reasonable care to avoid injuring Grantee's facilities while performing work connected with grading, regarding or changing the line of a street or public place or with the construction or reconstruction of a sewer or water system.
 3. Nothing contained in this section relieves a person from compliance with any ordinance regulating, administering and charging users of the public rights-of-way.

7.1404: FRANCHISE REQUIRED

[\(back to Chapter contents\)](#)

It shall be unlawful for any person, other than the City, to construct, install or operate a cable television system in the City in, on, over, under, upon, along or across any street without a franchise properly granted pursuant to the provisions of this ordinance. To the extent allowed under applicable laws, and specifically, subject to Section 621 (b)(1) of the Cable Act, the City reserves the right to permit certain persons to maintain facilities in, on, over, under, upon, along or across any streets without a franchise granted pursuant to this ordinance when such facilities are designed solely for internal communications and where no fees or other compensation is charged nor is providing cable service to other persons.

7.1405: TERM OF THE FRANCHISE

[\(back to Chapter contents\)](#)

1. A franchise granted hereunder shall be for the term established in the Franchise Agreement and shall not exceed fifteen (15) years.
2. A franchise granted hereunder may be renewed upon request by the Grantee pursuant to the provisions of this ordinance and applicable laws.

7.1406: FRANCHISE TERRITORY

[\(back to Chapter contents\)](#)

Any franchise granted pursuant to this ordinance shall be valid within the service area.

7.1407: FEDERAL, STATE AND CITY JURISDICTION

[\(back to Chapter contents\)](#)

1. This ordinance shall be construed in a manner consistent with applicable laws.
2. In the event that the state or federal government discontinues preemption in any area of cable service over which it currently exercises jurisdiction in such manner as to expand rather than limit municipal regulatory authority, grantor may, if it so elected, adopt rules and regulations in accordance with its lawful police powers in such areas to the extent permitted by applicable laws.
3. This ordinance shall apply to all franchises granted or renewed after the effective date of this ordinance.
4. The rights of all Grantees are subject to the policing powers of the City to adopt and enforce ordinances necessary to the health, safety and welfare of the public. All Grantees shall comply with all generally applicable laws enacted by the City pursuant to that power.
5. No Grantee shall be relieved of its obligation to comply with any of the provisions of this ordinance or any franchise granted to it pursuant to this ordinance by reason of any failure of the City to enforce prompt compliance.
6. This ordinance and any franchise granted pursuant to this ordinance shall be construed and enforced in accordance with the substantive laws of the City, the State of South Dakota and applicable federal laws, including the Cable Act.

7.1408: FRANCHISE TRANSFER

[\(back to Chapter contents\)](#)

1. Grantee shall not voluntarily or involuntarily, by operation of law or otherwise, sell, assign, transfer, lease, sublet or otherwise dispose of, the franchise and/or cable system or any of the rights or privileges granted by the franchise, without the prior written consent of the Council and then only upon such terms and conditions as may be prescribed by the Council in accordance with applicable laws, which consent shall not be unreasonably denied or delayed. Any attempt to sell, assign, transfer, lease, sublet or otherwise dispose of the franchise and/or cable system without the prior written consent of the Council, except as consent may be deemed granted pursuant to applicable law and this section, shall be null and void and shall be grounds for termination of the franchise pursuant to [Section 7.0427](#) hereof and the applicable provisions of any franchise agreement.
2. Without limiting the nature of the events requiring the Council's approval under this section, the following events shall be deemed to be a sale, assignment or other transfer of the franchise and/or cable system requiring compliance with this section:
 - a. the sale, assignment or other transfer of all or a majority of Grantee's assets or the assets comprising the cable system in the service area to any person so as to create a new controlling interest in Grantee;
 - b. the consolidation of the Grantee or any of its parents with any other person so as to create a new controlling interest in Grantee;
 - c. the creation of a subsidiary corporation or other entity which owns and operates the cable system in the service area;
 - d. the sale, assignment or other transfer of capital stock or partnership, membership or other equity interests in Grantee or any of its parents by one or more of its existing shareholders, partners, members or other equity owners so as to create a new controlling interest in Grantee;
 - e. the issuance of additional capital stock or partnership, membership or other equity interest by Grantee or any of its parents so as to create a new controlling interest in Grantee; and
 - f. the entry by the Grantee into an agreement with respect to the management or operation of the Grantee, any of Grantee's parents and/or the system so as to effect a transfer in the management or operation of the Grantee, its parents, and/or the system, or the subsequent amendment thereof. The term "Controlling Interest" as used herein is not limited to majority equity ownership of the Grantee, but also includes actual working control over the Grantee and/or the system in whatever manner exercised.
3. In the case of any sale or transfer of ownership of any franchise and/or cable system the City shall have one hundred twenty (120) days to act upon any request for approval of such sale or transfer that contains or is accompanied by such information as is required in this ordinance and applicable laws. If the City fails to render a final decision on the request within one hundred twenty (120) days from receipt by the City of all information required by this ordinance and applicable law, such request shall be deemed granted unless the requesting party and the City agree to an extension of time. The Grantee shall timely provide such other reasonable information regarding the legal, financial and technical qualifications of the transferee as the City, in its sole discretion, may request, provided, however, such request for additional information shall not act to extend the said one hundred twenty (120) day period.
4. Grantee shall notify Grantor in writing of any foreclosure or any other judicial sale of all or a substantial part of the property and assets comprising the cable system of the Grantee or upon the termination of any lease or interest covering all or a substantial part of said property and assets. Such notification shall be considered by Grantor as notice that a change in control or ownership of the franchise has taken place and the provisions under this section governing the consent of Grantor to such change in control or ownership shall apply.
5. For the purpose of determining whether it shall consent to such change, transfer or acquisition of control, Grantor may inquire into the qualifications of the prospective transferee or controlling party, and Grantee shall assist Grantor in any such inquiry. In seeking Grantor's consent to any change of ownership or control, Grantee shall have the responsibility of insuring that the transferee provides the information required in Subsection 3. The information shall be submitted to Grantor not less than one hundred twenty (120) days prior to the date of transfer. In the event of a transfer of the franchise or the cable system, the transferee shall be required to establish to the satisfaction of the City that it possesses the legal, technical and financial qualifications to operate and maintain the system and comply with all franchise requirements for the remainder of the term of the franchise. In the event of a change in control, in which the Grantee is not replaced by another entity, the Grantee will continue to be bound by all the provisions of the franchise, subject to applicable law. If, after considering the legal, financial and technical qualities of the transferee and determining that they are satisfactory, the Grantor finds that such transfer is acceptable, the Grantor shall

permit such transfer and assignment of the rights and obligations of such franchise as may be in the public interest. The consent of the Grantor to such transfer shall not be unreasonably denied.

6. Any financial institution having a security interest in any and all of the property and assets of Grantee in the service area as security for any loan made to Grantee or any of its affiliates for the construction and/or operation of the cable system must notify the Grantor in accordance with this ordinance and applicable laws that it or its designee satisfactory to the Grantor seeks to take control of and operate the cable television system.
7. In addition to the aforementioned requirements in this Section 7.1408, the City and Grantee shall, at all times, comply with the requirements of South Dakota State Law regarding the sale or transfer of a cable franchise.

7.1409: PURCHASE BY CITY UPON EXPIRATION OR REVOCATION ([\(back to Chapter contents\)](#))

In accordance with Section 627 of the Cable Act (47 USC § 547) and all applicable laws, at the expiration, cancellation, revocation or termination of any Franchise Agreement, the City shall have the option to purchase, (consistent with South Dakota Statutes) the cable system upon the payment of: (1) in the case of the expiration of the franchise without renewal, the fair market value of the cable system to Grantee, determined on the basis of the going concern value of the cable system (exclusive of any value attributable to the franchise), or, (2) in the case of revocation for cause, the equitable price of Grantee's cable system. In the event the City determines to purchase the cable system, the City shall make an offer in writing to purchase Grantee's cable system. Grantee shall have ninety (90) days from receipt of a written offer from the City within which to accept or reject the offer. In any case where the City elects to purchase the cable system, the purchase shall be closed within one hundred twenty (120) days from the date the City completes an audit of a current profit and loss statement of Grantee. The City shall pay for the cable system in cash or certified funds, and Grantee shall deliver appropriate bills of sale and other instruments of conveyance.

7.1410: EMERGENCY USE ([\(back to Chapter contents\)](#))

1. Each cable system constructed in the City shall include "Emergency Alert Capability" which will permit the City at no cost, in times of emergency, to override the audio of all channels simultaneously. Each cable system shall include the capability to conduct such override from the City's designated location. Grantor shall permit only appropriately trained and authorized persons to operate the emergency equipment and shall take reasonable precautions to prevent any use, in any manner that results in an inappropriate use of the cable system, or any loss or damage to the cable system.
2. In accordance with and at the time required by the provisions of FCC Regulations Part 11, Subpart D., as such provisions may from time to time be amended, the Grantee shall install an Emergency Alert System which is consistent with the requirements and standards set forth in Part 11, Subpart D, Section 11.51 of the FCC Rules and Regulations. Grantee's obligation hereunder to provide emergency alert capability shall be met by its installation of the FCC required emergency alert system.

7.1411: GEOGRAPHICAL COVERAGE ([\(back to Chapter contents\)](#))

1. Grantee shall design, construct and maintain the cable television system to have the capability to pass every dwelling unit in the service area, subject to any service area line extension requirements of the Franchise Agreement.
2. After service has been established by activating trunk and/or distribution cables for any service area, Grantee shall provide cable service to any requesting subscriber within that service area within thirty (30) days from the date of request, provided that the Grantee is able to secure all rights-of-way necessary to extend service to such subscriber within such thirty (30) day period on reasonable terms and conditions.

7.1412: NONEXCLUSIVE FRANCHISE ([\(back to Chapter contents\)](#))

1. Any franchise granted under this ordinance shall be nonexclusive. The Grantor specifically reserves the right to grant, at any time, such additional franchises for a cable television system, as it deems appropriate, subject to applicable laws. The Grantor also specifically reserves the right to operate a municipal cable television system pursuant to applicable laws and shall not be required to grant a franchise to the City for the operation of a municipal cable television system unless specifically required by applicable laws.
2. In the event Grantor grants more than one Franchise Agreement to allow persons to enter into Grantor's streets for the purpose of constructing and operating a cable system to provide cable services in the service area, the material provisions of each subsequent Franchise Agreement shall be no more favorable nor less

burdensome than those of previously granted agreements so that no one Grantee is provided an unfair competitive advantage over another and to provide all parties equal protection under the law. Notwithstanding the aforementioned requirement, nothing herein shall in any way prohibit Grantor from imposing provisions in subsequent agreements which may be less favorable or more burdensome than those provisions contained in existing Franchise Agreements so long as consistent with all applicable laws.

7.1413: MULTIPLE FRANCHISES

[\(back to Chapter contents\)](#)

1. Grantor may grant one or more franchises for a service area. Grantor may, in its sole discretion, limit the number of initial franchises granted, based upon, but not necessarily limited to, the requirements of applicable laws and specific local considerations; such as:
 - a. The capacity of the public rights-of-way to accommodate multiple coaxial cables in addition to the cables, conduits and pipes of the utility systems, such as electrical power, telephone, gas and sewage.
 - b. The impact on the City of having multiple franchises.
 - c. The disadvantages that may result from cable system competition, such as the requirement for multiple pedestals on residents' property, and disruption arising from numerous excavations of the rights-of-way.
 - d. The financial, legal, and technical capabilities of the applicant.
2. Each Grantee awarded a franchise to serve the entire City shall offer service to all residences in the City, in accordance with construction and service schedules mutually agreed upon between Grantor and Grantee, minimum density provisions of the Franchise Agreement, and consistent with applicable laws.
3. The City may, in its sole discretion, require developers of new residential housing with underground utilities to provide conduit to accommodate cables for a minimum of two cable systems.
4. Grantor may require that any new Grantee be responsible for its own underground trenching and the costs associated therewith, if, in Grantor's opinion, the rights-of-way in any particular area cannot feasibly and reasonably accommodate additional cables.
5. Any additional franchise granted by the City to provide cable service in a part of the City in which a franchise has already been granted and where an existing Grantee is providing service shall require the new Grantee to provide service throughout its service area within a reasonable time and in a sequence which does not discriminate against lower income residents.

7.1414: FRANCHISE APPLICATIONS

[\(back to Chapter contents\)](#)

1. Any person other than the City, desiring an initial franchise for a cable television system shall file an application with the City. A reasonable nonrefundable application fee in an amount established by the City shall accompany the initial application. Such application fee shall not be deemed to be "franchise fees" within the meaning of Section 622 of the Cable Act (47 USC § 542), and such payments shall not be deemed to be:
 - a. "payments in kind" or any involuntary payments chargeable against the franchise fees to be paid to the City by Grantee pursuant to [7.0419](#) hereof and applicable provisions of a Franchise Agreement, or
 - b. part of the franchise fees to be paid to the City by Grantee pursuant to [Section 7.0419](#) hereof and applicable provisions of a Franchise Agreement.
2. An application for an initial franchise for a cable television system shall be in a form reasonably acceptable to Grantor and shall contain, where applicable:
 - a. A statement as to the proposed service area.
 - b. A résumé of prior history of applicant, including the legal, technical and financial expertise of applicant in the cable television field.
 - c. A list of the general and limited partners of the applicant, if a partnership, or the shareholders, if a corporation.
 - d. The percentage ownership of the applicant of each of its partners, shareholders or other equity owners;
 - e. A list of officers, directors and managing employees of applicant or its general partner, as applicable, together with a description of the background of each such person;
 - f. The names and addresses of any parent or subsidiary of applicant or any other business entity owning or controlling applicant in whole or in part, or owned or controlled in whole or in part by applicant;
 - g. A current financial statement of applicant verified by an audit or otherwise certified to be true, complete and correct to the reasonable satisfaction of the City;

- h. Proposed construction and service schedule.
- i. Any additional information that the City deems applicable.

7.1415: CONSIDERATION OF INITIAL APPLICATIONS

[\(back to Chapter contents\)](#)

1. Upon receipt of any application for an initial franchise, the City Finance Officer and the City Attorney shall prepare a report and make his or her recommendations respecting such application to the City Council.
2. A public hearing shall be set prior to any initial franchise grant, at a time and date approved by the Council. After the close of the hearing, the Council shall make a decision based upon the evidence received at the hearing as to whether or not the franchise(s) should be granted, and, if granted subject to what conditions. The Council may grant one or more initial franchises, or may decline to grant any franchise.

7.1416: FRANCHISE RENEWAL

[\(back to Chapter contents\)](#)

Franchise renewals shall be in accordance with applicable laws. Grantor and Grantee, by mutual consent, may enter into renewal negotiations at any time during the term of the franchise.

7.1417: CONSUMER PROTECTION AND SERVICE STANDARDS

[\(back to Chapter contents\)](#)

Except as otherwise provided in the Franchise Agreement, Grantee shall maintain one or more customer service and bill payment offices at convenient locations within the service area to provide the necessary facilities, equipment and personnel to comply with the following consumer protection standards under normal operating conditions:

1. Cable system office hours and telephone availability:
 - a. Grantee will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers twenty four (24) hours a day, seven (7) days a week.
 - (1) Trained grantee representatives will be available to respond to customer telephone inquiries during normal business hours.
 - (2) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained Grantee representative on the next business day.
 - b. Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety percent (90%) of the time under normal operating conditions, measured on a quarterly basis.
 - c. The Grantee will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.
 - d. Under normal operating conditions, the customer will receive a busy signal less than three percent (3%) of the time.
 - e. Customer service center and bill payment locations will be open at least during normal business hours.
2. Installations, outages and service calls. Under normal operating conditions, each of the following standards will be met no less than ninety five percent (95%) of the time measured on a quarterly basis:
 - a. Standard installations will be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to one hundred twenty five (125) feet from the existing distribution system.
 - b. Excluding conditions beyond the control of Grantee, Grantee will begin working on "service interruptions" promptly and in no event later than twenty four (24) hours after the interruption becomes known. The Grantee must begin actions to correct other service problems the next business day after notification of the service problem.
 - c. The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four (4) hour time block during normal business hours. (The Grantee may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)
 - d. Grantee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

- e. If Grantee's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted prior to the time of the scheduled appointment. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.
- 3. Communications between Grantee and Subscribers:
 - a. Notifications to subscribers:
 - (1) The Grantee shall provide written information on each of the following areas at the time of Installation of service, at least annually to all subscribers, and at any time upon request:
 - (a) Products and services offered;
 - (b) Prices and options for programming services and conditions of subscription to programming and other services;
 - (c) Installation and service maintenance policies;
 - (d) Instructions on how to use the cable service;
 - (e) Channel positions of the programming carried on the system; and
 - (f) Billing and complaint procedures, including the address and telephone number of the Grantee's and Grantor's offices within the service area.
 - (2) Customers will be notified of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the cable operator. In addition, the cable operator shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by Paragraph (3)(a)(1)(a) through (f) of this section.
 - (3) Notwithstanding any other provision of 47 CFR Part 76, a cable operator shall not be required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax assessment, or charge of any kind imposed by any federal agency, state, or franchising authority on the transaction between the operator and the subscriber.
 - b. Billing:
 - (1) Bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will clearly delineate all activity during the billing period, including optional charges, rebates and credits.
 - (2) In case of a billing dispute, the Grantee must respond to a written complaint from a subscriber within thirty (30) days.
 - c. Refunds: Refund checks will be issued promptly, but no later than either:
 - (1) The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or
 - (2) The return of the equipment supplied by the Grantee if service is terminated.
 - d. Credits: Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

7.1418: RATE REGULATION

[\(back to Chapter contents\)](#)

The City reserves the right to regulate rates for basic cable service and any other services offered over the cable system, to the extent permitted by applicable laws. The Grantee shall be subject to the rate regulation provisions provided for herein, and those of the FCC at 47 CFR, Part 76, Subpart N, as the same may be amended from time to time. The City shall follow the rules relating to cable rate regulation promulgated by the FCC at 47 CFR, Part 76, Subpart N, as the same may be amended from time to time.

7.1419: FRANCHISE FEE

[\(back to Chapter contents\)](#)

1. Following the issuance and acceptance of a franchise, the Grantee shall pay to the Grantor a franchise fee in the amount set forth in the Franchise Agreement.
2. The Grantor, on an annual basis, shall be furnished a statement within ninety (90) days of the close of the calendar year, certified by a representative of the Grantee who is an Accountant, reflecting the total amounts of gross revenues and all payments, and computations of the franchise fee for the previous calendar year. Upon thirty (30) days prior written notice, Grantor shall have the right to conduct an independent audit of Grantee's records necessary to the administration and enforcement of the franchise, in accordance with generally accepted accounting principles. If such audit indicates a franchise fee underpayment of five percent

(5%) or more, the Grantee shall assume all reasonable costs of such an audit and shall remit to Grantor all applicable franchise fees due and payable together with interest thereon at twelve percent (12%) per annum. The period of time within which the Grantor has the right to audit and the Grantee has an obligation to retain records related to a franchise fee audit shall expire upon passage of a period of time after each franchise fee payment has been made to the City that is consistent with the State Statute of limitations applicable to cable franchises.

3. Except as otherwise provided herein and by law, including the applicable state statute of limitations, no acceptance of any payment by the Grantor shall be construed as a release or as an accord and satisfaction of any claim the Grantor may have for further or additional sums payable as a franchise fee under this ordinance or any Franchise Agreement or for the performance of any other obligation of the Grantee.
4. In the event that any franchise fee payment or recomputed amount is not made on or before the dates specified in the Franchise Agreement, Grantee shall pay as additional compensation an interest charge, computed from such due date, at an annual rate equal to twelve percent (12%) per annum during the period for which payment was due.
5. Franchise fee payments shall be made in accordance with the schedule indicated in the Franchise Agreement.
6. To the extent that service discounts reduce revenues includable for purposes of calculating franchise fees, the Grantor may not unfairly or unlawfully allocate discounts for bundled service so as to evade the payment of franchise fees.

7.1420: DESIGN AND CONSTRUCTION REQUIREMENTS

[\(back to Chapter contents\)](#)

1. Grantee shall not construct any cable system facilities until Grantee has secured the necessary permits from Grantor, or other applicable governmental authorities.
2. In those areas of the City where transmission or distribution facilities of all the public utilities providing telephone and electric power service are underground, the Grantee likewise shall construct, operate and maintain its transmission and distribution facilities therein underground.
3. In those areas of the City where Grantee's cables are located on the above ground transmission or distribution facilities of the public utility providing telephone or electric power service, and in the event that the facilities of both such public utilities subsequently are placed underground, then the Grantee likewise shall construct, operate and maintain its transmission and distribution facilities underground, at Grantee's cost. Certain of Grantee's equipment, such as pedestals, amplifiers and power supplies, which normally are placed above ground, may continue to remain in above ground closures.
4. Any Grantee wishing to serve an area where the trenches have been closed shall be responsible for its own trenching and associated costs and shall repair all property to the condition that existed prior to such trenching.

7.1421: TECHNICAL STANDARDS

[\(back to Chapter contents\)](#)

1. The Grantee shall construct, install, operate and maintain its system in a manner consistent with all applicable laws and the FCC technical standards, and any standards set forth in its Franchise Agreement. In addition, the Grantee shall provide to the Grantor, upon written request, a written report of the results of the Grantee's periodic proof of performance tests conducted pursuant to FCC standards and guidelines. The Grantee and City shall additionally comply with any other applicable laws concerning any services which Grantee provides over its cable system.
2. Repeated and verified failure to comply with FCC technical standards shall constitute a material breach of the Franchise entitling the City to utilize the procedures of [Section 7.0427](#) hereof.
3. All construction practices shall be in accordance with all applicable sections of the Occupational Safety and Health Act of 1970, as amended, as well as all other applicable laws.
4. All installation of electronic equipment shall be of a permanent nature, durable and installed in accordance with the applicable provisions of the National Electrical and Safety Code and National Electrical Code, as amended, and as may from time to time be amended.
5. Antennae and their supporting structures (towers) shall be painted, lighted, erected and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration and all other applicable laws.

6. All of Grantee's plant and equipment, including, but not limited to, the antenna site, headend and distribution system, towers, house connections, structures, poles, wire, coaxial cable, fixtures and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices, performed by experienced maintenance and construction personnel so as not to endanger or interfere with improvements the City may deem appropriate to make or to interfere in any manner with the rights of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic.
7. Grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage, injury or nuisance to the public.
8. Grantee shall at all times comply with the requirements on use of Grantor's streets set forth in city ordinance sections and any amendments thereto. Grantee shall not be exempt from any fees or other costs required of users of streets.

7.1422: TRIMMING OF TREES

[\(back to Chapter contents\)](#)

Grantee shall have the authority to trim trees, in accordance with all applicable utility restrictions, ordinance and easement restrictions, upon and hanging over streets and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of Grantee. City representatives shall have authority to supervise at City expense and approve all trimming of trees conducted by Grantee.

7.1423: PROGRAMMING DECISIONS

[\(back to Chapter contents\)](#)

All programming decisions shall be at the sole discretion of Grantee. In the event that during the term of the Franchise Agreement the Grantor requests a modification of the requirements for services, the Grantee shall demonstrate that the mix, quality or level of services required by the Franchise Agreement as of the effective date of the Franchise Agreement shall be maintained after such modification, in accordance with 47 USC 545.

7.1424: INDEMNIFICATION

[\(back to Chapter contents\)](#)

Grantee shall indemnify, defend and hold the City, its officers, boards, commissions, and employees (collectively the "Indemnified Parties") harmless from and against any and all lawsuits, claims, causes of action, actions, liability, demands, damages, judgments, settlements, losses, expenses (including reasonable attorneys' fees) and costs of any nature that any of the indemnified parties may at any time, directly or indirectly, suffer, sustain or incur arising out of, based upon or in any way connected with the operation of Grantee's system by Grantee and/or the acts and/or omissions of Grantee or its agents or employees, whether or not pursuant to the franchise. This indemnity shall apply, without limitation, to any action or cause of action for Grantee's invasion of privacy, defamation, antitrust, errors and omissions, theft, fire, violation or infringement of any copyright, trademark, trade names, service mark, patent, or any other right of any person, whether or not any act or omission complained of is authorized, allowed or prohibited by this ordinance or any Franchise Agreement, but shall exclude any claim or action arising out of the acts or omissions of the indemnified parties or related to any City programming or other access programming for which the Grantee is not legally responsible. It shall be the obligation of Grantor to notify Grantee within ten (10) days of the date that the City receives a notice of any claim or cause of action. It shall be the obligation of the Grantee to notify the City within ten (10) days of the date that the Grantee receives a notice of any pending or threatened litigation that would be likely to affect the indemnified parties.

7.1425: INSURANCE

[\(back to Chapter contents\)](#)

Upon the effective date of the grant of a franchise, the Grantee shall obtain, pay all premiums for and make available to the City at its request certificates of insurance for the following insurance policies:

1. A commercial general liability insurance with limits of no less than one million dollars (\$1,000,000) per occurrence, two million dollars (\$2,000,000) general aggregate, combined single limit for bodily injury and property damage.
2. Workers Compensation Insurance as provided by applicable laws.
3. All certificates of insurance called for herein shall be in a form satisfactory to the City with a company licensed to do business in the State of South Dakota with a rating by A.M. Best & Co. of not less than "A," and shall require thirty (30) days written notice of any cancellation to both the City and the Grantee. The

Grantee shall, in the event of any such cancellation notice, obtain, pay all premiums for, and file with the City, written evidence of the issuance of replacement policies prior to date of cancellation.

4. If Grantee sells or transfers the cable system, or in the event of expiration, termination or revocation of a franchise, insurance tail coverage shall be purchased and filed with the City for the then applicable amounts, providing coverage for the time periods according to applicable statutes of limitation, insurance for any issues attributable to the period Grantee held its franchise. Notwithstanding the foregoing, however, instead of insurance tail coverage, Grantee shall have the option of providing insurance coverage that is occurrence based.

7.1426: RECORDS REQUIRED AND GRANTOR'S RIGHT TO INSPECT

[\(back to Chapter contents\)](#)

1. Grantee shall at all times maintain:
 - a. A full and complete set of "strand" maps showing the location of the cable television system installed or in use in the streets, exclusive of proprietary electronics, subscriber service drops and equipment provided in subscribers' homes.
 - b. If requested in writing by Grantor, a summary of service calls, identifying the number, general nature and disposition of such calls, on a quarterly basis. A summary of such service calls shall be submitted to the Grantor within thirty (30) days following its request in a form reasonably acceptable to the Grantor.
2. Upon written notice, and during normal business hours, Grantee shall permit examination by any duly authorized representative of the Grantor, of the cable system of Grantee situated within the City, and all records necessary to the enforcement of the franchise and this ordinance. Grantee shall have the right to be present at any such examination.
3. Copies of all petitions, applications, communications and reports submitted by Grantee or on behalf of or relating to Grantee to the FCC, Securities and Exchange Commission, or any other governmental authority having jurisdiction with respect to any matters directly related to and affecting the operation of the Grantee's cable system authorized pursuant to this ordinance and any franchise shall be submitted to the City within thirty (30) days of the City's written request for same. Copies of responses from the governmental authority to Grantee shall likewise be furnished to the City within thirty (30) days of the City's written request. With respect to all documents provided to any federal, state, or local regulatory agency as a routine matter in the due course of operating Grantee's cable system within the City, Grantee shall make such documents available to the City upon request.

7.1427: FRANCHISE VIOLATION

[\(back to Chapter contents\)](#)

1. In the event Grantor believes that Grantee has breached or violated any material provision of this ordinance or a franchise granted hereunder and Grantor desires to impose the provisions of this Section 7.1427, Grantor shall act in accordance with the following procedures:
2. Grantor shall notify Grantee in specific terms of the alleged violation or breach by certified mail and demand that Grantee cure the same within a reasonable time, which shall not be less than thirty (30) days. If Grantee fails either to cure the alleged violation or breach within the time prescribed or to commence correction of the violation or breach within the time prescribed and thereafter diligently pursue correction of such alleged violation or breach, the Grantor shall then give written notice of not less than fourteen (14) days of a public hearing to be held before the Council. Said notice shall specify the violations or breaches alleged to have occurred. At the public hearing, the Council shall hear and consider relevant evidence, giving the Grantee the opportunity to be heard, and thereafter render findings and its decision. In the event the Council finds that a material violation or breach exists and that Grantee has not cured the same in a satisfactory manner or has not diligently commenced to cure such violation or breach after notice thereof from Grantor and is not diligently proceeding to fully cure such violation or breach, the Council may revoke and terminate the franchise or impose any other remedy permitted by the Franchise Agreement or applicable laws. The determination as to whether a violation of the franchise or this ordinance has occurred shall be within the discretion of the Council, provided that any such final determination may be subject to review by a court of competent jurisdiction under applicable law.

7.1428: REVOCATION

[\(back to Chapter contents\)](#)

Prior to revocation or termination of the franchise, the City shall give written notice to the Grantee of its intent to revoke the franchise. The notice shall set forth the exact nature of the noncompliance. The Grantee shall have thirty (30) days from such notice to object in writing and to state its reasons for such objection. In the event the City has not

received a satisfactory response from Grantee, it may then seek termination of the franchise in accordance with this section. Any proceeding under the paragraph above shall be conducted by the City Council and open to the public. Grantee shall be afforded at least forty five (45) days prior written notice of such proceeding.

1. At the proceeding Grantee shall be provided a fair opportunity for full participation, including the right to be represented by legal counsel, to introduce evidence, and to question witnesses. A complete verbatim record and transcript shall be made of such proceeding and the cost shall be shared equally between the parties. The Council shall hear any persons interested in the revocation, and shall allow Grantee, in particular, an opportunity to state its position on the matter.
2. Within ninety (90) days after the hearing, the Council shall determine whether to revoke the franchise and declare that the franchise is revoked; or if the breach at issue is capable of being cured by Grantee, direct Grantee to take appropriate remedial action within the time and in the manner and on the terms and conditions that the Council determines are reasonable under the circumstances. If the City determines that the franchise is to be revoked, the City shall set forth the reasons for such a decision and shall transmit a copy of the decision to the Grantee. Grantee shall be bound by the City's decision to revoke the franchise unless it appeals the decision to a court of competent jurisdiction within thirty (30) days of the date of the decision.
3. The Grantee shall be entitled to such relief as the court may deem appropriate.
4. The City may, in its sole discretion, take any lawful action that it deems appropriate to enforce the City's rights under the Franchise in lieu of revocation of the franchise.

7.1429: FORCE MAJEURE; GRANTEE'S INABILITY TO PERFORM

[\(back to Chapter contents\)](#)

In the event Grantee's performance of any of the terms, conditions or obligations required by this ordinance or a franchise granted hereunder is prevented by a cause or event not within Grantee's control, such inability to perform shall be deemed excused for the period of such inability and no penalties or sanctions shall be imposed as a result thereof. For the purpose of this section, causes or events not within the control of Grantee shall include, without limitation, acts of God, strikes, inability to obtain necessary contract labor or materials (Grantee shall provide reasonable evidence and/or demonstrate that it has exercised all reasonable diligence in a good faith effort to secure contract labor and/or materials), sabotage, riots or civil disturbances, restraints imposed by order of a governmental agency or court, failure or loss of utilities, explosions, acts of public enemies, and natural disasters such as floods, earthquakes, landslides and fires.

7.1430: ABANDONMENT OR REMOVAL OF FRANCHISE PROPERTY

[\(back to Chapter contents\)](#)

1. In the event that the use of Grantee's cable system located within the streets of the franchise area or a portion thereof is discontinued for a continuous period of twelve (12) months, Grantee shall be deemed to have abandoned that property. Grantee shall be afforded thirty (30) days advance notice before this provision may be implemented.
2. Grantor, upon such terms as Grantor may reasonably impose, may give Grantee permission to abandon, without removing, any system facility or equipment laid, directly constructed, operated or maintained in, on, under or over the franchise area. Unless such permission is granted or unless otherwise provided in this ordinance, the Grantee shall remove all abandoned facilities and equipment in the streets within ninety (90) days of receipt of written notice from Grantor and shall restore any affected street to its former state, so as not to impair its usefulness. In removing its plant, structures and equipment, Grantee shall refill, at its own expense, any excavation made by or on behalf of Grantee and shall leave all streets and other public ways and places in as good condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles or attachments. Grantor shall have the right to inspect and approve the condition of the streets, public ways, public places, cables, wires, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this ordinance and any security fund provided for in the Franchise Agreement shall continue in full force and effect during the period of removal and until full compliance by Grantee with the terms and conditions of this section.
3. Upon abandonment of any franchise property in place in the streets, and the notice required under Subsection 1 above, the Grantee, if required by the Grantor, shall submit to Grantor a bill of sale and/or other an instrument, satisfactory in form and content to the Grantor, transferring to the Grantor the ownership of the franchise property abandoned.
4. At the expiration of the term for which the franchise is granted, or upon its earlier revocation or termination, as provided for herein and/or in the Franchise Agreement, in any such case without renewal, extension or

transfer, the Grantor shall have the right to require Grantee to remove, at its own expense, all above-ground portions of the cable television system from all streets within the City within a reasonable period of time, which shall not be less than one hundred eighty (180) days from a final denial of nonrenewal or lawful termination.

5. Notwithstanding anything to the contrary set forth in this ordinance, the Grantee may, with the consent of the Grantor, abandon any underground franchise property in place so long as it does not materially interfere with the use of the street or public rights-of-way in which such property is located or with the use thereof by any public utility or other cable Grantee.

7.1431: EXTENDED OPERATION AND CONTINUITY OF SERVICES

[\(back to Chapter contents\)](#)

Upon the lawful expiration and nonrenewal, revocation or termination of the franchise, the Grantor shall have discretion to permit and/or require Grantee to continue to operate the cable television system for a period of time not to exceed six (6) months from the date of such expiration, revocation or termination. Grantee shall continue to operate the system under the terms and conditions of this ordinance and the franchise and to provide the regular subscriber service and any and all of the services that may be provided at that time.

7.1432: RECEIVERSHIP AND FORECLOSURE

[\(back to Chapter contents\)](#)

1. A franchise granted hereunder shall, at the option of Grantor, cease and terminate one hundred twenty (120) days after appointment of a receiver or receivers, or trustee or trustees, to take over and conduct the business of Grantee, whether in a receivership, reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, or unless:
 - a. such receivers or trustees shall have, within one hundred twenty (120) days after their election or appointment, fully complied with all the terms and provisions of this ordinance and the franchise granted pursuant hereto, and the receivers or trustees within said one hundred twenty (120) days shall have remedied all the defaults and violations under the franchise and/or this ordinance or provided a plan for the remedy of such defaults and violations which is satisfactory to the Grantor; and
 - b. such receivers or trustees shall, within said one hundred twenty (120) days, execute an agreement duly approved by the court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of the franchise and this ordinance.
2. In the case of a foreclosure or other judicial sale of the franchise property, or any material part thereof, Grantor may give notice of termination of any franchise granted pursuant to this ordinance upon Grantee and the successful bidder at such sale, in which the event the franchise granted and all rights and privileges of the Grantee hereunder shall cease and terminate thirty (30) days after such notice has been given, unless:
 - a. Grantor shall have approved the transfer of the franchise in accordance with the provisions of the franchise and this ordinance; and
 - b. such successful bidder shall have covenanted and agreed with Grantor to assume and be bound by all terms and conditions of the franchise.

7.1433: RIGHTS RESERVED TO GRANTOR

[\(back to Chapter contents\)](#)

1. In addition to any rights specifically reserved to the Grantor by this ordinance, the Grantor reserves to itself every right and power which is required to be reserved by a provision of any ordinance or under the franchise.
2. The Grantor shall have the right to waive any provision of the franchise, except those required by applicable laws, if the Grantor, in its sole opinion, determines:
 - a. that it is in the public interest to do so, and
 - b. that the enforcement of such provision will impose an undue hardship on the Grantee or the subscribers. Waiver of any provision in one instance shall not be deemed a waiver of such provision subsequent to such instance nor be deemed a waiver of any other provision of the franchise unless the statement so recites.

7.1434: RIGHTS OF INDIVIDUALS

[\(back to Chapter contents\)](#)

1. Grantee shall not deny service, deny access, or otherwise discriminate against subscribers, channel users, or general citizens on the basis of race, color, religion, disability, national origin, age, gender or sexual preference. Grantee shall comply at all times with all other applicable laws, relating to nondiscrimination.

2. Grantee shall adhere to the applicable equal employment opportunity requirements of applicable laws, as now written or as amended from time to time.
3. Grantee shall comply with the subscriber privacy provision set forth in 47 USC § 551 as such provision may be amended from time to time.
4. In the conduct of providing its services or in pursuit of any collateral commercial enterprise resulting therefrom, Grantee shall take reasonable steps to prevent the invasion of a subscriber's or general citizen's right of privacy or other personal rights through the use of the system as such rights are delineated or defined by applicable laws.
5. No cable line, wire, amplifier, converter, or other piece of equipment owned by Grantee shall be installed by Grantee in the subscriber's premises, other than in appropriate easements, without first securing any required consent. If a subscriber requests service, permission to install upon subscriber's property shall be presumed. Where a property owner or his or her predecessor was granted an easement including a public utility easement or a servitude to another and the servitude by its terms contemplates a use such as Grantee's intended use, Grantee shall not be required to secure the written permission of the owner for the installation of cable television equipment.

7.1435: CONFLICTS

[\(back to Chapter contents\)](#)

In the event of a conflict between any provision of this ordinance and a Franchise Agreement, the provisions of the franchise shall control.

7.1436: SEVERABILITY

[\(back to Chapter contents\)](#)

If any provision of this ordinance is held by any governmental authority of competent jurisdiction, to be illegal, unconstitutional, or invalid as conflicting with any applicable laws now or hereafter in effect, or is held by such governmental authority to be modified in any way in order to conform to the requirements of any such applicable laws, such provision shall be considered a separate, distinct, and independent part of this ordinance, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such applicable laws are subsequently repealed, rescinded, amended or otherwise changed, so that the provision hereof which had been held invalid or modified is no longer in conflict with such laws, said provision shall thereupon return to full force and effect and shall thereafter be binding on Grantor and Grantee, provided that Grantor shall give Grantee thirty (30) days written notice of such change before requiring compliance with said provision or such longer period of time as may be reasonably required for Grantee to comply with such provision.

Chapter 7.15
MAYOR’S COMMITTEE FOR PEOPLE WITH DISABILITIES

Section

[\(back to Title contents\)](#)

7.1501 Mayor’s Committee for People with Disabilities

7.1501: MAYOR’S COMMITTEE FOR PEOPLE WITH DISABILITIES

The Mayor’s Committee for People with Disabilities shall be an advisory board to the City Council whose members shall be appointed by the Mayor, and who shall formulate and maintain an effective means of providing outreach and assistance for those within the community whose lives are affected by a disability. The Board may adopt bylaws and elect officers for its administration. The Mayor’s Committee for People with Disabilities shall consist of seven (7) or more members, with five (5) or more members to be selected or representative of industry, labor, private business, veteran’s organizations, private organizations and public agencies interested in persons with disabilities, and with one member who is a high school student. Members of the committee shall be appointed by the Mayor at the first regular meeting of the City Council in July of each year, to serve a period of three (3) years, without compensation. A majority of the members of the committee shall be residents of the city.

In the event a vacancy occurs, such vacancy may be filled by appointment for a term not exceeding three (3) years, which term shall expire on the first (1st) Monday of July. (Ord. 03-03: Add. 05-05-03)

Chapter 7.16
UPPER BIG SIOUX RIVER WATERSHED ADVISORY BOARD

Section [\(back to Title contents\)](#)

7.1601	Name
7.1602	Members and Terms
7.1603	Committees and Administrative Fund
7.1604	Officers and Duties
7.1605	Meetings
7.1606	Quorum
7.1607	Order of Business
7.1608	Duties
7.1609	Amendments

7.1601: NAME [\(back to Chapter contents\)](#)

1. This Board shall be called the Upper Big Sioux River Watershed Advisory Board.
2. The Board shall exercise the powers and authority and assume the responsibilities delegated to it under these Revised Ordinances of the City of Watertown, South Dakota.
3. These Revised Ordinances are supplementary to the provisions of the Statutes of the State of South Dakota, and the Ordinances of the City of Watertown, South Dakota, as they relate to the procedures of the Board.

7.1602: MEMBERS AND TERMS [\(back to Chapter contents\)](#)

1. The Board may consist of up to thirty (30) representative members of the following entities. (Ord 01-17; Rev 11-27-01) (Ord 04-11; Rev 09-30-04) (Ord 10-21; Rev 08-13-10)

Watertown City Council	1
Watertown	1
Sisseton Wahpeton Sioux Tribe	1
Codington County Commissioners	1
Grant County Commissioners	1
Codington Conservation District	1
Grant Conservation District	1
Lake Kampeska Water Project District	1
Pelican Lake Water Project District	1
Kampeska Chapter Izaak Walton League	1
Kampeska Township (Codington Co.)	1
Pelican Township (Codington Co.)	1
Lake Pelican Preservation Society	1
Sheridan Township (Codington Co.)	1
Richland Township (Codington Co.)	1
Lake Township (Codington Co.)	1
Elmira Township (Codington Co.)	1
Fuller Township (Codington Co.)	1
Rauville Township (Codington Co.)	1
Waverly Township (Codington Co.)	1
Dexter Township (Codington Co.)	1
Germantown Township (Codington Co.)	1
Leola Township (Codington Co.)	1
Lura Township (Grant Co.)	1
Mazeppa Township (Grant Co.)	1
Blooming Valley Township (Grant Co.)	1
Farmington Township (Grant Co.)	1
Osceola Township (Grant Co.)	1
East Dakota Water Development District Board Members representing Codington County	1
Northern Prairies Land Trust	1

2. The Mayor of Watertown shall appoint the members from the City, at least one of whom shall be a City Council member, subject to approval by the Council. Each of the entities listed in Section 7.1602(1) may appoint to the Board for each fiscal year the number of members designated. Each entity that chooses to appoint a member or members to the Board shall also appoint an alternate or alternates to serve in the absence of the appointed member(s). Such appointments shall be reported to the Finance Officer and the Watertown City Council.
3. The fiscal year of the Board shall be from January 1 to December 31.
4. Additions to, or deletions from, the list of entities eligible to nominate members of the Board as given in Section 7.1602(1) can be made only by revision of this ordinance by the City Council.
5. The terms of members and alternates of the Board shall be determined by each individual member entity.
6. The following agencies may appoint a representative to serve as a technical advisor to the Board:
United States Fish and Wildlife Service
United States Department of Agriculture - Natural Resources Conservation Service
South Dakota Department of Environment and Natural Resources
South Dakota Department of Agriculture
South Dakota Department of Game, Fish and Parks
East Dakota Water Development District (99-14) (Ord 01-17; Rev 11-27-01)

7.1603: COMMITTEES AND ADMINISTRATIVE FUND

[\(back to Chapter contents\)](#)

1. Special committees for the study and investigation of special water quality issues may be appointed by the Chairman to serve until they have completed the work for which they were appointed.
2. A fund shall be established in the City Treasury for the administrative purpose of receiving and disbursing funds by the Board for water quality activities not included in the approved project implementation plans of the current Lake Kampeska Watershed Project and the Upper Big Sioux River Watershed Project. The benefits of said water quality activities shall be realized and located within the identified project areas of the current EPA 319 water quality projects. Disbursements over five hundred dollars (\$500) shall require prior approval by the City Council.

7.1604: OFFICERS AND DUTIES

[\(back to Chapter contents\)](#)

1. A Chairman, Vice-Chairman and Secretary shall be elected for the Board.
2. Officers shall be elected from among the Board members at the April meeting of the Board each year. Each officer shall serve a term of one (1) year and may be re-elected in subsequent years. In the event that a member entity's representative is elected to serve in an office, said entity shall be permitted to nominate a replacement to serve on the Board and cast votes on its behalf. In the event said entity does not nominate a replacement, the officer may serve as the representative to the Board and cast its votes. The Chairman shall vote only in cases of a tie. In the event the Vice-Chairman acts as Chairman, the Vice-Chairman must bring a representative to vote in his place. (Ord 17-05; Rev 03-31-17)
3. Vacancies in office shall be filled at the next regular Board meeting after the vacancy occurs. If an officer is unable to fulfill his/her term, the Board shall vote upon another Board member to finish the term.
4. The Chairman shall preside at all meetings, certify all actions approved by the Board, authorize calls for any special meetings, and generally perform the duties of a presiding officer.
5. In the absence of the Chairman, the Vice-Chairman shall perform all duties authorized for the Chairman.
6. The Chairman and Secretary shall sign meeting minutes when approved by the Board and sign vouchers.

7.1605: MEETINGS

[\(back to Chapter contents\)](#)

1. The Board shall meet monthly. Special meetings of the Board may be called by the Chairman or upon the written request of six (6) Board members for the transaction of business stated in the call for the meeting.
2. An agenda for each regular meeting of the Board, and minutes of the previous meeting, shall be mailed to all members, and all those that request it, prior to each meeting.
3. Robert's Rules of Order shall govern the deliberations of the Board, except when such rules are in conflict with any of the rules provided herein.

4. Executive sessions may be called by the Chairman for the purpose of discussing personnel or legal matters.

7.1606: QUORUM

[\(back to Chapter contents\)](#)

A quorum for the transaction of business by the Board shall consist of four (4) members of the Board. (99-14)

7.1607: ORDER OF BUSINESS

[\(back to Chapter contents\)](#)

The order of business at regular meetings of the Board shall include but not be limited to the following items:

1. Roll call
2. Approval of previous meeting minutes
3. Financial report
4. Correspondence and communications
5. Report by Upper Big Sioux River Watershed Project Coordinator
6. Committee reports
7. Unfinished business
8. New business
9. Open
10. Adjournment

7.1608: DUTIES

[\(back to Chapter contents\)](#)

1. The Board shall be charged with providing direction and guidance in the implementation of the Lake Kampeska Watershed Project and the Upper Big Sioux River Watershed Project which are EPA approved and EPA funded Section 319 Projects.
2. The Board shall recommend to the Public Works Director the individual to fill the position of Project Coordinator. (Ord 21-14; Rev 6-11-21)
3. The Board shall provide direction and advice to the Project Coordinator.
4. The Board, through the Project Coordinator, shall evaluate and make recommendations to the City Council on the award of bids for project activities.
5. The Board shall recommend approval of projects as defined in the Section 319 Project Implementation Plans, coordinate projects between stream and upland treatment, develop a priority system for treatment activities, serve as a fund raising committee for additional watershed activities, and coordinate water quality projects with goals similar to the Upper Big Sioux River Watershed Project.
6. In accordance with the pertinent procedures and financial policy established by the City Council, the Board shall be responsible for the finances of the Lake Kampeska Watershed Project and the Upper Big Sioux River Watershed Project subject to all local, state, and federal laws. The Finance Officer shall provide advice, guidance, and assistance to the Board on financial matters.

7.1609: AMENDMENTS

[\(back to Chapter contents\)](#)

A recommendation to amend this ordinance may be made by a simple majority of the members present at any regular meeting of the Upper Big Sioux River Watershed Advisory Board that has a quorum, provided that the amendment was proposed at the previous regular meeting of the Board. (98-10)

Chapter 7.17 ELECTIONS

Section

[7.1701 Opening of Polls](#)

7.1702 –

7.1720 Reserved

[7.1720 Campaign Finance](#)

[\(back to Title contents\)](#)

7.1701: OPENING OF POLLS

The polls in every election authorized under SDCL 9-13-1 shall open at seven o'clock (7:00) in the forenoon. (00-2)

7.1702 – 7.1720: RESERVED (Ord 19-02; Add 04-26-19)

7.1720: CAMPAIGN FINANCE

[\(back to Chapter contents\)](#)

1. Applicability of SDCL Chapter 12-25 and 12-27

From and after the effective date of this section, the provisions of SDCL Chapter 12-25 and 12-27 shall be applicable to all city elections. Candidates for city elections shall be considered the same as a candidate for legislative office for the purposes of this chapter. Except as modified in this chapter, all deadlines, time limits, or time periods contained in state law shall apply to political committees pertaining to the city's elections. The city's Finance Officer shall be substituted wherever Secretary of State is referenced in state law.

2. Filing Requirements

All statements or reports of candidates, candidate committees, ballot committees, political committees and other committees pertaining to city elections must be filed with the city's Finance Officer pursuant to the following schedule:

- a. Statement of organization. All candidates and political committees shall file a statement of organization as provided in SDCL §12-27-3.
- b. Statement of financial interest.
 - (1) A statement of financial interest must be filed within 15 days after filing nominating petitions.
 - (2) All persons assuming office must file a statement of financial interest not more than 15 days after assuming office, which statement shall set forth any additions or corrections to any previous statement filed pursuant to this section or SDCL §12-25-30.
 - (3) A statement of financial interest shall be filed not later than the first day of January of every year the person continues to hold office.
- c. Campaign finance disclosure statements. Campaign finance disclosure statements containing the information required by SDCL §12-27-24 shall be filed as follows:
 - (1) Pre-election reports. A campaign finance disclosure statement for the reporting period commencing with the last report submitted up through and including 11 days prior to the election shall be filed by 5:00 p.m. on the Tuesday prior to such election. This subsection shall not require the filing of an additional report in the case of a secondary election.
 - (2) Post-election reports.
 - (a) No later than 5:00 p.m. on the first Tuesday following the first Monday in August, a termination statement or a campaign finance disclosure statement for the reporting period commencing with the last report submitted up through and including 55 days following the election must be filed.

- (b) If a secondary election is held for the office of Mayor or Alderman, the reporting period and deadline for the post-election report shall be extended 3 weeks for those candidates participating in the secondary election.
- (3) Year-end reports. A campaign finance disclosure statement for the reporting period commencing with the last report submitted up through and including December 31 of each year shall be filed by 5:00 p.m. on the last Friday in January.
- (4) Amended reports. Amended reports shall be filed as provided in SDCL §12-27-27.
- (5) Supplemental reports. Supplemental reports, as described in SDCL §12-27-28, shall not be required for political committees pertaining to city elections.
- (6) Termination reports. Termination reports, as described in SDCL Chapter 12-27, may be filed at any time.

3. Civil Penalty for Delinquent Statements

Wherever a civil penalty is prescribed by state law for violation of campaign finance disclosure and reporting requirements, the same civil penalty shall be applicable for city candidates, candidate committees, ballot committees, political committees, and other committees pertaining to city elections. All civil penalties provided by this chapter shall be paid to the City Finance Office.

4. Investigation and Prosecution of Violation by City Attorney – Civil Actions

All authority to the Attorney General and/or the State's Attorneys in SDCL Chapter 12-27 shall be vested in the City Attorney with respect to violations of this chapter.

(Ord 19-02; Add 04-26-19)

Chapter 7.18
COMPOSITION, ELECTION AND TERM OF OFFICE OF MAYOR AND ALDERMEN

Section

[\(back to Title contents\)](#)

[7.1800 Election by Majority](#)

[7.1801 Qualification, Election and Term of Mayor](#)

[7.1802 Composition, Election and Term of Aldermen](#)

[7.1803 Election by Majority \(Council Officers\)](#)

7.1800: REPEALED

[\(back to Chapter contents\)](#)

(Ord 05-09; Add 09-23-05) (Ord 09-08, Rev 06-12-09) (Ord 20-07; Rev 3-27-20)

7.1801: QUALIFICATION, ELECTION AND TERM OF MAYOR

[\(back to Chapter contents\)](#)

The mayor shall be a citizen of the United States and a qualified elector of, and resident of, the City. The mayor shall be elected at large and shall hold office for four (4) years except that when such mayor shall be elected on June 18, 2002, that mayor shall serve a term of three (3) years. Thereafter, election of the mayor shall be for four (4) year terms. The mayor shall hold office until a successor is elected and qualified. A mayor may hold office for more than one term. (Ord 02-01; Add 03-28-02)

7.1802: COMPOSITION, ELECTION AND TERM OF COUNCIL MEMBERS

[\(back to Chapter contents\)](#)

The City Council shall consist of the mayor elected at large and six council members. One (1) council member shall be elected at large and one (1) council member shall be elected from and by the voters of each ward of the municipality. The term of each council member shall be four (4) years, except that when such member from Wards B, C, and E shall be elected on June 15, 2021, they shall serve a term of two (2) years. Thereafter, election of members shall be for four (4) year terms. Council members shall hold office until successors are elected and qualified. A council member may hold office for more than one term. (Ord 02-01; Add 03-28-02) (Ord 21-26; Rev 7-16-21)

7.1803: ELECTION OF DEPUTY MAYOR; MAJORITY VOTE

[\(back to Chapter contents\)](#)

The City Council shall annually elect a deputy mayor, from among council members, at the first regular meeting of the City Council each July. In elections for deputy mayor, if no nominee receives at least four (4) votes, another election between the two nominees receiving the highest number of votes will be held until one nominee receives at least four (4) votes. (Ord 13-01; 02-15-13) (Ord 21-26; Rev 7-16-21)

Chapter 7.19
HOME RULE CHARTER REVISION COMMISSION

Section

[\(back to Title contents\)](#)

7.1900	Purpose
7.1901	Creation and Membership
7.1902	Quorum.
7.1903	Vacancies
7.1904	Compensation and Expenses
7.1905	Liaison
7.1906	Report by Commission
7.1907	Dissolution

7.1900: PURPOSE

[\(back to Chapter contents\)](#)

The Home Rule Charter Revision Commission (hereinafter “Commission”) is hereby established to review, every five (5) years, the Home Rule Charter adopted on December 3, 2001 and determine whether, and to what extent, any provision of the Home Rule Charter should be amended.

7.1901: CREATION AND MEMBERSHIP

[\(back to Chapter contents\)](#)

1. Beginning in calendar year 2014 and every five (5) years thereafter, a Home Rule Charter Revision Commission, hereinafter “Commission” shall be created. The Commission shall be an advisory group to the City Council consisting of twenty one (21) members who shall be appointed by the Mayor and Council. No person appointed to the Commission shall hold any other elective office. Each Alderperson shall nominate two (2) commission members, each of whom must be a registered voter and resident from their respective ward. The Mayor shall nominate one (1) at large commission member who must be a registered voter and resident of the City. Commission nominations shall be presented to the City Council at their first meeting in the December preceding the year in which the Commission is created. (Ord 18-22; Rev 11-30-18)
2. The Commission shall elect two (2) officers; a Chairperson and Vice Chairperson. A secretary shall be provided to the Commission by the City Council. The officers shall take office prior to the close of the inaugural meeting and continue in office until their resignation or removal from the Commission. After the Commission elects its officers, their names shall be provided to the Mayor who will report the names of the officers to the City Council. The Chairperson shall preside over all meetings and in the absence of the Chairperson; the Vice Chairperson shall serve as chair.
3. The Commission shall follow Robert’s Rules of Order in the conduct of its meetings. The Secretary or the Secretary’s designee shall record the minutes of the meetings. The Commission shall meet not less than four (4) times until furnishing its final report to the City Council. All meetings of the Commission shall be open to the public. The inaugural meeting will be held at a location designated by the City Council. All subsequent meetings shall be held at a location designated by the Commission. The Commission may go into executive session in a manner consistent with South Dakota law.

7.1902: QUORUM

[\(back to Chapter contents\)](#)

Eleven (11) Commission members shall constitute a quorum.

7.1903: VACANCIES

[\(back to Chapter contents\)](#)

Any vacancy in the membership of the commission caused by death, resignation, removal from the City or otherwise shall be filled by appointment in the same manner as the original appointment and within thirty (30) days of the occurrence of the vacancy.

7.1904: COMPENSATION AND EXPENSES

[\(back to Chapter contents\)](#)

Commission members shall receive no compensation for their service; however the City Council shall reimburse the reasonable expenses of the Commission, including, but not limited to the cost of publishing, distributing and advertising materials related to the conduct of Commission meetings.

7.1905: LIAISON

[\(back to Chapter contents\)](#)

The City Attorney shall serve as liaison to the Commission and will provide advice and counsel to the commission.

7.1906: REPORT BY COMMISSION

[\(back to Chapter contents\)](#)

On or before the second City Council meeting in March during the year in which the Commission was created, the Commission shall deliver a preliminary report to the City Council describing its tentative recommendations, if any, for charter revisions. The Commission shall make a final report to the City Council on or before the first City Council meeting in April during the year in which the Commission was created, describing which, if any, charter provisions are recommended for revision. In the event any charter revision is proposed, such question shall be placed on a ballot for vote during the next scheduled general city wide election; notwithstanding the provisions of Chapter 9.01 of the Home Rule Charter adopted on December 3, 2001. (Ord 18-22; Rev 11-30-18)

7.1907: DISSOLUTION

[\(back to Chapter contents\)](#)

Upon filing its final report to the City Council, the Commission created pursuant to this ordinance shall be deemed dissolved without any further action by the City Council; until it is reconvened pursuant to [Section 7.1901](#). (Ord 08-29; Add 01-30-09)

Chapter 7.20
WATERTOWN BUSINESS IMPROVEMENT DISTRICT

Section[\(back to Title contents\)](#)

7.2001	Establishment of the District
7.2002	Boundaries of the District
7.2003	Voluntary Participation
7.2004	New Properties within the District
7.2005	Purpose of the District
7.2006	Occupational Tax Imposed
7.2007	Duty to Account for Complimentary and Lease Rooms
7.2008	Computation and Collection of Occupational Tax
7.2009	Statement required along with Occupational Tax Payment
7.2010	Penalty for Failure to Pay Occupational Tax
7.2011	Payment of Fees
7.2012	Costs incurred by City in Administering Occupational Tax
7.2013	Payment of Occupational Tax Proceeds to the Convention and Visitors Bureau
7.2014	Severability
7.2015	Reporting
7.2016	Audit

7.2001: ESTABLISHMENT OF THE DISTRICT[\(back to Chapter contents\)](#)

Pursuant to SDCL chapter 9-55, the Watertown Business Improvement District, hereinafter referred to as “WBID” is hereby created. A resolution of intent to create this district was approved by the City Council on November 8, 2008. A public hearing on creation of the district was held on December 15, 2008.

7.2002: BOUNDARIES OF THE DISTRICT[\(back to Chapter contents\)](#)

The WBID excludes any bed and breakfast, and motel/hotel properties with less than twenty five (25) rooms; is a noncontiguous district which ends at the city limits, and includes the following properties:

Ramkota 1901 9 th Avenue S.W. Watertown, SD 57201 Legally described as: E510.5’ W900’ S720’ Less W251.5’ N124’ & N98’ S596’ E64.62’ W395’ Less Ramkota Addition; (36-117-53) Watertown, SD	Budget One 309 8 th Avenue S.E. Watertown, SD 57201 Legally described as: L16-30 B2, Martins Railway Addition, Watertown, South Dakota
Country Inn & Suites Watertown Motel, LLC 15 8 th Avenue S.E. Watertown, SD 57201 Legally described as: New Venture 2 nd Addition, Watertown, South Dakota	Days Inn 2900 9 th Avenue S.E. Watertown, SD 57201 Legally described as: Days Inn Addition, Watertown, South Dakota
EconoLodge 920 14 th Street S.E. Watertown, SD 57201 Legally described as: L12 B1, East Acres Addition, Watertown, South Dakota	Guest House 101 N. Broadway Watertown, SD 57201 Legally described as: Hanken & Haggard OL (31-117-52) Watertown, South Dakota

Hampton Inn East Highway 212 Watertown, SD 57201 Legally described as: Lot 1, Endres Investment 8 th Addition, Watertown, South Dakota	Holiday Inn Express 3900 9 th Avenue S.E. Watertown, SD 57201 Legally described as: W300' S400' B2 Fox Addition (34-117-52 SE4) Watertown, South Dakota
Quality Inn & Suites Lake City Hospitality, Inc. 800 35 th Street Circle SE Watertown, SD 57201 Legally described as: Lot 3, Watertown Hospitality Addition, Watertown, South Dakota	Super 8 Highway 81 South Watertown, SD 57201 Legally described as: Lot 6, Jurrens Schulte Industrial Add, Watertown, South Dakota
Travel Host 1714 9 th Avenue S.W. Watertown, SD 57201 Legally described as: N512.25' W85', Gov Lot 3 (1-116-53) Watertown, South Dakota	

(Updated 12-28-16)

7.2003: VOLUNTARY PARTICIPATION

[\(back to Chapter contents\)](#)

The WBID will allow for the addition of properties with less than twenty five (25) rooms should they choose to participate in the occupancy tax.

7.2004: NEW PROPERTIES WITHIN THE DISTRICT

[\(back to Chapter contents\)](#)

The WBID may be expanded to include all hotel or motel facilities constructed in the future which have twenty five (25) rooms or more.

7.2005: PURPOSE OF THE DISTRICT

[\(back to Chapter contents\)](#)

The WBID is created for the purpose of funding events or activities for the promotion of visitor facilities, events, attractions and activities benefiting Watertown and its hotels and motels located within the WBID through the Watertown Convention and Visitors Bureau.

7.2006: OCCUPATIONAL TAX IMPOSED

[\(back to Chapter contents\)](#)

Commencing April 1, 2009, an occupational tax in the amount of two dollars (\$2.00) per night/per room shall be imposed upon transient guests based upon rooms rented by any of the hotels located within the WBID. This occupation tax shall be fair, equitable and uniform. No occupational tax may be imposed on any transient guest who has been offered a room by a lodging establishment on a complimentary basis whereby no fee or rent is charged. Additionally, no occupational tax may be imposed on any transient guest who stays twenty eight (28) or more consecutive nights.

7.2007: DUTY TO ACCOUNT FOR COMPLIMENTARY AND LEASE ROOMS [\(back to Chapter contents\)](#)

Each property within the WBID shall account for complimentary or leased rooms to show the basis for offering such room on a complimentary or lease basis.

7.2008: COMPUTATION AND COLLECTION OF OCCUPATIONAL TAX [\(back to Chapter contents\)](#)

The Finance Officer will determine and compute the tax in accordance with this ordinance. The occupational tax assessed pursuant to the terms of this ordinance shall be remitted on the twentieth (20th) day of each month to the Finance Office; with such remittance to be for the previous calendar month. Any person or firm designated by the

Finance Officer shall be entitled to audit the books, ledgers, or franchise reports of any hotel, motel or lodging establishment located within the WBID to ensure the occupancy tax is being properly remitted. The Finance Officer shall be entitled to seek judicial relief against any hotel, motel or lodging establishment which does not remit the tax when due, which may include requiring a hotel or motel owner to allow entry upon their property to inspect their records, computers, or books to verify the hotel, motel or lodging establishment is remitting all monies collected pursuant to this ordinance. Each property within the WBID shall keep accurate records of amounts collected pursuant to this ordinance.

7.2009: STATEMENT REQUIRED ALONG WITH OCCUPATIONAL TAX PAYMENT

Each property within the WBID shall sign a sworn statement to be submitted with the remittance of any tax stating: “I declare, under penalty of perjury, that the above accounting of rooms rented is accurate and the tax payment made herein is accurate to the best of my knowledge, information and belief and according to my business records.” Such statement shall include the signature of a person authorized to make such statement, will include the person’s printed name and title, and the date.

7.2010: PENALTY FOR FAILURE TO PAY OCCUPATIONAL TAX [\(back to Chapter contents\)](#)

Any amount not received on or before the twentieth (20th) day of the month will be charged a late fee in the amount of ten percent (10%) of the total amount due. Failure to remit such tax shall constitute a violation of this ordinance which may be punishable by a fine of up to five hundred dollars (\$500) and/or imprisonment for up to thirty (30) days. Any unpaid balance shall constitute a lien upon the property and shall become a lien against and shall run with the property and may be enforced and collected in the same manner as other real property taxes and assessments. The Finance Officer shall certify all unpaid amounts or balances to the County Treasurer for collection in the same manner as general property taxes. In addition, the City will reserve the right to deny the issuance or renewal of permits or licenses to any WBID property that fails to conform to the provisions of this ordinance. In the event this tax becomes subject to supervision by the State of South Dakota through its Department of Revenue, any rights the City has hereunder shall be deemed cumulative to any powers which inure to the state.

7.2011: PAYMENT OF FEES [\(back to Chapter contents\)](#)

In the event any action is commenced against any WBID pursuant to this ordinance, the WBID property may be responsible for any attorney fees and costs incurred by the City.

7.2012: COSTS INCURRED BY CITY IN ADMINISTERING OCCUPATIONAL TAX

All costs incurred by the City pursuant to this ordinance shall be paid from occupancy taxes collected under this ordinance.

7.2013: PAYMENT OF OCCUPATIONAL TAX PROCEEDS TO THE CONVENTION AND VISITORS BUREAU [\(back to Chapter contents\)](#)

Once the occupational tax is collected, the City Finance Office shall be entitled to recover its administrative costs in the amount of one percent (1%) and forward the remaining balance to the Watertown Convention and Visitors Bureau (WCVB). The WCVB will use the proceeds for the enhancement, marketing and promotion of visitor facilities, events, attractions and activities benefiting the City its hotels and motels located within the district in consultation with the WBID Board of Directors and WCVB Board of Directors.

7.2014: SEVERABILITY [\(back to Chapter contents\)](#)

Should any section, clause or provision of this ordinance be declared invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part declared to be invalid.

7.2015: REPORTING [\(back to Chapter contents\)](#)

The WBID will provide an annual report to the City Council.

7.2016: AUDIT [\(back to Chapter contents\)](#)

The WBID shall submit to a biennial audit by a Certified Public Accountant. A copy of the audit shall be provided to the City Finance Office. (Ord 09-01; Add 02-13-09)

Chapter 7.21
911 EMERGENCY TELEPHONE SERVICE

Section

- [7.2101 Establishment and Jurisdictional Service Area](#)
- [7.2102 Installation, Operation, and Surcharge](#)
- [7.2103 Surcharge Use and Procedure](#)
- [7.2104 Service Agreements](#)
- [7.2105 Effective Date](#)

[\(back to Title contents\)](#)

7.2101: ESTABLISHMENT AND JURISDICTIONAL SERVICE AREA

[\(back to Chapter contents\)](#)

A 911 emergency telephone resorting system be and the same is, established with the management and control of the system vested in the City Council or its authorized designee. The 911 system is to be provided for the jurisdictional service area: all that area which, at any time, is located within the corporate limits of the City.

7.2102: INSTALLATION, OPERATION AND SURCHARGE

[\(back to Chapter contents\)](#)

The City Council shall be responsible for the costs incurred for the installation maintenance and/or operation of the system. In order to pay for such costs as may be incurred, the City Council may impose a uniform monthly 911 emergency surcharge. The initial surcharge rate shall be fixed at one dollar and twenty-five cents (\$1.25) for each local exchange access line, such surcharge to be effective on or after the 1st day of July 2012. No surcharge shall be imposed upon more than one hundred (100) local exchange access lines or the equivalent per customer billing. All remittance of the surcharge shall be made payable to the order of the City.

7.2103: SURCHARGE USE AND PROCEDURE

[\(back to Chapter contents\)](#)

1. The proceeds of the surcharge shall be utilized to pay for nonrecurring and recurring costs of the 911 related service. This charge may be imposed at any time subsequent to the execution of an agreement with the provider of such service or services in the discretion of the City Council.
2. At least once each calendar year, prior to the first day of September, the City Council shall review the current charge and establish a rate of charge to be effective on the next January first not to exceed the amount authorized by state statute.
3. Immediately upon making such determination and fixing said rate, the City Council shall publish its new rate, and shall notify by registered mail each local exchange access company. The notice provided herein shall be given not less than ninety (90) days prior to the effective date of any change in the surcharge rate.
4. All funds received from the surcharge shall be credited to a special fund, separate and apart from the general fund of the City, for payment of nonrecurring and recurring costs, and to pay for the general operational expense of the 911 related service or services, including but not limited to personnel costs of the dispatchers or the monthly contract costs billed by the public safety answering point or service provider. The fund shall be administered by the City Council.
5. Any funds collected in excess of expenses within a given year shall be carried forward to the next year.
6. If, and in the event that, the 911 system is discontinued, any funds remaining in this account after all payments to the service supplier pursuant to this section shall have been made shall be transferred to the general fund of the City, or proportionately to the general funds of each participating public agency should the City Council exercise its other powers to enter into intergovernmental agreements relating to the 911 emergency telephone service.

7.2104 SERVICE AGREEMENTS

[\(back to Chapter contents\)](#)

The City Council may enter into an agreement directly with the service supplier or may contract or cooperate with any public agency or with other states or their political subdivisions for the administration of a 911 system as provided by law.

7.2105 EFFECTIVE DATE

[\(back to Chapter contents\)](#)

This ordinance shall become effective only upon the termination of the then existing Intergovernmental Agreement between the City and Codington County for E-911 service. In the event of such termination, the City shall notify the South Dakota Department of Public Safety that this ordinance has become effective to ensure the 911 emergency

surcharge collected within the jurisdictional service area is disbursed in accordance with state law. (Ord 12-20; Add 07-13-12)

Chapter 7.22
ADMINISTRATIVE APPEALS

Section

[\(back to Title contents\)](#)

- [7.2201 Appeal Permitted](#)
- [7.2202 Time and Notice of Hearing; Failure to Appear](#)
- [7.2203 Hearing Procedures](#)
- [7.2204 Rights of Parties at Hearing](#)
- [7.2205 Decision; Report; Costs](#)
- [7.2206 Final Decision Subject to Judicial Review](#)

7.2201: APPEAL PERMITTED

[\(back to Chapter contents\)](#)

- A. Any party who is harmed by any action or decision of a city official from which an appeal is not otherwise provided may appeal the administrative action or decision. Unless another city official is clearly vested with decision-making authority, no decision shall be appealable under this Chapter unless made by the city manager. The party who wishes to appeal is referred to as the appellant.
- B. An independent hearing examiner, who must be a member in good standing of the State Bar of South Dakota, shall be assigned by the city manager to hear the appeal and render a final decision.
- C. Appeals shall be commenced by filing a written notice of appeal with the responsible official or department director either in person or postmarked within 15 days of the administrative action or decision, or within 15 days of actual or constructive notice of such administrative action or decision. Such delivery shall be deemed the date of filing of the appeal.
- D. The notice of appeal shall be printed legibly or typed and contain the following information:
 - 1. The reasons the appellant believes the administrative action or decision is erroneous, objectionable, incorrect, or illegal;
 - 2. The amount and type of claim or dispute involved and the time during which it accrued or occurred;
 - 3. The name, address, email address (if any), and telephone number (if any) of the appellant;
 - 4. The decision being appealed;
 - 5. A statement indicating whether the appellant desires the appeal hearing to be open or closed to the public. All hearings are presumed open to the public. If either party requests a hearing to be closed to the public, the party requesting the closed hearing must present good cause to the hearing examiner that the public interest in having an open hearing is outweighed by the privacy interest involved in a particular case or that a closed hearing is legally required due to the sensitive nature of the evidence to be presented at the hearing;
 - 6. If the appellant is to be represented by a representative, the name, address, email address (if any), and telephone number (if any) of the representative; and
 - 7. The signature of the appellant, the appellant's representative, or the appellant's corporate agent.
- E. An appeal processing fee of \$100 shall be paid simultaneously with the filing of the notice of appeal. If the processing fee is not paid in full pursuant to these provisions, the notice of appeal shall be deemed incomplete and waived, and the administrative decision shall be deemed final. The processing fee is nonrefundable except as provided in Section 7.2306. Any appellant who is financially unable to pay the processing fee may file a request for a hardship waiver in lieu of the processing fee. A request for hardship waiver must be filed simultaneously with the filing of the notice of appeal and include the sworn affidavit of the appellant, together with any supporting documents, demonstrating to the satisfaction of the independent hearing examiner the appellant's financial inability to deposit with the city the full amount of the processing fee. Written proof of financial hardship includes wage records, financial statements, bank account records, tax returns, or similar documentation demonstrating that the appellant is unable to pay the processing fee. The hearing examiner shall issue a written order granting or denying a hardship waiver. The order of the independent hearing examiner regarding the hardship waiver shall be mailed by first class mail to the appellant, the appellant's representative, or the appellant's corporate agent. If the request for a hardship waiver is denied, the appellant

shall pay the processing fee within five days of the order or prior to the administrative appeal hearing, whichever occurs first.

- F. Compliance with subsections (c), (d), and (e) of this section shall be jurisdictional prerequisites to any appeal. Failure to comply with any of these subsections shall be deemed to waive the right to an appeal. A waiver of the right to an appeal may be determined by the city attorney prior to assignment of the appeal to a hearing examiner or by the hearing examiner at any time during the proceeding. A determination that the appellant waived the right to an appeal shall be the final decision.
- G. If the appellant complies with the jurisdictional prerequisites for an appeal, then the city will take no further action to enforce the fine, penalty, or result until the hearing examiner renders a final decision. The provisions for prior notice and hearing may be dispensed with when, in the opinion of the city manager or department director, immediate action is necessary to summarily abate a dangerous condition on public or private property, there is an imminent threat to life or safety on public or private property, or there is an imminent threat to essential governmental services. The city manager or department director shall take only such action as is reasonably necessary to summarily abate the danger or threat and the city will take no further action to enforce the fine, penalty, or result until the hearing examiner renders a final decision.
- H. The responsible official or department director, or his or her designee, shall immediately deliver a copy of the notice of appeal to the city attorney who will act as legal counsel for the city.

Source: (Ord 21-28; Eff 9-10-2021)

7.2202: TIME AND NOTICE OF HEARING; FAILURE TO APPEAR

[\(back to Chapter contents\)](#)

A hearing shall be held on all appeals within 30 days after the filing of the appeal, unless a later date is scheduled by the hearing examiner upon a showing of good cause why the matter should be scheduled beyond that date. The city attorney shall cause written notice of the date, time, and place of the hearing to be served upon the appellant by personal service or certified mail at least 15 days before the hearing date. The appellant may consent in writing to a shorter notice period, delivery of notice via other forms of communications (e.g., email), or delivery of notice to appellant's representative.

Source: (Ord 21-28; Eff 9-10-2021)

7.2303: HEARING PROCEDURES

[\(back to Chapter contents\)](#)

The following rules shall govern the procedures for a hearing on an appeal:

- A. Hearings shall be governed by the rules of civil procedure and the rules of evidence as set forth in the South Dakota Codified Laws, except that the foundational requirements of SDCL 19-19-803(6) and (8) will not be required as long as the hearing examiner is reasonably satisfied regarding the source of a document.
- B. Oral evidence shall be taken only on oath or affirmation.
- C. The hearing examiner shall administer oaths or affirmations to witnesses.
- D. The city bears the burden of proof at the hearing, unless the burden of proof is required to be borne by the appellant under due process or state law. The standard of proof to be used by the hearing examiner shall be a preponderance of the evidence, except in a matter concerning the revocation of a professional license the standard of proof shall be clear and convincing evidence.
- E. The proponent of any testimony to be offered by a party or witness who does not proficiently speak the English language shall provide an interpreter. The interpreter shall be approved by the independent hearing examiner conducting the proceeding as proficient in the English language and the language in which the witness will testify. The cost of the interpreter is to be paid by the party providing the interpreter.

Source: (Ord 21-28; Eff 9-10-2021)

7.2304: RIGHTS OF PARTIES AT HEARING

[\(back to Chapter contents\)](#)

The appellant, the city, and any other party to the appeal shall have these rights among others:

- A. To call and examine witnesses on any matter relevant to the issue of the hearing;
- B. To introduce documentary and physical evidence;
- C. To cross examine opposing witnesses on any matter relevant to the issues of the hearing;
- D. To rebut evidence; and
- E. To have reasonable access to city officials or employees with information relevant to the appeal and to review relevant records, books, papers, and documents in their possession. Such officials or employees shall appear, if reasonably available, at the hearing and produce records relevant to the appeal upon written request of the appellant to such officials or employees provided no later than five days before the scheduled time of the hearing.
- F. To subpoena witnesses to appear and give testimony on that party's behalf or to produce records, books, papers and documents relating to any matters related to the hearing. Any application for a subpoena shall be submitted to the hearing examiner for consideration at least ten days in advance of the hearing. The hearing examiner shall not unreasonably refuse to issue the requested subpoena. Any subpoena must be issued and served no later than five days before the scheduled time of the hearing. All costs related to the subpoena, including the witness fee and mileage fee at the rate provided by statute, SDCL ch. 19-5, shall be paid by the party requesting the subpoena;
- G. Any party who fails to appear at the hearing is deemed to waive the right to a hearing and the adjudication of the issues related to the hearing.
- H. The hearing examiner shall cause to be made a substantially verbatim record of the hearing, either stenographically or by sound recording. A recording of the hearing shall be made available to any person upon request and payment in advance of the estimated cost of reproducing the recording. The hearing examiner may waive the cost of the recording for the appellant if a hardship waiver was granted under Section 7.2201(E).

Source: (Ord 21-28; Eff 9-10-2021)

7.2305: DECISION; REPORT; COSTS

[\(back to Chapter contents\)](#)

After each appeal hearing, the hearing examiner shall perform the following:

- A. Make written findings of fact; and
- B. Based upon the written findings, sustain, modify, remand for further hearing or action, or rescind the complained action or decision. The hearing examiner has the discretion to waive the payment of any reinstatement or late penalty fee.

A written report of the decision, including the findings of fact, shall be served either in person or by certified mail upon the appellant and the city within 15 business days from the date the appeal hearing is concluded. The city and the appellant shall bear their own respective costs of the appeal proceeding, except as specifically provided herein. The processing fee shall be refunded to the appellant if the hearing examiner determines that the appellant prevailed at the hearing. The decision of the hearing examiner shall be final.

Source: (Ord 21-28; Eff 9-10-2021)

7.2306: FINAL DECISION SUBJECT TO JUDICIAL REVIEW

[\(back to Chapter contents\)](#)

The final decision may be subject to judicial review as provided by law. If judicial review has been commenced by the aggrieved party within 30 days after the final decision has been entered, or as otherwise provided by law, the city will take no further action to enforce the fine, penalty, or result until the judicial review is completed, with the exception of those matters which require immediate action of the city as set forth in Section 7.2201(G).

Source: (Ord 21-28; Eff 9-10-2021)

Chapter 7.98
CROSS-REFERENCES

7.9801: CROSS-REFERENCES

[\(back to Title contents\)](#)

Adjustment, Board of.....	21.0202
Airport.....	Title 1
Board of Health.....	Chapter 11.01
Bonds, Certain Officials.....	7.0903
Building Inspector.....	Chapter 5.03, Title 21
Cemeteries.....	Title 6
Cemetery Manager.....	Title 6
City Engineer, Duties, Sidewalks, Curbs and Gutters.....	Chapter 18.03
City Engineer, Duties, Zoning.....	Title 21
City Engineer Supervises Street Improvements.....	18.0108
Civil Service.....	Title 8
Civil Service Board.....	Chapter 8.01
Electrical Inspector.....	Chapter 9.01
Fire Department.....	Title 10
Fire Code and Prevention.....	Chapter 10.02
General Manager of Municipal Utilities.....	20.0102
Health Officer.....	11.0101
Mount Hope Cemetery.....	Title 6
Municipal Utilities Department.....	Chapter 20.01
Parks, Recreation and Forestry Board.....	Chapter 14.01
Plumbing Inspector.....	Chapter 15.02
Police Department: Traffic Powers and Duties.....	Title 19
Police: Duties Relative to Animals.....	Title 3
Police Vehicles: Right-of-Way.....	19.0110
Radio and Television.....	Chapter 9.04
Street Superintendent, Duties.....	18.0108

Chapter 7.99
PUNISHMENT

7.9901: PUNISHMENT

[\(back to Title contents\)](#)

Any person violating any of the provisions of this title shall, upon conviction thereof, be punished by a fine of not to exceed two hundred dollars (\$200) or by imprisonment for not exceeding thirty (30) days, or by both such fine and imprisonment (E-506) (E-679) (99-8)

TITLE 8

CIVIL SERVICE

Chapter

[\(back to Table of Contents\)](#)

- [8.01 Civil Service Board, Powers and Duties](#)
- [8.02 Scope and General Provisions](#)
- [8.03 Removals, Discharge, Suspension](#)
- [8.99 Punishment and Rules](#)

Chapter 8.01
CIVIL SERVICE BOARD, POWERS AND DUTIES

Section

[\(back to Title contents\)](#)

8.0101 [Civil Service Board](#)

8.0101: CIVIL SERVICE BOARD

1. The Civil Service Board shall consist of three (3) members, appointed by the Mayor, and approved by the City Council. Whenever the term "Board" appears in this title, unless otherwise expressly provided, that term shall mean the Civil Service Board.
2. The members of the Board shall be residents of the City of Watertown. No officer or employee of the City shall be a member of the Board. (98-1)
3. The term of office of members shall be three (3) years; provided that at the time this title takes effect the terms of all members shall continue for the time for which they were appointed, respectively, with the appointment of one (1) member to be made at the first City Council meeting in July of each year to fill the office of the member whose term then expires, with all members to continue to act until their successors are appointed and qualified, and with any vacancies which may occur to be filled for the unexpired term by appointment as provided in Subsection 1.
4. Any member may be removed from office by the City Council, for incompetency, dereliction of duty, malfeasance in office, or other good cause.
5. Two (2) members shall constitute a quorum for the transaction of business, but no special meeting may be held except upon prior twenty four (24) hour notice having been given to all members.
6. The Human Resources Coordinator shall have the authority to appoint interim board members to ensure a quorum to conduct business. Any interim appointment shall be made only after determination by the available members that the interim appointee is qualified to serve.
7. Any interim appointment shall cease after completion of the business for which the appointment was made. (Ord 04-01; Rev 02-27-04) (Ord 15-01; Rev 01-30-15)

Chapter 8.02
SCOPE AND GENERAL PROVISION

Section

8.0201 Scope

[\(back to Title contents\)](#)

8.0201: SCOPE

The provisions of this title shall apply to all regular appointive officers and employees of said City, except the Finance Officer, Assistant Finance Officer, Human Resources Coordinator/Risk Manager, Finance Officer II – payroll, Superintendent of Wastewater and Solid Waste, Wastewater Treatment Facility Lead Operator, Assistant Wastewater Superintendent, Landfill Supervisor, Solid Waste Collections Supervisor, City Park Manager, Library Director, Assistant Fire Chief, Fire Battalion Chief, all other Library Employees, Assistant Police Chief, Police Captain, Cemetery Manager, Chief of Police, Chief of Fire Department, City Engineer, City Attorney, Airport Manager, Engineer I, Director of Parks and Recreation Department, Recreation Superintendent, Golf Course Superintendent, Zoo Superintendent, Park and Forestry Superintendent, Building Official, Street Superintendent, Street Foreman, Prairie Lakes Wellness Center Director, Wastewater Collection Forman, Sioux River Watershed Project Coordinator, Assistant City Engineer, Assistant Recreation Superintendent, Recreation Center Aquatics/Program Manager, Fitness Director, Zoo Educator, Zoo Curator, Senior Computer Network Administrator, Computer Network Administrator members of any Board or Commission of the City, any private administrative assistant, casual or temporary employees employed to discharge a casual or temporary duty, or emergency employees employed for a period of emergency. Appointed officials removed or not reappointed, except for cause, are entitled to one (1) week of severance pay for each year of appointed service, not to exceed twenty-six (26) weeks. (E-195-i) (E-200-I) (E-219-I) (E-209-I) (E-202- 1) (E-251-I) (E-282-1) (E-310) (E-377-I) (E-438) (E-504) (E-506) (E-517) (E-605-I) (E-641-1) (E-646) (E-654) (E- 656) (E-688) (99-16) (Ord 04-01; Rev 02-27-04) (Ord 04-08; Rev 07-30-04) (Ord 15-01; Repealed 02-13-15) (Ord 16-21; Add 12-30-16)

Chapter 8.03
REMOVALS, DISCHARGE, SUSPENSION

Section

[\(back to Title contents\)](#)

8.0301	No Removal, Discharge or Reduction Except for Cause
8.0302	Causes For Reprimand, Suspension, Reduction or Discharge
8.0303	Reasons Given
8.0304	Appeal to Board
8.0306	Hearing on Such Appeal
8.0307	Scope of Investigation
8.0308	Power of Board
8.0309	Appeal to Circuit Court

8.0301: NO REMOVAL, DISCHARGE OR REDUCTION EXCEPT FOR CAUSE [\(back to Chapter contents\)](#)

No officer or employee classified under this title shall be removed, discharged or reduced except for just cause. (E-200-I) (E-605-I) (Ord 04-01; Rev 02-27-04)

8.0302: CAUSES FOR REPRIMAND, SUSPENSION, REDUCTION OR DISCHARGE

Causes for reprimand, suspension, reduction or discharge, include, but are not limited to the following:

That an officer or employee:

1. Has been convicted of any crime or violation of municipal ordinance; or
2. Has been charged with an immoral or criminal act, or
3. Has willfully, wantonly or through culpable negligence been guilty of any brutality or cruelty to any person in custody, provided the act committed was not necessarily or lawfully done in self-defense, or to protect the lives of others, or to prevent the escape of a person lawfully in custody; or
4. Has willfully violated any of the provisions of any ordinance of this City relative to Civil Service or any provision of the rules of the Board; or
5. Has willfully violated or disobeyed any lawful or reasonable official direction, regulation or order, or failed to obey any lawful or reasonable direction made and given by a superior officer, where such violation or failure to obey act amounts to insubordination or breach of proper discipline, or resulted or reasonably might be expected to result in loss or injury to the city or to the public; or to the prisoners or wards of said City; or
6. Has been intoxicated or under the influence of nonprescription drugs while on duty; or (E-506) (E-605-I)
7. Has contracted some infectious disease that endangers the health of the other city employees or has some physical ailment or defect which in the opinion of the Board makes him unfit for city service, subject to appeal by employer through normal grievance procedures; or
8. Has been guilty of acts which amount to an act of insubordination or to disgraceful conduct, which occurred while on duty; or
9. Is incompetent or inefficient in the performance of the duties of the position; or
10. Is careless or negligent with the property of the City; or
11. Has used, threatened to use, or attempted to use personal or political influence in securing promotion, leave of absence, transfer, change of grade, pay or character of work; or
12. Has induced, or has attempted to induce an officer or employee to commit an unlawful act or to act in violation of any lawful and reasonable departmental or official regulation or order; or has taken any fee, gift or other valuable thing in the course of his work or in connection with it, for his personal use, from any citizen, or
13. Has, in any manner, or by any means, attempted to exert influence against any person which the Board determines is contrary to the best interests of the City; or
14. Has been proven to hold other employment or business for gain, which impairs his efficiency in the performance of his duties for said City. (E-506) (E-605-I) (Ord 04-01; Rev 02-27-04)

8.0303: REASONS GIVEN

[\(back to Chapter contents\)](#)

Any person removed, discharged, suspended or reduced shall be furnished a written statement of the reasons for such action by the officer who took such action. A copy shall be forwarded in a timely manner to the Board. (E-200-1) (E-605-1) (Ord 4-01; Rev 02-27-04)

8.0304: APPEAL TO BOARD

[\(back to Chapter contents\)](#)

The appeal to the Board shall follow the process set forth in any written labor agreement. (E-200-I) (E-605-I) (Ord 04-01; Rev 02-27-04)

8.0306: HEARING ON SUCH APPEAL

[\(back to Chapter contents\)](#)

The Board shall conduct the hearing or investigation. The officer or employee appealing shall have full opportunity to be heard and may be represented by counsel or a representative. The officer from whose action such appeal has been taken shall be represented by the City Attorney. Such officer may elect counsel other than the City Attorney, the cost of which shall be paid personally by such officer. In the course of a hearing or investigation as herein provided for, any member of the Board shall have the power to administer oaths and shall have power to secure by subpoena the attendance and testimony of witnesses and the production of documents or things. Any hearing may be transcribed by a stenographer. (C-259-18) (E-605-1) (Ord 04-01; Rev 02-27-04)

8.0307: SCOPE OF INVESTIGATION

[\(back to Chapter contents\)](#)

Any Board investigation shall be limited to determination of whether such removal, suspension, demotion or discharge was justified. (E-200-I) (E-605-1) (Ord 04-01; Rev 02-27-04)

8.0308: POWER OF BOARD

[\(back to Chapter contents\)](#)

After an investigation, the Board will render a decision and may include an appropriate remedy. (E-200-1) (E-605-1) (Ord 04-01; Rev 02-27-04)

8.0309: APPEAL TO CIRCUIT COURT

[\(back to Chapter contents\)](#)

Any decision of the Board may be appealed in the manner prescribed under South Dakota law or as provided for in the collective bargaining agreement between the Union and the City. (C-259-18)(E-605-I) (Ord 04-01; Rev 02-27-04)

Chapter 8.99
PUNISHMENT AND RULES

8.9901: PUNISHMENT

[\(back to Title contents\)](#)

Any person violating any of the provisions of this title shall, upon conviction thereof, be punished by a fine of not to exceed two hundred dollars (\$200) or by imprisonment for not exceeding thirty (30) days, or by both such fine and imprisonment (C-259-36) (E-605-I)

8.9902: RULES OF CIVIL SERVICE BOARD, WATERTOWN, SOUTH DAKOTA

RULE 1
DEFINITIONS

Terms used in these rules, unless the context otherwise plainly requires, shall mean:

Appointing Power: the City Council or other officer having power of appointment to fill positions in the classified Civil Service of the City;

Board: the Civil Service Board of the City of Watertown;

Certification Applicant: applicants meeting minimum qualifications for the position as set by the board;

City: the City of Watertown;

Classified Service: all appointive officers and employees of the City, who are, by its terms, specifically excluded from the operation by Title 8;

Emergency Employee: persons employed to temporarily fill permanent positions, at a time when no eligible lists may be available from which regular appointments can be made;

List of Eligibles: list containing names of certified applicants for a classification.

Part-time Employee: an employee working less than a normal work week in that department;

Regular Position: a position, the duties of which are not expected to terminate at any stated time;

Seasonal Employee: an employee performing duties relating to a particular season or seasons;

Temporary Employees: persons employed to fill temporary positions, the duties of which are not permanent in nature and are expected to terminate at the end of emergency or temporary job;

Title 8: Title 8 (Civil Service) of the Revised Ordinances of the City of Watertown;

Unclassified Service: all officers and employees of the City, who are, by its terms, specifically excluded from the operation by Title 8;

RULE 2
REMOVALS - DISCHARGE - SUSPENSION - REDUCTION

No officer or employee holding an office or position classified and graded under the provisions of this act shall be removed, discharged, suspended or reduced, except as set forth in Chapter 8.03 of Title 8 or as set forth in any union contract or labor agreement. (E-506) (Clerical Edit per § 22.0106, 11-7-16)

RULE 3
APPEAL TO BOARD

1. **Service of Notice of Appeal.** Notice of appeal from action resulting in reduction, suspension or discharge of an employee shall be served upon the Finance Officer who shall notify members of the Board.
2. **Form of Notice.** Notice of appeal shall be signed by the aggrieved person, called the appellant. The appellant shall state therein his position in the Civil Service, the disciplinary or other action appealed from, when and by whom such action was taken, and that he appeals from such action to the Civil Service Board.
3. **Order of Proof.** The order of proof upon the hearing shall be as herein provided. The department head whose action is appealed from shall present his evidence in support of the charges. The appellant shall then produce such evidence as he may wish to offer in his defense. The parties may then offer rebuttal evidence in like order. The Board may hear arguments, in its discretion, and may order briefs to be filed with the Board. (Ord 15-01; Rev 01-30-15)

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TITLE 9

ELECTRICAL REGULATIONS

Chapter

[\(back to Table of Contents\)](#)

9.01	Electrical Inspections
9.02	Licenses, Permits, Fees
9.03	General Regulations
9.04	Radio and Television
9.98	Cross-References
9.99	Punishment

Chapter 9.01
ELECTRICAL INSPECTIONS

Section

[\(back to Title contents\)](#)

[9.0101 Electrical Inspections](#)

[9.0102 Duties](#)

[9.0103 Authority](#)

9.0101: ELECTRICAL INSPECTIONS

[\(back to Chapter contents\)](#)

Electrical inspections within the City shall be performed by the State Electrical Inspector or a person appointed by the City Engineer. (E-506)

9.0102: DUTIES

[\(back to Chapter contents\)](#)

It shall be the duty of the Electrical Inspector to enforce the electrical provisions as set forth in the statutes of the State of South Dakota and the City Ordinance as set forth by this title. (D-516-1)

9.0103: AUTHORITY

[\(back to Chapter contents\)](#)

The Electrical Inspector shall have the right during reasonable hours to enter any building or premises in the discharge of official duties or for the purpose of making any inspection, re-inspection or test of the electrical equipment contained therein, or its installation. When any electrical equipment is found by the Electrical Inspector to be dangerous to persons or property because it is defective or defectively installed, the person responsible for the electrical equipment shall be notified in writing and shall make any change or repairs required in the judgment of the Electrical Inspector to place such equipment in safe condition and if such work is not completed within fifteen (15) days or any longer period that may be specified by the Electrical Inspector in said notice, the Electrical Inspector shall have the authority to disconnect or order the discontinuance of electric service to said electrical equipment. In cases of emergency, when necessary for the safety of persons or property, or when electrical equipment may interfere with the work of the Fire Department, the Electrical Inspector shall have the authority to immediately disconnect or cause the disconnection of any electrical equipment. (C-1 85-4)

Chapter 9.02
LICENSES, PERMITS, FEES

Section

[\(back to Title contents\)](#)

- [9.0201 Permits Required](#)
- [9.0202 Electrical Contractor's License Required](#)
- [9.0203 Fees for such Licenses](#)
- [9.0204 State of South Dakota Regulations Adopted](#)
- [9.0205 License, Term, Renewal](#)
- [9.0206 License Application](#)
- [9.0207 All Licenses Issued by City Finance Officer](#)
- [9.0208 Fees, Where Paid](#)
- [9.0209 Not Allowed Use of Name](#)

9.0201: PERMITS REQUIRED

[\(back to Chapter contents\)](#)

Electrical wiring, affidavits, inspection fees or permit fees shall be required as set forth in the Statutes of the State of South Dakota. (D-516-I)

9.0202: ELECTRICAL CONTRACTOR'S LICENSE REQUIRED

[\(back to Chapter contents\)](#)

No person shall install, maintain, order or repair in this City any electrical wiring, devices or equipment, nor shall any person in any manner undertake to execute such work unless such person is the holder of a City Electrical Contractor's License and a State of South Dakota Electrical Contractor's License and has an established place of business, provided, however, that this section shall not apply to an owner doing work on his own premises.(D-516-1)

9.0203: FEES FOR SUCH LICENSES

[\(back to Chapter contents\)](#)

The fee for a City Electrical Contractor's License shall be established by resolution of the City Council. (D-516-1) (E-617-1) (Ord 10-27; Rev 11-12-10)

9.0204: STATE OF SOUTH DAKOTA REGULATIONS ADOPTED

[\(back to Chapter contents\)](#)

All licenses hereunder shall conform to the provision of SDCL §36-16 and any regulations adopted thereunder shall be maintained in the office of the Finance Officer. Issuance of a city license does not relieve a person's obligation to obtain a South Dakota Electrical Contractor license. (00-7)

9.0205: LICENSE, TERM, RENEWAL

[\(back to Chapter contents\)](#)

Each license shall be for the calendar year, shall expire at midnight on December 31 following the date of issue, and shall be renewed by the City Council, upon application by the holder and his furnishing of a proof of bond and insurance, (in accordance with the State of South Dakota guidelines) at any time within ten (10) days from the date of such expiration, (D-516-1) (00-7)

9.0206: LICENSE APPLICATION

[\(back to Chapter contents\)](#)

Application for a City Electrical Contractor's License shall be made in writing to the City Council of this City, stating the name and place of business of the person or company making the application. (D-516-I)

9.0207: ALL LICENSES ISSUED BY CITY FINANCE OFFICER

[\(back to Chapter contents\)](#)

All licenses issued under the provisions of this title shall be issued by the Finance Officer. (C-169)

9.0208: FEES, WHERE PAID

[\(back to Chapter contents\)](#)

Unless otherwise expressly provided in this title, all fees shall be paid to the Finance Officer. (172)

9.0209: NOT ALLOW USE OF NAME

[\(back to Chapter contents\)](#)

No person holding an electrical contractor's license shall allow his name to be used by any other party, directly or indirectly, either for the purpose of obtaining a permit, or doing work under such license, under the penalty of having his license revoked by the City Council. (D-516-I)

Chapter 9.03
GENERAL REGULATIONS

Section

[\(back to Title contents\)](#)

- [9.0301 Applicability of this Chapter](#)
- [9.0302 Standards for the Installation of Electrical Equipment](#)
- [9.0303 Standards for Electrical Equipment](#)
- [9.0304 Inspection](#)
- [9.0305 Certificate of Approval](#)
- [9.0306 Temporary Installation](#)
- [9.0307 No Installation Concealed before Inspection](#)
- [9.0308 Connection to Installations](#)
- [9.0309 Cutting and Disturbing Electrical Wires, Etc.](#)
- [9.0310 Appeals](#)
- [9.0311 Liability for Damages](#)
- [9.0312 Wiring Requirements](#)

9.0301: APPLICABILITY OF THIS CHAPTER

[\(back to Chapter contents\)](#)

1. The provisions of this chapter shall apply to all installations of electrical conductors, fittings, devices, appliances and fixtures, hereinafter referred to as "Electrical Equipment," within or on public or private buildings or premises, with the following exceptions: (a) Installations in cars or automotive equipment unless intended for connection to a regular distribution system. (b) Installations used by electricity supply or communication agencies in the generation, transmission or distribution of electricity or for the operation of signals or the transmission of intelligence, and located within or on buildings or premises used exclusively for such agency or on public thoroughfares.
2. The provisions of this chapter shall apply to all electrical equipment used for radio transmission in amateur radio transmitting stations, but shall not apply to other electrical equipment used for radio transmission. (C-185-l)

9.0302: STANDARDS FOR THE INSTALLATION OF ELECTRICAL EQUIPMENT

1. Except as otherwise provided in Section 9.0301 hereof, all installations of electrical equipment shall be in conformity with the provisions of this title, with the Statutes of the State of South Dakota and any orders, rules and regulations issued by authority thereof, and with the approved electrical standards for the safety to persons and property.
2. When no specific standards are prescribed by this title, or any amendment thereof, or by the statutes of the State of South Dakota, or by any orders, rules or regulations issued by the authority thereof, conformity with the regulations set forth in the 1984 Edition of the National Electrical Code, as approved by the American Standards Association, and in the National Electrical Safety Code, as approved by the American Standards Association (ASA), and the electrical provisions of other safety codes approved by the ASA, shall be prima facie evidence of conformity with approved standards for safety to persons and property. (D-482-8) (E-506)

9.0303: STANDARDS FOR ELECTRICAL EQUIPMENT

[\(back to Chapter contents\)](#)

Except as otherwise provided in Section 9.0301 hereof and in this section, all electrical equipment installed or used shall be in conformity with the provisions of this title, the Statutes of the State of South Dakota, and any orders, rules and regulations issued by the authority thereof, and with approved electrical standards for safety to persons and property. Unless by this title, by the Statutes of the State, or by any orders, rules or regulations issued by authority thereof, a specific type or class of electrical equipment is disapproved for installation and use, conformity with the standards of Underwriters Laboratories, Inc., as approved by the ASA, and the electrical provisions of other standards approved by the ASA, shall be prima facie evidence of conformity with approved standards for safety to persons and property. (C-185-6)

9.0304: INSPECTION

[\(back to Chapter contents\)](#)

Upon completion of any installation of electrical equipment which has been made under a permit, it shall be the duty of the person making the installation to notify the Electrical Inspector, who shall inspect the installation at his convenience. (D-516-1)

9.0305: CERTIFICATE OF APPROVAL

[\(back to Chapter contents\)](#)

Where the Electrical Inspector finds the installation to be in conformity with the provisions of this title, he shall issue to the person making the installation a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the installation and connection to the supply of electricity and shall send written notice of such authorization to the agency supplying the electric service. (C-185-9)

9.0306: TEMPORARY INSTALLATION

[\(back to Chapter contents\)](#)

When a certificate of approval is issued authorizing the connection and use of a temporary installation, such certificate shall be issued to expire at a time to be stated therein and shall be revocable by the Electrical Inspector for cause. (C-185-9)

9.0307: NO INSTALLATION CONCEALED BEFORE INSPECTION

[\(back to Chapter contents\)](#)

When any electrical equipment is to be hidden from view by the permanent placement of parts of the building, the person installing the equipment shall notify the Electrical Inspector and such equipment shall not be concealed until it has been inspected and approved by the Electrical Inspector or until twenty four (24) hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from time of such notification; provided that on large installations where the concealment of equipment proceeds continuously, the person installing the electrical equipment shall give the Electrical Inspector due notice and inspections shall be made periodically during the progress of the work. (C-185-9)

9.0308: CONNECTION TO INSTALLATIONS

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to make connection from a supply of electricity to any electrical equipment for the installation of which a permit is required or which has been disconnected by the Electrical Inspector until a certificate of approval has been issued by the Electrical Inspector authorizing the connection and use of such equipment. (D-516-l)

9.0309: CUTTING AND DISTURBING ELECTRIC WIRES, ETC.

[\(back to Chapter contents\)](#)

No person except the duly authorized Electrical Inspector shall cut, disturb, alter or change or cause to be cut, disturbed, altered or changed, any electrical wire, cutout, fuse, apparatus, machinery or material in such manner as to render the same inoperative, defective or not in accordance with the provisions of this title. (189)

9.0310: APPEALS

[\(back to Chapter contents\)](#)

Any person may register an appeal with the City Council for a review of any decision of the Electrical Inspector, provided that such appeal is made in writing within five (5) days after being notified of such decision by the Electrical Inspector. Upon receipt of such appeal the said Council shall proceed to determine whether the action of the Electrical Inspector complies with this title and within five (5) days shall make a decision in accordance with its findings. (C-185-11)

9.0311: LIABILITY FOR DAMAGES

[\(back to Chapter contents\)](#)

This title shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling or installing any electrical equipment for damages to persons or property caused by any defect therein, nor shall this City be held to have assumed any such liability by reason of the inspection or re-inspection authorized herein or the certificate of approval issued as herein provided, or by reason of the approval or disapproval of any equipment authorized herein. (C-185-13)

9.0312: WIRING REQUIREMENTS

[\(back to Chapter contents\)](#)

1. All wiring to electrical water heaters shall consist of No. 10 conductor or larger, depending on the electrical demand of the unit.
2. All furnace electrical circuit wiring shall be placed in a conduit from the furnace to a firm point of attachment or support.
3. Electrical conductors known as B.X. type Armored Cables shall not be installed in the City of Watertown.
4. All houses or buildings moved into the city limits of Watertown shall be wired or rewired in accordance with the statutes of the State of South Dakota and the ordinances of this City as if the house were being newly built, unless otherwise permitted in writing by the City Inspector.

5. The building owner or electrical contractor shall furnish a point of electrical service attachment on the side of the building, facing the electrical distribution line. The point of attachment shall comply with the statute as set forth by the State of South Dakota. The Municipal Utilities of this City shall make no electrical attachment to building eaves nor shall they make attachments to cable ends not facing the electrical distribution line, unless otherwise consented to, in writing, by the foreman of the Municipal Electric Utilities Distribution Department.
6. All fluorescent lighting shall have non-resetting thermo-protected ballasts or other approved overcurrent devices of the proper rating for each ballast cut out. (D-516-2)

Chapter 9.04
RADIO AND TELEVISION

Section

[\(back to Title contents\)](#)

- [9.0401 Applicability of Chapter](#)
- [9.0402 Antenna Conductors](#)
- [9.0403 Not Cross Over or Under High Tension Wires](#)
- [9.0404 Electrical Inspector may Condemn](#)
- [9.0405 Subject to National Electrical Code](#)
- [9.0406 No Interference with Radio or Television](#)

9.0401: APPLICABILITY OF CHAPTER

[\(back to Chapter contents\)](#)

The construction, installation, repair and inspection of the equipment necessary to the operation of radios, both transmitting and receiving, and television sets in this City, shall be governed and controlled under this chapter; and any person constructing, installing, erecting, owning, using or repairing radio or television antennas and equipment shall observe and conform to the requirements and specifications set out in this chapter. (C-37-1)

9.0402: ANTENNA CONDUCTORS

[\(back to Chapter contents\)](#)

No antenna conductors shall be attached to or suspended from any electric light or power, telephone or telegraph poles, fire or police alarms, nor installed over, under, above or along any public street, highway, alley or any public place. (C-37-1)

9.0403: NOT CROSS OVER OR UNDER HIGH TENSION WIRES

[\(back to Chapter contents\)](#)

Antennas and equipment shall not cross over or under any high tension wires. For the purpose of this chapter, any wire carrying over one hundred fifty (150) volts to the ground shall be considered a high tension wire. If antennas or other equipment cross wires carrying less than one hundred fifty (150) volts to the ground, such antennas and equipment must be kept at least five (5) feet away from such wire. (C-37-1)

9.0404: ELECTRICAL INSPECTOR MAY CONDEMN

[\(back to Chapter contents\)](#)

The Electrical Inspector of this City shall have full authority to condemn any radio or television transmitting or receiving aerial, and upon a report of the condition of such aerial to the City Council, the City Council will have authority to condemn and cause to be removed any such equipment so condemned by such Electrical Inspector. (C-37-1)

9.0405: SUBJECT TO NATIONAL ELECTRICAL CODE

[\(back to Chapter contents\)](#)

All radio and television receiving and transmitting aerials shall also conform to Article 37, Section 3702, Paragraphs A to O inclusive, of the latest "National Electrical Code," and such amendments and additions as have heretofore been or hereafter added thereto, a copy of which code and additions and amendments shall be on file in the office of the Electrical Inspector of this City. (C-37-2)

9.0406: NO INTERFERENCE WITH RADIO OR TELEVISION

[\(back to Chapter contents\)](#)

No person shall use, maintain or operate any apparatus or device whether electrical, mechanical or of any other sort so as to cause electrostatic or electromagnetic waves to radiate which interferes with radio or television reception within this municipality. The above prohibition shall be construed to apply to radio and television receiving equipment, either of the regenerative type or of any type, vibrating battery chargers, sign changers, electric refrigeration machines, electrically driven oil pumps or furnace equipment, high tension ignition systems, electric transmission lines, gas or electric power plants, defective insulators, badly sparking motors and badly sparking generators, which interfere with radio or television reception, whether on account of the manner of construction or manner of operation of the apparatus. (C-47-10)

Chapter 9.98
CROSS-REFERENCES

9.9801: CROSS-REFERENCES

[\(back to Title contents\)](#)

Conduits Required for Wires	18.0106
Electric Utility	Title 20
Franchises Granted.....	Chapter 7.04

Chapter 9.99
PUNISHMENT

9.9901: PUNISHMENT

[\(back to Title contents\)](#)

Any person violating any of the provisions of this title shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. In addition, 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. (E-506)

TITLE 10

FIRE PREVENTION AND PROTECTION

Chapter

[\(back to Table of Contents\)](#)

10.01	Fire Department
10.02	Fire Code and Prevention
10.04	Hazardous Materials
10.98	Cross-References
10.99	Penalties and Punishment

Chapter 10.01
FIRE DEPARTMENT

Section

[\(back to Title contents\)](#)

10.0101	Definitions
10.0102	Membership
10.0103	Appointment
10.0104	Salary
10.0105	Duties and Powers
10.0106	Require Aid
10.0107	Failure to Assist, Etc.
10.0108	Interfering
10.0109	Injuring Apparatus
10.0110	Reporting of Fires and Hazardous Material Release
10.0111	User Fees for Emergency Responses
10.0112	Billing and Collection

10.0101: DEFINITIONS

[\(back to Chapter contents\)](#)

Except where a contrary intention clearly appears, wherever the terms hereinafter set out are used in this chapter, they shall be construed to mean the following:

Fire Services: Any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventive measures in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, hazardous material response, emergency medical services, and technical rescue. (Ord 18-28; Rev 01-11-19)

Fire Service Charge: Charge imposed by the City of Watertown to any property owner, occupant or invitee for receiving fire service.

Fire Suppression: Any fire apparatus which has fire pump engaged to supply water and or fire suppressing agent to a hose line or monitor to extinguish a fire and or provide the application of foam.

Fire Protection Contract: Contract between the City, and a township or entity for the City to provide fire service.

Mutual Aid Agreement or Memorandum of Understanding: Agreement between the City of Watertowns Fire Department to provide Fire Services or assistance to the Fire Departments of other Towns, Townships, Counties, or State.

Controlled Burns: Intentionally-ignited fire contained within a designated area.

Burn Ban: Restriction on any burning for a period of time when climate conditions are dry in the County of Codington. This Ban is put into place by Codington County Commissioners when recommended by Emergency Management and or Fire Chiefs. A ban may also be imposed within the City limits of Watertown by the City Manager and Fire Chief. (Ord 21-14; Rev 6-11-21)

Prohibited Items to Burn: Items not allowed to burn include, but are not limited to: tires, rubber products, asbestos-containing material, hazardous material, styrofoam, plastics, petroleum-based products, treated wood, asphalt shingles, and other refuse. (Ord 14-02; Add 05-02-14)

10.0102: MEMBERSHIP

[\(back to Chapter contents\)](#)

1. The Fire Department of this City shall consist of the chief and such other officers and members as may be required from time to time. Wherever in this title reference is made to the Chief, the reference is to the Chief of the Fire Department of this City. (133)
2. Where dormitory type sleeping facilities are provided, each member who works a twenty four (24) hour shift shall be provided an adequate sleeping facility and bed. (E-214-1) (E-608-1)

10.0103: APPOINTMENT

[\(back to Chapter contents\)](#)

1. The Chief shall be appointed by the City Manager by and with the consent of the City Council, and he shall hold his office for the term of his appointment unless sooner removed by the City Manager. (134) (Ord 21-14; Rev 6-11-21)

2. The Assistant Fire Chief shall be appointed by the Fire Chief and he shall hold office for the term of his appointment unless sooner removed by the Fire Chief. (E-309-1)
3. The Battalion Chief(s) shall be appointed by the Fire Chief and shall hold office for the appointed term unless sooner removed by the Fire Chief. (Ord 14-02; Add 05-02-14)
4. The City Manager, with the consent of the City Council, may appoint the same person to function as the Chief of Police and Chief of the Fire Department, and if so appointed and approved such person shall be designated as the Director of Public Safety. (E-352-I) (Ord 21-14; Rev 6-11-21)
5. When a Director of Public Safety shall have been appointed and approved all references in this title, or other titles, to Chief of Police or Fire Chief shall thereafter have reference to the Director of Public Safety. (E-352-I)

10.0104: SALARY

[\(back to Chapter contents\)](#)

Compensation for service in the fire department shall be fixed and established by the City Council at the time of fixing of the salaries of other city officers. (135)

10.0105: DUTIES AND POWERS

[\(back to Chapter contents\)](#)

1. It shall be the duty of the Chief, or in his absence the Assistant Chief or the Battalion Chief, to take such measures as may be necessary upon the occasion of any fire in the limits of the city to extinguish the same, and for the protection of property may, by and with the advice and consent of the City Manager, order any building, pile of lumber or any other structure, pulled down, removed or destroyed, if the same may be necessary to prevent the spread of fire.
2. The Chief, or in his absence the Assistant Chief or the Battalion Chief, during the progress of any fire in said City, whenever in his judgment it becomes necessary to control the same, shall have the power to order any fence, building or erection of any kind to be cut down and removed. He shall also have power, with the consent of the City Manager, to tear down any portion of any building that may be standing after a fire therein or thereby, which in his judgment may be dangerous to persons or property.

Source: (136) (Ord 14-02; Rev 05-02-14) (Ord 21-25; Rev 7-16-21)

10.0106: REQUIRE AID

[\(back to Chapter contents\)](#)

The Chief, and in his absence the Assistant Chief or the Battalion Chief, shall have full power, control and command over all persons whomsoever at any fire or when fire services are provided, and shall have authority at such time to command such assistance from the inhabitants of the City present thereat, for the extinguishing of fire and the preservation of property exposed to fire and life safety events as may in his judgment be required. (137) (Ord 14-02; Rev 05-02-14)

10.0107: FAILURE TO ASSIST, ETC.

[\(back to Chapter contents\)](#)

It shall be unlawful for any person present at a fire to refuse upon the command of the Chief or his assistant to render such assistance as he may require; or to refuse to obey any lawful order of the officer in command; to insult, threaten, use abusive language toward or interfere with any personnel or officer of the fire department when on duty and engaged in suppressing a fire or providing any emergency services; or to without authority give any order, command or direction to any member of the fire department at such time. (138) (Ord 14-02; Rev 05-02-14)

10.0108: INTERFERING

[\(back to Chapter contents\)](#)

No person shall willfully hinder or interfere with any firefighter or other City officer in the performance of his duties at, going to, or returning from any emergency response. (139) (Ord 14-02; Rev 05-02-14) (Ord 18-28; Rev 01-11-19)

10.0109: INJURING APPARATUS

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to drive any vehicle, motor vehicle, locomotive or train of cars over any hose belonging to the fire department, or in any manner to injure or interfere with any engine or apparatus belonging or pertaining to the fire department or to cut, deface, destroy or injure any of the property belonging to said department. (140)

Any person causing damage to any fire department equipment operating at an emergency scene shall be responsible for expenses related to repair of the damaged equipment. (Ord 18-28; Rev 01-11-19)

10.0110: REPORTING OF FIRES AND HAZARDOUS MATERIAL RELEASE ([back to Chapter contents](#))

Any Fire, Hazardous Material Release, Fire Alarm, Emergency Medical, and Technical Rescue shall be reported as soon as practically possible using 911 Dispatch which will activate Watertown Fire Rescue Response. (Ord 14-02; Add 05-02-14)

10.0111: USER FEES FOR EMERGENCY RESPONSES ([back to Chapter contents](#))

Parties subject to user fees for emergency response (Ord 18-28; Rev 01-11-19):

1. Owners of property within the City who receive fire service.
2. Owners of property in counties, townships or cities to which the City provides fire service pursuant to a fire protection contract.
3. Anyone who receives fire service as a result of fire within the City, counties, or townships that Fire Services are provided.
4. Any Person, City, Township, County who receives fire service in the area within the State of South Dakota when the All Hazard Team is deployed.
5. All user fees charged for emergency response service shall be set by City resolution. (Ord 14-02; Add 05-02-14)

10.0112: BILLING AND COLLECTION ([back to Chapter contents](#))

1. Parties requesting and receiving fire services will be billed directly by the City of Watertown within 30 days of the fire service. Additionally, if the party receiving fire service did not request them but the fire department determined such fire service was needed, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the service.
2. Parties billed for fire service will have 30 days to pay. If the fire service charge is not paid by the due date on the invoice, it will be considered delinquent and the City will send a notice of delinquency including a non-payment penalty of 10%. A 10% penalty will continue to accrue on the account until the invoice is paid in full or is written-off and sent for further collection attempts. The City reserves the right to use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service may be liable for all costs incurred by the City in securing payment on the debt including, but not limited to, reasonable attorney fees and court costs.
3. After 120 days of delinquency, the City Council may authorize, if applicable, the Finance Officer to certify all unpaid amounts to the County Treasurer for collection in the same manner as general property taxes. The City will give the property owner notice of its intent to certify the unpaid fire service charges prior to certification.
4. Automated alarms can be billed as a fire call after four false alarms have been responded to by the Fire Department per calendar year that runs January 1 to December 31. The fifth false alarm will be billed at the regular run rate for one engine listed as set by resolution.
5. When the City Fire Department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.
6. When the City Fire Department provides fire service to another fire department pursuant to a Fire Protection Contract, the billing will be determined by the contract.
7. All collected fire charges will be City funds and used to offset the expenses of the City Fire Department in providing fire services. (Ord 14-02; Add 05-02-14)

Chapter 10.02 FIRE CODE AND PREVENTION

Section

[\(back to Title contents\)](#)

- [10.0201 Fire Prevention](#)
- [10.0202 Adoption of the Fire Code and Life Safety Code](#)
- [10.0203 Inspectors](#)
- [10.0204 Inspectors - Order Safety and Preventive Devices](#)
- [10.0205 Inspectors - Failure to Comply](#)
- [10.0206 Right to Enter Premises](#)
- [10.0207 Notice to Owner](#)
- [10.0208 Appeals](#)
- [10.0209 New Materials, Processes or Occupancies Which May Require Permits](#)
- [10.0210 Key Boxes](#)
- [10.0211 Premises Identification \(Addressing\)](#)
- [10.0212 Fire Protection System Group R](#)
- [10.2013 Reporting of Maintenance, Inspections, and Tests on Fire Alarm Systems and Fire Protection Systems](#)
- [10.0214 Fire Investigation](#)

10.0201: FIRE PREVENTION

[\(back to Chapter contents\)](#)

The Fire Prevention Code shall be enforced by the Building Official and the Fire Department of the City of Watertown, under the supervision and direction of the Chief of the Fire Department (Fire Chief). Any official acting under this authority shall be an Inspector. (E-506)

10.0202: ADOPTION OF THE FIRE CODE AND LIFE SAFETY CODE

[\(back to Chapter contents\)](#)

There is hereby adopted by the City Council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, those certain codes known as the International Fire Code, 2018 Edition, including Appendices B through J, as prepared by the International Code Council, and the Life Safety Code 101, 2018 Edition, prepared by the National Fire Protection Association, of which codes are filed in the Office of the Fire Marshal Officer and the same are hereby adopted and incorporated as fully as if set out in length herein, and from the date in which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Watertown and Watertown Fire Rescue Response Area and Watertown's extra-territorial jurisdiction. (E-307-1) (E-415-1) (E-442-1) (E-506) (E-626-2) (E-687) (99-6) (Ord 04-16; Rev 12-31-04) (Ord 14-02; Rev 05-02-14) (Ord 18-28; Rev 01-11-19)

The Fire Chief or his designee, shall have the authority to enforce the provisions of the Fire Prevention Code and shall have the authority to render the interpretations of the Fire Prevention Code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent of the code and shall not have the effect of waiving requirements specifically provided for in this code. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Fire Chief or his designee shall have the authority to grant modifications for individual cases, provided the Fire Chief or his designee shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The particulars of such modification when granted or allowed and the decision of the Fire Chief thereon shall be entered upon the record of the department and a signed copy shall be furnished the applicant (IFC 104.1). (D-497-8) (E-416-1) (E-558-2) (E-601-2) (E-626-2) (Ord 04-16; Rev 12-31-04) (Ord 14-02; Rev 05-02-14) (Ord 17-04; Rev 03-03-17)

10.0203: INSPECTORS

[\(back to Chapter contents\)](#)

Authority is hereby granted to said Inspectors to enter into any of the schools or any of the buildings or rooms in said City used for public meetings or amusement, during any and all times when he shall deem it necessary, whether such public meetings or amusements are in progress therein or not, and as he may elect, and to take with him into any such building at any time when such building is open to the public, not to exceed two assistant firemen who shall aid him in his duties as inspector. (141) (E-506)

10.0204: REPEALED (Ord 18-28; Rev 01-11-19)

[\(back to Chapter contents\)](#)

10.0205: INSPECTORS - FAILURE TO COMPLY[\(back to Chapter contents\)](#)

Any proprietor, occupant, tenant, lessee or manager, omitting, failing or refusing to comply with the order and notice of the Inspector provided within ten (10) days after written notice of such order has been served upon such proprietor, occupant, tenant, lessee or manager shall be subject to a fine as provided in Chapter 10.99 hereof, and further: Such building or room shall be closed and no public meeting or amusement of any character shall be had therein until the order of the Inspector is fully complied with, and any opening of any of the places herein mentioned to the public for meetings or amusement, after such order and notice and before compliance therewith, shall be and is hereby deemed a separate and distinct offense. (143) (E-506)

10.0206: RIGHT TO ENTER PREMISES[\(back to Chapter contents\)](#)

Right of entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the *fire code official* has reasonable cause to believe that there exists in a building or upon any premises any condition or violations of this code which make the building or premises unsafe, dangerous or hazardous, the *fire code official* shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the *fire code official* by this code. If such building or premises is occupied, the *fire code official* shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the *fire code official* shall first make a reasonable effort to locate the *owner* or other person having charge or control of the building or premises and request entry. If entry is refused, the *fire code official* has recourse to every remedy provided by law to secure entry (IFC 2012, 104.3).

The Inspector is hereby given authority to enter any house or buildings, lots, yards and premises in the said City, between sunrise and sunset as often as he shall deem necessary and examine the fireplace, hearth, chimney, stoves and pipes, ovens, boilers or other apparatus likely to cause or to set fire to said premises, places where ashes are deposited, and all places where gun powder, hemp, flax, straw, tow, hay, shavings or other combustible materials are kept, lodged or stored. (144) (E-506) (Ord 14-02; Rev 05-02-14)

10.0207: NOTICE TO OWNER[\(back to Chapter contents\)](#)

The said Inspector shall give such notices to the owner or occupant thereof, in regard to the several foregoing matters, as he may deem expedient, either as to removal, alteration, repairs or better care or management thereof for the protection of property against fire; which notice shall be obeyed and complied with by the person or persons occupying or owning the same (as the case may be) and at his or their own expense within five (5) days from and after the date of service of notice thereof. (145) (E-506)

10.0208: APPEALS[\(back to Chapter contents\)](#)

Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the governing body within thirty (30) days from the date of the decision appealed. The governing body for appeals is the Board of Adjustment. (D-497-9) (E-506) (Ord 14-02; Rev 05-02-14)

10.0209: REPEALED (Ord 18-28; Rev 01-11-19)**10.0210: KEY BOXES**[\(back to Chapter contents\)](#)

The Watertown Fire Department will not carry keys for direct emergency access to buildings, but will carry keys to Knox lock boxes approved for construction and location by the Fire Department which will contain entry and secured area keys. Multi-family dwelling shall keep a “master key” for all doors in the structure. When access to or within a structure or any area is unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes, the Chief may require a Knox key box to be installed in an accessible location. The Knox key box shall be a type approved by the Fire Chief and shall contain keys to gain necessary access as required by the Fire Chief. (E-627-1) (Ord 14-02; Rev 05-02-14) (Ord 18-28; Rev 01-11-19)

10.0211: PREMISES IDENTIFICATION (ADDRESSING)[\(back to Chapter contents\)](#)

New and existing buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. Address numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters (no script). Illumination of the address is recommended.

If the structure is not visible from the roadway because of terrain, trees or other obstruction, or if the structure is more than four hundred (400) feet from the roadway, the address numbers shall be posted on a post out of the right-of-way, at the entrance of the driveway to the structure. The numbers on the post shall be a minimum of four (4) inches in height and shall be visible from both sides of the approach to the entrance. The post with the numbers shall be a minimum of four (4) feet in height above the ground in a visible location within twenty (20) feet of the roadway. (Ord 18-28; Rev 01-11-19)

1. Address Number Display – Residential Uses

House numbering: All residential primary structures shall display official City-assigned address numbers on the face of the structure nearest the road, 5’ from ground level, size mandated by size and placement regulations below.

Mailbox numbering: Any mailbox located on street directly in front of the residence shall display address numbers on both sides. Groups of mail boxes in one location with numbers on both sides are not required.

2. Address Number Display – Non-Residential Uses

Primary Structure: All non-residential primary structures shall display official City-assigned address numbering on the face of the structure so it is visible from roadway. For strip malls and rows of stores, numbers above or beside the front (street side) door 5’ from ground level, size mandated (see section three below). Addressing can be conspicuously located on window or door only if no advertising or decorations are on that said window or door.

3. Size and Placement Regulations

Distance Size

0 – 50 feet 6 in.

51 – 100 feet 8 in.

101 – 150 feet 10 in.

151 – 200 feet 12 in.

Over 200 feet 14 in.

Distance is measured from the face of the building to the face of curb/edge of roadway. (Ord 14-02; Add 05-02-14)

4. Contractor shops or commercial-type shops shall post contact name and phone number on entry door. (Ord 18-28; Rev 01-11-19)

5. R Occupancies containing more than four (4) dwelling units with common hallway shall post contact name and phone number of owner or operator inside entrance to the building. (Ord 18-28; Rev 01-11-19)

10.0212: FIRE PROTECTION SYSTEM GROUP R

[\(back to Chapter contents\)](#)

1. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area except apartments or multifamily occupancies that four (4) dwelling units or less and two levels or less in height. However, sprinklers are required if any single unit has four (4) or more bedrooms. (Ord 18-28; Rev 01-11-19)

2. Smoke Alarms are required to be installed in each bedroom, hallway and one on each floor of all R occupancies. The owner of property is responsible for the installation and maintenance of smoke alarms. No one shall tamper with or remove battery from smoke alarms. (Ord 18-28; Add 01-11-19)

3. Carbon Monoxide CO2 detectors are required in all R occupancies when a fuel fired furnace or cooking appliance is present in the dwelling unit. (Ord 18-28; Add 01-11-19)

10.0213: REPORTING OF MAINTENANCE, INSPECTIONS, AND TESTS ON FIRE ALARM SYSTEMS AND FIRE PROTECTION SYSTEMS

[\(back to Chapter contents\)](#)

All vendors or companies performing maintenance, inspections, and tests on Fire Alarm Systems and Fire Protection Systems are responsible for mailing a copy of all reports and related information for the systems to Watertown Fire Rescue when deficiencies are discovered within thirty (30) days. (Ord 14-02; Add 05-02-14) (Ord 18-28; Rev 01-11-19)

10.0214: FIRE INVESTIGATION

[\(back to Chapter contents\)](#)

The *fire code official*, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition (International Fire Code 2018).

All fire investigations shall be done using as a guide *NFPA 921 GUIDE FOR FIRE & EXPLOSION INVESTIGATION*. (Ord 14-02; Add 05-02-14) (Ord 18-28; Rev 01-11-19)

10.0215: HOARDING BY OCCUPANTS OF MULTIFAMILY DWELLINGS ([back to Chapter contents](#))

It is unlawful for an occupant of a multifamily dwelling unit to store or otherwise to accumulate in or on the dwelling unit objects or substances of a nature or in a quantity reasonably likely to create a hazard to the safety or health of an occupant of another dwelling unit on the same or a contiguous property, even if the objects or substances are not visible from a public place or a public right-of-way. (Ord 18-28; Add 01-11-19)

10.0216: ELEVATOR SIZE REQUIREMENT ([back to Chapter contents](#))

When an elevator is required by International Building or Fire Code the minimum size of car shall be of such a size and arrangement to accommodate an ambulance stretcher 48 inches by 84 inches (610 mm by 2134 mm) with not less than 5-inch (127 mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). (Ord 18-28; Add 01-11-19)

10.0217: LIQUID PETROLEUM TANKS (LPG) ([back to Chapter contents](#))

Liquid Petroleum tanks shall meet all requirements of the most current National Fire Protection Agency (NFPA) 58 standard. (Ord 18-28; Add 01-11-19)

10.0218: IMMINENT DANGER OF UNSAFE BUILDING OR CONDITION ([back to Chapter contents](#))

The Fire Chief or Police Chief, in consultation with the City Attorney and Building Official, have the authority to close buildings or stop events when a threat to public safety exists. (Ord 18-28; Add 01-11-19)

Chapter 10.04 HAZARDOUS MATERIALS

Section

[\(back to Title contents\)](#)

- [10.0401 Purpose](#)
- [10.0402 Definitions](#)
- [10.0403 Contingency Plan Required](#)
- [10.0404 Prohibited](#)
- [10.0405 Reporting of Discharge](#)
- [10.0406 Right of Entry](#)
- [10.0407 Conflict](#)
- [10.0408 Appeals](#)

10.0401: PURPOSE

[\(back to Chapter contents\)](#)

The purpose of this article is to protect, promote and enhance the welfare, safety, health and property of the general public and to protect and preserve the City's sanitary sewers, storm sewers, sewage treatment plant, water distribution system, and the Big Sioux Aquifer, and reduce cost associated with accidental discharges by establishing requirements for the safe manufacturing, handling, storage and sale of hazardous materials. (E-556-I) (Ord 14-02; Rev 05-02-14)

10.0402: DEFINITIONS

[\(back to Chapter contents\)](#)

For the purpose of interpreting this ordinance, certain words, terms and expressions are herein defined. Words used in the present tense shall include the future. The singular number shall include the plural and the plural, the singular. The word "shall" is mandatory.

Accidental Discharge: any gas, liquid or solid material which leaks, spills or escapes upon the ground or into the ground water, surface water or atmosphere.

Adverse Discharge: any discharge which could damage private or public property or produce a change in the water quality of the Big Sioux Aquifer which would exceed the Federal Primary Drinking Water Standards.

Aquifer: a geologic formation, group of formations or part of a formation capable of yielding, storing or transmitting a significant amount of ground water to wells or springs for domestic or animal use.

Aquifer Critical Impact Zone: that portion of the Big Sioux Aquifer which includes the public water supply and other areas serving as public water supplies. The area includes land surrounding the well fields in the established direction of ground and surface water flow, as shown on the Big Sioux Aquifer Map 1984, on file with the Fire Department.

Aquifer Secondary Impact Zone: the remainder of the Big Sioux Aquifer which is not located within the Aquifer Critical Impact Zone.

Big Sioux Aquifer: an unconfined, shallow groundwater system connected to the Big Sioux River, its tributaries and area lakes.

Feed Lot: a confined area for the feeding of domestic farm animals.

Hazardous Materials: those that pose an unreasonable risk to the health and safety of operating or emergency personnel, the public and the environment if not properly controlled during handling, storage, manufacture, processing, packaging, use, disposal or transportation. The requirements of Chapter 50 International Fire Code (2012) and the other associated chapters are considered the minimum safety requirements for the use, production and storage of hazardous chemicals.

1. **Ignitable:** a gas, liquid or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: white phosphorous, gasoline.
2. **Carcinogenic:** a gas, liquid or solid which is normally considered to be cancer causing or mutagenic. Examples: materials containing P.C.B.'s, polychloryl-biphenyl (waste oils).
3. **Explosive:** a reactive gas, liquid or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure or combination thereof. Examples: dynamite, organic peroxides, ammonium nitrate, etc.
4. **Highly Toxic:** a material (gas, liquid or solid) so dangerous to man as to afford an unusual hazard to life. Examples: parathion, chlorine gas.

5. **Moderately Toxic:** a material (gas, liquid or solid) which through repeated exposure or in a single large dose can be hazardous to man. Example: diazinon.
6. **Corrosive:** any material, whether acid or alkaline, which when in contact with human tissue will cause severe damage to such tissue; or in case of leakage will damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid. (E-556-2) (Ord 14-02; Rev 05-02-14)

10.0403: CONTINGENCY PLAN REQUIRED

[\(back to Chapter contents\)](#)

A contingency plan for cleaning up and containing an accidental discharge shall be required for any industry, business or individual, which manufactures, handles, stores or sells hazardous materials as defined in this ordinance. The contingency plan must be submitted to the Watertown Fire Department and provide the following:

1. A list of the scientific names and quantity of the hazardous materials normally located within the premises. The list shall be updated annually or in each case where maximum inventory quantities change by more than twenty five percent (25%) or other additional hazardous materials are added to inventory.
2. A building and lot layout drawn to scale showing the location of the hazardous materials.
3. The written contingency plan must describe the procedure to be utilized in the event of an accidental discharge.
 - a. Such a plan must include methods to be used for containment of an accidental discharge upon the premises;
 - b. Location and availability of equipment and supplies necessary to contain and clean up the accidental discharge and protect the city utilities located upon the premises, including an evacuation plan for any individuals within the premises;
 - c. The name of the representative to be contacted in the event of an emergency;
 - d. Financial responsibility for damages and clean up of an accidental or an on purpose discharge will be the responsibility of the property owner. A suitable sign shall be displayed upon the building designating the type of hazardous materials contained therein. (E-556-3)

10.0404: PROHIBITED

[\(back to Chapter contents\)](#)

1. The manufacturing, handling, storage or sale of hazardous materials is prohibited within the Aquifer Critical Impact Zone.
2. An industry, business or individual manufacturing, handling, storing or selling hazardous materials shall not be located within five hundred (500) feet of residential structures, schools or hospitals. Hazardous materials shall conform to maximum allowable quantities per control area listed in section 5003.11.1 through 5003.11.3.10 (International Fire Code Chapter 50). (E-556-4) (Ord 14-02; Rev 05-02-14)

10.0405: REPORTING OF DISCHARGE

[\(back to Chapter contents\)](#)

It shall be the duty of any person having knowledge of a discharge of hazardous material to immediately report the discharge to the Fire Department. (E-556-5)

10.0406: RIGHT OF ENTRY

[\(back to Chapter contents\)](#)

Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the Fire Department or their authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which is prohibited under the article, the Fire Department or their authorized representative may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the Fire Department by this article; providing that if such building or premises be occupied, they shall first present proper credentials and demand entry; and if such building or premises be unoccupied, they shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Fire Department or their authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge or care of any building or premises shall fail or neglect, after proper demand made as herein provided, to properly permit entry therein by the Fire Department or their authorized representative for the purpose of inspection and examination pursuant to this article. (E-556-6)

10.0407: CONFLICT

[\(back to Chapter contents\)](#)

In the event of any conflict between the provisions of this ordinance and state and federal law, the state and federal law shall prevail. (E-556-7)

10.0408: APPEALS

[\(back to Chapter contents\)](#)

Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the governing body within thirty (30) days from the date of the decision appealed. The governing body for appeals is the Board of Adjustment. (E-556-8) (Ord 14-02; Rev 05-02-14)

Chapter 10.98
CROSS-REFERENCES

10.9801: CROSS-REFERENCES

[\(back to Title contents\)](#)

Bonds	7.0903
No Burning on Surfaced Streets	18.0103
Cemetery, Mount Hope, Fires Unlawful	6.0115
False Fire Alarm	13.0306
Fire Vehicles, Right-of-Way	19.0110
Petroleum Products.....	Chapter 5.04

Chapter 10.99
PENALTIES AND PUNISHMENT

10.9901: PENALTIES AND PUNISHMENT

[\(back to Title contents\)](#)

1. Any person who shall violate any of these Chapters hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specification or plan submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Municipal Court or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than two hundred dollars (\$200) or by imprisonment not more than thirty (30) days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibitive conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (D-4917-11) (E-506) (Ord 14-02; Rev 05-02-14) (Ord 18-28; Rev 01-11-19)

TITLE 11

HEALTH

Chapter

[\(back to Table of Contents\)](#)

11.01	Health Board, Officers, General Powers and Duties
11.02	Liquor Establishments
11.04	Garbage and Rubbish
11.05	Eradication of Rats
11.06	Pollution of Lake Kampeska
11.07	General Provisions
11.08	Abandonment of Vehicles
11.09	Swimming Pools
11.98	Cross-References
11.99	Punishment

Chapter 11.01
HEALTH BOARD, OFFICERS, GENERAL POWERS AND DUTIES

Section

[\(back to Title contents\)](#)

[11.0101 Health Officer](#)

11.0102 Reserved

11.0103 Reserved

[11.0104 Authority](#)

[11.0109 Sanitarian and Environmental Health Director](#)

11.0101: HEALTH OFFICER

[\(back to Chapter contents\)](#)

The Mayor shall at the first meeting in July of each year, or as soon thereafter as possible, appoint a City Health Officer for a yearly term. The Health Officer shall be a medical doctor whose duty it shall be to advise the City Council with regard to health problems and such other duties as provided by law. (E-419-1) (99-9) (00-6) (Ord 21-14; Rev 6-11-21)

11.0102: RESERVED (00-6)

11.0103: RESERVED (00-6)

11.0104: AUTHORITY

[\(back to Chapter contents\)](#)

Wherever the term "Health Officer" appears in Title 11, such duties shall be carried out by the person or persons designated by the Mayor. (E-419-l)

11.0109: SANITARIAN AND ENVIRONMENTAL HEALTH DIRECTOR

[\(back to Chapter contents\)](#)

The City Manager, with the approval of the City Council, is authorized to employ a Sanitarian who shall also act as Environmental Health Director under the direction of the City Manager and with the advice of the Health Officer. The qualifications of the Sanitarian shall be as established by state laws and ordinances of the City. The Sanitarian, under the direction of the City Manager, shall be in charge and be responsible for the supervision and enforcement of all ordinances of the City covered in this title or which in any way affect the health of the City. The Sanitarian shall perform such other related duties that shall from time to time be set out by the City Manager. The compensation of the Sanitarian shall be fixed by the governing body. (E-397-2) (00-6) (Ord 21-14; Rev 6-11-21)

Chapter 11.02
LIQUOR ESTABLISHMENTS

Section

[11.0201 Definitions](#)

[11.0202 Licenses and Permits](#)

[11.0205 Penalty for Violation](#)

[\(back to Title contents\)](#)

11.0201: DEFINITIONS

[\(back to Chapter contents\)](#)

Liquor Establishment: any holder of an on-sale liquor license.

Person: the word "person" shall mean person, firm, corporation or association. (E-220-2) (E-700) (Ord 03-13; Rev 01-09-04)

11.0202: LICENSES AND PERMITS

[\(back to Chapter contents\)](#)

1. Annual License Required: It shall be the duty each year of every owner of a liquor establishment to secure a license on or before the first (1st) day of January, before beginning the operation of such establishment after making proper application on a form provided by the City, accompanied by the proper license fee.
2. Fee for License shall be established by resolution of the City Council. (Ord 10-27; Rev 11-12-10)
3. Expiration of License: A new license is required on change in ownership or location. A license issued pursuant to an approved application shall expire on December 31 each year and shall not be transferable from owner to owner or from location to location of the establishment. Changes in ownership or location shall require the approval of a new application and the purchase of a new license, which may be secured by making proper application and payment of the proper license fee as hereinbefore provided, within thirty (30) days from said transfer. (Ord 03-13; Rev 01-09-04)

11.0205: PENALTY FOR VIOLATION

[\(back to Chapter contents\)](#)

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding two hundred dollars (\$200), or by imprisonment for not exceeding thirty (30) days, or by both such fine and imprisonment. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs constitutes a separate violation. (E-220-2) (E-679)

Chapter 11.04 GARBAGE AND RUBBISH

Section

[\(back to Title contents\)](#)

11.0401	Purpose
11.0402	Definitions
11.0403	Litter
11.0404	Containers - Generally
11.0405	Landfill Administration
11.0406	Reserved
11.0407	Commercial Garbage Haulers
11.0408	Suspension, Revocation
11.0409	Obedience to Applicable Provisions
11.0410	Prohibited Wastes

11.0401: PURPOSE

[\(back to Chapter contents\)](#)

The purpose of this chapter is to implement federal and state laws and regulations, to promote an integrated solid waste management system, and to enhance the City safety, welfare, health and property of the general public and to protect and preserve the environment.

11.0402: DEFINITIONS

[\(back to Chapter contents\)](#)

The following words and phrases as used in this chapter, unless a different meaning is clearly required by the context, shall have the following meanings:

City: City of Watertown.

Commercial: solid waste collection accounts serving nonresidential customers within the City of Watertown.

Commercial hauler: any person who hauls or transports any solid waste material as its primary business through the City or upon the streets or alleys of the City for a consideration or a fee. The solid waste department shall determine the primary business status. (00-5)

Container: municipal solid waste, recycling or yard waste, residential or commercial container approved by the Solid Waste Department.

Compost: a mixture that consists largely of decayed organic matter used for fertilizing or conditioning soil. (99-9) (Ord 08-05; Rev 05-30-08)

Family domestic unit: an individual or two or more persons occupying a dwelling unit and living as a single household entity. Each independent family unit occupying a building used in whole or in part for residential purposes, including mobile homes in mobile home courts. In the case of multi-family units each residence shall be deemed a single family unit. All above shall be deemed a family domestic unit for the purpose of this chapter.

Garbage: all organic refuse from the preparation of food and decayed or spoiled animal or vegetable waste from any source. (99-9).

Hazardous Waste: a solid waste and/or combination of solid waste which because of quantity, concentration, or physical, chemical or infectious characteristics, may cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, managed, transported or disposed of, but hazardous waste does not include radioactive material or mining wastes which are exempt pursuant to federal or state law.

Household: (see Family domestic unit).

Landfill: (see Sanitary Landfill).

Major Appliance: a major residential or commercial appliance, including any air conditioner, clothes dryer, clothes washer, dishwasher, freezer, kitchen range, microwave oven, refrigerator and water heater.

Municipality: the City of Watertown.

[\(back to Chapter contents\)](#)

Paper and Paper Products: paper items, including paper napkins, towels, corrugated and other cardboard, toilet tissue, high-grade office paper, newsprint, offset paper, bond paper, xerographic bond paper, mimeo paper and duplicator paper.

Plastic: any material made of polymeric organic compounds and additives that can be shaped by flow.

Plastic Bottle: a plastic container having a neck that is smaller than the body or the container, accepting a screw-type, snap cap or other closure, and having a capacity of less than five (5) gallons.

Plastic Product Label: a molded imprint or raised symbol on or near the bottom of a plastic product.

Post consumer material: products generated by a business or consumer that have served their intended end uses and that have been separated or diverted from solid waste for the purpose of collection, recycling and disposition.

Public/Private entity: any individual, corporation, partnership, limited liability company or limited liability partnership.

Recovered Material: material which is recovered or derived from solid waste.

Recovered Paper Material: paper waste generated after the completion of the papermaking process, such as post consumer material, envelope cuttings, bindery trimmings, printing waste, cutting and other conversion waste, butt rolls and mill wrappers, obsolete inventories, and rejected unused stock. The term does not include fibrous waste generated during the manufacturing process such as fibers recovered from wastewater or trimmings of paper machine rolls, or fibrous by-products of harvesting, extractive or woodcutting processes, or forest residue such as bark.

Recycled: the quality of being manufactured from or consisting of, in whole or in part, materials derived from solid waste.

Recycled Paper: a paper product with not less than forty percent (40%) of its total weight consisting of recovered paper material and at least ten percent (10%) of the total weight of the recycled paper of post consumer materials.

Recycling: any process by which waste, or materials that would otherwise become waste, are collected, separated or processed and revised or returned to use in the form of raw materials products. The term includes the composting of yard waste which has been previously separated from other waste, but does not include any form of energy recovery.

Regulation garbage container: a container provided or approved by the Solid Waste Department for the containment and collection of garbage.

Residential: any household located within city limits having access to infrastructure or utilities provided by the City.

Rigid Plastic containers: any formed or molded container, other than a bottle, intended for single use, composed predominantly of plastic resin, and having a relatively inflexible shape or form with a capacity of less than five (5) gallons.

Rubbish: all combustible organic refuse matter, such as papers, sweepings, rags, grass, wood shavings, etc, originating from the ordinary household or business operations.

Sanitary Landfill: a solid waste disposal facility.

Scrap metal and iron: any iron or metal that may be separated from other discarded waste to be collected and sold to a metal recycler.

Solid Waste: any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded materials, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial and agricultural operations, and from community activities, but does not include mining waste.

Solid Waste Disposal Facility: all facilities and appurtenances connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained or operated to facilitate the disposal or storage of solid waste.

Source Reduction: practices that reduce, avoid or eliminate both the generation of solid waste and the use of toxic materials so as to reduce risks to health and the environment and to avoid, reduce or eliminate the generation of wastes or environmental pollution at the source and which is not merely achieved by shifting a waste output or waste stream from one environmental medium to another environmental medium.

[\(back to Chapter contents\)](#)

Universal Recycling Symbol: an equilateral triangle formed by three arrows with the shape of each point at the triangle at the midpoint of each arrow, rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints, shall depict a clockwise path.

Waste Oil: any oil after use that is contaminated through storage or handling before the oil is recycled.

Waste Tire: a tire that is no longer suitable for its original purpose because of wear, damage or defect.

Waste Tire Processing: producing or manufacturing usable materials from waste tires. The term does not include incineration of tires for fuel or energy recovery purposes.

Waste Tire Processing Site: a site used for the processing of waste tires and owned or operated by a tire processor who has a permit for the site.

Waste Tire Collection Site: a site used for the storage, collection or deposit off waste tires.

Yard Waste: leaves, grass clippings and other similar vegetative waste material.

11.0403: LITTER

[\(back to Chapter contents\)](#)

1. **Littering prohibited-Generally.** It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk or any yard or premises, whether public or private, any cans, paper, trash, paper containers, rubbish, bottles or any other form of litter or waste matter.
2. **Duty of business owners, occupants.** The owner or occupant of any store or other place of business situated within the City shall exercise reasonable diligence at all times to keep their premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials thrown or left on said premises by any person and shall also take reasonable measures to prevent same from drifting or blowing onto adjoining premises.

11.0404: CONTAINERS – GENERALLY

[\(back to Chapter contents\)](#)

1. **Containers for solid waste shall be required as follows:**
 - a. Every family domestic unit and every commercial establishment shall provide one or more solid waste containers made of a suitable material approved by the Solid Waste Department.
 - b. Section above shall not apply in the event the City provides a family domestic unit with a container, or the Solid Waste Department approves the use of such other container as requested by the user. (00-5)
 - c. Yard waste must be placed in a green semi-automated container which meets Solid Waste Department specifications or is approved by the Solid Waste Department. (00-5)
 - d. Residential recycling containers which are provided and owned by the residential user must meet Solid Waste Department specifications or approval. (00-5) (Ord 08-05; Rev 05-30-08)
2. **Location of containers generally.**
 - a. The containers required by this chapter shall be kept in a suitable place on private premises protected from rodents and animals.
 - b. Unless notified to the contrary through promulgation of rules, on the day prior to the solid waste being collected from the premises, the containers shall be placed on the edge of the boulevard adjoining the premises.
 - c. Reserved
 - d. All solid waste containers placed on the alley or boulevard shall be removed on the same day of collection.
 - e. Recycle containers shall be placed so that collectors of solid waste do not have to carry such containers for a distance of more than twenty (20) feet to the collection vehicle.
 - f. No solid waste collection truck shall be required to use any private driveway in the collection of solid waste.
 - g. All recycling containers shall be placed on the boulevard, facing the street. (Ord 08-05; Rev 05-30-08)
3. **Certain commercial containers, location.** Commercial establishments, such as hotels, restaurants, bars, drugstores, grocery stores, and all other like commercial and business establishments and educational

facilities of institution within this City having solid waste material to dispose shall provide one or more solid waste containers of suitable material size to receive all solid waste which may accumulate between the times of collection with lid closed. These containers shall be approved by the Solid Waste Department, and easily accessible for collection. The waste container shall be constructed so that it may be easily and completely emptied. Dry rubbish, when stored inside commercial establishments, need not be deposited in a container. (Ord 08-05; Rev 05-30-08)

4. **Maintenance of containers.** Every container required by this chapter shall be maintained in a reasonably sanitary condition and shall periodically be cleaned. (Ord 08-05; Rev 05-30-08)
5. **Replacement containers upon notice.** It shall be the duty of every person who owns, controls, manages, operates, or occupies any premises where solid waste accumulates to replace, within ten (10) days after receipt of notice by the Solid Waste Department, any container that has deteriorated or is unsafe. (00-5) (Ord 08-05; Rev 05-30-08)
6. **Protection of contents in containers.** Solid waste containers shall be kept tightly closed except during the collection or deposit of garbage, trash or refuse. The contents of all receptacles shall be protected so that the wind cannot blow out and scatter contents. (Ord 08-05; Rev 05-30-08)
7. **Covered loads.** All vehicles hauling solid waste to the landfill or other solid waste management operations shall be adequately secured or covered to prevent any scattering of solid waste upon any public roadway, street or private property. (Ord 08-05; Rev 05-30-08)

11.0405: LANDFILL ADMINISTRATION

[\(back to Chapter contents\)](#)

1. **Rules, regulations generally.** The City Council may promulgate rules and regulation to carry out the intent and purpose of this chapter, any such rules and regulations so adopted shall be filed with the Finance Officer prior to the effective date thereof and published in accordance with Section 11.0405(2) of this article.
2. **Publication of rules and regulations.** The publication of rules and regulation for the use of the sanitary landfill shall consist of approval by City Council and filing with the City Finance Office.
3. **Regional landfill, use restricted.** The use of the city landfill shall be restricted to solid waste which complies with this ordinance, the rules and regulations adopted by the City, and with state or federal law.
4. **Charges.**
 - a. The charges for the use of the landfill shall be established by resolution of the City Council.
 - b. The charges set for inadequately secured or covered loads received by the landfill shall be twice the normal landfill charge for the same type of load.
 - c. The cost of the collection and disposal of refuse from family domestic units as defined above shall become a charge against the occupant of each dwelling and to be payable monthly together with other public service charges as defined by this City. The charge for each family domestic unit shall be set by the resolution of the City Council. (99-9) (Ord 08-05; Rev 05-30-08)
5. **Provided for use.**
 - a. No solid waste material collected in this City shall be deposited in any place except in approved solid waste facilities as designated by the City Council.
 - b. It is unlawful for any private entity to deposit or cause to be deposited any solid waste material generated by that entity in or upon the property of any other entity. (Ord 08-05; Rev 05-30-08)
6. **Solid waste removal restricted.** It shall be unlawful for any person to remove or cause to be removed from the sanitary landfill any solid waste. Material that can be recycled or reused consistent with city ordinance or state or federal laws, regulations and policies may be removed when approved by the Solid Waste Department. (00-5) (Ord 08-05; Rev 05-30-08)
7. **Control of ingress and egress.** The landfill management shall be responsible for the control of ingress and egress to the city landfill. (Ord 08-05; Rev 05-30-08)

11.0406: RESERVED

[\(back to Chapter contents\)](#)

11.0407: COMMERCIAL GARBAGE HAULERS

[\(back to Chapter contents\)](#)

1. It shall be unlawful for a commercial garbage hauler to haul or transport any garbage, rubbish or waste material through or upon any street or alley of this City or the landfill of the City of Watertown, for consideration or a fee, unless he is the holder of a license in full force and effect, authorizing him to do so as provided for herein. (00-5)
2. The license fee shall be established by resolution of the City Council and shall be issued only on approval of the City Council, and shall be subject to revocation as hereinafter provided.
3. Any commercial garbage hauler convicted of a violation of any of the terms of this chapter shall be subject to the penalties provided for in [Section 11.9901](#) hereof and in addition shall upon conviction, forfeit his license.
4. The schedule of fees at the Landfill shall be set by resolution of the City Council.
5. The landfill management shall keep accurate records of all of the garbage, rubbish and waste material disposed of by a licensed garbage hauler and by each commercial establishment and he/she shall report to the Finance Officer each month the number of loads or weight or cart so deposited at the Sanitary Landfill. Each calendar month the Finance Officer shall bill each licensed garbage hauler or commercial establishment.
6. The license of any commercial garbage hauler who fails to pay the dumping fee when due as described in this section shall automatically be canceled and revoked and a new license may not again be issued to such person until all past due dumping fees are paid.
7. Each license issued under the provisions of this chapter shall be valid for the calendar year, unless otherwise revoked. (Ord 08-05; Rev 05-30-08)

11.0408: SUSPENSION, REVOCATION

[\(back to Chapter contents\)](#)

Any license issued under the provisions of this chapter may be suspended or revoked by the City Commission for violation of any applicable provision of this chapter, any other city ordinance rule or regulation or provision of state or federal law by such licensee, its agent or employee.

11.0409: OBEDIENCE TO APPLICABLE PROVISIONS

[\(back to Chapter contents\)](#)

Each licensee under this chapter, as a condition of said license, shall obey all applicable provisions of this chapter, other city ordinances and rules and regulations of the City Council.

11.0410: PROHIBITED WASTES

[\(back to Chapter contents\)](#)

1. The City will not accept hazardous waste or other wastes that have been identified by the state or federal government as not being appropriate for disposal in a municipal landfill.
2. The city solid waste collection operation shall not collect or pick up the following items:
 - a. Liquid waste oil
 - b. Tires
 - c. Automotive batteries
 - d. Furniture
 - e. Major appliances
 - f. Construction/demolition waste (Ord 08-05; Rev 05-30-08)
3. The city landfill shall not accept the following items:
 - a. Liquid wastes
 - b. Substances that are defined as hazardous waste by the federal or state government
 - c. Automotive batteries
 - d. Tires (99-9) (Ord 15-03; Rev 02-27-15)
4. The city landfill may accept the following special wastes for alternative disposal provided they are separated and handled according to federal, state and city rules and regulations.
 - a. Liquid motor oil
 - b. Asbestos containing materials

- c. Major appliances /white goods
 - d. Scrap iron / metal
 - e. Trees and branches
 - f. Yard Waste (00-5) (Ord 08-05; Rev 05-30-08) (Ord 15-03; Rev 02-27-15)
5. In accordance with state law, the city solid waste management system shall meet the deadlines which prohibit disposal of various solid waste items from disposal in the landfill. The disposal of the following items shall be prohibited and shall not be buried in City of Watertown's landfill on or after the following applicable dates:
- January 1, 1996 - White good appliances shall not be deposited or buried in the landfill. (Ord 08-05; Rev 05-30-08)

Chapter 11.05 ERADICATION OF RATS

Section

[\(back to Title contents\)](#)

11.0501	Definitions
11.0502	All Business Buildings Must be Rat-Proof and Rat-Free
11.0503	Owner Must Act when Directed by Health Officer
11.0504	Occupant Must Act when Directed by Health Officer
11.0505	Occupants Must Maintain Premises in Rat-Proof Condition
11.0506	Health Officer May Inspect
11.0507	Owner Must Correct Rat Harborage Conditions
11.0508	Rat-Proofing Must Not be Removed
11.0509	Food and Feed Must be Protected from Rats
11.0510	All Garbage and Refuse in Covered Metal Containers
11.0511	No Garbage, Rubbish or Trash Accumulated
11.0512	Building Materials Not to Provide Rat Harborage

11.0501: DEFINITIONS

[\(back to Chapter contents\)](#)

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

Business Building: any structure, either public or private, that is adapted for occupancy for transaction of business, for rendering of professional service, for amusement, for the display, sale or storage of goods, wares or merchandise, or for the performance of work or labor, including but not limited to hotels, rooming houses, office buildings, public buildings, stores, theatres, markets, restaurants, grain elevators, warehouses, workshops, factories, and all out-buildings, sheds, barns and other structures on premises used for business purposes.

Health Officer: the City Health Officer or Sanitary Officer or Inspector of this City, or a duly authorized representative.

Occupant: the individual, partnership, or corporation that has the use of or occupies any business building, or a part or portion thereof, whether the actual owner, tenant or sub-tenant. In the case of vacant buildings, or any vacant portion of a business building, the owner, agent or other person having custody of said building shall have the responsibilities of an "occupant" of said building. (C-257-1)

Owner: the actual owner of the business building, either individual, partnership or corporation; the agent of the owner in charge of said building; the person having custody of said building; or the person to whom any rental upon said building is paid. In the case of business buildings leased under agreement that the lessee is responsible for maintenance and repairs, the lessee will in such cases also be considered as the "owner".

Rat Harborage: any condition which provides shelter or protection for rats thus favoring their multiplication and continuous existence in, under or outside of a structure of any kind.

Rat-proofing: a form of rat-proofing to prevent the ingress into business buildings from the exterior or from one business building to another. It consists essentially of the closing, with material impervious to rat gnawing, of all openings in the exterior walls, ground or first floors, basements and foundations that may be reached by rats from the ground by climbing or by burrowing.

11.0502: ALL BUSINESS BUILDINGS MUST BE RAT-PROOF AND RAT-FREE [\(back to Chapter contents\)](#)

It is hereby provided and required that all business buildings in this City shall be rat-proofed, freed of rats, and maintained in a rat-proof and rat-free condition, under the direction and supervision of the Health Officer. (C-257-2)

11.0503: OWNER MUST ACT WHEN DIRECTED BY HEALTH OFFICER [\(back to Chapter contents\)](#)

Upon receipt of written notice and/or order from the Health Officer, the owner of any building specified in said notice or order shall take immediate steps for rat-proofing said building, and that unless said work and improvements required for such rat-proofing have been completed by the owner of said building in the time specified in said written notice or order, or within the time to which a written extension may have been granted by the Health Officer, then the owner shall be deemed to have violated a provision of this chapter. (C-257-3)

11.0504: OCCUPANT MUST ACT WHEN DIRECTED BY HEALTH OFFICER [\(back to Chapter contents\)](#)

Whenever the Health Officer notifies the occupant of a business building that there is evidence of rat infestation of said building, said occupant shall immediately institute appropriate steps for freeing the premises of all rats, and that

unless suitable measures for freeing said building of rats are instituted within ten (10) days after receipt of such notice, and unless continuously maintained in a reasonable manner until said building is free of rats, the Health Officer is hereby authorized and directed to free said building of rats and to levy a charge against the occupant to cover the charge for labor, materials and equipment necessary to the eradication measures carried out. (C-257-4)

11.0505: OCCUPANTS MUST MAINTAIN PREMISES IN RAT-PROOF CONDITION

The occupants of all rat-proofed business buildings are required to maintain the premises in a rat-proof condition and to repair all breaks and leaks that may occur in the rat-proofing. (C-257-5)

11.0506: HEALTH OFFICER MAY INSPECT

[\(back to Chapter contents\)](#)

The Health Officer is empowered to make unannounced inspections of both the interior and exterior of business buildings within this City as in his opinion may be necessary to determine whether there has been a full compliance with this chapter, and to require a full compliance with this said chapter. If at the time of any such inspection, the Health Officer finds evidence of rat infestation, and/or the existence of breaks or leaks in the rat-proofing, or new openings through which rats may again enter said building, the Health Officer shall serve upon the owner or occupant of said building a notice and/or order to abate the condition as found. (C-257-6)

11.0507: OWNER MUST CORRECT RAT HARBORAGE CONDITIONS

[\(back to Chapter contents\)](#)

Whenever conditions inside or under business buildings provide such extensive harborage for rats that the Health Officer deems it necessary to eliminate such harborage, he may require the owner to install suitable cement floors in basement or to replace wooden first floors or ground floors or require the owner to correct such other interior rat harborage as may be necessary in order to facilitate the eradication of rats in a reasonable length of time. (C-257-7)

11.0508: RAT-PROOFING MUST NOT BE REMOVED

[\(back to Chapter contents\)](#)

It shall be unlawful for the occupant, owner, contractor, public utility company, plumber or any other person to remove the rat-proofing from any business building for any purpose and fail to promptly restore the same in a satisfactory condition; and, in like manner, it shall be unlawful for any such person to make any new openings that are not sealed or closed against the entrance of rats. (C-257-8)

11.0509: FOOD AND FEED MUST BE PROTECTED FROM RATS

[\(back to Chapter contents\)](#)

All food and feed kept within said City for feeding poultry, cattle, swine, horses or other animals shall be kept and stored in rat-free and rat-proof containers, compartments or rooms, unless kept in a rat-proof building. (C-257-9)

11.0510: ALL GARBAGE AND REFUSE IN COVERED METAL CONTAINERS

[\(back to Chapter contents\)](#)

Everywhere within this City all garbage or other refuse consisting of waste, animal or vegetable matter upon which rats may feed, and all small dead animals, shall be placed and stored, until collected by the garbage department, in covered metal containers, and that it is hereby declared to be a violation of this chapter for any person to dump or place on any premises any dead animals, or any waste, vegetable or animal matter of any kind. (C-257-10)

11.0511: NO GARBAGE, RUBBISH OR TRASH ACCUMULATED

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to place, leave, dump or permit the accumulation of any garbage, rubbish or trash in any building or upon any premises in said City so that same shall or may provide food or harborage for rats. (C-257-11)

11.0512: BUILDING MATERIALS NOT TO PROVIDE RAT HARBORAGE

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to permit to accumulate upon any premises, whether improved or vacant, or upon any open lot or alley in said City, any lumber, boxes, barrels, bricks, stones or any other materials that may be permitted to remain thereon for any longer time than a temporary period reasonably required for the use of such materials in the building or repairing of property, unless same shall be placed on open racks that are elevated not less than eighteen (18) inches above ground, and evenly piled or stacked so that such material will not afford harborage for rats. (C-257-12)

Chapter 11.06
POLLUTION OF LAKE KAMPESKA

Section

[\(back to Title contents\)](#)

[11.0601 Pollution of Lake Kampeska](#)

[11.0602 Discharging Sediment into Lake](#)

11.0601: POLLUTION OF LAKE KAMPESKA

[\(back to Chapter contents\)](#)

No person shall cause or permit the pollution of or injury to the water of this City, which supply of water is received from Lake Kampeska, located within the city limits of this City and from which it derives its supply of water for domestic, industrial and commercial purposes. (438) (E-506)

11.0602: DISCHARGING SEDIMENT INTO LAKE

[\(back to Chapter contents\)](#)

No drainage, sewage, domestic, factory or industrial refuse, excremental or other pollution matter of any kind whatsoever, which either by itself or in connection with other matter, corrupts or impairs or tends to corrupt or impair the water so as to render its use detrimental or dangerous to health, shall be placed in or discharged into Lake Kampeska, Codington County, South Dakota. (439) (E-506)

**Chapter 11.07
GENERAL PROVISIONS**

Section

[\(back to Title contents\)](#)

11.0701	Gravel Pit, Sand Pit, Rock Quarry
11.0702	Permit Required
11.0703	When Nuisance
11.0704	Discharging Filthy Liquids in Open Places
11.0705	Keeping and Using Putrid Materials and Hides
11.0706	Dead Animals
11.0707	Conducting Unwholesome Business
11.0708	Duty of Health Officer to Abate
11.0709	Depositing Filth and Ashes
11.0710	Manure, Etc.
11.0711	Dealers Must Permit Inspection of Foods
11.0712	Noxious Vegetation - Definition - Nuisance
11.0713	Overhanging Tree Limbs Declared Nuisance
11.0714	Duty to Cut, Spray or Destroy Noxious Vegetation
11.0715	Duty to Remove Overhanging Tree Limbs
11.0716	Notice to Cut, Spray or Destroy Noxious Vegetation and Remove Overhanging Tree Limbs
11.0717	City May Cut Noxious Vegetation and Overhanging Tree Limbs
11.0718	Special Assessments for Such Cutting
11.0719	Reserved
11.0720	Scattering Papers
11.0721	Scattering Refuse on Street
11.0722	Offensive Matter on Premises
11.0723	Nuisances -Defined

11.0701: GRAVEL PIT, SAND PIT, ROCK QUARRY

[\(back to Chapter contents\)](#)

So as to protect people and property from injury, the opening, construction, operation or maintenance of a gravel pit, sand pit or rock quarry, whether in actual use or not, is hereby prohibited within the limits of this City, unless such pit or quarry shall be securely enclosed by a nine (9) gauge cyclone fence of at least six (6) feet in height. This section and Sections 11.0702 and 11.0703 of this chapter shall apply to all sand pits, gravel pits and rock quarries, whether heretofore or hereafter opened, constructed, operated or maintained. (C-403-1, 2)

11.0702: PERMIT REQUIRED

[\(back to Chapter contents\)](#)

Permit for the construction of the fence provided for in Section 11.0701 hereof must first be obtained from the Building Official. The Board of Adjustment may, for good cause shown, allow the use of material other than that required by Section 11.0701 hereinabove for the construction of such fence. (C-403-1)

11.0703: WHEN NUISANCE

[\(back to Chapter contents\)](#)

Any gravel pit, sand pit or rock quarry opened, constructed, operated or maintained contrary to the provisions of Section 11.0701 hereof is hereby declared to be a nuisance, endangering the health and safety of other persons. (C-403-3)

11.0704: DISCHARGING FILTHY LIQUIDS IN OPEN PLACES

[\(back to Chapter contents\)](#)

No person shall allow any noxious liquids to flow into or upon any sewer or public or private ground in this City.

11.0705: KEEPING AND USING PUTRID MATERIALS AND HIDES

[\(back to Chapter contents\)](#)

No person shall keep or use, or cause to be kept or used, any stale or putrid or stinking fat, grease or meat or any other article or produce; nor shall any person keep any undressed hides, except at the place where the same are to be manufactured, without a permit from the City Council, which permit shall require that the hides shall not be allowed to produce offensive odors; and no person or occupant of any grocery, cellar, shop, factory, tannery, brewery, pork, beef or poultry packing house, poultry or vegetable produce house, stable, barn or place shall permit the same to become foul, nauseous or offensive. (C-239)

11.0706: DEAD ANIMALS

[\(back to Chapter contents\)](#)

No owner or possessor of any animal which shall have died or been killed shall suffer the same to lie upon any public street or alley, public ground or private lot or place within this City, nor shall any person throw or leave any such dead animal or any decayed animal matter, or any slops or filth whatever, solid or fluid, into any pool of water, or in the Big Sioux River, in said City; and no owner or occupant of any lot or tenement shall cause or permit any such substance to be or remain in or upon any lot or tenement, or between the same and the center of any street or alley adjoining. (466)

11.0707: CONDUCTING UNWHOLESOME BUSINESS

[\(back to Chapter contents\)](#)

It shall be unlawful for any person or persons, within the limits of this City on the premises owned or occupied by him, her or them, to permit or suffer any nuisance, either by exercising any unwholesome trade, calling or business, or by having or suffering any unwholesome or offensive substances whatsoever to remain on his, her or their premises until, by offensive, foul odors or stench, or otherwise, said premises shall become offensive, hurtful or dangerous to the neighborhood. (467)

11.0708: DUTY OF HEALTH OFFICER TO ABATE

[\(back to Chapter contents\)](#)

It shall be the duty of the Health Officer to give notice to such person to remove such nuisance forthwith; and if such person shall neglect or refuse so to do for the space of twenty four (24) hours after such notice, he shall be liable to the penalty hereinafter prescribed, together with the expense of removing such nuisance, and cost of prosecution; and it is hereby the duty of the Police Department of this City, under the direction of the Health Officer, to remove or abate any such nuisance immediately upon the expiration of twenty four (24) hours after the notice aforesaid. (468)

11.0709: DEPOSITING FILTH AND ASHES

[\(back to Chapter contents\)](#)

No person shall deposit or place any offal, filth, filthy waters or material, garbage, ashes or any other material or substances on any lot, thoroughfare or public grounds or shall leave, place or deposit as a filler (except clear ashes or cinders, used by street superintendent on the street or alleys) within the limits of this City, any ashes or any dead animal, vegetable, excremental or other substance which is unhealthy, or which by decomposition may become offensive or unhealthy. (269)

11.0710: MANURE, ETC.

[\(back to Chapter contents\)](#)

No pile or deposit of manure, offal or garbage shall be made within the limits of this City, nor shall any person unload, discharge or put upon or along the line of any railroad, street or highway or public place within said City, any manure, offal, garbage or other nauseous or offensive substance, except in a proper manner as a fertilizer. All manure accumulating at stables where more than two horses are kept shall between April 1 and November 1 of each year be removed at least once a week, and whenever a load has accumulated. (474)

11.0711: DEALERS MUST PERMIT INSPECTION OF FOODS

[\(back to Chapter contents\)](#)

Every butcher, grocer and milk dealer and his agent shall allow the Health Officer or any person authorized by him to fully and freely inspect his cattle, milk, meat, fish and vegetables, held, offered or intended for sale and answer truly all reasonable and proper questions asked by such person, relative to the condition of the same, and of the places where kept. (477)

11.0712: NOXIOUS VEGETATION - DEFINITION – NUISANCE

[\(back to Chapter contents\)](#)

Any weeds or plants declared to be primary noxious weeds or secondary noxious weeds by the State Weed Board of the State of South Dakota, and all other weeds suffered or allowed to grow during the growing season, shall be deemed noxious, dangerous and unhealthful vegetation and are hereby declared to be nuisances. The phrase “all other weeds” shall be defined as including all grasses, annual plants and vegetation that have reached eight inches in height, and as excluding all trees, shrubs, cultivated flowers or gardens. For properties of one acre or more, it shall constitute a nuisance to fail to remove all other weeds from a twenty-five foot (25’) swath from any lot line shared with developed property containing buildings or with public grounds including parks and rights-of-way. (567) (Ord 17-30; Rev 07-28-17)

11.0713: OVERHANGING TREE LIMBS DECLARED NUISANCE ([back to Chapter contents](#))

The limbs of trees hanging within seven (7) feet above the sidewalk surface in this City, hereinafter referred to in this chapter as overhanging limbs are dangerous to the public health and safety of its citizens, and are hereby declared a public nuisance. (570) (Ord 05-04; Rev 05-2-05)

11.0714: DUTY TO CUT, SPRAY OR DESTROY NOXIOUS VEGETATION ([back to Chapter contents](#))

It shall be the duty of the occupant, person in charge of or owner of any lot in this City to keep such lot free from noxious vegetation as defined in [Section 11.0712](#), and to cut or spray or cause to be removed such noxious vegetation at such time as may be necessary to prevent its growth.(E-337-1) (Ord 05-04; Rev 05-2-05) (Ord 17-30; Rev 07-28-17)

11.0715: DUTY TO REMOVE OVERHANGING TREE LIMBS ([back to Chapter contents](#))

It shall be the duty of the owner or occupant of any lot or lots in this City to keep all overhanging limbs of trees described in [Section 11.0713](#) hereof cut down and removed on all lots owned or occupied by them. (571) (Ord 05-04; Rev 05-2-05)

11.0716: NOTICE TO CUT, SPRAY OR DESTROY WEEDS AND REMOVE OVERHANGING TREE LIMBS ([back to Chapter contents](#))

1. The Street Superintendent and/or the Superintendent of Parks and Forestry may at the beginning of, or during, the growing season by public notice to each occupant, person in charge or owner of any lot require all noxious vegetation as defined in [Section 11.0712](#) be cut, removed or sprayed as required to abate the same, and overhanging limbs upon any lot to be cut and removed within five (5) days after the giving of such notice. Such notice shall be given by mail to the landowner and occupant, and by notice attached or affixed to the property where the nuisance exists. A general notice to the public of the existence of this ordinance, the City's power of assessment therewith, and the means of appeal shall also be published by April 15 each year from 2018 onward. Only one of each type of notice is necessary for a single property for the entire growing season, and the mailed and affixed notice can be served simultaneously.
2. The notice shall cite the relevant ordinances and provide that each occupant, person in charge or owner of any lot shall cut, remove or spray as required to abate and keep cut at all times during the growing season following all such noxious vegetation and overhanging limbs, and shall further provide that in case of failure to so cut, remove or spray as required to abate such weeds, noxious vegetation or overhanging limbs, this City will cause the same to be cut and assess the cost thereof, including the cost of levying such special assessment, against the property thereof benefited. The notice shall also provide the contact information for the City's Superintendent of Parks and Forestry to which appeal of the application of these provisions can be made, and to which notice of compliance can be given by the landowner or occupant. One such notice by mail and by attachment shall be sufficient for each growing season.
3. The occupant, person in charge or owner shall within five (5) days after the publication of such notice and at all times subsequent during the growing season as may be necessary cut and keep cut, remove or spray as required to abate all such noxious vegetation and overhanging tree limbs. (E-337-1) (Ord 05-04; Rev 05-2-05) (Ord 17-30; Rev 07-28-17)

11.0717: CITY MAY CUT, SPRAY OR DESTROY NOXIOUS VEGETATION AND OVERHANGING TREE LIMBS ([back to Chapter contents](#))

If the occupant, person in charge or owner of any lot fails to cut, remove or spray as required to abate noxious vegetation as defined in [Section 11.0712](#) and/or overhanging limbs upon any such lot as required, the Street Superintendent shall cause such noxious vegetation to be cut, sprayed or destroyed. The Superintendent of Parks and Forestry will cause overhanging limbs to be cut. The Street and Forestry Departments may enter upon any such lot or parcel of land to remove noxious vegetation, and overhanging tree limbs. (E-337-1) (Ord 05-04; Rev 05-2-05) (Ord 17-30; Rev 07-28-17)

11.0718: SPECIAL ASSESSMENTS FOR SUCH CUTTING ([back to Chapter contents](#))

1. The Street Superintendent shall cause an account to be kept against each lot of the cost for the cutting of noxious vegetation as defined in [Section 11.0712](#). The Superintendent of Parks and Forestry will account for overhanging limbs removed during the growing season of each year. These activities shall be certified to the Finance Officer on or before November 1 of each year.

2. The Finance Officer shall prepare an estimate of the assessment against each lot for the cutting of such noxious vegetation and/or overhanging limbs for the preceding growing season, including therein the expense of levying such special assessment against each lot. Such estimate shall be submitted to the Council for its approval on or before January 1 of each year.
3. The Finance Officer shall cause to be published in the official newspaper a notice of the time and place when the Council will meet for the purpose of approving such estimate, such notice to be published once not less than one week before such hearing.
4. Upon the day so named the Council shall meet, and if they find said estimate correct, they shall approve the same by resolution; or if not correct, they shall correct or modify the same and approve the same as modified or corrected, and file such assessment roll with the Finance Officer.
5. From the date of the approval and filing of such assessment roll with the Finance Officer, the same shall be and become a special lien against the various pieces of property described in said assessment roll and shall be counted in like manner as special assessments for public improvements are collected. (573) (Ord 05-04; Rev 05-2-05) (Ord 17-30; Rev 07-28-17)

11.0719: RESERVED

11.0720: SCATTERING PAPERS

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to throw into, deposit upon or in any manner permit to get in any street, alley or passage way of this City, pieces of paper, newspapers, excelsior, handbills, posters, building paper, lithographs used for advertisement upon billboards or any other kind of material likely to be carried about by the winds; and it shall be unlawful for any person to throw out, deposit or in any manner permit to get upon the open ground in any part of the city, papers, rubbish or material in such manner that they may be carried by the wind into the streets, alleys or passage ways of said City. (575)

11.0721: SCATTERING REFUSE ON STREET

[\(back to Chapter contents\)](#)

No person engaged in delivering or removing any manure, fuel, wood or any kind of material on or across any street, alley or public place or grounds, shall throw or let fall any such material or substances and leave the same upon any such street, alley or public ground. (657)

11.0722: OFFENSIVE MATTER ON PREMISES

[\(back to Chapter contents\)](#)

1. It shall be unlawful for any person or persons within the limits of the City on the premises owned or occupied by him or them to permit or suffer any nuisance, whether by exercising any trade, calling or business or by having or suffering any unwholesome or offensive substance whatever to remain on his, her or their premises, until by offensive or foul odors or stench or otherwise, said premises shall become offensive, hurtful or dangerous to the neighborhood. This section shall include anything else of any kind, nature or description whatsoever which is unsightly and not in keeping with cleanliness, neatness and good taste in the particular neighborhood, including abandoned junk or disabled automobiles or parts thereof.
2. It shall be the duty of the Chief of Police to give notice to such person or persons to remove such nuisance forthwith, and if any such person or persons neglects or refuses to do so for the space of seventy two (72) hours after such notice, he, she or they, upon conviction thereof, shall be liable for the penalty hereinafter described, together with the costs and expenses of removing the nuisance and the costs of prosecution, and it is hereby made the duty of the Chief of Police to remove or abate any such nuisance immediately upon the expiration of the seventy two (72) hours after the notice aforesaid. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor. (E-132-2)

11.0723: NUISANCES – DEFINED

[\(back to Chapter contents\)](#)

In all cases where no provision is hereby made defining what are nuisances and how the same may be removed, abated or prevented, in addition to what may be declared herein, those offenses, which are known to the common law and statute of the State of South Dakota as nuisances, may in case the same exists within the city limits of this City be treated as such and proceeded against as in this title provided or in accordance with any other law which shall give the officer trying the same jurisdiction. (E-132-3)

Chapter 11.08
ABANDONMENT OF VEHICLES

Section

[\(back to Title contents\)](#)

- [11.0801 Definitions](#)
- [11.0802 Abandonment of Vehicles](#)
- [11.0803 Leaving of Wrecked, Nonoperating Vehicle on Street](#)
- [11.0804 Disposition of Wrecked or Discarded Vehicles](#)
- [11.0805 Repealed](#)
- [11.0806 Disposal of Abandoned Vehicles](#)

11.0801: DEFINITIONS

[\(back to Chapter contents\)](#)

The following definitions shall apply in the interpretation and enforcement of this ordinance:

Person: any person, firm, partnership, association, corporation, company or organization of any kind.

Property: any real property within the City which is not a street or highway. (E-119-1)

Street or highway: the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Vehicle: a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle or tractor.

11.0802: ABANDONMENT OF VEHICLES

[\(back to Chapter contents\)](#)

No person shall abandon any vehicle within the City and no person shall leave any vehicle at any place within the City for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. (E-119-1)

11.0803: LEAVING OF WRECKED, NONOPERATING VEHICLE ON STREET [\(back to Chapter contents\)](#)

No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street, highway, alley, boulevard, or other public property or public parking lot within the City. (E-119-1) (Ord 04-05; Rev 06-19-04)

11.0804: DISPOSITION OF WRECKED OR DISCARDED VEHICLES

[\(back to Chapter contents\)](#)

No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, unlicensed, wrecked, junked or discarded vehicle to remain on such property longer than ten (10) days; and no person shall leave any such vehicle on any property within the City for a longer time than ten (10) days; except that this ordinance shall not apply with regard to a vehicle in an enclosed building, or to a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or authorized by the City. (E-119-1) (Ord 04-05; Rev 06-19-04)

11.0805: REPEALED (Ord 16-23; Rep 12-30-16)

[\(back to Chapter contents\)](#)

11.0806: DISPOSAL OF ABANDONED VEHICLES

[\(back to Chapter contents\)](#)

The Chief of Police or any member of his department designated by him is hereby authorized to remove, or have removed, any vehicle left at any place within the City which reasonably appears to be in violation of this ordinance, or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with Section 32-30 SDCL 1967. (E-119-1)

Chapter 11.09 SWIMMING POOLS

Section

[\(back to Title contents\)](#)

11.0901	Compliances Required
11.0902	Definition
11.0903	Permit Required
11.0903A	Exceptions
11.0904	Location
11.0905	Drawings, Plans and Permits
11.0906	Recirculation Pools
11.0907	Structural Design
11.0908	Walk Areas
11.0909	Fences
11.0910	Steps or Ladders
11.0911	Water Supply
11.0912	Outlets
11.0913	Electrical Requirements
11.0914	Safety Precautions
11.0915	Inspection
11.0916	Commercial Pools

11.0901: 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)

11.0903: PERMIT REQUIRED

[\(back to Chapter contents\)](#)

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)

11.0904: 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 (30) feet of any adjacent principal structure; 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 (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)

11.0906: 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)

11.0907: 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)

11.0908: 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)

11.0909: 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)

11.0910: 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)

11.0911: 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)

11.0912: 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)

11.0913: 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)

11.0914: 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)

11.0916: 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)

**Chapter 11.98
CROSS-REFERENCES**

11.9801: CROSS-REFERENCES

[\(back to Title contents\)](#)

Animals, Provisions Relative to Impounding	Chapter 3.03
Sewer, General Regulations	Chapter 17.01

**Chapter 11.99
PUNISHMENT**

11.9901: PUNISHMENT

[\(back to Title contents\)](#)

Any person violating any of the provisions of this title shall, upon conviction thereof, be punished by a fine of not to exceed two hundred dollars (\$200), or by imprisonment for not to exceed thirty (30) days or by both such fine and imprisonment; and each day of violation shall constitute a separate offense. (E-679)

Any person violating any of the provisions of Chapter 11.04, shall be punished by a fine of not to exceed two hundred dollars (\$200) and the violator shall be required to return the premises to their natural condition and upon failure so to do within thirty (30) days after notice in writing, the City may return the premises to the natural condition and assess the costs thereof to the landowner. (E-300-2) (E-679)

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TITLE 12

LICENSES AND REGULATIONS

Chapter

[\(back to Table of Contents\)](#)

12.01	General Provisions
12.02	Vocational Licenses
12.05	Pawnbrokers and Secondhand Dealers
12.06	Residential Contractors License
12.09	Advertising at the Watertown Regional Airport
12.10	Security Guard
12.11	Licensing and Regulating Ambulance Services
12.15	House Moving Businesses
12.98	Cross-References
12.99	Punishment

Chapter 12.01
GENERAL PROVISIONS

Section

[\(back to Title contents\)](#)

- [12.0101 License Required](#)
- [12.0102 Exempt Occupations](#)
- [12.0103 Inapplicable to Traveling Men](#)
- [12.0104 Expiration of Annual Licenses](#)
- [12.0105 Apply to Finance Officer for License](#)
- [12.0106 Issued by Finance Officer](#)
- [12.0107 Transfer](#)
- [12.0108 Revocation of License](#)
- [12.0109 Refuse License](#)
- [12.0110 Record of Licenses](#)
- [12.0111 Duty of Police](#)
- [12.0112 License for One](#)

12.0101: LICENSE REQUIRED

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to engage in, practice or exercise any trade, business or occupation for which a license is provided for or specified in this title, without first having procured and obtained a license therefore as hereinafter provided. (506)

12.0102: EXEMPT OCCUPATIONS

[\(back to Chapter contents\)](#)

The provisions of this chapter shall not apply to any public officer who may in pursuance of legal process offer for sale at public auction any property of any kind whatsoever, nor include or apply to persons engaged in the sale of nursery stock, agricultural products including milk, eggs, butter and cheese, ice, or fruit raised, manufactured or produced in this state. (507)

12.0103: INAPPLICABLE TO TRAVELING MEN

[\(back to Chapter contents\)](#)

The provisions in this chapter shall not apply to traveling salesmen doing business with retail merchants, manufacturers or jobbers, or with state, county, township or city officials, whether they carry samples or not. (526)

12.0104: EXPIRATION OF ANNUAL LICENSE

[\(back to Chapter contents\)](#)

All annual licenses granted for any of the callings, vocations or kinds of business mentioned in this title shall, unless revoked, expire at midnight on December 31 next following the granting thereof and shall not be granted for any sum less than the annual rate. No rebates shall be made on termination of said calling, vocation or kind of business by a person engaged therein except by the City Council upon a written application and upon a full hearing before the Council of the reasons for the request. (C-233) (C-235)

12.0105: APPLY TO FINANCE OFFICER FOR LICENSE

[\(back to Chapter contents\)](#)

Any person wishing to obtain a license to exercise any of the callings, vocations or kinds of business mentioned in this title in this City shall make written application to the Finance Officer, or his designee, stating the name of the person, post office address, business, calling or vocation in which such person shall engage, the length of time the license is wanted and the particular place at which the license shall be used, and shall pay to the City the amount of money in and by this title fixed for such license and for the time wanted. (515) (Ord 10-10; Rev 05-17-10)

12.0106: ISSUED BY FINANCE OFFICER

[\(back to Chapter contents\)](#)

1. Upon proof of payment and receipt of proper approval of such application, such applicant shall be entitled to receive a written license authorizing said person to carry on the business, calling or vocation named in such license at the particular place in said City therein described and for the time stated. (D-471) (Ord 10-10; Rev 06-11-10)
2. All applications for the renewal of existing licenses for amusement devices, auctioneers, bowling alleys, dances, electricians, garbage haulers, gas fitters, junk dealers, motor buses, pawn brokers, pipe layers, plumbers, pool and billiard tables, private parking lots, races, any contrivance or device, sewer contractors, shooting galleries, sign hangers, taxicabs, taxi drivers, theatres and trailer camps shall be made to the Finance

Officer and accompanied by receipt and approval by the head of the proper department of the City and the Finance Officer may then issue such license without approval of the City Council. (E-78-1)

12.0107: TRANSFER

[\(back to Chapter contents\)](#)

The City Manager may change the place of business mentioned in said license, by written endorsement upon such license, to some place to be particularly mentioned in such endorsement and providing further that no person shall exercise or carry on such business or vocation at any other place than the one designated in the license or in such endorsement thereon. Any license may be transferred from one person to another upon the written request of both parties to the transfer being presented to the Council for approval, which such transfer if authorized by the Council shall be made by the Finance Officer upon the payment of a transfer fee established by resolution of the City Council. (517; C-235-1) (98-3) (Ord 12-23; Rev 09-14-12) (Ord 21-14; Rev 6-11-21)

12.0108: REVOCATION OF LICENSE

[\(back to Chapter contents\)](#)

The City Council of said City shall have power at any time to revoke any license granted under the provisions of this title and in case of such revocation thereof, then the City may refund to the holder thereof such proportion of amount of money paid for such license as the City Council shall deem just. (520) (Ord 21-14; Rev 6-11-21)

12.0109: REFUSE LICENSE

[\(back to Chapter contents\)](#)

The Finance Officer, or his designee, and City Manager shall refuse to grant a license under the provisions of this title if they, or either of them, shall have cause or reason to believe that the applicant for such license intends to or will, if granted such license, use the same to assist him in carrying on any illegal scheme or unlawful purposes. The City Manager shall have power to suspend any such license when advised that the same is used for any unlawful purpose. (521) (98-3) (Ord 10-10; Rev 06-11-10) (Ord 21-14; Rev 6-11-21)

12.0110: RECORD OF LICENSES

[\(back to Chapter contents\)](#)

The Finance Officer, or his designee, shall keep a record of all licenses issued by him, stating when and to whom issued, for what purpose, for what length of time, for what sum of money and the place where said business is to be carried on. (523) (Ord 10-10; Rev 05-17-10)

12.0111: DUTY OF POLICE

[\(back to Chapter contents\)](#)

It shall be the duty of any policeman of said City to arrest any person who shall be found engaged in any of the several callings and kinds of business mentioned in this title without first having obtained a license to do so; and any person engaged in any of the callings, vocations or kinds of business enumerated in this title for which a license is required, shall, on demand of any officer or person of age, produce his license, and permit the same to be read by the person so demanding the production thereof. (524)

12.0112: LICENSE FOR ONE

[\(back to Chapter contents\)](#)

No two or more persons shall deal under the same license as partners, agents or officers, or as agents of a corporation, or otherwise. (525)

Chapter 12.02 VOCATIONAL LICENSES

Section

- [12.0201 Annual Rates](#)
- [12.0202 Peddler's License Daily Rate](#)
- [12.0203 Transient Merchants](#)
- [12.0204 Not Occupy Street](#)
- [12.0205 Restrictions and Limitations on Peddling](#)
- [12.0206 Soliciting License](#)

[\(back to Title contents\)](#)

12.0201: ANNUAL RATES

[\(back to Chapter contents\)](#)

The yearly rate for licenses in said City are to be established by resolution of the City Council and are to be paid by every person engaged in or who shall engage in the respective callings, vocations and kind of business herein specified within said City:

Peddler (hereby defined as a person engaged in the selling of personal property by going about from place to place or house to house to sell the same and who carries with him said property for delivery at time of sale) (Ord 10-27; Rev 11-12-10)

12.0202: PEDDLER'S LICENSE DAILY RATE

[\(back to Chapter contents\)](#)

A license fee established by resolution of the City Council shall be paid by any person engaged as a peddler prior to engaging in such activity. No license issued pursuant to this section shall be issued for a period of less than five (5) days. Any peddler licensed pursuant to this section shall be issued a photo identification badge which must be worn and displayed on the outside of all clothing so that it is clearly visible at all times while engaged in any peddling activity. (Ord 04-12; Rev 09-30-04) (Ord 10-10; Rev 06-11-10) (Ord 10-27; Rev 11-12-10)

12.0203: TRANSIENT MERCHANTS

[\(back to Chapter contents\)](#)

Transient merchants shall pay a license fee established by resolution of the City Council. No transient merchant license shall be issued for a period of less than five (5) days. Any transient merchant licensed pursuant to this section shall conspicuously post such license at all times during the license term. Any person who shall bring any stock of goods, wares or merchandise into this City and shall engage in a temporary place, store or room from which to sell same or who shall engage in the sale of any stock of goods, wares or merchandise which is not intended to be replenished by purchase of new goods of its normal value or shall sell any goods, wares or merchandise from any wagon, wagons or other vehicles or motor vehicles on the streets or from any railroad cars or other temporary house, buildings or place shall be deemed a transient merchant. This section shall not apply to any person retailing any produce, goods, wares or merchandise which are raised or manufactured by him in the State of South Dakota, if such person, prior to the commencement of any such retailing shall file with the Finance Officer of this City his statement, under oath, showing that he is the owner of such produce, goods, wares or merchandise, that same were raised or manufactured by him in the State, including a statement as to the particular place of raising or manufacturing, and his post office address and place of residence. No such statement so filed shall be of any force or effect under the provisions of this chapter for more than six (6) months after the filing of same. The license fee set forth above in this section shall not apply to any person retailing any produce, goods, wares, or merchandise when such person is a charitable, fraternal, nonprofit or veteran's organization, or a representative member working on the organization's behalf. The license fee set forth above in this section shall not apply to any person engaged in the retail sale of Christmas trees. (511;C-193; E-368) (E-511-1) (98-9) (Ord 04-12; Rev 09-30-04) (Ord 10-27; Rev 11-12-10)

12.0204: NOT OCCUPY STREET

[\(back to Chapter contents\)](#)

Nothing in this chapter shall be so construed as to permit any person, under the terms of the license granted therein, to occupy a stand upon any street, alley, marketplace or sidewalk or public building, with tables, benches, boxes or otherwise; nor shall any auctioneer sell or expose for sale any kind of property outside of the building or lots occupied by him for the purpose of his business, nor at the door of such building, nor in such manner as to attract or keep a crowd upon any street, alley or sidewalk within the limits of said City. (522)

12.0205. RESTRICTIONS AND LIMITATIONS ON PEDDLING

[\(back to Chapter contents\)](#)

No peddler, as that term is defined in Section 12.0201, shall approach any structure displaying a sign indicating "No Soliciting," "No Peddling" or similar language indicating door-to-door sales are not welcome at that location. In

addition, no peddler shall engage in any peddler activity prior to nine o'clock (9:00) a.m. or after five o'clock (5:00) p.m. Any violation of this section shall be punished pursuant to [Section 12.9901](#). (Ord 10-10; Add 06-11-10)

12.0206: SOLICITING LICENSE

[\(back to Chapter contents\)](#)

No person shall engage in "soliciting" as that term is defined in [Section 13.0319\(1\)](#) without first having obtained a license from the Watertown Police Department. Any license issued pursuant to this section is subject to the following terms and conditions:

1. Applicants shall complete an application at the Police Department during regular business hours.
2. Applicants must consent to a criminal background check and any applicant with an active arrest warrant or that has ever been convicted of a felony is ineligible to obtain a license.
3. Applicants must present a valid government issued identification card, showing their name, address and date of birth; which will be photocopied by the Police Department.
4. Successful applicants will be issued a license with their photograph and the license duration.
5. Licensees will be required to display the license on the outside of their clothing, by lanyard or clip, so it is plainly visible any time they are engaged in soliciting.
6. No license shall be issued for longer than five (5) days.
7. No person shall be issued more than twenty six (26) soliciting licenses per calendar year.
8. The fee for such license shall be established by Resolution of the City Council.
9. Any person soliciting without a license, or with an expired license, will be issued a criminal citation for violation of [Section 12.0101](#).
10. Any person convicted of a violation of [Section 12.0101](#) will be ineligible to apply for a new license for a period of one hundred eighty (180) days from the date of the conviction.
11. All licenses under this section shall be required to comply with all applicable laws and regulations.
12. Any licensee that is issued a criminal citation for violation of any ordinance, statute or other law or regulation while actively engaged in soliciting shall have their license immediately revoked and surrendered to the arresting officer.
13. Any licensee whose license is revoked for issuance of a criminal citation while actively engaged in soliciting may apply to the Chief of Police, or their designee, for license reinstatement.
14. Any denial of reinstatement may be appealed to the court of competent jurisdiction. (Ord 13-02; 02-15-13)

Chapter 12.05
PAWNBROKERS AND SECONDHAND DEALERS

Section

[\(back to Title contents\)](#)

12.0501	Definitions
12.0502	License - Required
12.0503	License - Fee
12.0504	License - Term
12.0505	License - Display
12.0506	Fixed Premises Required
12.0507	Bond
12.0508	Separate Places of Business - License and Bond Requirements
12.0509	Change in Location of Licensed Premises
12.0510	License - Suspension or Revocation
12.0511	Recordkeeping Requirements
12.0512	Pawn Tickets
12.0513	Holding Period - New or Secondhand Goods Purchased from Individual Not Engaged in Trade
12.0514	Holding Periods - Pawned Articles
12.0515	Hold Orders - Effect
12.0516	Lost or Stolen Property - Title - Liability
12.0517	Unlawful Transactions with Minors
12.0518	Inspection - Police Department's Authority/Duty
12.0519	Inspection - Premises
12.0520	Inspection - Records and Pledged Property Availability
12.0521	Inspection - Concealing Articles to Prevent Identification

12.0501: DEFINITIONS

[\(back to Chapter contents\)](#)

Pawnbroker: any person, firm or corporation who:

1. Engages in the business of lending money on the deposit or pledge of personal property, other than choses in action, securities or evidence of indebtedness; or
2. Purchases personal property with an expressed or implied agreement or understanding to sell it back at a stipulated price.

Any pawnbroker may affect the purchase of secondhand personal property for resale purposes under the terms of this chapter by acquiring any pawn ticket of his own issued by transfer.

Secondhand Goods Dealer: any person firm or corporation, other than a pawnbroker or dealer in precious metals and precious gems, who purchases, collects, trades, sells or deals in the following secondhand goods: business machines, tape records and tapes, compact discs, videos, DVD discs, all radio transmitters and receivers, musical instruments, cameras and camera accessories, power tools, sporting goods, stereos, stereo equipment and records, tools and tool boxes, television sets, weapons, bicycles, radios, microwave ovens and jewelry. This definition shall exempt the following transactions:

1. Any person, firm or corporation selling new, unused articles, and any receiving or taking in used articles or trade from the purchasers of the new articles or trade from the purchasers of the new articles against the purchase price of the new articles which are sold for their market value;
2. Any person collecting antique items of personal use only;
3. Casual and occasional sales of used household goods by the owner thereof to the public, on a non-receiving basis, if the seller, at time of sale, is not engaged for profit in the business of selling goods of that or a similar nature; this category includes those sales commonly referred to as "garage sales";
4. Any person, firm or corporation dealing exclusively in the resale of used automobiles;
5. Any person, firm or corporation that operates a junkyard for wrecked automobiles;
6. Transactions involving goods sold on consignment;
7. Transactions in secondhand goods at stores or events sponsored by nonprofit corporations or associations or fraternal or religious organizations.

12.0502: LICENSE – REQUIRED

[\(back to Chapter contents\)](#)

It is unlawful for any person, firm or corporation to engage in the business of pawnbroker or secondhand dealer, without first obtaining a license from the Finance Office. The application for such license shall contain all pertinent information required by Title 12 of this code and the Finance Office, and shall be issued and governed in accordance with Title 12. Any person applying for a pawnbroker's license or a secondhand dealer's license, must, before their application will be considered, come to the Police Department and furnish adequate identification. No license under this chapter shall be issued to any person who has been convicted of a felony; no license under this chapter shall be issued to any corporation, one or more officers or directors of which have been convicted of a felony.

12.0503: LICENSE – FEE

[\(back to Chapter contents\)](#)

1. The annual license fee for pawnbroker's and secondhand dealer's license shall be set by resolution adopted by the City Council.
2. Any person having a business which encompasses any category set forth in this chapter shall be required to obtain one license. (Ord 10-35; Rev 01-13-11)

12.0504: LICENSE - TERM

[\(back to Chapter contents\)](#)

The term of the license shall be from the date of issuance until December 31 of the same year. (Ord 10-35; Rev 01-13-11)

12.0505: LICENSE – DISPLAY

[\(back to Chapter contents\)](#)

The licenses required by Section 12.0502 for pawnbrokers or secondhand dealers shall at all times be on display in a conspicuous place and available for inspection by law enforcement officers during reasonable business hours. This section shall not apply when the license is being taken to the Finance Office to have a change of location recorded.

12.0506: FIXED PREMISES REQUIRED

[\(back to Chapter contents\)](#)

1. No person shall engage in business as a pawnbroker or secondhand dealer unless the person has a fixed premises where the business is conducted, either on a continuing basis or from time to time, and unless the person has first obtained a license to engage in that business at that premises.
2. For the purposes of this section, "fixed premises" shall include any non-mobile premises where such business is conducted and the pawned or purchased secondhand articles are held according to the provisions of [Section 12.0513](#), whether or not that premises remains in the same location during the period the license is in effect.

12.0507: BOND

[\(back to Chapter contents\)](#)

Each pawnbroker or secondhand dealer doing business in the City shall furnish a good and sufficient bond, with a surety to be approved by the City Council, in the sum of one thousand dollars (\$1,000), conditioned for faithful observance of this chapter and conditioned for the safekeeping or return of all articles held in pledge of such pawnbroker. (Ord 10-35; Rev 01-13-11)

12.0508: SEPARATE PLACES OF BUSINESS - LICENSE AND BOND REQUIREMENTS

Any person, firm or corporation conducting several or separate places of business shall pay the appropriate license fees and procure the appropriate licenses and bond for each place of business. The above mentioned proprietor's license shall be sufficient for all clerks, agents and employees engaged at the place named in the license.

12.0509: CHANGE IN LOCATION OF LICENSED PREMISES

[\(back to Chapter contents\)](#)

If, during the effective period of a license issued under this chapter, a pawnbroker or secondhand dealer changes the location of the licensed premises within the City, such dealer shall inform the City Finance Office of such change of location and shall have the new premises to be licensed noticed on the license. There shall be no additional fee charged for changing the location of the licensed premises.

12.0510: LICENSE - SUSPENSION OR REVOCATION

[\(back to Chapter contents\)](#)

1. A license issued to a licensee under this chapter, who shall have violated the provisions of this chapter, may be suspended for a prescribed period not to exceed sixty (60) days, in the event of a failure on the part of the licensee to comply with the provisions of this chapter after ten (10) days written notice and a public hearing.

2. A license issued to a licensee under this chapter, who shall have violated the provisions of this chapter, may be revoked by the common council of the City after ten (10) days written notice and a public hearing.

12.0511: RECORDKEEPING REQUIREMENTS

[\(back to Chapter contents\)](#)

1. Every pawnbroker shall keep books or records of pawn tickets in a manner satisfactory to the chief of police, where he shall accurately and intelligibly enter, in ink, in the English language, at the time of purchasing or receiving any personal property, and after requiring and observing identification from the person seeking to pawn the property, a record of the following information:
 - a. The name of the person from whom the property is purchased or received, his place of residence and his date of birth;
 - b. A detailed and accurate description of each article which shall include, if available, the manufacturer's name, style model number, serial number, engraved initials or other identifying marks;
 - c. The date and time of transaction;
 - d. The amount necessary for redemption;
 - e. The date when the article is to be redeemed; and
 - f. Any mortgage or bill of sale taken, or receipt of pawn ticket given.
2. Every pawnbroker shall also record the date of disposition or redemption from pawn of the article or any part or portion thereof. The disposition report shall be located in the same book and at the same place where the receiving records of the articles are located.
3. Every secondhand dealer shall keep books and records for those articles listed in [Section 12.0501](#) in a manner satisfactory to the chief of police or his designee, where he shall accurately and intelligently enter, in ink, in the English language, at the time of purchasing or receiving any article or items the following information:
 - a. The name of the person from whom the property was purchased or received, his place of residence and his date of birth;
 - b. Date and time of the transaction;
 - c. A detailed description of the item which shall include, if available, the manufacturer's name, style model number, serial number, engraved initials or other identifying marks;
 - d. If the seller is not known personally to the dealer or the dealer's agent, the dealer is required to obtain the person's drivers license number and the state of issuance or, if available the identifying number from at least one form of government-issued identification; and
 - e. The amount paid for the article.
4. Any person who fails to keep such records or fails to make the required entries therein, or shall intentionally or knowingly make any false or unintelligible entry, or any entry which he has reason to believe is untrue, or who shall fail to make the inquiries necessary to enable him to make such entries, or who shall fail to produce his records when requested by a law enforcement officer during reasonable business hours, or who shall destroy or willfully permit such records to be destroyed or lost, shall be guilty of a misdemeanor.
5. The records required by this section shall be maintained one (1) year after the date of purchase of receipt and shall be available for inspection by law enforcement officers during reasonable business hours.

12.0512: PAWN TICKETS

[\(back to Chapter contents\)](#)

1. At the time of receiving a pledge and upon subsequent renewal of a loan, the pawnbroker shall deliver to the pledgor or his agent a pawn ticket, which pawn tickets shall be correspondingly serially numbered, and shall contain the following information:
 - a. The name and address of the pawnbroker;
 - b. A generic description of the pledge with such particular details of description noted whenever possible in order to distinguish the article or articles;
 - c. The date and time of the transaction; and
 - d. The amount, duration and terms of the loan.
2. The pawnbroker may insert on the pawn ticket any other terms, conditions and information that are not inconsistent with the provisions of this chapter.

12.0513: HOLDING PERIOD - NEW OR SECONDHAND GOODS PURCHASED FROM INDIVIDUAL NOT ENGAGED IN TRADE ([back to Chapter contents](#))

1. Any person licensed as a pawnbroker, who shall purchase any new or secondhand goods of any individual not engaged in trade, shall keep the same for inspection for ten (10) days from the time of the transfer, except on written release from the Chief of Police or his designee. The property shall be held during this period on the licensed premises or some other secure location within the City and shall not be disposed of or altered from the form in which it was received during this period.
2. Any person licensed as a secondhand dealer who shall purchase any new or secondhand goods of any individual not engaged in trade shall either:
 - a. Keep the same for inspection for ten (10) days from the time of transfer, except on written release from the Chief of Police or his designee. The property shall be held during this period on the licensed premises or some other secure location within the City and shall not be disposed of or altered from the form in which it was received during this period; or
 - b. Keep the same for inspection including Saturdays, Sundays and calendar holidays after delivering the required records to the Police Department. The time period shall begin when the records are delivered to the Police Department. The property shall be held during this period in the licensed premises or some other secure location within the City and shall not be disposed of or altered from the form in which it was received, except on written release from the Chief of Police or his designee.
3. When articles are acquired by a pawnbroker or secondhand dealer in a group, they shall be kept together for identification purposes and not separately until the ten (10) day period has elapsed, unless released prior on written authorization by the Chief of Police or his designee.

12.0514: HOLDING PERIODS - PAWNED ARTICLES ([back to Chapter contents](#))

Every article of any kind or description which is taken in pawn by a pawnbroker shall be held by the pawnbroker for a period of thirty (30) days, during which time the same shall not be shown either for sale or for inspection, to any person, other than a law enforcement officer, during reasonable business hours.

12.0515: HOLD ORDERS – EFFECT ([back to Chapter contents](#))

The Chief of Police or any authorized law enforcement officer may, by written order, order a pawnbroker or secondhand dealer to hold any specified article or articles, deposited with or in custody of such pawnbroker or secondhand dealer, for purposes of further investigation by law enforcement when the item or items are believed to be stolen. A hold order shall remain in effect for a period of thirty (30) days commencing the day on which the hold order was delivered to the pawnbroker or secondhand dealer. A hold order shall supersede the provisions of Sections 12.0513 and 12.0514 and no sale or other disposition may be made of the article or articles which such hold order remains outstanding, unless released by officers issuing the hold order.

12.0516: LOST OR STOLEN PROPERTY - TITLE – LIABILITY ([back to Chapter contents](#))

A pawnbroker who accepts in pledge any article as security for a loan from a pledgor who is not the owner thereof, obtains no property in the article, either by reason of maturation of the loan or by transference of the pawn ticket to the pawnbroker by the pledgor or holder thereof. Ignorance of the fact that the pledged article was lost or stolen shall not be construed to affect the question of title, and if the pawnbroker shall sell such article to a third person, he shall remain liable to the original owner.

12.0517: UNLAWFUL TRANSACTIONS WITH MINORS ([back to Chapter contents](#))

It is unlawful for any pawnbroker or secondhand dealer to accept any articles in pawn or purchase any secondhand personal property by acquiring a pawn ticket by transference from any person under eighteen (18) years of age.

12.0518: INSPECTION - POLICE DEPARTMENT’S AUTHORITY / DUTY ([back to Chapter contents](#))

1. It shall be the duty of the Police Department to periodically contact the licensed premises under this chapter to inspect or obtain copies of records required to be kept according to [Section 12.0511](#), setting forth a description of the person by whom they were left in pledge or sold.
2. The Chief of Police or his designee shall have the power and authority to require such reports to be made in a manner and form subject to his approval.

12.0519: INSPECTION – PREMISES

[\(back to Chapter contents\)](#)

No pawnbroker or secondhand dealer or any other personnel shall refuse, resist or attempt to prevent any law enforcement officer without a warrant from examining the licensed premises occupied by the pawnbroker or secondhand dealer, or other secured premises within the city limits where property is stored, during reasonable business hours for the purpose of discovering stolen property.

12.0520: INSPECTION - RECORDS AND PLEDGED PROPERTY - AVAILABILITY

1. The books or records required by [Section 12.0511](#) to be kept by pawnbrokers or secondhand dealers shall be open to the inspection of city police officers during reasonable business hours.
2. The pawnbroker shall produce and show any article pledged in connection with any loan.

12.0521: INSPECTION - CONCEALING ARTICLES TO PREVENT IDENTIFICATION

No pawnbroker or secondhand dealer shall conceal, secrete or destroy, for the purpose of concealing, any article purchased or received by him, for the purpose of preventing identification thereof by law enforcement officers. (98-5)

Chapter 12.06 RESIDENTIAL CONTRACTORS LICENSE

Section

[\(back to Title contents\)](#)

[12.0601 Definitions](#)

[12.0602 License Required](#)

[12.0603 License Application](#)

[12.0604 License Application Fees](#)

[12.0605 Violations and Penalties](#)

12.0601: DEFINITIONS

[\(back to Chapter contents\)](#)

For the purpose of this chapter, the following definitions shall apply.

Employee: a person whose compensation for construction work is reported by the employer on an Internal Revenue Service W-2 Form and is also otherwise considered an employee under applicable law.

Residential Building Contracting: the enlargement, alteration, repair, improvement, conversion or new construction of any 1 or 2 family dwelling, or any accessory structure associated with a 1 or 2 family dwelling.

Residential Building Contractor: a proprietorship, partnership, firm or corporation, who for compensation undertakes or offers to undertake residential building contracting.

12.0602: LICENSE REQUIRED

[\(back to Chapter contents\)](#)

1. It is unlawful for any person or persons representing or operating under the auspices of a sole proprietorship, firm or corporation to conduct, carry on or engage in the business of residential contracting work or act in the capacity of a residential contractor, without building permit, and first having been issued a valid residential contractor's license by the City. For the purposes of this chapter, the following non-exclusive list of activities shall be considered residential contracting: cement or concrete work, masonry, carpentry, excavation; all building trade contracting including roofing, remodeling, siding, rough framing; all phases of new construction, alteration, additions; repair or demolition of structures; and all other projects requiring a permit within the licensing jurisdiction of the City; and excluding those activities exempted by this chapter.
2. The following are exempt from the licensing requirements:
 - a. Employees or bona fide subcontractors of a person licensed in accordance with this chapter when they are under the direction and control of that person;
 - b. Persons engaged in other construction trades for which licenses are required by the city or state when that person is performing work commensurate with the respective license;
 - c. A dwelling owner for work to be done on his or her property which he or she occupies as his or her own home or will occupy as his or her own home and when the property owner is acting as his or her own contractor;
 - d. A landlord for work to be done on his or her property when the landlord is acting as his or her own building contractor; and
 - e. A homeowner, who builds, constructs, alters repairs, adds to or demolishes any building or structure or any portion thereof that constitutes the owner's residence or a building or structure accessory thereto that is intended for the owner's personal use. An owner may not build more than one (1) single family dwelling in a three (3) year period without obtaining a contractor's license, provided he or she occupies the dwelling a minimum of one (1) year after the final inspection is approved.

12.0603: LICENSE APPLICATION

[\(back to Chapter contents\)](#)

A residential contractor license shall be issued to every proprietorship, partnership, firm or corporation who makes application for the license, pays the required application fee, and meets the requirements as stated in this chapter. The Building Official is authorized to issue a residential contractor's license provided the provisions of this chapter are met or may elect to refer any decision on issuance to the City Council.

1. **Person or persons responsible for license.** Each residential contractor license issued to a proprietorship, partnership, firm or corporation shall be the responsibility of the owner or owners of the proprietorship, partnership, firm or corporation.

2. **License use restricted.** No licensed residential building contractor shall knowingly allow his or her name to be used by any other person directly or indirectly, either to obtain a building permit or to perform residential building contracting outside his or her personal supervision.
3. **License term renewal.** All licenses issued under the provisions of this chapter shall expire on December 31 of every year.
4. **Liability Insurance.** Liability insurance shall be required of every residential contractor. Every applicant for a residential contractor's license shall present to the Building Official for his or her review a valid certificate of insurance at the time of application. It shall be the duty of every residential contractor to continually maintain valid liability insurance. The minimum required general liability shall be five hundred thousand dollars (\$500,000) each occurrence. (Ord 12-07; Rev 02-10-12)
5. **Worker's compensation insurance.** In accordance with South Dakota state law, proof of worker's compensation insurance shall be verified prior to the issuance of a license.
6. **Proof of excise tax number.** Applicants for a residential contractor's license shall be required to supply their excise tax number.

12.0604: LICENSE APPLICATION FEES

[\(back to Chapter contents\)](#)

Each person applying for a residential contractors' license shall pay to the City's Administrative Official the fee as established by resolution of the City Council.

12.0605: VIOLATIONS AND PENALTIES

[\(back to Chapter contents\)](#)

1. Any person who shall commence any residential building work for which a permit is required by this code without first having obtained a permit therefore shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for the work; provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the administrative authority that the work was urgently necessary and that it was not practical to obtain a permit therefore before the commencement of the work.
2. It shall be within the discretion of the Administrative Official to revoke a license of any residential contractor who has been doing work without a permit. It shall also be within the discretion of the Administrative Official to revoke any residential contractor's license if a complaint is received regarding construction that fails to comply with the minimum standards of the building codes or ordinances.
3. Should any license or applicant for license, under this chapter be aggrieved by the action of the Administrative Official, he or she may, within ten (10) days, appeal such decision by filing a written request for such appeal with the Building Official for review by a Hearing Board. Upon the review, the Hearing Board may affirm, modify or reverse the action of the Administrative Official and may order for good cause the issuance of a license.
 - a. Hearing Board
 - (1) A Hearing Board shall be appointed as needed for arbitration of differences between the Administrator and Contractors on matters concerning interpretation and execution of the provisions of this ordinance.
 - (2) The Hearing Board shall consist of three (3) alderpersons appointed by the Mayor and/or the Deputy Mayor. (Ord 21-14; Rev 6-11-21)
 - (3) Any arbitration agreement concluded by the Hearing Board must comply with all applicable state and federal regulations.
4. The issuance or granting of a permit or approval of plans shall not prevent the administrative authority from thereafter requiring the correction of errors in the plans and specifications or from preventing construction operations being carried on hereunder when in violation of this chapter or of any other ordinance or from revoking any certificate of approval when issued in error.
5. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine, not to exceed two hundred dollars (\$200) or by imprisonment in the county jail, and not to exceed thirty (30) days, or by both fine and imprisonment. Upon written notice by the Building Official, each separate day or any portion thereof during which any violation of this chapter continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

6. A licensed contractor who is the subject of an investigation shall cooperate fully in its investigation. Cooperation includes, but is not limited to:
 - a. Responding fully and promptly to questions;
 - b. Providing copies of records relative to the matter under investigation; and
 - c. Appearing at conferences or hearings scheduled. (Ord 10-35: Add 01-13-11)

[\(back to Chapter contents\)](#)

Chapter 12.09
ADVERTISING AT THE WATERTOWN REGIONAL AIRPORT

Section

12.0901 License Required

[\(back to Title contents\)](#)

12.0901: LICENSE REQUIRED

No person, partnership or corporation shall be permitted to occupy any space on Watertown Regional Airport property to advertise any service available either on or off the airport premises, including, but not limited to, car rental services, restaurants or lodging, without first having entered into a lease with the City setting forth the terms and conditions under which such advertising shall be permitted. Lease rates for all advertising at the Airport shall be established by resolution adopted by the City Council. (E-67-1) (Ord 04-07: Rev 07-12-04)

Chapter 12.10
SECURITY GUARD

Section

[\(back to Title contents\)](#)

12.1001	License Required
12.1002	Application for License
12.1003	Investigation by Chief of Police
12.1004	Standards for Issuance of License
12.1005	Standards Applicable to Employees
12.1006	Notice of Rejection
12.1007	Appeal Procedure
12.1008	License Fee
12.1009	Conditions of Licensing
12.1010	Insurance Required
12.1011	Promulgation of Regulations
12.1012	Duties of Licensee
12.1013	Security Guard Defined

12.1001: LICENSE REQUIRED

[\(back to Chapter contents\)](#)

No person, partnership or corporation shall, from and after the effective date of this ordinance, be permitted to engage in the occupation of security guard unless they shall have secured a license from the Finance Office of the City of Watertown and met the requirements contained in this ordinance. This ordinance shall not apply to any South Dakota certified law enforcement officer or to any employee who draws compensation directly from one employer and acts as a guard for such business as a full time or part time occupation but is on a salaried basis. (E4M-1) (Ord 15-09; Rev 05-01-15)

12.1002: APPLICATION FOR LICENSE

[\(back to Chapter contents\)](#)

Applications for licenses issued hereunder shall be made upon blank forms prepared and made available by the finance office and shall state:

1. The full name, age, residence, present and previous occupations of the applicant;
2. Whether the person signing the application is a citizen of the United States;
3. A specific description of the location of the principal place of business of the applicant;
4. The number of years experience the applicant has had as a private detective or in related fields;
5. The length of time applicant has been a bona fide resident of the State of South Dakota immediately preceding the filing of the application;
6. Such other information as the finance office shall find reasonably necessary to effectuate the general purpose of this ordinance and to make a fair determination of whether the terms of this ordinance have been complied with:
 - a. Fingerprints and Photograph. The application required hereunder shall be accompanied by a full set of fingerprints and a recent photograph. Such photograph and fingerprints shall be done at the Watertown Detention Center by the Watertown Police Department and the application fee shall include such service.
 - b. Application Fee. The application required shall be accompanied by an application fee established by resolution of the City Council. (E-446-1) (98-3) (Ord 10-27; Rev 11-12-10)

12.1003: INVESTIGATION BY CHIEF OF POLICE

[\(back to Chapter contents\)](#)

Within fifteen (15) days after receipt of an application as provided for herein the Chief of Police shall cause an investigation to be made of the applicant and his proposed operation. (E-446-1)

12.1004: STANDARDS FOR ISSUANCE OF LICENSE

[\(back to Chapter contents\)](#)

The Finance Officer, upon recommendation of the Chief of Police, shall issue a license hereunder when he finds:

1. That the applicant is of good moral character;

2. That the applicant has never been convicted of any felony or any offense against the decency and morals of the community;
3. That the applicant is a natural born or a fully naturalized citizen of the United States;
4. That the applicant does not believe in or advocate the overthrow of the government of the United States, or of the State of South Dakota by force or violence and that the applicant is not a member of any organization or party which he believes in or teaches directly or indirectly the overthrow of the government of the United States, or of the State of South Dakota, by force or violence. (E-446-1)

12.1005: STANDARDS APPLICABLE TO EMPLOYEES

[\(back to Chapter contents\)](#)

All employees of any person having or applying for a license hereunder shall meet the standards set forth above and shall be subject to all regulations of this ordinance. Each employee shall be separately licensed. (E-446-1)

12.1006: NOTICE OF REJECTION

[\(back to Chapter contents\)](#)

The Finance Officer shall act upon the application for a security guard's license within fifteen (15) days after the filing thereof. If the Finance Officer disapproves the application, he shall mail to the applicant within fifteen (15) days after the date upon which the application was filed, a notice of his action stating the reasons for his denial of the permit. (E-446-1)

12.1007: APPEAL PROCEDURE

[\(back to Chapter contents\)](#)

Any person aggrieved shall have the right to appeal the denial of a security guard's license to the City Council. The appeal shall be taken within ten (10) days after notice. The City Council shall act upon the appeal at the first meeting after its receipt. (E-446-1)

12.1008: LICENSE FEE

[\(back to Chapter contents\)](#)

A license shall be issued to a successful applicant upon payment of license fee established by resolution of the City Council. (E-446-1) (Ord 10-27; Rev 11-12-10)

12.1009: CONDITIONS OF LICENSING

[\(back to Chapter contents\)](#)

1. **Transferability.** Licenses issued hereunder shall not be transferable.
2. **Revocation and Suspension.** Licenses issued hereunder shall be subject to revocation or suspension by the Finance Officer, upon recommendation of Chief of Police, for violation of any of the provisions of this ordinance or misconduct by the licensee or his employees, after reasonable notice and an opportunity to be heard has been given the licensee. The Finance Officer shall immediately notify any licensee, by personal service, of such suspension or revocation.
3. **Renewal.** The Finance Officer shall issue renewal licenses to all licensees, whose licenses have not been suspended at the time said licenses have expired, upon payment of the license fee.
4. **Term of License.** All licenses issued hereunder shall expire on December 31 of each year and shall be yearly licenses. (E-446-1)

12.1010: INSURANCE REQUIRED

[\(back to Chapter contents\)](#)

Each licensee shall provide proof of liability insurance in the sum of at least five hundred thousand dollars (\$500,000) or show proof that he works for a company which carries liability insurance in that amount. Proof of such insurance shall be filed with the Finance Officer. The said insurance is for the protection of the public and the license of any individual shall be immediately revoked upon revocation of such certificate of insurance. (E-446-1)

12.1011: PROMULGATION OF REGULATIONS

[\(back to Chapter contents\)](#)

The Finance Officer, upon recommendation of the Chief of Police, shall have the authority to enact and enforce reasonable rules and regulations for the operation of security guards in the interest of public safety, morals and welfare and to effectuate the general purpose of this ordinance. (E446-1)

12.1012: DUTIES OF LICENSEE

[\(back to Chapter contents\)](#)

1. **Carry and Post License Certificates.** The licensees hereunder shall cause a certificate of such license to be displayed at all times in a conspicuous place in or on his place of business described in such license. The licensee shall carry on his person at all times when performing services as a security guard a certificate of the license issued hereunder.
2. **Impersonation of State Police Officers.** No security guard licensed hereunder shall impersonate or hold himself out as a peace officer of this state; nor shall a security guard operate or permit to be operated a motor vehicle with a siren, blinker light or with any insignia thereon bearing likeness to the insignia used by peace officers of this state.
3. **Concealable Firearms.** All security guards licensed under this chapter shall comply with City Ordinances, State Statutes and Federal Regulations relative to the possession in carrying of concealable firearms, and no special rights regarding the possession of concealable firearms are conferred upon anyone by reason of a security guard's permit or license by this Article. (E-446-1)

12.1013: SECURITY GUARD DEFINED

[\(back to Chapter contents\)](#)

As used in this Chapter, a “Security Guard” is any person, firm, partnership or corporation engaged in the business of protecting premises, enterprises, properties or another person, and shall also include any person who, if not an employee, is paid to collect money or examine personal identification as a prerequisite for the entrance into a premises that is licensed to serve alcoholic beverages. (Ord 15-12; Add 06-12-15)

Chapter 12.11 LICENSING AND REGULATING AMBULANCE SERVICES

Section

[\(back to Title contents\)](#)

[12.1101 Purpose](#)

[12.1102 Definitions](#)

[12.1103 License Required – Exceptions](#)

[12.1104 License issuance and renewal; term](#)

[12.1105 License Application](#)

[12.1106 Finance Officer investigative authority](#)

[12.1107 Regulations of licensed ambulance services](#)

[12.1108 Liability insurance required](#)

[12.1109 Suspension or revocation of licensure](#)

12.1101 PURPOSE

[\(back to Chapter contents\)](#)

The purpose of this Chapter is to promote the general safety and welfare of the city by ensuring prompt, effective, and reliable ambulance service, as further authorized by SDCL 34-11-1 and ARSD 44:05:02:05. (Ord 16-19; Add 10-28-16)

12.1102 DEFINITIONS

[\(back to Chapter contents\)](#)

The following terms shall have the following meaning throughout this Chapter:

Ambulance: A vehicle for emergency care with a driver compartment and a patient compartment, carrying all equipment and supplies needed to provide emergency medical technician-basic level emergency care at the scene and enroute to an appropriate medical facility.

Ambulance Service: Any person or organization licensed to provide emergency medical services and patient transport.

Attendant: An advanced life support or emergency medical trained and/or qualified individual responsible for the operation of an ambulance and the care of the patients who has the credentials required by ARSD 44:05:03:04.01.

Driver: An individual who drives an ambulance and meets the credentials required by ARSD 44:05:03:04.01.

License: The permit to operate or provide ambulance service within the city limits.

Person: Any person, firm, partnership, association, corporation, company or organization of any kind. (Ord 16-19; Add 10-28-16)

12.1103 LICENSE REQUIRED – EXCEPTIONS

[\(back to Chapter contents\)](#)

1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the emergency transportation of patients or the transportation of patients needing special care during transport, such as a transfer between hospitals, upon the streets, alleys, or any public way or place of the city unless [he/she] holds a currently valid license for an ambulance, issued pursuant to this ordinance.
2. Provided however, that no such licenses shall be required for an ambulance which is:
 - a. Rendering assistance to licensed ambulances in the case of a major catastrophe or emergency with which the licensed ambulances of the city are insufficient or unable to cope;
 - b. Operated from a location or headquarters outside of the city in order to transport patients who are picked up beyond the limits of the city to locations within the city, or to transport patients who are picked up within the city to locations beyond the limits of the city;
 - c. Owned and operated by rescue squads which are not regularly used as ambulances except as part of rescue operations;
 - d. Owned and operated by the federal government;

- e. Providing coach services engaged by prior appointment and is transporting infirm or disabled individuals not requiring advanced life support in transit;
 - f. A privately-owned vehicle occasionally and not ordinarily used in the business of ambulance service; or
 - g. An air ambulance service.
3. The city is exempt from licensing requirements under this chapter for the operation of its municipal ambulance service. (Ord 16-19; Add 10-28-16)

12.1104 LICENSE ISSUANCE AND RENEWAL; TERM

[\(back to Chapter contents\)](#)

No license shall be issued under this chapter to any new applicant unless:

1. The person has completed and signed an application form described in Section 12.1105 and submitted it to the City Finance Office;
2. The person, if representing a non-governmental entity, has paid a licensing fee per ambulance of \$50 for the first ambulance, \$40 for the second ambulance, and \$10 for each additional ambulance, to the City Finance Office;
3. The City Council shall find that further ambulance service is required by public convenience and necessity. In the absence of the findings, any new applicant shall be denied;
4. The person has complied with any investigation of the Finance Officer authorized by [Section 12.1106](#);
5. The person has provided proof of liability insurance coverage as required by [Section 12.1108](#); and
6. The person provides proof of all licenses issued by the state regulating the operation of ambulance services and the most current inspection records by any state department or agency charged with overseeing ambulance services certifying the ambulances, equipment, and premises designated in each application hereunder.

Upon approval of the City Council, the Finance Officer shall issue an ambulance service license to any person so approved for a period of 2 years unless earlier suspended, revoked or otherwise terminated at the City Council's sole discretion, as provided in [Section 12.1108](#). The ambulance service license is not transferable. Renewal of an ambulance service license, upon expiration for any reason or after revocation, shall require conformance with all the requirements of this Chapter as upon original licensing. (Ord 16-19; Add 10-28-16)

12.1105 LICENSE APPLICATION

[\(back to Chapter contents\)](#)

Applications for ambulance licenses hereunder shall be made upon the forms as may be prepared or prescribed by Finance Officer and shall contain:

1. The name and address of the applicant and of the owner of the ambulance;
2. The trade or other fictitious name, if any, under which the applicant does business and proposes to do business;
3. The training and experience of the applicant in the transportation and care of patients;
4. A description of each ambulance, including the make, model, year of manufacture; current state license number; the length of time the ambulance has been in use; the insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance;
5. A listing of the full legal name, date of birth, home physical address, job title, and credentials of the ambulance service's attendants and drivers;
6. The physical address and physical description of the place or places from which it is intended to operate;
7. Such other information as the Finance Officer shall deem reasonably necessary to a fair determination of compliance with this Chapter;
8. An accompanying license fee of \$50 for the first ambulance, \$40 for the second ambulance and \$10 for each additional ambulance; and

9. A separate, signed statement that the applicant has reviewed, understands, and will abide by Chapter 12.11 of the Revised Ordinances of the City of Watertown at all times when operating an ambulance service within the city. (Ord 16-19; Add 10-28-16)

12.1106 FINANCE OFFICER INVESTIGATIVE AUTHORITY

[\(back to Chapter contents\)](#)

1. The Finance Officer shall within 10 days after receipt of an application for an ambulance license as provided for herein, cause the investigation as he or she deems necessary to be made of the applicant and of his or her proposed operations to ensure compliance with the provisions of this Chapter.
2. Upon any investigation, the Finance Officer shall report his or her findings to the City Council, including the applicant's compliance with the investigation, and make a recommendation regarding the issuance of an ambulance license.
3. The Finance Officer retains authority during the license term of any licensed ambulance service to access any physical location where the ambulance service operates and to access any records of the ambulance service for the sole purpose of ascertaining compliance with the provisions of this Chapter. (Ord 16-19; Add 10-28-16)

12.1107 REGULATIONS OF LICENSED AMBULANCE SERVICES

[\(back to Chapter contents\)](#)

Any licensed ambulance service licensed under this Chapter shall:

1. Require at least one attendant, driver and ambulance be present at a single physical location within the city limits of the City of Watertown that is able to respond to an emergency call. This requirement shall apply 24 hours a day, seven days a week;
2. Obtain a state and federal criminal background check of all attendants and drivers;
3. Certify that all employees are not found on the List of Excluded Individuals/Entities maintained by the U.S. Department of Health and Human Service's Office of Inspector General;
4. Advertise only those services and levels of certified personnel that they actually employ and are able to provide within the City of Watertown;
5. Update the City Finance Office with any change in information regarding its attendants and drivers annually, and regarding its ambulances within five days of purchase, lease or rental;
6. Post in an obvious location within the ambulance, and within each place of business, a schedule of rates for ambulance services;
7. Report to the City Finance Office any property damage in excess of \$1,000 caused by or to a licensed ambulance and any personal injury to the public or ambulance personnel that requires medical attention within five working days after the event which caused the loss or injury;
8. Provide immediate notice to the City Finance Office of the discontinuance of ambulance service within the City of Watertown;
9. Deliver service to any call for ambulance service received by the licensee, unless aid is declined or for other reasons beyond the control of the attendant;
10. Only provide ambulance service on request received by the attendant or driver of the ambulance, or received by the ambulance service; and
11. Abide by all applicable federal, state, and local laws, including all state standards for personnel credentials, equipment, supplies, and ambulance maintenance whenever the ambulance is transporting patients. (Ord 16-19; Add 10-28-16)

12.1108 LIABILITY INSURANCE REQUIRED

[\(back to Chapter contents\)](#)

1. No ambulance service license shall be issued under this Chapter, nor shall such license be valid after issuance, nor shall any ambulance be operated in the city, unless there is at all times in force and effect insurance coverage for the protection of the public, issued by an insurance company licensed to do business in the state, for each and every ambulance owned or operated by or for the applicant or licensee, providing:

- a. For injury to or death of individuals in accidents resulting from any cause for which the owner of said ambulance would be liable on account of liability imposed on him/her by law, regardless of whether the ambulance was being driven by the owner or his/her agent, with a limit of liability of not less than one million dollars (\$1,000,000).
 - b. Against damage to the property of another, including personal property, under like circumstances, with a limit of liability of not less than one million dollars (\$1,000,000).
2. Every insurance policy required hereunder shall contain a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured, and that until the policy is revoked, the insurance company will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or omission of the named assured.
 3. Every insurance policy required hereunder shall extend for the period to be covered by the license applied for and the insurer shall be obliged to give not less than 10 days written notice to the City Finance Office and to the assured before any cancellation or termination of the policy earlier than its expiration date and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the ambulances covered by such policy, unless another insurance policy complying with the provisions of this section shall be provided and be in effect at the time of such cancellation or termination. (Ord 16-19; Add 10-28-16)

12.1109 SUSPENSION OR REVOCATION OF LICENSURE

[\(back to Chapter contents\)](#)

The City Council may and is authorized to suspend or revoke a license issued hereunder for failure of the ambulance service to comply and to maintain compliance with, or for any violations of, any federal law, state law, or any Revised Ordinance of the City of Watertown, but only after warning and such reasonable time for compliance may be set by the City Council. Within 30 days after a suspension, the ambulance service shall be afforded a hearing, after reasonable notice. The City Council shall, within 30 days after conclusion of the hearing, issue a written decision (which shall include written findings) as to the suspension of the ambulance service, and whether the ambulance service's license is revoked. The written decision shall be promptly transmitted to the ambulance service to whom it refers. Upon suspension or revocation of an ambulance service license issued hereunder, the ambulance service shall cease operations as such and no person shall permit the ambulance service to continue operations. (Ord 16-19; Add 10-28-16) (Clerical Edit per § 22.0106, 02-13-17)

Chapter 12.15
HOUSE MOVING BUSINESSES

Section

[\(back to Title contents\)](#)

[12.1501 License Required](#)

[12.1502 License Application](#)

[12.1503 License Issuance Cancellation](#)

[12.1504 License Fee](#)

[12.1505 License Term](#)

[12.1506 Identification of Vehicles](#)

[12.1507 Permit required Application Fee Display](#)

[12.1508 Authorized Individuals Liability for Damages to City Property](#)

[12.1509 Insurance Required](#)

12.1501: LICENSE REQUIRED

[\(back to Chapter contents\)](#)

No person shall engage in the business of moving houses or other buildings, unless he has a current license to do so issued in accordance with this chapter and [Chapter 12.01](#) of this code.

12.1502: LICENSE APPLICATION

[\(back to Chapter contents\)](#)

An application for a license under this chapter shall state the name of the individual or company, the year, make, model of all vehicles to be used in pulling structures, and all other items specified in [Section 12.0105](#).

12.1503: LICENSE ISSUANCE CANCELLATION

[\(back to Chapter contents\)](#)

The license required by this chapter shall be issued by the Finance Officer, when the applicant has paid the prescribed fee and complied with this chapter and other applicable provisions of this code, and may be canceled or revoked as provided in [Section 12.0108](#).

12.1504: LICENSE FEE

[\(back to Chapter contents\)](#)

The initial fee and renewal fee for a license required by this chapter shall be established by resolution of the City Council. No license fee shall be prorated, regardless of its date of issuance, or expiration, as provided for in Section 12.1505. (Ord 10-27; Rev 11-12-10)

12.1505: LICENSE TERM

[\(back to Chapter contents\)](#)

Any license issued or renewed under this chapter shall be valid for one (1) calendar year, except any license issued during any calendar year. All licenses shall expire at midnight, December 31, following the date of issuance.

12.1506: IDENTIFICATION OF VEHICLES

[\(back to Chapter contents\)](#)

Each house mover licensed under this chapter shall paint, or affix a magnetic or other adhesive sign, on the side of the vehicle door, in two (2) inch bold lettering or larger, in a conspicuous manner, the name of the license holder and their license number. The license number shall be a five (5) digit number provided by the Finance Office.

12.1507: PERMIT REQUIRED APPLICATION FEE DISPLAY

[\(back to Chapter contents\)](#)

1. No licensed house mover, or any other person, shall move any building or structure over any street or alley without a building permit, if required, and a house moving permit. A house moving permit shall be obtained only by a licensed house moving business from the Building Official or his designee. The Building Official shall issue the house moving permit only after the proper application has been made and proof is furnished that the required fee has been paid to the Finance Officer. An application for a house moving permit shall state the owner's name, house moving business license name and number, the location to be moved from, the location to be moved to, the route to be followed, and the building permit number, previously obtained from the city or county to which the house is to be moved, if a building permit is required by law. The fee for a house moving permit shall be established by resolution of the City Council. (Ord 12-23; Rev 09-14-12)
2. Prior to any structure being moved, the Municipal Utilities Superintendent, or his designee, may require a deposit be provided in an amount sufficient to cover all costs associated with any temporary relocation of power lines or other facilities.

3. Any fees payable to other city departments shall be promptly paid in a manner consistent with city policy.
4. No refund of any house moving permit fee shall be authorized.
5. House moving permits shall be valid for fourteen (14) days. No extension shall be made.

12.1508: AUTHORIZED INDIVIDUALS LIABILITY FOR DAMAGES TO CITY PROPERTY

No person except a licensed house moving business shall move any buildings within the limits of the City; provided, however, that any building or structure with a width of twelve (12) feet or less, regardless of its length, and a height of sixteen (16) feet or less, and any trailer or similar structure constructed upon wheels, exclusive of mobile homes or manufactured housing, may be moved within the City by persons other than a licensed house moving business. The mover of any structure, trailer or house trailer shall be liable to the City for damages caused by such moving operations to the paving, curbs, overhead wires or other property of the City.

12.1509: INSURANCE REQUIRED

[\(back to Chapter contents\)](#)

Every licensed house moving company shall provide proof of liability insurance in the amount of not less than five-hundred thousand dollars (\$500,000). A certificate of insurance shall be filed with the Finance Officer, and must be provided prior to any license being issued. The insurance required hereunder is for the protection of the public and any license issued will be immediately revoked upon revocation or cancellation of such insurance. (Ord 02-12; Rev 12-31-02)

Chapter 12.98
CROSS-REFERENCES

12.9801: CROSS-REFERENCES

[\(back to Title contents\)](#)

Bicycles, Must be Licensed.....	Chapter 19.07
Bus, License Required	Chapter 19.08
Commercial Garbage Hauler, License Required.....	11.0407
Dog & Cat License Required	Chapter 3.04
Electrical, Licenses Required.....	Title 9
Gas Licenses	Chapter 20.06
Motor Vehicles, License Required.....	19.0113
On-Sale Liquor Establishments, Permit Required	11.0202
Plumbing Licenses	Title 15
Taxicabs, License Required	Chapter 19.09

Chapter 12.99
PUNISHMENT

12.9901: PUNISHMENT

[\(back to Title contents\)](#)

Any person who shall violate any provision of this title shall be punished by a fine of not to exceed two hundred dollars (\$200) or by imprisonment for not to exceed thirty (30) days or by both such fine and imprisonment. In addition, 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. (E-679).

TITLE 13

OFFENSES AND REGULATIONS

Chapter

[\(back to Table of Contents\)](#)

13.01	Miscellaneous Provisions
13.03	Public Safety
13.04	Taking or Damaging Property
13.06	Indecent Acts
13.07	Ultimate Fighting
13.98	Cross-References
13.99	Punishment

Chapter 13.01
MISCELLANEOUS PROVISIONS

Section

[\(back to Title contents\)](#)

[13.0101 Penalty Where No Specific Provision](#)

[13.0102 Fighting](#)

[13.0103 Assault and Battery](#)

[13.0104 Drawing Dangerous Weapon](#)

[13.0105 Advertising on Poles](#)

[13.0106 Advertising on Sidewalks, Etc.](#)

[13.0107 Adult Magazine Wrapped and Sealed in Certain Establishments](#)

[13.0108 Video Sales to Minors](#)

[13.0109 Solicitors](#)

[13.0110 Dance Halls](#)

13.0101: PENALTY WHERE NO SPECIFIC PROVISION

[\(back to Chapter contents\)](#)

Wherever in any of the ordinances of this City in which any act is declared to be unlawful, illegal or is prohibited, if there is no other penalty specifically provided for the violation of such ordinance, a violation of any such ordinance shall be punished by a fine of not more than two hundred dollars (\$200.00) or by imprisonment not exceeding thirty (30) days or by both such fine and imprisonment. (E-325-1) (E-506) (E-679) (Clerical Edit per § 22.0106, 11-23-16)

13.0102: FIGHTING

[\(back to Chapter contents\)](#)

No person shall fight or threaten to fight with another person in the City of Watertown. (E-679)

13.0103: ASSAULT AND BATTERY

[\(back to Chapter contents\)](#)

No person shall commit an assault or battery on another person using any knife, pistol, other firearm or other dangerous or deadly weapon. (E-679).

13.0104: DRAWING DANGEROUS WEAPON

[\(back to Chapter contents\)](#)

No person shall draw or threaten to use on the person of another any dangerous weapon. (E-679)

13.0105: ADVERTISING ON POLES

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to fix, put up, erect, hang, post, place or cause to remain fixed, put up, erected or placed, any sign, show bill, poster, notice or other advertising matter of any make or description, upon any telephone, telegraph or electric light pole within the City.

13.0106: ADVERTISING ON SIDEWALKS, ETC.

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to nail, paste, paint or otherwise affix in any manner whatsoever any lithograph, sign, advertisement, picture or design whatsoever upon any bridge, viaduct, sidewalk, crosswalk, pavement or intersection, or upon the railing or approaches of, on or connecting with any bridge, viaduct or sidewalk, or over or upon any telephone, telegraph, electric light or street railway pole within this City. (E-679)

13.0107: ADULT MAGAZINE WRAPPED AND SEALED IN CERTAIN ESTABLISHMENTS

It shall be unlawful for any person knowingly to distribute, display, sell or exhibit for sale in any public place customarily frequented by children under the age of fifteen (15) any adult magazine (for example, Playboy, Penthouse and similar magazines) unless said magazine is wrapped and sealed. (E-679)

13.0108: VIDEO SALES TO MINORS

[\(back to Chapter contents\)](#)

It shall be unlawful for any person or firm to sell or distribute any "R" or "X" rated videos to any person under the age of 17 years unless there is written consent from a parent or legal guardian. (E-679)

13.0109: SOLICITORS

[\(back to Chapter contents\)](#)

1. **Definition:** A person engaged in going about from place to place or residence to residence soliciting orders for, or offering to sell, personal property for future delivery in this City.

2. **Nuisances: Exceptions:** The practice of going in or upon private residential property by solicitors who have not previously been requested or invited to do so by the owner or occupant thereof for the purpose of soliciting orders for the sale of personal property or offering to sell personal property for future delivery is declared to be a nuisance and is prohibited, and no person licensed as a solicitor shall thereby be deemed authorized to go upon any private residential property except with a prior request invitation or consent of the owner or occupant thereof.
3. **Exceptions:** The prohibitions in (2) above shall not apply to:
 - a. the distribution or sale of religious or educational literature where the proceeds are to be used exclusively for a local religious, charitable or benevolent purpose; and
 - b. the distribution of sale of personal property where the proceeds are to be used exclusively for a local charitable or benevolent purpose, and the person distributing said items does so as a volunteer and receives no personal consideration for his efforts. (98-3)

13.0110: DANCE HALLS

[\(back to Chapter contents\)](#)

1. **Definition:** A public dance hall, as the term is used in this chapter, shall be construed to mean any place or space open to public patronage in which dancing participated in by the public is carried on and to which admission may be had by the public by payment either directly or indirectly of an admission fee or price for dancing, for the personal gain or profit in any manner of the person, firm or corporation conducting, maintaining or operating such dance hall, or in which dancing, participated in by the public, is carried on in connection with the sale and/or serving of food, drink and/or other articles, for the personal gain or profit in any manner of the person conducting, maintaining or operating such place; and a public dance shall be construed to mean any dance held in any such public dance hall under the provisions hereinbefore described. No dance hall shall be exempted from the terms of the definition as set out in this section by reason of attendance being limited to members of any club or other organization, unless such exemption is granted by the City Council after satisfactory showing that such club or other organization is of a reasonably permanent nature and membership and was organized in good faith for a purpose other than avoiding the necessity of complying with the terms of this chapter. (C-76-1) (98-3) (00-1)
2. **Fee For Police Supervision:** Any person desiring to conduct, maintain or operate any public dance in any public dance hall shall, not later than ten (10) days before the time set for the beginning of such dance, notify the Finance Officer of the time when and the place where such dance will be held and shall pay to the Finance Officer the actual expenses incurred to provide for police supervision; provided, however, that the provisions of this section may be waived by the City Council as to any place in which dancing, participated in by the public, is carried on in connection with the sale and/or servicing of food and/or drink, when, in the opinion of such Council such place is so conducted that no need exists for the presence of any police officer in order that violations of laws and ordinances may be prevented and prosecuted. (E-24-1) (98-3) (00-1)
3. **Immodest Dancing Prohibited:** No person conducting or operating a public dance hall shall allow any person in attendance upon such dance hall to dance or participate in any immodest, suggestive, lewd or immoral dance; and no person in attendance in any public dance hall shall engage in or participate in any immodest, suggestive, lewd or immoral dancing. (564) (98-3)

Chapter 13.03
PUBLIC SAFETY

Section

[\(back to Title contents\)](#)

- [13.0301 Causing or Engaging in Riot](#)
- [13.0302 Discharging Firearms](#)
- [13.0303 Fireworks](#)
- [13.0304 Displaying or Selling Fireworks](#)
- [13.0305 Concealed Weapons](#)
- [13.0306 False Fire Alarm](#)
- [13.0307 Playing in Streets](#)
- [13.0308 Slingshot, Air Gun, Bow and Arrow](#)
- [13.0309 Resisting, Eluding, Disobeying or Escaping From Officer](#)
- [13.0310 Impersonating Policemen](#)
- [13.0311 Prohibiting Abandonment of Ice Boxes or Refrigerators in Places Accessible to Children](#)
- [13.0312 Keeping Declared Nuisance](#)
- [13.0313 Reserved](#)
- [13.0314 No Swimming Within 50' Of Boat Ramps](#)
- [13.0315 No Swimming, Wading, Boating or Otherwise in Storm Drainage Area or Retention Ponds](#)
- [13.0316 Open Burning](#)
- [13.0317 Limitations On Damiana and Other Synthetic Cannabinoids Possession](#)
- [13.0318 Regulation of Communications by Persons in Control of a Motor Vehicle](#)
- [13.0319 Prohibition Against Certain Forms of Aggressive Solicitation](#)

13.0301: CAUSING OR ENGAGING IN RIOT

[\(back to Chapter contents\)](#)

No person shall cause or engage in a riot or incite a mob to destroy property or injure persons.

Source: (E-679)

13.0302: DISCHARGING FIREARMS

[\(back to Chapter contents\)](#)

No person shall, within the city limits of the City of Watertown, discharge a gun, pistol or other firearm, except an officer of the law in the enforcement of the law, or such other person authorized by the Chief of Police, or his designee, to discharge a gun, pistol or other firearm in furtherance of a lawful purpose or other legitimate function.

Source: (E-679) (Ord 04-05: Rev 06-16-04)

13.0303: FIREWORKS

[\(back to Chapter contents\)](#)

Pursuant to SDCL 34-37-13 and 34-37-13.1, no person shall discharge “display fireworks” or “consumer fireworks,” as defined by SDCL 34-37-1, except with a written permit approved by the City Council and with the recommendation of the Fire Chief or the Chief’s designee. Said permit shall only be effective after payment to the Finance Officer of a fee in an amount established by resolution of the City Council. Said permit shall be revocable at any time at the full discretion of the Fire Chief or the Chief’s designee, and the permit fee refunded if revoked prior to the designated time for the public display.

Each act of discharging “display fireworks” or “consumer fireworks” without a permit shall be a separate offense, except that discharging “consumer fireworks” shall be allowed without a permit in the area annexed to the City by Resolution Y-1832, and at other locations designated periodically by resolution of the City Council, if any, on the Fourth of July and during the period beginning at dusk on December 28 and extending through 10:00 p.m. on January 1.

Neither “consumer fireworks” nor “display fireworks” shall be deemed to include “novelties” as defined under National Fire Protection Association (NFPA) Standards (e.g. Party Poppers, Snappers, Toy Smoke Devices, Snakes, Glow Worms, Wire Sparklers, Dipped Sticks, and Toy Caps).

Notwithstanding the above, discharging any type of fireworks at Sandy Shore State Park and Recreation Area, Memorial Park, and Stokes-Thomas Lake City Park at any time requires additional written approval from the South

Dakota Department of Game, Fish and Parks, the Codington County Commission, or the City of Watertown Parks, Recreation, and Forestry Board, respectively.

The use, discharge, manufacture, transportation, and storage of all types of fireworks and pyrotechnic articles in the City of Watertown shall comply with NFPA Standards 1123 and 1124.

Source: (E-679) (Ord 11-26; Rev 12-02-11) (Ord 17-24; Rev 09-29-17) (Ord 20-15; Rev 6-12-2020) (Ord 20-22; Rev 7-3-20)

13.0304: DISPLAYING OR SELLING FIREWORKS

[\(back to Chapter contents\)](#)

The warehousing, packaging, and sales of Class 1.3G and Class 1.4G Fireworks within the City of Watertown shall be allowed only at locations meeting the requirements of Chapters 21.32, 21.36, and 21.81 of the Revised Ordinances of the City of Watertown. Each sale and each day of display to the view of the public shall be a separate offense. The provisions of this section do not apply to any store or public place that is actively engaged in the sale of “novelties” as defined under National Fire Protection Association (NFPA) Standards (e.g. Party Poppers, Snappers, Toy Smoke Devices, Snakes, Glow Worms, Wire Sparklers, Dipped Sticks, and Toy Caps).

Source: (E-679) (Ord 09-23; Rev 11-27-09) (Ord 20-05; Rev 2-28-20) (Ord 20-22; Rev 7-3-20)

13.0305: CONCEALED WEAPONS

[\(back to Chapter contents\)](#)

No person except an officer of the law or a person licensed under Title 23, SDCL, shall carry concealed about his person any pistol or other fire arm or dirk, or other dangerous or deadly weapon.

Source: (E-679) (Clerical Edit per § 22.0106, 11-23-16)

13.0306: FALSE FIRE ALARM

[\(back to Chapter contents\)](#)

No person shall intentionally create a false alarm of fire by outcry, by ringing of a bell or other signal, or by telephone message or by setting off a fire alarm box.

Source: (E-679)

13.0307: PLAYING IN STREETS

[\(back to Chapter contents\)](#)

No person shall fly any kite, play any game or engage in any exercise which obstructs or interferes with the use of the streets for traffic or passage.

Source: (E-679)

13.0308: SLINGSHOT, AIR GUN, BOW AND ARROW

[\(back to Chapter contents\)](#)

No person shall use in a public place any slingshot, air gun or bow and arrow or other similar devise, except under the active and present supervision of a supervisor whose qualifications have been approved by the Chief of Police and at a location approved by the Chief of Police.

Source: (E-679)

13.0309: RESISTING, ELUDING, DISOBEYING OR ESCAPING FROM OFFICER

No person shall in this City in any way aid or assist any person to resist, elude or attempt to elude any officer, or escape from any police officer, or to assist any person to escape from any lawful confinement in said City, or shall assault any police officer in the discharge of his duty, or in any way interfere with a police officer in the discharge of his duty, or who does not promptly comply with and obey any reasonable order or request of any police officer of this City.

Source: (E-679)

13.0310: IMPERSONATING POLICEMEN

[\(back to Chapter contents\)](#)

No person not duly authorized to exercise the duty conferred by ordinance upon policemen of this City, shall wear a policeman's badge, or represent himself or herself as being a policeman or attempt to exercise the duties of a policeman in this City.

Source: (E-679)

13.0311: PROHIBITING ABANDONMENT OF ICE BOXES OR REFRIGERATORS IN PLACES ACCESSIBLE TO CHILDREN [\(back to Chapter contents\)](#)

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children any abandoned or discarded ice box, refrigerator or other container which has an air-tight door or lid, snap lock or other locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

Source: (E-679)

13.0312: KEEPING DECLARED NUISANCE [\(back to Chapter contents\)](#)

The keeping of any discarded ice box, refrigerator or other container as set forth in Section 13.0311 hereof, shall be and the same is hereby declared to constitute a public nuisance and the same shall be abated as provided by South Dakota Codified Laws and acts amendatory thereto. The abatement of such nuisances shall not, in any manner, affect the penalty provisions hereof. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Source: (E-679)

13.0313: RESERVED [\(back to Chapter contents\)](#)

Source: (Ord 04-05; Rev 06-16-04)

13.0314: NO SWIMMING WITHIN 50' OF BOAT RAMPS [\(back to Chapter contents\)](#)

It shall be unlawful to swim within fifty (50) feet of any boat ramp constructed or operated by any public entity, if such boat ramp is posted with a sign that advises no swimming within fifty (50) feet of boat ramp.

Source: (E-679)

13.0315: NO SWIMMING, WADING, BOATING OR OTHERWISE IN STORM DRAINAGE AREA OR RETENTION PONDS [\(back to Chapter contents\)](#)

No person shall swim, wade, boat or otherwise use any storm drainage area or retention pond on any city property when water is present; nor shall any parent allow any minor child or children to swim, wade, boat or otherwise use any storm drainage area or retention pond on any city property when water is present. Further, the operation of unauthorized motor vehicles on barricaded or closed streets is prohibited when flood waters are present.

Source: (E-679)

13.0316: OPEN BURNING [\(back to Chapter contents\)](#)

1. Open burning is the burning of a bonfire, recreational fire, rubbish fire, or other fire in an outdoor location where fuel being burned is not contained in an incinerator, outdoor fireplace or barbecue grill.
2. Permits are required for open burning from the Fire Chief of the Fire Department.
3. Recreational fires are not required to be permitted but shall be regulated as follows:
 - a. A recreational fire is the burning of cut trees, charcoal, or commercial fire logs, with a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking, or similar purposes.
 - b. A recreational fire must be contained in an earthen pit with sidewalls, fireplace, or other device, which must be capable of containing the fire.

- c. A recreational fire may not be located within ten (10) feet from any structure and may not be located within ten (10) feet from any property line.
 - d. Commercially produced outdoor fireplaces may be used for recreational fires provided manufacturer's recommendations are followed.
 - e. A fire extinguisher, garden hose or other instrumentation capable of immediately extinguishing a recreational fire must be available at all times during burning.
 - f. The provisions of this subsection shall not be deemed to apply to any commercially operated campground or any campground licensed by the South Dakota Department of Health or operated by the State of South Dakota.
 - g. Commercial gas, propane or charcoal grills, when used for cooking purposes, are not considered recreational fires for the purposes of this ordinance.
4. All open burning fires, and recreational fires must be attended by an adult during any time combustion is occurring.
 5. If any open burning fire or recreational fire results in a sustainable complaint by adjacent residents or property owners; or poses a threat to persons or property, the Fire Department or other law enforcement personnel may order the property owner to extinguish the fire. In the event the property owner refuses or fails to obey a lawful command to extinguish any fire, the Fire Department may extinguish the fire and a citation may be issued.

Source: (E-679) (E-692) (Ord 10-28: Rev 10-12-10)

13.0317: LIMITATIONS ON DAMIANA AND OTHER SYNTHETIC CANNABINOIDS POSSESSION

[\(back to Chapter contents\)](#)

No person may have possession or control over any synthetic cannabinoid product or any product which contains Damiana and which is identified, marketed and advertised as a legal marijuana alternative and which is primarily packaged, marketed, or offered for sale; or which are used, intended for use, or designed for use; whether by the person selling or in possession of them, for ingesting, inhaling, or otherwise introducing into the human body. Pursuant to the authority vested in the City under SDCL §9-19-13; the City Council has declared this ordinance to be necessary for the immediate preservation of the public peace, health, safety, or support of the municipal government and its existing public institutions, and it shall therefore take effect immediately upon its passage on August 2, 2010.

Source: (Ord 10-22; Add 08-02-10)

13.0318: REGULATION OF COMMUNICATIONS BY PERSONS IN CONTROL OF A MOTOR VEHICLE

[\(back to Chapter contents\)](#)

1. Definitions

Electronic Communication Device: means wireless or cellular phones, PDAs, Blackberries, smart phones, MP3 players, laptop or notebook computers utilizing VoIP (Voice-over Internet Protocol) technology, wireless and cellular phones utilizing push-to-talk technology, GPS systems, navigational systems, and any other mobile communication device that uses shortwave analog or digital radio transmission between the device and a transmitter to permit wireless communications to and from the user of the device.

Electronic Message: means a self-contained piece of digital communication designed or intended to be transmitted between two physical devices. An electronic message includes, but is not limited to: email, text messages, instant messages, a command or request to access a World Wide Web page, or other data that uses commonly recognized electronic communications protocol. An electronic message does not include voice or other data transmitted as a result of making a phone call or data transmitted automatically by a wireless communication device without direct initiation by a person.
2. Prohibitions. No person may operate or be in actual physical control of a motor vehicle while using an electronic communication device to compose, read or send an electronic message when the vehicle is in motion or a part of traffic.
3. Exceptions. The provisions of this section shall not apply when the electronic communication device is being used:
 - a. In the reasonable belief that a person's life or safety is in immediate danger; or
 - b. In an emergency vehicle while in the performance of official duties.

Source: (Ord 12-31; Rev 1-11-13) (Clerical Edit per § 22.0106, 11-23-16)

13.0319:PROHIBITION AGAINST CERTAIN FORMS OF AGGRESSIVE SOLICITATION.

[\(back to Chapter contents\)](#)

1. Definitions. For purpose of this section, the following words, terms and phrases shall have the following meaning:

Aggressive Manner:

- a. Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise be intimidated into giving money or other thing of value;
- b. Continuing to solicit from a person after the person has given a negative response to the soliciting;
- c. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
- d. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- e. Using violent or threatening gestures toward a person solicited;
- f. Following the person being solicited, with the intent of asking that person for money or other things of value;
- g. Speaking in a volume unreasonably loud under the circumstances; or
- h. Soliciting money from anyone who is waiting in line for entry to a building or for another purpose.

Soliciting: Asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place. Soliciting shall include using the spoken, written or printed word, bodily gestures, signs or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

Public Place: is a place where a governmental entity has title, to which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, playa, transportation facility, school, place of amusement, park or playground.

Financial Institution: Any bank, credit union, savings and loan or other similar business.

Automated Teller Machine: A device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to account transfers, deposits, cash withdrawals, balance inquires, and mortgage and loan payments.

2. Prohibited Acts:

- a. No person shall solicit in an aggressive manner in any public place.
- b. No person shall solicit on private or residential property without having first obtained permission from the owner or other person lawfully in possession of the property.
- c. No person shall solicit within twenty (20) feet of any entrance or exit of any financial institution or twenty (20) feet of any automated teller machine without the consent of the owner of the property or another person legally in possession of the facilities.
- d. No person shall solicit an operator or other occupant of a motor vehicle.
- e. No person shall solicit any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying or reserving a public parking space, or directing the operator or occupant to a public parking space.
- f. No person shall solicit while under the influence of alcohol or a controlled substance.
- g. No person shall solicit by stating that funds are needed to meet a specific need, when the solicitor has the funds to meet that need, does not intend to use funds to meet that need, or does not have that need.
- h. No person shall solicit in any public transportation vehicle or at any bus stop or in any public parking lot or structure.
- i. No person shall solicit within six (6) feet of an entrance to a building.

- j. No person shall solicit within twenty (20) feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, the distance shall be measured from the entrance or exit of the telephone booth or facility.
 - k. No person shall solicit anytime before sunrise or anytime after sunset.
 - l. No person shall solicit within twenty (20) feet of any public restroom facility.
- 3. Penalties: Any violation of the provisions of this section is punishable by imprisonment for not more than thirty (30) days or by fine not to exceed two hundred dollars (\$200), or by both.
 - 4. Severance. If any section, sentence, clause or phrase of this section is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this section.

Source: (Ord 12-32; Rev 12-14-12)

[\(back to Chapter contents\)](#)

Chapter 13.04
TAKING OR DAMAGING PROPERTY

Section

[\(back to Title contents\)](#)

- [13.0401 Unlawful Use](#)
- [13.0402 Crops, Fruits and Vegetables](#)
- [13.0403 Stealing](#)
- [13.0404 Malicious Injury](#)
- [13.0405 Injury to Fresh Cement Work](#)
- [13.0406 Driving Over Cement Walk](#)

13.0401: UNLAWFUL USE

[\(back to Chapter contents\)](#)

No person shall take any vehicle or motor vehicle of another by means of fraud or stealth, with the intent to use the same and deprive the owner of the use or possession thereof. (E-679)

13.0402: CROPS, FRUITS AND VEGETABLES

[\(back to Chapter contents\)](#)

No person shall injure or destroy within this City any standing crops, grain, cultivated fruits or vegetables, orchards, trees, shrubs, hedges, vines or flowers, or injure or carry off any of the products thereof which are the property of another. (E-679)

13.0403: STEALING

[\(back to Chapter contents\)](#)

No person shall permanently or temporarily take the personal property of another by means of fraud or stealth and with the intent to deprive the owner of the use or possession thereof. (E-679) (E-681)

13.0404: MALICIOUS INJURY

[\(back to Chapter contents\)](#)

No person shall willfully, maliciously or wantonly destroy, injure or deface or remove, without a right so to do, any property real or personal of another. (E-679)

13.0405: INJURY TO FRESH CEMENT WORK

[\(back to Chapter contents\)](#)

No person shall walk or drive on any of the newly made cement sidewalks, alley and street crossings, driveways, curbs or gutters, or do any damage to same before they are opened to travel. (E-679)

13.0406: DRIVING OVER CEMENT WALK

[\(back to Chapter contents\)](#)

No person shall drive any team, vehicle or motor vehicle along, over or across any cement walk, except at regular street, alley or private crossings, or who shall in any manner injure, destroy, break or mutilate any such cement sidewalk. (E-679)

Chapter 13.06
INDECENT ACTS

Section

[\(back to Title contents\)](#)

[13.0601 Disorderly Conduct](#)

[13.0602 Indecent Exposure](#)

[13.0603 Indecent Act](#)

[13.0604 Indecent Language](#)

[13.0605 Indecent Publication](#)

[13.0606 Engaging in Indecent Exhibition](#)

[13.0607 Insulting Salutations](#)

[13.0608 Indecent Exposure or Simulation thereof Prohibited; Licensee's Duty to Prevent](#)

13.0601: DISORDERLY CONDUCT

[\(back to Chapter contents\)](#)

1. No person shall conduct himself/herself in a disorderly manner tending to disturb the peace of the City or to incite others to disturb the peace or commit immoral acts, or which conduct is in itself immoral or conducive to immoral impulses or acts, or tends to endanger the safety or health of the community or seriously interfere with the convenience of others. (E-682)
2. It shall be disorderly conduct for the purposes of this section when the owner, occupier, user or invitee of real property located within the city limits shall allow and permit behavior that seriously interferes with the convenience of others through noise, lights, gathering or other disruption. This definition shall not be the exclusive definition of disorderly conduct for this section. (E-682)

13.0602: INDECENT EXPOSURE

[\(back to Chapter contents\)](#)

No person shall appear in any public place or places exposed to public view in a state of nudity, or in an indecent or lewd dress, or who shall make an indecent exposure of his or her person. (E-679)

13.0603: INDECENT ACT

[\(back to Chapter contents\)](#)

No person shall commit any indecent, obscene or filthy act in a public place or in a place exposed to public view. (E-679)

13.0604: INDECENT LANGUAGE

[\(back to Chapter contents\)](#)

No person shall use any indecent, lewd, obscene, profane or insulting language in a public place or in the presence or within the hearing of another person. (E-679)

13.0605: INDECENT PUBLICATION

[\(back to Chapter contents\)](#)

No person shall make, sell, lend, distribute or have in possession any indecent, lewd or obscene book, printed matter or picture. (E-679)

13.0606: ENGAGING IN INDECENT EXHIBITION

[\(back to Chapter contents\)](#)

No person shall perform to take part in any indecent, lewd, obscene show, play or exhibition. (E-679)

13.0607: INSULTING SALUTATIONS

[\(back to Chapter contents\)](#)

No person shall in this city make any impudent, insulting or licentious advance or salutation to any other person upon any street, or in any store or other public place. (E-679)

13.0608: INDECENT EXPOSURE OR SIMULATION THEREOF PROHIBITED; LICENSEE'S DUTY TO PREVENT

[\(back to Chapter contents\)](#)

1. It is unlawful for any person or premises licensed for the sale of alcoholic beverages, which is to include a licensee authorized to sell low point beer, while in the presence of any other person:
 - a. To fail to conceal, with a fully opaque covering, the sexual parts of his or her body, to include the genitals, pubic area and anus of any person, or the nipple and areola of the female breast. (E-540-1)
 - b. To expose any device, costume or covering which gives the appearance of, or simulates, the genitals or pubic area of the male or female body, or the nipple or areola of the female breast. (E-540-1)

- c. To allow erotic dancing which simulates sexual activity or which violates contemporary community standards. (E-552-1) (E-559-1)
2. It is unlawful for any licensee in alcoholic beverages, which is to include a licensee authorized to sell low point beer, to cause, allow or permit any person on said licensed premises to violate the provisions of Subsection 1. (E-540-1)
3. Shows such as male strippers, female strippers, mud wrestlers, topless or bottomless waitresses, wet t-shirt contests, erotic performers or similar type shows shall be considered by the City Council to be a violation of Subsection 1. (E-552-1) (E-559-1)
4. Any licensee in alcoholic beverages who violates this ordinance shall be subject to the suspension or revocation of his, her or its license for such violation whether or not a separate ticket for such violation has been issued. It is the intent of the City Council that the holding of such show shall be a violation of the ordinance and the City Council will schedule a hearing for suspension or revocation of the license independently of any proceedings of a criminal nature under this ordinance. (E-552-1)

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid. (E-552-3)

[\(back to Chapter contents\)](#)

Chapter 13.07
ULTIMATE FIGHTING

Section

[13.0701 Definition](#)

[13.0702 Ultimate Fighting Prohibited](#)

[\(back to Title contents\)](#)

13.0701: DEFINITION

[\(back to Chapter contents\)](#)

Ultimate fighting: as used in this chapter, shall be deemed to mean any activity, regardless of how named or described, or any other form of competition or entertainment, which involves individuals engaged in physical contact by striking or touching an opponent with hands, head, feet, or body. Ultimate fighting shall include, but not be limited to, any contest or event where kicking, punching, martial arts, or submission holds are permitted. Ultimate fighting shall not be deemed to include officially sanctioned and regulated boxing or martial arts training or contests, wrestling and team sports in which physical contact is incidental to the primary purpose of the game, including, but not limited to, football, basketball, hockey, volleyball, soccer, baseball, and softball. (Ord 11-07; Add 06-23-11 per June 21, 2011 City election)

13.0702: ULTIMATE FIGHTING PROHIBITED

[\(back to Chapter contents\)](#)

No person shall engage in Ultimate Fighting as that term is defined in Section 13.0701. (Ord 11-07; Add 06-23-11 per June 21, 2011 City election)

Chapter 13.98
CROSS-REFERENCES

13.9801: CROSS-REFERENCES

[\(back to Title contents\)](#)

Accidents, Failure to Report, Punished	Chapter 19.02
Aiding Policeman, Refusal, Punishment	7.0708
Airport, Offenses Relating to.....	Title 1
Alcoholic Beverages, Offenses Relating to	Title 2
Animals, Poultry, Etc., Offenses Relating to	Title 3
Ashes, Offenses	11.0709
Beer, Offenses Relating to.....	Title 2
Bicycles, Offenses	Chapter 19.07
Building Provisions, Offenses Relating to	Title 21
Buses, Offenses	Chapter 19.08
Cemeteries, Offenses Relating to	Title 6
Civil Service, Offenses Relating to.....	Title 8
Curbs, Offenses Relating to	Chapter 18.03
Electrical Regulations, Offenses Relating to	Title 9
Filth, Offenses	11.0709
Fines, Unpaid, Imprisonment for	22.0307
Fire Prevention and Protection, Offenses Relating to	Title 10
Food Dealers Must Permit Inspection	11.0711
Garbage and Rubbish, Offenses Relating to	Chapter 11.04
Gas, Offenses Relating to	Title 20
Gutters, Offenses Relating to.....	Title 18
Imprisonment in City or County Jail	22.0306
Intoxicating Liquor, Offenses Relating to	Title 2
Intoxicating Liquor or Drugs, Driving While Under Influence of	19.0125
Licenses and Regulations, Offenses Relating to	Title 12
Manure, Offenses.....	11.0710
Minors, Age of Drivers, Motor Vehicles	19.0124
Minors, Alcoholic Beverages	2.0105
Noxious Vegetation Prohibited.....	Chapter 11.07
Offensive Substances Prohibited	Chapter 11.07
Papers, Scattering Prohibited.....	11.0720
Parking, Offenses.....	Chapter 19.04
Parks, Offenses Relating to.....	Title 14
Pedestrians, Offenses.....	Chapter 19.03
Plumbing, Offenses Relating to	Title 15
Pollution of Lake Kampeska, Offenses Relating to	Chapter 11.06
Railroads, Offenses Relating to	Chapter 18.05
Rats, Eradication of, Offenses Relating to	Chapter 11.05
Refuse, Scattering Prohibited	11.0721
Resisting Officer, Punishment	7.0709
Sewers, Offenses Relating to	Title 17
Sidewalks, Offenses Relating to	Chapter 18.03
Streets, Offenses Relating to.....	Chapter 18.01
Taxicabs, Offenses.....	Chapter 19.09
Traffic Control Devices, Offenses	Chapter 19.05
Traffic Offenses, General	Chapter 19.01
Utilities, Offenses Relating to.....	Title 20
Weeds Prohibited.....	11.0714
Zoning, Offenses Relating to	Title 21

Chapter 13.99
PUNISHMENT

13.9901: PUNISHMENT

[\(back to Title contents\)](#)

Any person violating any of the provisions of this title shall, 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. (E-679)

TITLE 14

PARKS, RECREATION AND FORESTRY BOARD

Chapter

[\(back to Table of Contents\)](#)

14.01	Parks, Recreation and Forestry Board
14.02	Trees, Shrubs, Etc.
14.03	Park Regulations
14.04	Maintenance and Removal of Trees
14.05	Arborist's License
14.06	City Forester
14.07	Tree Disease
14.99	Punishment

Chapter 14.01
PARKS, RECREATION AND FORESTRY BOARD

Section

[\(back to Title contents\)](#)

14.0101	Establishment of Board
14.0102	Composition and Appointment
14.0103	Term of Office and Vacancies
14.0104	Director of Parks, Recreation, and Forestry Department
14.0105	Election of Officers
14.0106	Official Meetings - Quorum
14.0107	Official Records and Reports
14.0108	Board Rules and Regulations of Proceedings
14.0109	Board Authority to Establish Regulations for Use and Operation of Parks and Public Facilities
14.0110	Budget
14.0111	Board Compensation
14.0112	Reserved
14.0113	Reserved
14.0114	Designation of Park and Recreational Areas
14.0115	Park Land Dedication

14.0101: ESTABLISHMENT OF BOARD

[\(back to Chapter contents\)](#)

The City has established a board to be known as the Watertown Parks and Recreation Advisory Board, hereafter “Board”. (E-147-1) (99-10) (Ord 23-01; Rev 03-24-23)

14.0102: COMPOSITION AND APPOINTMENT

[\(back to Chapter contents\)](#)

The Mayor, with the approval of the City Council, shall appoint seven (7) members to the Board, each of whom shall be a resident of the City. (E-147-1) (E-506) (99-10) (Ord 23-01; Rev 03-24-23)

14.0103: TERMS OF OFFICE AND VACANCIES

[\(back to Chapter contents\)](#)

Members of the Board shall serve three-year terms. The initial appointments shall establish staggered terms of the Board by providing for the initial term of one member of three years, three members for two years, and three members for one year. All terms shall expire on the date of the first regular meeting of the City Council after the annual election or until a new member is appointed. If a vacancy occurs on the Board prior to the expiration of a term, the Mayor, with the approval of the City Council, shall appoint a member to fill such vacancy for the unexpired portion of the term. (E-147-1) (E-506) (99-10) (Ord 23-01; Rev 03-24-23)

14.0104: DIRECTOR OF PARKS, RECREATION AND FORESTRY DEPARTMENT

[\(back to Chapter contents\)](#)

The City Manager shall appoint a director of parks and recreation and forestry department, hereafter “Director”, to plan, coordinate and administer the activities and functions of the city parks, campgrounds, wellness center, ice arena, golf course, bicycle paths, parkways and boulevards, and the operation of an overall recreation and forestry program for the City. (Ord 23-01; Add 03-24-23)

14.0105: ELECTION OF OFFICERS

[\(back to Chapter contents\)](#)

The Board shall annually, at its regular meeting in July, elect from its members a president and a vice-president, each of whom shall serve for a term of one year, or until a successor is elected. The vice-president shall act in the absence or disability of the president. In case of death, retirement or resignation of an officer, a successor shall be elected at the next regular meeting of the Board following such death, retirement, or resignation. (E-147-2) (Ord 23-01; Rev 03-24-23)

14.0106: OFFICIAL MEETINGS – QUORUM

[\(back to Chapter contents\)](#)

The Board shall meet monthly at a time and place to be determined by the Board. Special meetings may be called at any time by the president of the Board or the Director upon at least 24 hours' notice to members of the Board and the media. Four (4) members constitute a quorum for the transaction of business. An affirmative vote of at least four (4) members shall be necessary to authorize any official action of the Board. (E-147-2) (99-10) (Ord 23-01; Rev 03-24-23)

14.0107: OFFICIAL RECORDS AND REPORTS

[\(back to Chapter contents\)](#)

The Director shall maintain minutes of meetings of the Board and shall submit the minutes to the City Manager. Copies of any and all such records and/or reports shall also be filed with the Finance Officer. (E-147-2) (Ord 23-01; Rev 03-24-23)

14.0108: BOARD RULES AND REGULATIONS OF PROCEEDINGS

[\(back to Chapter contents\)](#)

The members of the Board, subject to the approval of the City Council, may establish bylaws, rules and regulations for the orderly transaction and conduct of its business. (E-147-2) (99-10) (Ord 23-01; Rev 03-24-23)

14.0109: BOARD AUTHORITY TO ESTABLISH REGULATIONS FOR USE AND OPERATION OF PARKS AND PUBLIC FACILITIES

[\(back to Chapter contents\)](#)

The Board may develop regulations pertaining to the use, hours of operation, fees and charges, maintenance and control of public parks and recreation facilities of the City. Any such proposed regulations shall be submitted to the City Council for review and approval. (E-147-2) (99-10) (Ord 14-32; Rev 11-14-14) (Ord 21-14; Rev 6-11-21) (Ord 23-01; Rev 03-24-23)

14.0110: BUDGET

[\(back to Chapter contents\)](#)

The Board shall have all those powers and be subject to the limitations and enjoy those privileges and immunities all as provided for by SDCL §9-38 as now or hereafter amended. Whenever the prior approval of the governing body is required before the Board can act, such prior approval shall be first obtained, otherwise the Board shall be charged with the supervision and management of all City Park and recreation facilities and functions. (E-147-2) (99-10) (Ord 23-01; Rev 03-24-23)

14.0111: BOARD COMPENSATION

[\(back to Chapter contents\)](#)

Members of the Board shall not be compensated for the performance of their duties as members of such board. (Ord 23-01; Add 03-24-23)

14.0112: RESERVED

[\(back to Chapter contents\)](#)

14.0113: RESERVED

[\(back to Chapter contents\)](#)

14.0114: DESIGNATION OF PARK AND RECREATIONAL AREAS

[\(back to Chapter contents\)](#)

The maintenance and improvement of any land acquired by the City for public parks, recreation and playground purposes shall be the responsibility of the Parks, Recreation and Forestry Department and the Board, and when possible, public parks or designated areas thereof in the City shall also be used for the operation of a system of public recreation and playgrounds. The designation or the use of any public park or designated area for recreational purposes shall be designated by the Board, subject to review and approval by the City Council in the event of disagreement as to such use by any other factions. In order to facilitate the carrying out of the authorized purposes of the Board, the Director shall attend all regular and special meetings of the Board. (E-147-2) (99-10) (Ord 23-01; Rev 03-24-23)

14.0115: PARK LAND DEDICATION

[\(back to Chapter contents\)](#)

Park land dedication shall be applicable for residential subdivisions under Title 24 or Annexations that are residentially zoned and are not anticipated to be more intensively developed or expanded following annexation. (Ord 23-01; Add 03-24-23)

1. Park land dedication shall be determined by the Parks and Recreation Advisory Board prior to the Concept Plan or Annexation being submitted to the Plan Commission for approval and recommendation to the City Council. (E-147-2) (99-10) (Ord 23-01; Rev 03-24-23)
2. Park land dedication shall be provided by:
 - a. Land dedication within the development for park, public lands, recreational trails, and other recreational purposes of five percent (5%) of the land being subdivided; or
 - b. Cash in lieu of park land dedication in an amount equal to the valuation of one percent (1%) of the land being subdivided. The valuation shall be the assessed value within city limits for developed residential property as determined by the Director of Equalization Office; or
 - c. A combination of 2.a. and 2.b.

(99-10) (Ord 23-01; Rev 03-24-23)

3. Concept Plans will show development phasing to be considered by the Parks and Recreation Advisory Board, and a park land dedication schedule shall be developed to ensure adequate park land or cash in lieu of park land is being dedicated for each phase of development. (99-10) (Ord 23-01; Rev 03-24-23)
4. Park land dedication or cash in lieu of park land dedication will occur at the time of final plat approval and prior to recordation of plat. (Ord 23-01; Add 03-24-23)
5. This Section 14.0115 shall not apply to forced annexation unless specifically set out in the resolution adopted by the City Council for the annexed property. (Ord 23-01; Rev 03-24-23)
6. Monies derived from this ordinance shall be restricted for the sole purpose of park and playground acquisition and/or development. (Ord 23-01; Rev 03-24-23)

Chapter 14.02
TREES, SHRUBS, ETC.

Section

- [14.0201 Trees in Street Prohibited](#)
- [14.0202 Permit from Park Board](#)
- [14.0203 Varieties Permitted](#)
- [14.0204 Distance Between](#)
- [14.0205 Good Soil Required](#)
- [14.0206 Size of Tree](#)
- [14.0207 Injury by Building Moving](#)
- [14.0208 Transplanting Trees](#)
- [14.0209 Injuring Trees](#)
- [14.0210 Requirements for Planting of Populus Deltoides \(Cottonwood\) Trees](#)
- [14.0211 Duty to Enforce](#)

[\(back to Title contents\)](#)

14.0201: TREES IN STREET PROHIBITED

[\(back to Chapter contents\)](#)

No person shall hereafter plant any trees within the limits of any parkway, boulevard, street, avenue or alley in this City without having first obtained a permit from the Board. (287) (99-10)

14.0202: PERMIT FROM PARK BOARD

[\(back to Chapter contents\)](#)

Anyone wishing to plant such tree or trees as described in Section 14.0201 shall apply to the Director or his designee for a permit, stating the variety and precise location proposed for each tree. After the receipt of such application the Director or his designee shall investigate the locality where the tree or trees are to be placed and shall grant a permit only if in his judgment the location is such as to permit the normal growth and development of each tree. The permit shall specify the location, variety and grade of each tree and method of planting, including among other things the supply of suitable soil. No charge shall be made for the permit and no tree shall be planted except in accordance with these terms. (288) (E-506) (99-10)

14.0203: VARIETIES PERMITTED

[\(back to Chapter contents\)](#)

The following tree varieties are permitted for planting in parkways, streets, avenues, boulevards, etc.:

Lindens (Basswood), Flowering Crabapple, Thornless and Seedless Honey Locust, Oak, Maple and any others approved by the Board. (E-506) (99-10) (Ord 19-14; Rev 12-27-19)

14.0204: DISTANCE BETWEEN

[\(back to Chapter contents\)](#)

On all newly opened streets, avenues, etc., the trees shall be planted not less than twenty five (25) feet apart. No trees shall be planted within fifty (50) feet of an intersection (measured from the curb line corner) unless special permission is received from the Director after consultation with the Chief of Police. On other streets, the distance where possible shall be the same as above but where trees are now existing, the distance between these and the newly planted trees must be governed according to existing circumstances and approved by the Director. (291) (E-506)

14.0205: GOOD SOIL REQUIRED

[\(back to Chapter contents\)](#)

No permit shall be given where the soil is too poor to ensure the growth of the trees unless the applicant or owner agrees to excavate a suitable hole and replace the material with good suitable loam. (292) (E-506)

14.0206: SIZE OF TREE

[\(back to Chapter contents\)](#)

No trees shall be planted less than one (1) inch in diameter at trunk, one (1) foot above the ground. The trunk of each tree shall be without branches six (6) feet from the ground. (293) (E-506)

14.0207: INJURY BY BUILDING MOVING

[\(back to Chapter contents\)](#)

No person, whether licensed or otherwise, shall move any building along any street in such a way as to interfere with or injure any tree or shrub in any street, alley or public ground, including parks and parkways, without a special permit obtained from the Director or his designee. Such application shall specify the building and proposed route. (294) (E-506)

14.0208: TRANSPLANTING TREES

[\(back to Chapter contents\)](#)

All moving of street trees, made necessary by the moving of such building or any other property, shall be done by the Director or his designee, or under his supervision at the expense of the owner of the building being moved. Should such replacing cause the death of such trees the owner of the building so moved shall replace same at his expense. (295) (E-506)

14.0209: INJURING TREES

[\(back to Chapter contents\)](#)

No person shall remove, destroy, cut, deface or in any way injure or interfere with any tree or shrub on any of the avenues, streets, alleys or public grounds, including parks and parkways, without a permit from the Director or his designee. This section does not apply to the lawful removal of overhanging tree limbs, in accordance with [§§ 11.0713 and 11.0715](#) of the Revised Ordinances of the City of Watertown. Furthermore, this section does not apply to Watertown Municipal Utilities and permitted telecommunications companies who trim or remove said trees or shrubs that interfere or may reasonably interfere with the safe and reliable operation of utility facilities and infrastructure. (297) (Ord 16-28; Rev. 02-10-17)

14.0210: REQUIREMENTS FOR PLANTING OF POPULUS DELTOIDES (COTTONWOOD) TREES

No Populus Deltoides (Cottonwood) trees will be allowed to be planted in the City of Watertown unless they are the male seedless-cottonless variety such as Siouxland or Robust. (E-527-I)

14.0211: DUTY TO ENFORCE

[\(back to Chapter contents\)](#)

It shall be the duty of the Director or his designee to see that the provisions of this chapter are enforced. (300)

Chapter 14.03
PARK REGULATIONS

Section

[\(back to Title contents\)](#)

[14.0301 Definition](#)

[14.0302 Not Damage Property](#)

[14.0303 Dogs in Parks](#)

[14.0304 Park Employees, Duties and Powers](#)

[14.0305 Horses or Motorized Vehicles in Areas Maintained by the Board](#)

[14.0306 Curfew](#)

[14.0307 Regulation on Sale and Advertisement of Goods](#)

14.0301: DEFINITION

[\(back to Chapter contents\)](#)

Whenever used in this chapter, the word "Park" means any and all parks owned by this City. (C-140-1)

14.0302: NOT DAMAGE PROPERTY

[\(back to Chapter contents\)](#)

No person shall pick any flowers, break any tree, shrub or plant, or injure or destroy any other property of any kind in any park. No person shall go upon any grass in any park when any sign is posted thereon to "Keep Off the Grass" or other words of similar import, or after being requested not to do so by any employee of the Park Board of this City. (C-140-2)

14.0303: DOGS IN PARKS

[\(back to Chapter contents\)](#)

Any dog running at-large in any park, whether licensed and registered according to ordinance or not, may be captured and conveyed to the dog pound provided for by [Chapter 3.02](#) of these ordinances, and thereafter disposed of as provided for by said Chapter 3.02 of these ordinances unless the owner of such dog shall, within the time provided for in Chapter 3.02 of these ordinances, claim such dog and pay all damage caused by such dog to such park, and also pay at the daily rate provided in [Title 3](#) for all time such dog has been in such pound. In addition to the other provisions of this section, any employees of the Park Board of this City may use any means reasonably necessary to keep dogs from running at-large in any park. (C-140-3) (E-506)

14.0304: PARK EMPLOYEES, DUTIES AND POWERS

[\(back to Chapter contents\)](#)

Whenever any employee of the Board of this City shall be on duty in any park, he shall be in charge of such park, and no person shall disobey any reasonable direction or request of such Board employee as to the conduct of such persons in such park. Such Board employees are expressly authorized to arrest any persons who violate any provision of this chapter within the sight or presence of such employee. (C-140-4)

14.0305: HORSES OR MOTORIZED VEHICLES IN AREAS MAINTAINED BY THE BOARD

It shall be unlawful for any person to ride, drive or allow any horse or motorized vehicle upon any area maintained by the Department of this City except on trails or areas designated therefore by such Department. (E-173-1) (99-10)

14.0306: CURFEW

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to be in any park or area maintained by the department of this City between the hours of eleven o'clock (11:00) p.m. and five o'clock (5:00) a.m. except in camping areas designated by such department. (E-173-1) (99-10)

14.0307: REGULATION ON SALE AND ADVERTISEMENT OF GOODS

[\(back to Chapter contents\)](#)

No person or entity shall engage in the act of "Peddling" or act as a "Transient Merchant" as those terms are defined in Title 12 of the Revised Ordinances of the City of Watertown, within any park or other ground under the control of the Parks, Recreation and Forestry Board, unless such person or entity has received prior approval from the Board. The Board may authorize the Director or his designee to grant such permission in accordance with rules and regulations established by the Board. (Ord 15-07; Add

Chapter 14.04
MAINTENANCE AND REMOVAL OF TREES

Section

[\(back to Title contents\)](#)

14.0401	Purpose of Control
14.0402	Definitions
14.0403	Enforcement of Article
14.0404	Interference Prohibited
14.0405	General Authority of Board
14.0406	Regulations
14.0407	Compliance with Permit
14.0408	Duration of Permit
14.0409	Inspection of Permitted Work
14.0410	Regulation of Public Utilities
14.0411	Order to Preserve
14.0412	Order for Removal
14.0413	Procedure
14.0414	Time for Compliance
14.0415	Appeal of Order
14.0416	Failure to Comply
14.0417	Special Assessment

14.0401: PURPOSE OF CONTROL

[\(back to Chapter contents\)](#)

It is hereby declared to be the policy of the City to regulate and control the removal, maintenance and protection of public trees and shrubs in the City in order to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or property of the City; to promote and enhance the beauty and general welfare of the City; to prevent damage to any public sewer or water main, street, sidewalk or other public property; and to protect trees and shrubs located in public areas from undesirable and unsafe removal, treatment and maintenance practices. (E-260-1)

14.0402: DEFINITIONS

[\(back to Chapter contents\)](#)

Whenever the following words or terms are used in this article, they shall be construed to have the following meanings:

Boulevard or Parking Strip: all land located within the dedicated street or right-of-way which is not being used for street purposes.

Public Trees and Shrubs: all trees or shrubs planted or to be planted on any park, playground or other property owned or controlled by the City or on any public street, alley, sidewalk or highway within the public right-of-way but shall not include school sites. (E-260-1)

14.0403: ENFORCEMENT OF ARTICLE

[\(back to Chapter contents\)](#)

The Board shall be responsible for the enforcement of this article and it shall have the duty of carrying out all of the provisions herein through the Director or other appointed employees designated for this purpose. (E-260-1) (99-10)

14.0404: INTERFERENCE PROHIBITED

[\(back to Chapter contents\)](#)

No person shall prevent, delay or interfere with the Board or its agents, employees or servants while they are engaged in carrying out any work or activities authorized by this article. (E-260-1)

14.0405: GENERAL AUTHORITY OF BOARD

[\(back to Chapter contents\)](#)

The Board is given the right in its discretion to maintain any tree or shrub in any public place to preserve the function or beauty of such public place in accordance with the art of good arboriculture. The Board shall have the authority to trim, prune, spray, fertilize or otherwise treat any tree or shrub on any public place when in the opinion of the Board such treatment will promote the general welfare, improve the city's appearance, alleviate any unsafe condition or be necessary for the proper preservation of the trees or shrubs involved. Nothing herein shall obligate the City to act in any particular case. (E-260-1) (Ord 16-29; Rev 03-03-17)

14.0406: REGULATIONS

[\(back to Chapter contents\)](#)

Work done under a permit issued under Title 14 shall be performed in strict accordance with the terms of the permit and with the following regulations established for the trimming and care of trees in public places:

1. In felling trees the root stump must also be removed when so required by the Director.
2. All cuts must be made flush with the tree and those of one (1) inch or over in diameter must be treated with a proper tree wound dressing. (E-260-1)

14.0407: COMPLIANCE WITH PERMIT

[\(back to Chapter contents\)](#)

Any work done under a permit issued under the provisions of this article shall be performed in strict accordance with the terms thereof and the provisions of this article. (E-260-1)

14.0408: DURATION OF PERMIT

[\(back to Chapter contents\)](#)

Permits issued under this article shall expire twelve (12) months after date of issue. (E-260-1)

14.0409: INSPECTION OF PERMITTED WORK

[\(back to Chapter contents\)](#)

All work performed under a permit issued pursuant to this article shall be inspected. (E-260-1)

14.0410: REGULATION OF PUBLIC UTILITIES

[\(back to Chapter contents\)](#)

The Board annually or as often as it deems necessary shall meet with a representative designated by public utilities engaged in tree trimming or removal in this City to discuss clearance practices. Permission shall be granted annually by the Board to each utility to cover any clearance work done under control of qualified utility representative as provided for in [Section 14.0502](#). (E-260-1)

14.0411: ORDER TO PRESERVE

[\(back to Chapter contents\)](#)

Permission shall be received in writing from the Board before any trees can be removed from public areas including boulevards. The Board shall have the authority to prevent the removal of trees that are of historical or aesthetic value. (E-260-1) (99-10)

14.0412: ORDER FOR REMOVAL

[\(back to Chapter contents\)](#)

The Board shall have the authority to order the trimming, preservation and removal of trees or plants upon private property and school property when it shall find such action necessary for public safety. (E-260-1) (99-10) (Ord 16-29; Rev 03-03-17)

14.0413: PROCEDURE

[\(back to Chapter contents\)](#)

When the Director shall find it necessary to order the trimming, preservation or removal of trees or plants upon private property as authorized, he shall serve a written order to correct the dangerous condition upon the owner, operator, occupant or other person responsible for its existence. Such order may be served upon any or all of such persons in the same manner as a summons under the laws of this state. (E-260-1) (99-10)

14.0414: TIME FOR COMPLIANCE

[\(back to Chapter contents\)](#)

The order to preserve or remove trees or plants shall set forth a time limit for compliance, dependent upon the hazard and danger created by the violation. In cases of extreme danger to persons or public property, the Director shall have authority to require compliance immediately upon service of the order. (E-260-1) (99-10)

14.0415: APPEAL OF ORDER

[\(back to Chapter contents\)](#)

A person to whom an order to preserve or remove trees or plants is directed shall have the right, within seven (7) days of the service of such order, to appeal to the City Council who shall forthwith set a day for such hearing thereon and give notice thereof to the person appealing. Upon such hearing and review, the Council may affirm, modify or revoke the order of the Director. Unless the order is revoked or modified it shall remain in full force and be obeyed by the person to whom directed. No person to whom an order is directed shall fail to comply with such order within five (5) days after an appeal shall have been determined. No action shall be taken by the Board while an appeal is pending. (E-260-1) (99-10)

14.0416: FAILURE TO COMPLY

[\(back to Chapter contents\)](#)

When a person to whom an order is directed to preserve or remove trees or plants shall fail to comply within the specified time, the Director shall remedy the condition or contract with others for such purpose and charge the cost thereof to the person to whom the order is directed. The person remedying a condition under a contract made hereunder shall be authorized to enter premises for that purpose. (E-260-1) (99-10)

14.0417: SPECIAL ASSESSMENT

[\(back to Chapter contents\)](#)

If the cost of remedying a condition for which an order to preserve or remove trees or plants was issued is not paid within thirty (30) days after receipt of a statement therefore from the Director, such cost may be levied against the property benefited or upon which said condition existed as a special assessment. The levying of such special assessment shall not affect the liability of the person to whom the order is directed to a fine and/or imprisonment for the violation of this article. (E-260-1) (99-10)

Chapter 14.05
ARBORIST'S LICENSE

Section

[\(back to Title contents\)](#)

14.0501	Definitions
14.0502	Exemptions from Article Provisions
14.0503	Enforcement
14.0504	Required
14.0505	Certificate of Compliance
14.0506	Classification
14.0507	Application
14.0508	Duty of Director
14.0509	Fees
14.0510	Reciprocity
14.0511	Examination Generally
14.0512	Failure to be Examined
14.0513	Re-examinations
14.0514	Scope of Examination
14.0515	Liability Insurance
14.0516	Issuance
14.0517	Nontransferable
14.0518	Expiration
14.0519	Renewal
14.0520	Identification Insignia
14.0521	Display of Identification Card
14.0522	Rules and Regulations
14.0523	Denial or Revocation
14.0524	Appeals

14.0501: DEFINITIONS

[\(back to Chapter contents\)](#)

For the purpose of this article the following definitions shall prevail:

Pruning: removal from a tree of dead, dying or diseased branches or removal of live branches from a tree.

Tree: any woody perennial plant, living or dead, having a single main axis or stem which is located:

1. On any public property or street of the City or
2. At any place on private property within the City. (E-260-3)

14.0502: EXEMPTIONS FROM ARTICLE PROVISIONS

[\(back to Chapter contents\)](#)

Examination shall not be required and this article shall not apply to:

1. Any person with reference to work done by himself to trees on his own premises. Individuals that so desire may prune boulevard trees that directly affect his own private property;
2. Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a licensed arborist while in the performance of such functions, provided that employed personnel with supervisory responsibility are required to qualify for and hold a license;
3. Employees of public utilities, when engaged under the direction of a licensed arborist during or immediately following damaging storms where emergency work is necessary, or employees of public utilities at the direction of a utility representative professionally trained in the knowledge of woody plants as indicated by academic credentials or practical experience;
4. Scientific specialists, such as plant pathologists, entomologists, botanists, mycologists, nematologists, foresters, horticulturists, agronomists and others who are not arborists but who by academic training are professionally qualified, provided that any services performed for a fee are limited to the specific area of professional qualifications and are limited in scope to carrying out the function of their profession. All other activities of practicing arborists are prohibited without examination. (E-260-3)

14.0503: ENFORCEMENT

[\(back to Chapter contents\)](#)

It shall be the duty of the Director to administer, carry out and enforce provisions of this article. (E-260-3) (99-10)

14.0504: REQUIRED

[\(back to Chapter contents\)](#)

It shall be unlawful for any person, for hire or other valuable consideration, to trim and cut or prune limbs or branches of trees; to perform tree surgery; to cut into and excavate cavities or remove rotten, dead or diseased wood from any tree or repair any broken or injured tree; to spray or otherwise treat for pests or diseases any tree; or to treat in any manner any tree, without first having obtained an arborist's license to do so as hereinafter provided. Work done by employees, and for the holders of regular or restricted arborist's licenses, pursuant to and within the scope of work permitted by such, shall be deemed in compliance with this section. Nothing herein contained is intended to apply to trees required to be removed to allow construction work to be accomplished. (E-260-3)

14.0505: CERTIFICATE OF COMPLIANCE

[\(back to Chapter contents\)](#)

It shall be unlawful for any firm, partnership or corporation to do any act requiring a permit under Title 14 until such firm, partnership or corporation has been granted a license of compliance by the Director. The issuance of such license of compliance shall be conditioned upon the following:

One or more persons of such firm or partnership, or in the case of a corporation, one or more officers, including the manager or any other individual designated and registered to accept service of summons in the name of the corporation, shall be a holder of an arborist's license of the grade required for the work undertaken; and all work shall be under the personal supervision and direction and in the presence of a holder of an arborist's license of the proper class. (E-260-3) (99-10)

14.0506: CLASSIFICATION

[\(back to Chapter contents\)](#)

The licenses required by this article shall be issued in two classes, as follows:

1. A regular arborist's license shall entitle the holder thereof to work for hire or other valuable consideration, to trim and cut or prune limbs or branches of trees; to perform tree surgery; to cut into and excavate cavities or to remove rotten, dead or diseased wood from any tree; to remove any tree; to fill or treat in any manner any cavity in a tree; and to repair any broken or injured tree.
2. A restricted arborist's license shall entitle the holder thereof, for hire or other valuable consideration, to remove any live, diseased or dead tree. (E-260-3)

14.0507: APPLICATION

[\(back to Chapter contents\)](#)

Every applicant for an arborist's license shall make the application upon a blank furnished by the Director. (E-260-3) (99-10)

14.0508: DUTY OF DIRECTOR

[\(back to Chapter contents\)](#)

The Director shall pass upon all applications for and determine the fitness of all applicants to receive an arborist's license as hereinafter set forth. (E-260-3) (E-506)

14.0509: FEES

[\(back to Chapter contents\)](#)

Each applicant for an arborist's license shall, upon making application therefore, pay to the Finance Officer to be credited to the Forestry Fund the following fee designated for the particular class of license for which he is applying, which fee shall be used to apply on the costs of examination and shall not be returned:

1. Regular arborist's license fee	\$5.00
2. Restricted arborist's license fee	\$5.00
3. All license renewals	\$2.50 (E-260-3)

14.0510: RECIPROCITY

[\(back to Chapter contents\)](#)

Under reciprocal agreement, the examination requirements provided for in this article may be waived in an application for a license by the holder of a valid certificate or license from a municipality having adopted an ordinance with provisions similar to those set forth herein. The waiver authorized hereby shall apply only to the examination and testing provisions herein and the applicant must otherwise qualify for said license pursuant to the terms hereof. Any

applicant who desires to qualify under this section shall have the burden of establishing that the certificate or license which he holds qualifies for reciprocity in accordance with the terms hereof. (E-260-3)

14.0511: EXAMINATION GENERALLY

[\(back to Chapter contents\)](#)

All examinations required for a license to be issued under this article shall be a written standardized test. A grade of seventy five percent (75%) shall be required to pass. A record of the written examination shall be kept on file by the Director. (E-260-3) (99-10)

14.0512: FAILURE TO BE EXAMINED

[\(back to Chapter contents\)](#)

Any applicant for a license required by this article who fails to present himself for examination at the time set shall forfeit the fee paid and his application shall be cancelled, unless good cause can be furnished. (E-260-3)

14.0513: RE-EXAMINATIONS

[\(back to Chapter contents\)](#)

Any applicant for a license required by this article who fails to pass the examination herein provided for shall be required to wait at least three (3) weeks after the date of such examination before again making application for such license. The applicant shall be required to pay the same fee as for the original examination. (E-260-3) (99-10)

14.0514: SCOPE OF EXAMINATION

[\(back to Chapter contents\)](#)

1. The examination for a regular arborist's license shall require a knowledge of arboriculture and the principles and practices of planting, preservation, culture, pruning and shaping of trees, repairing of damage to same and measures necessary to control and exterminate insects, other pests and diseases from trees.
2. The examination for a restricted arborist's license shall require a knowledge of the principles and practices of approved methods of tree removal, with specific emphasis on safety of persons and property. (E-260-3) (E-506)

14.0515: LIABILITY INSURANCE

[\(back to Chapter contents\)](#)

Before a license is granted or renewed under this article, applicants and license holders shall file with the Director a certificate of liability insurance coverage, issued by an insurance company authorized to do business in the state, which insurance coverage shall be approved by the City Attorney, providing liability coverage for accidents arising out of his work as a tree expert of at least two hundred fifty thousand dollars (\$250,000) for the injury or death of any one person, five hundred thousand dollars (\$500,000) for the injury or death of any number of persons in any one accident, and with coverage of at least ten thousand dollars (\$10,000) for property damage in any one accident and at least two hundred fifty thousand dollars (\$250,000) aggregate. Said policy of insurance shall run in favor of the City and the general public, and shall further provide that it cannot be cancelled until ten (10) days written notice of such cancellation shall have been filed with the Finance Officer. Cancellation or other termination of any insurance policy issued for or in compliance with the provisions hereof shall automatically terminate any arborist's license, unless another policy complying with the provisions hereof shall be provided and in full force and effect at the time such cancellation or termination becomes effective. (E-260-3) (99-10) (00-7)

14.0516: ISSUANCE

[\(back to Chapter contents\)](#)

The Director shall issue an arborist's license and an identification card to any applicant who passes an examination for such certificate. (E-260-3) (99-10)

14.0517: NONTRANSFERABLE

[\(back to Chapter contents\)](#)

No arborist's license or identification card issued under this article shall be transferable. (E-260-3)

14.0518: EXPIRATION

[\(back to Chapter contents\)](#)

All licenses issued under the provisions of this article shall be valid up to and including December 31 subsequent to the date of issuance. (E-260-3)

14.0519: RENEWAL

[\(back to Chapter contents\)](#)

All licenses issued under this article, unless revoked for cause, shall be renewed from year to year thereafter upon the payment of the required fee to the Director for each year. If not renewed within one (1) year from the date of expiration, a new application and re-examination shall be required. (E-260-3) (99-10)

14.0520: IDENTIFICATION INSIGNIA

[\(back to Chapter contents\)](#)

It shall be unlawful for any holder of an arborist's license to use any vehicle in the conduct or maintenance of such business permitted hereunder, unless such vehicle shall have placed upon it in a conspicuous place an insignia furnished by the Director identifying such vehicle as the vehicle of a holder of an arborist's certificate. (E-260-3) (99-10)

14.0521: DISPLAY OF IDENTIFICATION CARD

[\(back to Chapter contents\)](#)

Every holder of an arborist's identification card is required to show such card to the person from whom he is soliciting business or for whom he is performing a service, and to any law enforcement officer of the City upon their request. (E-260-3)

14.0522: RULES AND REGULATIONS

[\(back to Chapter contents\)](#)

The Board is hereby authorized to promulgate rules and regulations for the proper administration of this article which shall include methods of good arboriculture practices as recommended by the National Arborist Association, which all arborist license holders are required to follow. Such rules and regulations shall be furnished each arborist license holder and shall be filed in the office of the Director and become effective on the date of such filing. (E-260-3) (99-10)

14.0523: DENIAL OR REVOCATION

[\(back to Chapter contents\)](#)

The Board may revoke or deny license or renewal of license of any holder of an arborist's license for violating any of the provisions of this article or any rules and regulations promulgated pursuant thereto. In addition, the following activities are grounds for denial of a license or of renewal of a license:

1. Deliberate misstatement in the application for original license or in the application for any renewal license under this article; provided that charges brought on any one of these grounds must be proven;
2. Willful disregard or violation of this article or of any regulation or rule issued pursuant thereto;
3. Willfully aiding or abetting another in the violation of this article or of any regulation or rule issued pursuant thereto;
4. Allowing one's license under this article to be used by an unlicensed person;
5. Conviction of any crime, an essential element of which is misstatement, fraud, dishonesty, or conviction of any felony;
6. Willful and knowledgeable disregard or violation of any substantial provision of any safety, labor or compensation law, ordinance or regulation of the United States of America, this state or municipality or other governmental unit;
7. Making substantial misrepresentation or false promises of a character likely to influence, persuade or induce in connection with the business of an arborist;
8. Pursuing a continued course of misrepresentation or of making false promises through advertising, salesmen, agents or otherwise in connection with the business of an arborist;
9. Failure to possess the necessary qualifications or to meet the requirements of this article;
10. Failure to remove one or more deficiencies cited in examination within a reasonable time to be determined by the board. (E-260-3) (99-10)

14.0524: APPEALS

[\(back to Chapter contents\)](#)

Any person whose application for an arborist's license under this article has been denied or who has been affected by any notice which has been issued in connection with the enforcement of any of the provisions of this article may request and shall be granted a hearing on the matter before the City Council provided that such person shall file in the office of the Finance Officer a written petition requesting such hearing within ten (10) days after receiving notice of such denial, revocation or other ruling or order. Upon receipt of such petition, the City Council shall set a time and place for such hearing and shall give the petitioner written notice thereof. The petitioner shall be given an opportunity to be heard on the appeal. After such hearing the Council shall make findings as to compliance with the provisions of this article and any rules and regulations promulgated pursuant thereto and shall issue an order in writing sustaining, modifying or withdrawing the notice. (E-260-3)

Chapter 14.06
CITY FORESTER

Section

[\(back to Title contents\)](#)

[14.0601 Office Created](#)

[14.0602 Forestry](#)

[14.0603 General Responsibility](#)

[14.0604 Vacancy or Absence](#)

14.0601: OFFICE CREATED

[\(back to Chapter contents\)](#)

The office of Superintendent of Parks and Forestry is hereby created in and for the City. (E-260-4) (99-10)

14.0602: FORESTRY

[\(back to Chapter contents\)](#)

Civil Service Amendment 8.0201. (E-260-4)

14.0603: GENERAL RESPONSIBILITY

[\(back to Chapter contents\)](#)

The City, through the office of the Superintendent of Parks and Forestry within the department, shall assume the control and responsibility for the removal of all diseased and dead trees in parks and at city buildings and also the trees on the terrace strip between curb and lot lines and the enforcement of the provisions of Chapter 14.07 regarding the control of tree diseases. (E-260-4) (99-10) (Ord 16-29; Rev 03-03-17)

14.0604: VACANCY OR ABSENCE

[\(back to Chapter contents\)](#)

In the absence of a Superintendent of Parks and Forestry, the Director, or someone designated by him, shall assume the duties and responsibilities of such office. (E-260-4) (99-10)

Chapter 14.07 TREE DISEASE

Section

[\(back to Title contents\)](#)

14.0701	Declaration of Policy
14.0702	Public Nuisances Declared
14.0703	Nuisances Prohibited
14.0704	Inspection
14.0705	Abatement of Nuisances
14.0706	Notice to Abate
14.0707	Determination of Disease
14.0708	Abatement by City
14.0709	Effect of Abatement
14.0710	Assessment of Costs of Abatement
14.0711	Reporting of Costs
14.0712	Financing
14.0713	Transporting of Diseased Wood Controlled

14.0701: DECLARATION OF POLICY

[\(back to Chapter contents\)](#)

The City Council has determined that the health of the trees within the municipal limits is threatened by a number of fatal diseases. It has further determined that the loss of trees growing upon public and private property would substantially depreciate the value of property within the City and constitute an imminent hazard to the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the City Council to control and prevent the spread of these diseases and this chapter is enacted for that purpose. (E-260-5) (Ord 16-29; Rev 03-03-17)

14.0702: PUBLIC NUISANCES DECLARED

[\(back to Chapter contents\)](#)

The City Council hereby declares the following to be public nuisances:

1. Any living or dead elm tree or part thereof (including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned) infected with the Dutch Elm disease fungus, *Ceratocystis ulmi*, or which harbors the European elm bark beetle, *Scolytus multistriatus* (Eichb.) and/or the American elm bark beetle, *Hylurgopinus rufipes* (Marsh).
2. Any living or dead ash tree or part thereof (including logs, branches, stumps, or firewood) that shows indications of the presence of the emerald ash borer, *Agrilus planipennis*, in any of its life stages. (E-260-5) (Ord 16-29; Rev 03-03-17)

14.0703: NUISANCES PROHIBITED

[\(back to Chapter contents\)](#)

No person shall permit any public nuisance as defined in Section 14.0702 to remain on the premises owned or controlled by him within the City. (E-260-5) (Ord 16-29; Rev 03-03-17)

14.0704: INSPECTION

[\(back to Chapter contents\)](#)

The Superintendent of Parks and Forestry is authorized to inspect and determine whether any public nuisance as defined in Section 14.0702 exists on all premises and places within the City, and shall also inspect or cause to be inspected any live or dead tree, or part thereof or bark bearing material derived therefrom, that is reported or suspected to be infected with a fatal tree disease. (E-260-5) (99-10) (Ord 16-29; Rev 03-03-17)

14.0705: ABATEMENT OF NUISANCES

[\(back to Chapter contents\)](#)

If the Superintendent of Parks and Forestry, in person or by some qualified person acting for him, shall determine upon inspection or examination that any public nuisance as defined in Section 14.0702 exists in or upon any city street, alley, park or other public place under the jurisdiction of the City, including the terrace strip between curb and lot line within the City, he shall immediately cause it to be removed and burned or otherwise abate the same. (E-260-5)(99-10) (Ord 16-29; Rev 03-03-17)

14.0706: NOTICE TO ABATE

[\(back to Chapter contents\)](#)

If the Superintendent of Parks and Forestry, in person or by some qualified person acting for him, upon inspection or examination shall determine with reasonable certainty that any public nuisance as defined in [Section 14.0702](#) exists in or upon private premises or public premises other than those of the City within the City, he shall immediately serve or cause to be served, either personally or by U.S. Registered Mail, upon the owner or person or group in control of such property, if he can be found, or upon the occupant thereof, a written notice to abate such nuisance within thirty (30) days of service of said notice. An extension of time for abatement may be granted upon appeal to the Park and Recreation Board. (E-260-5) (E-506) (99-10) (Ord 16-29; Rev 03-03-17)

14.0707: DETERMINATION OF DISEASE

[\(back to Chapter contents\)](#)

If the Superintendent of Parks and Forestry is unable to determine with reasonable certainty whether or not a tree in or upon private premises is a public nuisance as defined in [Section 14.0702](#), he is authorized to remove or cut specimens from said tree, and shall forward such specimens for diagnosis and report to the plant pathology department of South Dakota State University and shall proceed as herein provided upon receipt of a positive report from the department. (E-260-5) (99-10) (Ord 16-29; Rev 03-03-17)

14.0708: ABATEMENT BY CITY

[\(back to Chapter contents\)](#)

If the owner or occupant of the property upon which any nuisance exists in violation of this chapter shall fail to abate such nuisance within the time specified in the notice to do so, the Superintendent of Parks and Forestry shall cause the same to be removed and burned or otherwise abated. No damages shall be awarded to the owner or occupant for destruction of any elm tree, elm wood or any part thereof pursuant to this section. (E-260-5) (99-10) (Ord 16-29; Rev 03-03-17)

14.0709: EFFECT OF ABATEMENT

[\(back to Chapter contents\)](#)

All abatements made under the provisions of this chapter shall be made in such manner as to destroy or prevent as fully as possible the spread of the tree diseases listed in [Section 14.0702](#). (E-260-5) (Ord 16-29; Rev 03-03-17)

14.0710: ASSESSMENT OF COST OF ABATEMENT

[\(back to Chapter contents\)](#)

The cost of abating any public nuisance as defined in [Section 14.0702](#) shall be borne as follows:

1. The entire cost of any abatement on trees on any public street, alley, park or other public place including the terrace strip between curb and lot line shall be borne by the City.
2. The cost of any abatement on any private property shall be borne by the owner or owners of said property and shall be assessed against said property as hereinafter provided. If any part of a tree constituting a nuisance hereunder shall be located on a property line, the owners of said property on either side of said line shall share equally in the cost of abatement. (E-260-5) (Ord 16-29; Rev 03-03-17)

14.0711: REPORTING OF COSTS

[\(back to Chapter contents\)](#)

The Superintendent of Parks and Forestry shall keep strict account of the costs of work done under this article for which assessments are to be made, stating and certifying the description of the land, lots, parts of lots or parcels of land and the amounts chargeable to each. The Superintendent of Parks and Forestry shall include in his report to the City Council the aggregate amounts chargeable to each lot or parcel as recorded by him and such amounts shall be levied and assessed against said parcels or lots in the same manner as provided by state law or these ordinances. (E-260-5) (99-10)

14.0712: FINANCING

[\(back to Chapter contents\)](#)

The cost of pruning, spraying and/or removing trees, or otherwise abating any public nuisance as set forth by this article on any street, alley, avenue, boulevard or park, or the initial cost for the removal of trees on private property harboring any of the tree diseases listed in [Section 14.0702](#), may be financed from a special fund as authorized by state law, from general revenue or other special funds, or from any combination of these sources. (E-260-5) (Ord 16-29; Rev 03-03-17)

14.0713: TRANSPORTING OF DISEASED WOOD CONTROLLED

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to transport within the City any bark constituting a public nuisance public nuisance per [Section 14.0702](#) without first obtaining approval from the Superintendent of Parks and Forestry. (E-260-5) (99-10) (Ord 16-29; Rev 03-03-17)

Chapter 14.99
PUNISHMENT

14.9901: PUNISHMENT

[\(back to Title contents\)](#)

Any person violating any of the provisions of this title shall, upon conviction thereof, be punished as follows:

By a fine of not more than two hundred dollars (\$200) or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment. (E-506) (E-679)

TITLE 15

PLUMBING REGULATIONS

Chapter

[\(back to Table of Contents\)](#)

15.01	Plumbing Definitions
15.02	South Dakota State Plumbing Commission
15.03	Building Official Role
15.04	Plumbing - Licenses
15.05	Plumbing – Permits and Inspection
15.06	Plumbing – Rules and Regulations
15.98	Cross-References
15.99	Punishment

Chapter 15.01
PLUMBING DEFINITIONS

15.0101: PLUMBING DEFINITIONS

[\(back to Title contents\)](#)

Commission: the South Dakota State Plumbing Commission.

Contractor: a person who engages in the business or trade of installation.

Fixtures: water closets, urinals, bath tubs, shower baths when not placed over bath tubs, kitchen and pantry sinks and sink for other purposes, laundry tubs and lavatory and washbasins, wash trays, floor drains, slop hoppers and special fixtures for bar and similar wastes.

Installer: a person other than a contractor who, as his principal occupation, is engaged as an employee of or otherwise working under the direction of a contractor in installation.

Installer apprentice: a person other than an installer contractor or installer who is working as an employee of an installer contractor and is under the immediate and personal supervision of either an installer contractor or an installer for the purpose of learning and assisting in installation.

Manufactured and mobile home plumbing installation: connection to local water and waste systems from manufactured and mobile homes only, including maintenance and service which include the operation, adjustment, repair, removal, and renovation of such connections.

Manufactured and mobile home plumbing installation contractor: a person who engages in the business or trade of manufactured and mobile home water and waste connections.

Manufactured and mobile home plumbing installer: a person other than a manufactured and mobile home plumbing installation contractor who, as his principal occupation, is engaged as an employee of or otherwise working under the direction of a manufactured and mobile home plumbing installation contractor, in manufactured and mobile home water and waste connections.

Manufactured and mobile home apprentice: a person other than a manufactured and mobile home plumbing installation contractor or manufactured and mobile home plumbing installer who is working as an employee of a manufactured and mobile home plumbing installation contractor under the immediate and personal supervision of either a manufactured and mobile home plumbing installation contractor or a manufactured and mobile home plumbing installer in learning and assisting in manufactured and mobile home water and waste connections.

Pipe Laying: the laying of water or sewer lines from the public mains to the building which requires water or sewer service. The term does not apply to any plumbing work within the building.

Plumber: any person other than a plumbing contractor who, as that person's principal occupation, is engaged as an employee of, or otherwise working under, the direction of a plumbing contractor in the installation of plumbing, and who is lawfully qualified and registered as a plumber pursuant to the provisions of this chapter.

Plumber apprentice: contractor under the immediate and personal supervision of either a plumbing contractor or plumber in learning and assisting in the installation of plumbing. (Clerical Edit per § 22.0106, 12-2-16)

Plumbing: the practice of, and the furnishing and the use of materials and fixtures in the installation, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with sanitary drainage or storm drainage facilities, the venting system and the public water supply systems, within or adjacent to any building, structure, or conveyance. The term includes the installation, extension, or alterations of the stormwater, liquid waste, or sewerage and water supply systems of any premises to their connection with any point of public disposal, or other regulated terminal.

Plumbing Contractor: any person qualified and skilled in the planning, superintending, and the practical installation of plumbing, and otherwise qualified and registered to contract for plumbing installations and conduct the business of plumbing, and familiar with the laws and rules governing plumbing.

Plumbing repair work: repairs to keep plumbing in an existing state including repair and replacement of faucets, valves in existing systems, repair of leaks in existing water and waste systems, replacement of damaged water closet and lavatory fixtures if it does not involve changes in rough-in, replacement of temperature and pressure relief valves on existing systems, or cleaning of sewer lines. Plumbing repair work does not include cutting into or extending water or waste lines or rough-in for new plumbing work of any kind.

Sewer and water installation: the setting up of building sewer and water service, the repair of existing building sewer and water service, the setting up of building storm sewer, the repair of existing building storm sewer, and the setting

up of water treatment plant piping and equipment designed to purify water, chemical treatment piping, and sewer treatment plant piping and equipment designed to treat sewage, and the repair of the piping and equipment. For the purposes of this definition, the water service terminates at the water service building valve and the sewer service terminates three feet inside the building wall.

Sewer and water installation contractor: a person who engages in the trade or business of selling and setting up sewer and water installations.

Sewer and water installer: a person other than a sewer contractor who, as his principal occupation, is engaged as an employee of or is otherwise working under the direction of a sewer and water contractor in sewer and water installation.

Sewer and water installer apprentice: a person other than a sewer and water installer contractor or a sewer and water installer who is engaged in working as an employee of a sewer and water contractor and is under the direct immediate supervision of either a sewer and water contractor or a sewer and water installer for the purpose of learning and assisting in the setting up of sewer and water installations.

Underground irrigation installation: the practice of and the furnishing or the use of materials and devices for the purpose of installing underground irrigation systems and connecting them to the local source of potable water, including maintenance and service which include the operation, adjustment, repair, removal, and renovation of such connections and devices.

Underground irrigation contractor: a person who engages in the business or trade of installing underground irrigation system plumbing inside or outside a building and connecting it to the local source of potable water.

Underground irrigation installer: a person whose principal occupation is to work as an employee of or under the direction of an underground irrigation contractor in installing underground irrigation system plumbing.

Underground irrigation apprentice: a person who works as an employee of an underground irrigation contractor under the immediate and personal supervision of either an underground irrigation contractor or underground irrigation installer for the purpose of learning and assisting in installing underground irrigation system plumbing.

Water conditioning, treatment, installation, and repair: the treatment of water and the installation of appliances, appurtenances, fixtures, and plumbing necessary thereto, all designed to treat water to alter, modify, add, or remove mineral, chemical, or bacterial content and to repair such equipment to a water distribution system. Water conditioning installation, repair, and treatment do not mean the exchange of appliances, appurtenances, and fixtures when the plumbing has previously been installed or adapted for such appliances, appurtenances, and fixtures, and no substantial change in the plumbing system is required.

Water conditioning and treatment plumbing contractor: a person who engages in the trade or business of water treatment and the installation of water conditioning equipment and apparatus and of maintaining and servicing it, including operation, adjustment, repair, removal, and renovation.

Water conditioning plumbing installer: a person other than a water conditioning and treatment contractor who, as his principal occupation, is engaged as an employee of or otherwise working under the direction of a water conditioning and treatment plumbing contractor in the treatment of water and the installation of water conditioning and treatment equipment and who is lawfully qualified and registered as a water conditioning plumbing installer pursuant to the provisions of these articles.

Water conditioning plumbing installer apprentice: a person other than a water conditioning and treatment plumbing contractor or water conditioning plumbing installer who is engaged in working as an employee of a water conditioning and treatment plumbing contractor under the immediate and personal supervision of either a water conditioning and treatment plumbing contractor or a water conditioning plumbing installer in learning and assisting in the plumbing installation of water conditioning, treatment, installation, and repair. (Ord 04-16; Rev 12-31-04)

[\(back to Title contents\)](#)

Chapter 15.02
SOUTH DAKOTA STATE PLUMBING COMMISSION

Section

[\(back to Title contents\)](#)

[15.0201 Commission Inspections](#)

[15.0202 Commission Duties](#)

[15.0203 Authority](#)

[15.0204 Access for Inspection](#)

15.0201: COMMISSION INSPECTIONS

[\(back to Chapter contents\)](#)

Inspectors employed by the South Dakota State Plumbing Commission (Commission) shall carry out inspections of plumbing, building sewer, drain-waste-vent, irrigation, and internal water supply system installations, additions, alterations or repairs within the City of Watertown. Commission inspections may be performed at random or as a requirement at the discretion of the Commission and its inspectors. Commission inspections may also be performed upon request made forty eight (48) hours in advance by the owner, contractor, installer, or plumber.

15.0202: COMMISSION DUTIES

[\(back to Chapter contents\)](#)

It shall be the duty of the South Dakota State Plumbing Commission to enforce the plumbing provisions as set forth in the statutes and administrative rules of the State of South Dakota and the City's Revised Ordinances as set forth by this title.

15.0203: AUTHORITY

[\(back to Chapter contents\)](#)

All plumbing, building sewer, drain-waste-vent, irrigation, and internal water supply system work, in the process of construction, installation, alteration or repair, shall be under the supervision of the Commission. The Commission is empowered to stop such work if the same is violation of the State Plumbing Code or other provisions of this title. All violations of the State Plumbing Code shall be cited and administered in accordance with administrative rules of the State of South Dakota pertaining to plumbing.

The Commission is further authorized to enforce and administer local plumbing requirements as set forth in [Sections 15.0603, 15.0604, and 15.0606](#), and others as applicable, of this title that are intended to exceed or supplement the current plumbing standards adopted by the State Legislature and Commission.

15.0204: ACCESS FOR INSPECTION

[\(back to Chapter contents\)](#)

The Commission shall have the right during reasonable hours to enter any building, structure, or premise in the discharge of official duties pertaining to the construction, installation, alteration or repair of plumbing, building sewer, drain-waste-vent, irrigation, and internal water supply systems. (Ord 04-16; Rev 12-31-04)

Chapter 15.03
BUILDING OFFICIAL ROLE

Section

[\(back to Title contents\)](#)

[15.0301 Building Official Observations](#)

[15.0302 Building Official Duties](#)

[15.0303 Authority](#)

[15.0304 Access for Inspection](#)

15.0301: BUILDING OFFICIAL OBSERVATIONS

[\(back to Chapter contents\)](#)

In conjunction with the powers and duties of the Commission set forth in [Chapter 15.02](#), the Building Official may conduct on-site observations of plumbing, building sewer, drain-waste-vent, irrigation, and internal water supply system installations, additions, alterations or repairs within the City of Watertown. Said observations of the Building Official may be made during the course of, and in conjunction with, inspections required under Title 5 of these Revised Ordinances. (Ord 10-35; Rev 02-13-11)

15.0302: BUILDING OFFICIAL DUTIES

[\(back to Chapter contents\)](#)

In conjunction with the powers and duties of the Commission set forth in [Chapter 15.02](#), it shall be the duty of the Building Official to enforce and administer local plumbing requirements as set forth in [Sections 15.0603, 15.0604, and 15.0606](#), and others as applicable, of this title that are intended to exceed or supplement the current plumbing standards adopted by the State Legislature and Commission, and to notify the Commission of any observed violations, apparent or potential, of the State Plumbing Code.

15.0303: AUTHORITY

[\(back to Chapter contents\)](#)

The Building Official is empowered to stop such work if a violation of the local plumbing requirements is observed, or if any installation, alteration, or repair poses a danger to any person or property. (Ord 10-35; Rev 02-13-11)

15.0304: ACCESS FOR INSPECTION

[\(back to Chapter contents\)](#)

In conjunction with the powers and duties of the Commission set forth in [Chapter 15.02](#), the Building Official shall have the right during reasonable hours to enter any building, structure, or premise in the discharge of official duties pertaining to the construction, installation, alteration or repair of plumbing, building sewer, drain-waste-vent, irrigation, and internal water supply systems. (Ord 04-16; Rev 12-31-04)

Chapter 15.04
PLUMBING - LICENSES

Section

[\(back to Title contents\)](#)

[15.0401 Unlawful Unless Licensed](#)

[15.0402 License Required](#)

[15.0403 Application for License](#)

[15.0404 Qualification](#)

[15.0405 License Fee](#)

[15.0406 Bond and Insurance](#)

[15.0407 License Issued](#)

[15.0408 Removal of Location](#)

15.0401: UNLAWFUL UNLESS LICENSED

[\(back to Chapter contents\)](#)

No person shall conduct plumbing work, either as a plumbing contractor or pipe layer, within this City unless licensed, notwithstanding exceptions that may be provided for in the statutes and administrative rules of the State of South Dakota, or the current plumbing standards adopted by the State Legislature and Commission, with specific reference to the ability for a property owner to do his own work on his own property. (Ord 10-35; Rev 02-13-11)

15.0402: LICENSE REQUIRED

[\(back to Chapter contents\)](#)

Any person desiring to engage as a pipe layer in this City shall have an established place of business and shall first secure from the City Council of this City a license as a pipe layer. (E-154-1) (Ord 06-09; Rev 06-9-06) (Ord 10-35; Rev 02-13-11)

15.0403: APPLICATION FOR LICENSE

[\(back to Chapter contents\)](#)

Application for a license as a pipe layer shall be made to the City Council upon blanks furnished by the Finance Officer and shall state the name of the person desiring such license, that he is now engaged in or desires to engage in the pipe layer business, his existing or proposed place of business and the name under which said business is to be carried on. (E-154-1) (Ord 10-35; Rev 02-13-11)

15.0404: QUALIFICATION

[\(back to Chapter contents\)](#)

Applicants for a pipe layer's license shall furnish the City Engineer with satisfactory evidence that he is a licensed pipe layer in the State of South Dakota before the application can be approved by the City Engineer. (E-154-1) (Ord 10-35; Rev 02-13-11)

15.0405: LICENSE FEE

[\(back to Chapter contents\)](#)

1. Application for the license of a pipe layer shall be filed with the Finance Officer and approved by the City Council. The applicant shall pay to the Finance Officer the license fee as established by Resolution adopted by the City Council. (Ord 10-35; Rev 02-13-11) Pipe layer's license fee shall be established by Resolution of the City Council. (Ord 10-27; Rev 11-12-10)
2. Any pipe layer who lets his license lapse shall pay the first year fee again. (E-154-1) (E-617-1) (Ord 10-35; Rev 02-13-11)

15.0406: BOND AND INSURANCE

[\(back to Chapter contents\)](#)

At the time of the filing of the application for a license and annually thereafter, there shall be filed by each pipe layer, with the Finance Officer, the following: (Ord 10-35; Rev 02-13-11)

1. A bond in the penal sum of ten thousand dollars (\$10,000) with two sureties or a bond for that amount by a surety company, which bond shall be made in favor of this City. Such bond shall be conditioned upon the faithful performance of all duties required by ordinance or a rule or regulation of the license by this City. It shall be a further condition of such bond that the obligators will hold this City harmless from all damages sustained by reason of neglect or incompetence of such licensee in the performance of work done or careless guarding of excavations made or failure to put all streets or public places in as good conditions as they were before such work was commenced, or by reason of any such cause growing out of the negligence of the licensee or the issuance of said license.

2. A certificate of insurance showing that the licensee has in force Manufacturer's and Contractor's Liability, including Property Damage Insurance in amounts not less than two hundred fifty thousand dollars (\$250,000) for damage caused by injury to one person, not less than five hundred thousand dollars (\$500,000) for damage caused by injury to more than one person in one accident and not less than two hundred fifty thousand dollars (\$250,000) property damage. Both bond and insurance shall be maintained during the term of the license. (E-506-1) (E-154-1) (00-7)

15.0407: LICENSE ISSUED

[\(back to Chapter contents\)](#)

The Finance Officer shall, after the applicant has complied with all the conditions precedent to the issuance of a pipe layer's license and after approval of the bond and insurance and the granting of such license to the applicant by the City Council, issue to such person a Pipe Layer's Certificate of License, which shall give the name under which such pipe layer or will conduct business, his existing or proposed place of business, the date of issuance of such license and the date of expiration of the same, and such other information as may be deemed desirable. The license so issued to a pipe layer shall entitle the holder of such to engage in his respective business in this City for or during the year ending December 31 after the issuance of such license, and such license shall not be transferable. (E-154-1) (Ord 10-35; Rev 02-13-11)

15.0408: REMOVAL OF LOCATION

[\(back to Chapter contents\)](#)

Should any pipe layer holding a license for a given location for his place of business desire to move to another location, he shall report such intention to the Finance Officer, giving the proposed new place of business. (E-154-1) (Ord 04-16; Rev 12-31-04) (Ord 10-35; Rev 02-13-11)

Chapter 15.05
PLUMBING - PERMITS AND INSPECTION

Section

[\(back to Title contents\)](#)

- [15.0501 Permit Required for Plumbing](#)
- [15.0502 Inspection Fees](#)
- [15.0503 Permit Kept On Premises](#)
- [15.0504 Unlawful to Cover Work Before Inspection](#)
- [15.0505 Excavation Permit for Pipe Laying](#)
- [15.0506 Location of "Y"](#)
- [15.0507 Reserved](#)
- [15.0508 Reserved](#)
- [15.0509 Final Inspection](#)
- [15.0510 Subsequent Inspection After Rejecting Work](#)
- [15.0511 Authority to Condemn Existing Plumbing](#)

15.0501: PERMIT REQUIRED FOR PLUMBING

[\(back to Chapter contents\)](#)

Any person, including an owner, performing plumbing work, except for plumbing repair work, shall, prior to commencing said work, report the work to the Commission as set forth in the administrative rules of South Dakota regarding plumbing permits. At the time of commencement of any plumbing installation, the person responsible for the installation shall notify the Commission as set forth in administrative rules of South Dakota. No separate permit for plumbing activities is required by the City of Watertown.

15.0502: INSPECTION FEES

[\(back to Chapter contents\)](#)

Applicable administrative and inspection fees shall be as established in accordance with state statute and the administrative rules of South Dakota, and shall be payable to the South Dakota State Plumbing Commission. No separate plumbing inspection fees are required by the City of Watertown.

15.0503: PERMIT KEPT ON PREMISES

[\(back to Chapter contents\)](#)

It shall be the duty of the person responsible for plumbing installation to post the Commission's plumbing installation certificate at the job location as required by state statute and administrative rules. Said plumbing installation certificate shall remain posted until the plumbing work has been installed, tested, and accepted by the Commission.

15.0504: UNLAWFUL TO COVER WORK BEFORE INSPECTION

[\(back to Chapter contents\)](#)

No contractor, installer, plumber, or other person may conceal any drainage, waste, or vent system until a request for a final inspection has been made to the Commission. Advance notice of forty eight (48) hours is required. (Ord 10-35; Rev 02-13-11)

15.0505: EXCAVATION PERMIT FOR PIPE LAYING

[\(back to Chapter contents\)](#)

Where a connection is made from a public sewer and/or public water main to the building, the plumber, pipe layer or plumbing contractor shall secure from the Building Official a permit for such pipe laying and for excavation in the street, and shall pay therefore a fee in an amount established by resolution of the City Council. The applicant for said permit shall show the owner's name, lot, block, addition and street number for the premises to be served. The permit for the pipe laying shall expire and become invalid twelve (12) months after the date of its issue. When applicable, a charge shall be made for pavement cutting, pavement repair, trench compaction, and sewer tapping charges. An estimate of the amount to be charged shall be computed by the Building Official at the time the excavation permit for pipe laying is issued. The amount collected shall be computed upon completion of the work and paid by the applicant.

15.0506: LOCATION OF "Y"

[\(back to Chapter contents\)](#)

After receiving an excavation permit for pipe laying, if such work necessitates the location of a "Y" on a public sewer, the pipe layer shall notify and present the excavation permit to the City Engineer, Wastewater Superintendent, or Building Official forty eight (48) hours before beginning such work. Upon said notification and presentation of the excavation permit, City Engineer, Wastewater Superintendent, or Building Official will within forty eight (48) hours locate the "Y" on the sewer for which such excavation permit is issued. (E-154-1)

15.0507: RESERVED (Ord 10-35; Rev 02-13-11)

15.0508: RESERVED (Ord 10-35; Rev 02-13-11)

15.0509: FINAL INSPECTION

[\(back to Chapter contents\)](#)

The Commission, through its Inspector, may require a final inspection upon completion of the entire system.

15.0510: SUBSEQUENT INSPECTION AFTER REJECTING WORK

[\(back to Chapter contents\)](#)

If by reason of the noncompliance with any or all of the provisions of this title, or through the use of defective material or due to inferior workmanship, the approval of the Commission or Building Official is not given, and either a subsequent "roughing in" or "final" inspection becomes necessary, the plumber, property owner, or pipe layer to whom the permit has been issued shall notify the Commission in writing when such work will be ready for such subsequent inspection. The plumber, property owner, pipe layer, or person in charge of the work shall pay for such subsequent inspection amounts set forth by state statute and administrative rule of South Dakota, and in a fee schedule adopted by the City Council.

15.0511: AUTHORITY TO CONDEMN EXISTING PLUMBING

[\(back to Chapter contents\)](#)

Authority is hereby granted to the Commission and the Building Official to condemn any existing plumbing installation which is hazardous or dangerous to human life. It shall be the duty of the property owner of the condemned system to vacate the premises or immediately eliminate the hazardous conditions. Failure to follow the above remedies shall be a violation of this title. (E-154-1) (Ord 04-16; Rev 12-31-04)

Chapter 15.06
PLUMBING - RULES AND REGULATIONS

Section

[\(back to Title contents\)](#)

- [15.0601 Must Comply with Regulations](#)
- [15.0602 Rules and Regulations – Plumbing and Pipe Laying](#)
- [15.0603 Exceptions to the South Dakota State Plumbing Code](#)
- [15.0604 Stop Cocks, Boxes and Location](#)
- [15.0605 Special Rules](#)
- [15.0606 Backwater Valve Required](#)

15.0601: MUST COMPLY WITH REGULATIONS

[\(back to Chapter contents\)](#)

No person shall hereafter construct, extend, alter or repair any plumbing work or pipe laying within this City except in accordance with the provisions of this title, except in buildings belonging to the United States of America or the State of South Dakota. (E-154-1)

15.0602: RULES AND REGULATIONS - PLUMBING AND PIPE LAYING

[\(back to Chapter contents\)](#)

There is hereby adopted by the City Council, for the purpose of establishing rules and regulations governing plumbing work and pipe laying as defined in this title, plumbing provisions as set forth in the statutes and administrative rules of the State of South Dakota.

15.0603: EXCEPTIONS TO THE SOUTH DAKOTA STATE PLUMBING CODE [\(back to Chapter contents\)](#)

1. Soft drawn "K" type copper tubing shall be used for all water services installed from the city water main to the building or to the meter location inside of a building. All water pipe servicing mobile homes or mobile home courts shall be considered to be water services and the piping shall consist of soft drawn "K" type copper tubing.

The minimum size water service to any building or family unit shall be one (1) inch in diameter unless otherwise approved in writing by the City Plumbing Inspector. (E-330)

2. Rigid copper water tubing or Cross Link Polyethylene (Pex) Pressure pipe and its manufacturer's approved fittings shall be installed for water distribution systems on the house side of the meter on all new construction (except slab construction cannot use copper in floors). All Cross Link Polyethylene (Pex) Pressure pipe and its manufacturer's approved fittings must be installed per manufactures recommendation.
3. Remodeling projects all water lines shall be of Type K or Type L copper water tubing or Cross Link Polyethylene (Pex) Pressure pipe and its manufacturer's approved fittings installed to manufacturer's recommendation. Where a lavatory has a one-quarter (1/4) inch connection a maximum distance of four (4) feet of soft drawn one-quarter (1/4) inch copper tubing will be allowed. (E-154-1) (Ord 07-01; Rev 03-20-07)

15.0604: STOP COCKS, BOXES AND LOCATION

[\(back to Chapter contents\)](#)

All stop boxes and cut-offs for controlling the supply of water to consumers shall be placed twelve (12) inches outside the sidewalk line on the street with the top of the stop box brought even with the sidewalk. Where area walls prevent the location of the stop box and cut off at the point indicated, they shall be placed immediately within the area wall or as directed by the Building Official. (E-154-1)

15.0605: SPECIAL RULES

[\(back to Chapter contents\)](#)

1. All parts and points pertaining to house drainage and pipe laying not herein expressly provided for, and all questions arising in regard to renewing or changing pipes and fixtures, which by rules or provisions of this title are not expressly provided for, shall be as directed by the Commission.
2. The Commission and Building Official shall have authority to make such rules as are necessary to carry out the purpose and intent of this title, said rules not conflicting thereto. It shall be the responsibility of any plumber or pipe layer to educate himself to the rules and regulations of the City. Such rules shall be in full force as if inserted into this title. (Ord 10-35; Rev 01-13-11)
3. The Commission shall have authority in peculiar cases, where it is impossible to carry out minor rules and regulations of this title, to grant written permission to the plumbing contractor or pipe layer having such work

in charge to vary from such particular rules or regulations, on such particular cases only, where, in his discretion, it is deemed advisable to do so. Such written permission shall apply only to such cases as the same were granted for and not to subsequent work. (E-154-1)

15.0606: BACKWATER VALVE REQUIRED

[\(back to Chapter contents\)](#)

Any new construction of buildings with a lowest floor below grade shall install a backwater valve in the sanitary sewer line unless exempted by the City Engineer. (Ord 04-16; Rev 12-31-04)

Chapter 15.98
CROSS-REFERENCES

15.9801: CROSS-REFERENCES

[\(back to Title contents\)](#)

Building – General Regulations.....	Chapter 5.03
Gas.....	Title 20
Sewers	Title 17
Water	Title 20

Chapter 15.99
PUNISHMENT

15.9901: PUNISHMENT

[\(back to Title contents\)](#)

Any person who shall violate, or who shall refuse, neglect or fail to comply with any of the provisions or rules of this title shall, upon conviction thereof, be punished by a fine of not more than two hundred dollars (\$200), or by imprisonment for not to exceed thirty (30) days, or by both such fine and imprisonment; and in addition, any license held by such person under this title may be revoked by the City Council, after notice and opportunity for hearing. (E-506) (E-679) (Ord 04-16; Rev 12-31-04)

TITLE 16

SALES, SERVICE AND USE TAX

Chapter

[\(back to Table of Contents\)](#)

[16.01 Sales, Service and Use Tax](#)

[16.02 Gross Receipts Tax](#)

Chapter 16.01
SALES, SERVICE AND USE TAX

Section

[\(back to Title contents\)](#)

- [16.0101 Purpose of Tax](#)
- [16.0102 Effective Date and Enactment of Tax](#)
- [16.0103 Repealed](#)
- [16.0104 Use Tax](#)
- [16.0105 Collection](#)
- [16.0106 Interpretation](#)
- [16.0107 Use of Revenue](#)
- [16.0108 Penalty](#)
- [16.0109 Separability](#)

16.0101: PURPOSE OF TAX

[\(back to Chapter contents\)](#)

The purpose of this ordinance is to provide additional needed revenue for the Municipality of Watertown, Codington County, South Dakota, by imposing a municipal retail sales and use tax pursuant to the powers granted to the municipality by the State of South Dakota, by SDCL §10-52 entitled Uniform Municipal Non-Ad Valorem Tax Law, and acts amendatory thereto.

16.0102: EFFECTIVE DATE AND ENACTMENT OF TAX

[\(back to Chapter contents\)](#)

From and after the first (1st) day of January, 2007, there is hereby imposed as a municipal retail occupational sales and service tax upon the privilege of engaging in business a tax measured by two percent (2.0%) on the gross receipts of all persons engaged in business within the jurisdiction of the Municipality of Watertown, Codington County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL §10-45 and acts amendatory thereto. (Ord 06-19; Rev 01-01-07)

16.0103: REPEALED (Ord 05-07; Repealed 01-01-06)

16.0104: USE TAX

[\(back to Chapter contents\)](#)

There is hereby imposed an excise tax on the privilege of use, storage and consumption within the jurisdiction of the municipality of tangible personal property or services purchased from and after January 1, 2004, at the same rate as the municipal sales and service tax upon all transactions or use, storage and consumption which are subject to the South Dakota Use Tax Act, SDCL §10-46, and acts amendatory thereto.

16.0105: COLLECTION

[\(back to Chapter contents\)](#)

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

16.0106: INTERPRETATION

[\(back to Chapter contents\)](#)

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

16.0107: USE OF REVENUE

[\(back to Chapter contents\)](#)

Revenues received from the first one percent (1.0%) tax under this ordinance shall be deposited in the General Fund of the City and may be used for any lawful purpose. Revenues received from the tax in excess of the first one percent (1.0%) shall be deposited in the Capital Improvement Fund of the City. Revenues deposited in the Capital Improvement Fund may be used for acquisition of land and other land rights, capital improvements, capital equipment purchases, the funding of ambulances and medical emergency response vehicles, the transfer to the special 911 fund authorized by SDCL §34-45-12, the purchasing of fire fighting vehicles and equipment, debt retirement and costs related to the study of or planning for potential capital improvements as determined by the City Council. The City Council, by resolution adopted by a two-thirds vote of the entire City Council during the budget appropriation process,

may authorize a one-time annual transfer from the Capital Improvement Fund to the General Fund to provide additional needed revenue for the Municipality of Watertown. (Ord 23-12; Rev 08-04-23)

16.0108: PENALTY

[\(back to Chapter contents\)](#)

Any person failing or refusing to make reports or payments prescribed by this ordinance and the rules and regulations relating to the ascertainment and collection of the tax herein levied shall be guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars (\$200) or imprisoned for thirty (30) days or both such fine and imprisonment. In addition, all such collection remedies authorized by SDCL §10-45, and acts amendatory thereto, and SDCL §10-46, and acts amendatory thereto are hereby authorized for the collection of these excise taxes by the Department of Revenue and Regulation.

16.0109: SEPARABILITY

[\(back to Chapter contents\)](#)

If any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstances held invalid the constitutionality of the remainder of the ordinance and applicability thereof to other persons or circumstances shall not be affected thereby. (Ord 03-07; Rev 09-26-03)

Chapter 16.02
GROSS RECEIPTS TAX

Section

16.0201	Purpose
16.0202	Effective Date and Enactment of Tax
16.0203	Collection
16.0204	Interpretation
16.0205	Use of Revenue
16.0206	Penalty
16.0207	Separability

[\(back to Title contents\)](#)

16.0201: PURPOSE

[\(back to Chapter contents\)](#)

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

16.0202: EFFECTIVE DATE AND ENACTMENT OF TAX

[\(back to Chapter contents\)](#)

From and after the first (1st) day of January, 2004, there is hereby imposed a municipal gross receipts tax of one percent (1.0%) upon the gross receipts from the sale of leases or rentals of hotel, motel, campsites or other lodging accommodations within the municipality for periods of less than twenty eight (28) consecutive days, the sale of alcoholic beverages as defined in SDCL §35-1-1, establishments where the public is invited to eat, dine or purchase and carry out prepared food for immediate consumption, and ticket sales or admissions to places of amusement, athletic and cultural events. The tax applies to the gross receipts of all persons engaged in business within the jurisdiction of the Municipality of Watertown, Codington County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL §10-45 and acts amendatory thereto.

16.0203: COLLECTION

[\(back to Chapter contents\)](#)

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

16.0204: INTERPRETATION

[\(back to Chapter contents\)](#)

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

16.0205: USE OF REVENUE

[\(back to Chapter contents\)](#)

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

16.0206: PENALTY

[\(back to Chapter contents\)](#)

Any person failing or refusing to make reports or payments prescribed by this ordinance and the rules and regulations relating to the ascertainment and collection of the tax herein levied shall be guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars (\$200) or imprisoned for thirty (30) days or both such fine and imprisonment. In addition, all such collection remedies authorized by SDCL §10-45, and acts amendatory thereto, are hereby authorized for the collection of these excise taxes by the Department of Revenue.

16.0207: SEPARABILITY

[\(back to Chapter contents\)](#)

If any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstances held invalid the constitutionality of the remainder of the ordinance and applicability thereof to other persons or circumstances shall not be affected thereby. (Ord 03-08: Rev 09-26-03)

TITLE 17

WASTEWATER SYSTEM

Chapter

[\(back to Table of Contents\)](#)

17.01	General Regulations
17.02	Sewer Users Charge
17.04	Industrial Pretreatment Program
17.05	Hauled Wastewater
17.06	Regulation of Unpolluted Water and Sump Pump Discharge
17.99	Punishment

Chapter 17.01
GENERAL REGULATIONS

Section

[\(back to Title contents\)](#)

17.0101	Definitions and Abbreviations
17.0102	Use of Public Sewers Required
17.0103	Private Wastewater Disposal
17.0104	Sanitary Sewers, Building Sewers and Connections
17.0105	Damage of Sewers
17.0106	Supervision and Powers and Authority of Inspectors
17.0107	Hearing Board

17.0101: DEFINITIONS AND ABBREVIATIONS

[\(back to Chapter contents\)](#)

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the following meanings:

Act: the Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of 1987, 33 USC 1251, et. seq.

Approval Authority: the director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non NPDES state without an approved state pretreatment program.

Authorized Representative of Industrial User: in the case of a corporation, a president, secretary, treasurer or vice president in charge of a principal business function. In the case of a partnership or proprietorship, a general partner or proprietor. An authorized representative of the individual designated above if (1) such representative is responsible for the overall operation from which the discharge into the POTW originates; (2) the authorization is in writing and (3) the written authorization is submitted to the POTW.

Biochemical oxygen demand (BOD): the quantity of oxygen utilized in the biochemical reduction of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees Celsius expressed in terms of weight and volume (milligrams per liter (mg/l)).

Building Drain: that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building Sewer: the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Bypass: the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

City: the City of Watertown, South Dakota. The term may also be used as a designation for the wastewater superintendent or industrial pretreatment program representative.

Combined Sewer: a sewer that receives both wastewater and storm or surface water.

Composite Sample: either time proportioned or flow proportioned discrete or continuous samples collected over a period of time that are combined to form a representative sample of the wastewater being monitored. Normally, a composite sample consists of flow proportioned samples collected over a twenty four (24) hour period. The control authority may waive flow proportional composite sampling for any industrial use that demonstrates that flow proportional sampling is infeasible. In such cases, samples may be obtained through time proportional sampling techniques or through a minimum of four (4) grab samples where the industrial user demonstrates that this will provide a representative sample of the effluent being discharged.

Control Authority: the term control authority shall refer to the approval authority, defined above, if the City does not have an approved pretreatment program. The wastewater superintendent is the control authority if the pretreatment program is approved.

Cooling water: the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Direct discharge: the discharge of treated or untreated wastewater directly to the waters of the state.

Easement: an acquired legal right for the specific use of land owned by others.

[\(back to Chapter contents\)](#)

Environmental Protection Agency or EPA: the U.S. Environmental Protection Agency; or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Grab Sample: a sample which is taken from a waste stream on a one-time basis with no regard to flow in the waste stream and without consideration of time.

Hearing Board: that board appointed according to provisions of 17.0107.

Holding Tank Waste: any waste from holding tanks such as vessels, chemical toilets, campers, trailer septic tanks and vacuum-pump tank trucks.

Indirect discharge: the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) and (c) of the Act into the POTW (including holding tank waste discharged into the system).

Industrial User: any person who introduces pollutants into a POTW from any nondomestic source regulated under the Act, State law or local ordinance.

Interference: any discharge which alone or in conjunction with a discharge or discharges from other sources that inhibits or disrupts the POTW and any of its processes or operations, or its sludge use or sludge disposal and therefore causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal.

National categorical pretreatment standard or categorical pretreatment standard: any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Federal Water Pollution Control Act which applies to the user.

National pollutant discharge elimination system or NPDES permit: a permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 USC 1342).

New Source:

1. Any building, structure, facility or installation of which the construction commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided that:
 - a. the construction is a site at which no other source is located; or
 - b. the process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or
 - c. the production or wastewater generating process of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a new source, if the construction does not create a new building, structure, facility or installation meeting the criteria above, but otherwise alters, replaces or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. begun, or caused to begin as part of a continuous on-site construction program:
 - (1) any placement, assembly or installation of facilities or equipment; or
 - (2) Any significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - b. entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

Pass - through: A discharge which exits the POTW into waters of the State in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

[\(back to Chapter contents\)](#)

Person: any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

pH: the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

Pollutant: any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial and agricultural waste or any other contaminant.

Pollution: the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

Pretreatment or treatment: the reduction, elimination or alteration of pollutant properties to a less harmful state prior to or in lieu of discharge or introduction into a POTW. This can be accomplished by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR §403.6(d).

Pretreatment requirement: any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on a user.

Pretreatment Standard or Standard: any local, state or federal regulation containing pollutant discharge limits. This term includes local limits, prohibitive discharge limits including those promulgated under 40 CFR §403.5 and categorical Pretreatment Standards. (E-674)

Publicly owned treatment works or POTW: a treatment works as defined by Section 212 of the Act, including any devices and system used in the storage, treatment, recycling and reclamation of municipal and industrial wastewaters. The system includes sewers, pipes and equipment used to convey wastewater to the treatment facility. The term also includes the municipality as defined in Section 502(4) of the Act which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

POTW treatment plant: that portion of the POTW designed to provide treatment to wastewater.

Public Sewer: a common sewer controlled by a governmental agency or public utility.

Sanitary Sewer: a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

Sewer: any sized pipe or conduit that carries wastewater or drainage water.

Shall: is mandatory; may is permissive.

Significant Industrial User (SIU): The term "significant industrial user" means:

1. all industrial users subject to categorical Pretreatment Standards under 40 CFR §403.6 and 40 CFR Chapter I, Subchapter N; (E-674)
2. any other industrial user that discharges an average of twenty five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow-down wastewater); contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
3. designated as such by the POTW on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR §403.8(f) (6)). (E-674)
4. Except that, upon finding that an industrial user meeting the criteria above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the POTW may at any time, on its own initiative or in response to a petition from an industrial user, and in accordance with 40 CFR §403.8(f)(6), determine that such industrial user is not a significant industrial user.

Significant noncompliance (SNC): The term "Significant noncompliance" is defined as:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

[\(back to Chapter contents\)](#)

2. Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of all of the measurements taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease; and 1.2 for all other pollutants except pH).
3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public).
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or for starting construction, completing construction, or attaining final compliance.
6. Failure to provide within thirty (30) days after the due date, required reports such as baseline monitoring reports, and reports on compliance with compliance schedules.
7. Failure to accurately report noncompliance.
8. Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug Discharge: any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

State: the State of South Dakota, its agencies and authorized personnel.

Standard industrial classification (SIC): a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

Storm drain or storm sewer: a drain or sewer for conveying run-off water, ground water, subsurface water or unpolluted water from any source.

Storm water: any flow occurring during or following any form of natural precipitation and resulting therefrom.

Superintendent: the person designated by the City to supervise and manage the POTW and who is charged with certain duties and responsibilities by this ordinance, or his duly authorized representative.

Suspended solids: the total suspended matter that floats on the surface of, or is suspended in water, wastewater or other liquids and which is removable by laboratory filtering.

Toxic Pollutant: any pollutant or combination of pollutants identified as toxic pursuant to Section 307(a) of the Federal Water Pollution Control Act or other federal statutes or in regulations promulgated by the State under state law.

Unpolluted Water: water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge into the sanitary sewers and wastewater treatment facilities provided. This definition shall also be deemed to include sump pump water.

Wastewater: the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated.

Waters of the State: both surface and underground waters within the boundaries of the State of South Dakota subject to its jurisdiction and any other waters specified by State Law.

Wastewater discharge permit: As set forth in [Chapter 17.04](#) of this ordinance.

Liquid Waste: nonhazardous water-borne solids and liquids containing dissolved or suspended waste materials, including but not limited to, septage, grit trap waste, and nondomestic wastes from commercial or industrial establishments. Liquid waste does not include spent solvent and used oils. (98-2)

Septage: liquid wastes and sludges containing sufficient liquid content, normally more than eighty five percent (85%), to permit flow by gravity or minimal pumping, which is removed from a portable toilet, chemical toilet, septic tank, or cesspool. (98-2)

[\(back to Chapter contents\)](#)

Abbreviations. The following abbreviations shall have the designated meanings:

BTEX:	Total concentration of Benzene, Ethyl-Benzene, Toluene and Xylene
BOD:	Biochemical Oxygen Demand
CFR:	Code of Federal Regulations
COD:	Chemical Oxygen Demand
EPA:	Environmental Protection Agency
l:	Liter
mg:	Milligrams
mg/l:	Milligrams per Liter
NPDES:	National Pollution Discharge Elimination System
POTW:	Publicly Owned Treatment Works
SIC:	Standard Industrial Classification
SIU:	Significant Industrial User
SWDA:	Solid Waste Disposal Act, 42 USC 6901, et seq.
TSS:	Total Suspended Solids
TPH:	Total Petroleum Hydrocarbons
USC:	United States Code
WWTP:	Wastewater Treatment Plant (E-633, 09-20-93) (E-643, 01-03-94) (E-649, 04-04-94) (E-674) (E-695)

17.0102: USE OF PUBLIC SEWERS REQUIRED

[\(back to Chapter contents\)](#)

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of said City any sewage, wastewater or other objectionable waste.
2. It shall be unlawful to discharge to any waters of the State of South Dakota within the City, or in any area under the jurisdiction of said City, any sewage or other polluted wastes, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and all applicable state and federal regulations.
3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage or wastewater.
4. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City, and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of said City, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sanitary sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that said public sanitary sewer is within two hundred (200) feet of the property line. (E-633, 09-20-93) (E-674)

17.0103: PRIVATE WASTEWATER DISPOSAL

[\(back to Chapter contents\)](#)

1. Where a public sanitary sewer is not available under the provisions of Section 17.0102(4), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.
2. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain an appropriate building permit from the office of the City Engineer. The application for such permit shall be supplemented by any plans, specifications and other information as are deemed necessary by the City Engineer and/or the Superintendent. The current permit and inspection fee shall be paid to the City at the time the application is filed.
3. The City Engineer shall be allowed to inspect the work at any stage of construction and in any event, the owner(s) or his agent shall notify the City Engineer when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty eight (48) working hours of receipt of such notice to the City Engineer.
4. The type, capacities, location and layout of a private wastewater disposal system shall comply with any and all state and federal regulations that may apply. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty one thousand (21,000) square feet.

5. At such time as a public sanitary sewer becomes available to a property served by a private wastewater disposal system, as provided in [Section 17.0102\(4\)](#), a direct connection shall be made to the public sewer within sixty (60) days in compliance with this ordinance, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.
6. Owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.
7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Superintendent. (E-633, 09-20-93)

17.0104: SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS [\(back to Chapter contents\)](#)

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written excavation permit from the Office of the City Engineer.
2. It shall be unlawful for any person to make or cause to be made any excavation or tunnel in any street or avenue within this City for the purpose of making a connection with any public sanitary sewer located in such street or avenue, without first paying to the City, the cost of said sewer located within said street or avenue abutting upon the lot to which such connection is to be made, unless payment for said sewer so located in said street or avenue has therefore been made in full by the owner of such lot or his predecessor in interest. In case the building to which such sewer connection is to be made is situated or to be situated upon two lots, or part thereof, such payment shall include the cost of construction of such sewer abutting upon both such lots. Provided, however, that as to all sewers in connection with which the assessment roll has been subsequently filed in the office of the Finance Officer, or is hereafter filed, the only payment which shall be required prior to connection with said sewer shall be the making of all payments which are due, under their terms, at the time of such connection and in case the assessment roll has not been filed so as to cause the first installment to become due, then the first installment shall be paid prior to said connection with said sewer.
3. There shall be an excavation permit required for connection to a public sanitary sewer. The owner(s) or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A reasonable permit and inspection fee which shall be determined by the Superintendent and Sewer Committee of the City Council shall be paid to the City at the time the application is filed.
4. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
5. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
6. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
7. The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City.
8. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
9. No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

10. The connection of the building sewer into the public sewer shall conform to the requirements of the plumbing and building code or other applicable rules and regulations of the city. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation. Any developer of residential, commercial or industrial property shall be responsible for the preparation and installation of any required sewer lines. The responsibility for any lift stations or other equipment shall be determined in each instance by the Sewer Committee of the City Council subject to Council review.
11. The applicant for the building sewer excavation permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.
12. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
13. Before any connection to any main, trunk, or line sewer is made, notification shall be given to the City and the necessary permit obtained and after any necessary digging is done by the owner of the property or his contractor, the City shall make the tap and install the connection saddle to the said sewer pipe. The owner shall pay a tapping fee as established by the City Council. (Ord 05-10; Rev 09-23-05)
14. Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease, sand and other prohibited substances. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily available for inspection and maintenance. Grease, oil and sand interceptors shall be maintained by the user, at his expense, in continuously efficient operation at all times. (E-633, 09-20-93) (E-674)

17.0105: DAMAGE OF SEWERS

[\(back to Chapter contents\)](#)

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (E-633, 09-20-93)

17.0106: SUPERVISION AND POWERS AND AUTHORITY OF INSPECTORS

[\(back to Chapter contents\)](#)

1. All POTW structures and facilities now or hereafter constructed shall be under the exclusive supervision and control of the Superintendent, subject to the order and direction of the City Council and the Sewer Committee.
2. The Superintendent and other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the public sewers in accordance with the provisions of this ordinance.
3. The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes from any user which discharges or contributes to the wastewater collection system. (E-633, 09-20-93)

17.0107: HEARING BOARD

[\(back to Chapter contents\)](#)

1. A Hearing Board shall be appointed as needed for arbitration of differences between the Superintendent and sewer users on matters concerning interpretation and execution of the provisions of this ordinance.
2. The Hearing Board shall consist of three (3) alderpersons appointed by the Mayor and/or the Deputy Mayor. (Ord 21-14; Rev 6-11-21)
3. Any arbitration agreement concluded by the Hearing Board must comply with all applicable state and federal regulations. (E-633, 09-20-93) (E-643, 01-03-94)

Chapter 17.02
SEWER USERS CHARGE

Section

[17.0201 Sewer Users Charge](#)

[17.0202 Sewer User Service Reinstatement Fee](#)

[\(back to Title contents\)](#)

17.0201: SEWER USERS CHARGE

[\(back to Chapter contents\)](#)

1. The purpose of this ordinance shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the wastewater system based upon each user's contribution to the treatment system. Factors such as volume and delivery flow rates, strength and wastewater characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).
2. The City shall determine the total annual costs of operation and maintenance which are necessary to maintain the capacity and performance during the service life of the treatment works, for which such works are now or hereafter designed and constructed.
3. The City shall determine the proportional distribution of the total annual costs to each user (or user class) based upon the factors mentioned in Section 17.0201(1), and any other available data that may be pertinent at the time of the determination.
4. Rates charged for sewer service shall be set by resolution of the City Council and such rates shall be effective from and after publication date of the resolution.
5. Residential and commercial sewer use charges shall be computed and billed by the Municipal Utilities Department based on the current rates established by the City Council. Such sewer or wastewater service charge shall be included as part of the monthly utility billing. The City shall add a penalty of five percent (5%) per month if the payment is not received by the due date listed on the billing. Should any user fail to pay the user wastewater service charge and penalty within three months of the due date, the City may stop the wastewater service to the property.
6. The City shall review the total cost of operation and maintenance of the wastewater system as well as each user's Wastewater Contribution Percentage periodically to assure equality of the service charges established herein and to assure that sufficient funds are available for the POTW. If a sewer user has completed or made modifications which would change that user's Wastewater Contribution Percentage, the user may present such facts to the Superintendent who shall determine if the user's sewer service charge is to be changed. If such a change is warranted based upon the information provided, the Superintendent shall instruct the Municipal Utilities Department to make the required adjustments in the user's sewer service billing as soon as possible. (E-633, 09-20-93)

17.0202: SEWER USER SERVICE REINSTATEMENT FEE

[\(back to Chapter contents\)](#)

The City Council shall establish a policy providing for a sewer service reinstatement fee. The policy shall establish the amount of the reinstatement fee, the circumstances under which the fee is levied, and how the fee is to be collected. (E-666)

Chapter 17.04
INDUSTRIAL PRETREATMENT PROGRAM

Section

[\(back to Title contents\)](#)

- [17.0401 General Provisions](#)
- [17.0402 General Discharge Prohibitions](#)
- [17.0403 Administration](#)
- [17.0404 Spill Prevention and Slug Control Plans](#)
- [17.0405 Notification](#)
- [17.0406 Fees](#)
- [17.0407 Administrative Enforcement Remedies](#)
- [17.0408 Judicial Remedies](#)

17.0401: GENERAL PROVISIONS

[\(back to Chapter contents\)](#)

1. This chapter concerning the Industrial Pretreatment Program will be effective only upon official approval by the United States Environmental Protection Agency.
2. Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City and enables the City to comply with all applicable state and federal laws and the general pretreatment regulations (40 CFR Part 403).
3. The objectives of this chapter are to prevent the introduction of pollutants into the wastewater system which will or can:
 - a. Interfere with the operation of the system;
 - b. Cause the treatment plant to violate its NPDES Permit;
 - c. Contaminate the sludge;
 - d. Pass through the system, inadequately treated, into the receiving waters or the atmosphere;
 - e. Pose a health threat to the utility maintenance workers;
 - f. Be otherwise incompatible with the system; or
 - g. Be recycled in an environmentally safe manner.
4. This chapter provides for the regulation of direct and indirect industrial contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through monitoring and enforcement activities, requires user reporting and assumes that existing customer's capacity will not be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
5. These provisions shall apply to all commercial and/or industrial users of the City and to any person and/or company outside the City who, by contract or agreement with the City, uses or will use the POTW. Except as otherwise provided herein, the Superintendent shall have the overall authority to administer, implement and enforce the provisions of this chapter. (E-633, 09-20-93) (E-643, 01-03-94) (E-649, 04-04-94) (E-674).

17.0402: GENERAL DISCHARGE PROHIBITIONS

[\(back to Chapter contents\)](#)

1. **Generally.** It shall be unlawful for any person to discharge into any opening into the sanitary sewer or storm sewer system, or into any natural drainage channel, or into any man-made ditch, lateral, pond, lake or lagoon, within the City, or in any area under jurisdiction of the City, any sanitary sewage, industrial wastes or other polluted water, or other substances as listed below, except where suitable treatment has been provided in accordance with this ordinance; the substances are as follows:
 - a. Any pollutant or wastewater which will pass through or cause Interference with the operation or performance of the POTW.
 - b. Any pollutant which creates a fire or explosion hazard or is injurious to the POTW or to the operation of the POTW, including but not limited to, waste streams with a closed cup flash-point of less than one hundred forty (140) degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR §261.21.
 - c. Any solid or viscous pollutant in amounts which may cause obstruction to the flow in a sewer or other Interference with the operation of the POTW.
 - d. Any wastewater or pollutant having a pH less than 5.5 or above 11.0.

- e. Any pollutant which may cause a public nuisance, cause hazard to life or prevent entry into the sewers for maintenance and repair.
- f. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
- g. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the Wastewater Treatment Plant exceeds one hundred four (104) degrees Fahrenheit (40 degrees Celsius).
- h. Petroleum oil, non biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or pass through.
- i. Any pollutant which causes the release of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- j. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- k. The concentrated contents of any chemical tanks containing acids, alkali, heavy metals or other materials harmful to the POTW.
- l. Any wastewater or pollutants containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant or in the collection system.
- m. Any pollutant containing any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the City in compliance with applicable state or federal regulations.
- n. Any storm waters into the sanitary sewer system.
- o. Any clear waters into the sanitary sewer system from underground drains or tiles, sump pump discharge lines or natural springs and seeps where storm sewer facilities, street drainage facilities or other drainage facilities are accessible for discharge, except that the wastewater superintendent may grant a seasonal variance for the discharge of clear waters to the sanitary sewer by written notice for those discharges that may occur during winter months during freezing conditions.
- p. Any pollutant which will cause the POTW to violate its NPDES permit or the receiving water quality standards.
- q. Any pollutant in sufficient quantity, either singly or by interaction with other pollutants, to interfere with any wastewater treatment process, constitute a hazard to POTW personnel, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
- r. Any pollutant which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a pollutant discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- s. If any substances are discharged, or are proposed to be discharged to the public sewers which are capable of causing Interference or pass through to the POTW or which create a hazard to workers or which would otherwise violate any standards for receiving waters imposed by state and federal agencies, the Superintendent may:
 - (1) Reject the substance(s) or any part thereof.
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (3) Require control over the quantities and rates of discharge.
 - (4) Require an increase in sewer charges of the discharger to cover the added cost of handling and treating the substance(s).

If pretreatment is required, the design and installation of pretreatment equipment and processes shall be subject to review and approval of the Superintendent along with any appropriate state and federal agencies.
- t. Where pretreatment facilities are provided or required for any waters or waste streams, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

- u. When required by the Superintendent, an industrial user shall install a suitable structure together with such meters and other appurtenances as may be necessary to facilitate monitoring, measuring and sampling of any discharges to the public sewer. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner(s) at his expense and shall be maintained by the owner(s) at no cost to the City so as to be safe and accessible at all times.
 - v. The Superintendent may require a user of sewer services to provide any and all information associated with the user's discharge to the public sewer needed to determine compliance with this ordinance.
When the City determines that a user is contributing to the POTW, any of the above enumerated substances in such amounts to interfere with the operation of the POTW, the City shall advise the user of the impact of the contribution on the POTW; develop limitations for such user to correct Interference with the POTW; and take necessary enforcement action.
2. **Federal categorical Pretreatment Standards.** Upon the promulgation of the Federal categorical Pretreatment Standards for a particular industrial category, the federal standard, if more stringent than limitations imposed under this ordinance for sources in that category, shall immediately supersede the limitations imposed under this ordinance. The City shall notify all affected users of the applicable reporting requirements under 40 CFR §403.12.
 3. **Modification of Federal categorical Pretreatment Standards.** Where the City's Wastewater Treatment Plant achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the approval authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of a pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety five percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7(b) of 40 CFR. The City may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements in 40 CFR §403.7 are fulfilled, and prior approval from the approval authority is obtained.
 4. **Specific pollution limitations, local limits.** As required by 40 CFR §403.5(c), the Superintendent shall develop and enforce specific pollutant limits, termed local limits. Local limits shall apply to industrial users that contribute the specific pollutants addressed in the local limits documentation to the POTW. Specific pollutants may include, but not restricted to, arsenic, cadmium, chromium, copper, lead, nickel, mercury, silver, molybdenum, zinc, selenium, cyanide, petroleum by-products and toxic organic compounds. The Superintendent shall periodically review new information and data to revise specific pollutant limits as necessary. Local limits shall be developed and revised using the recommended strategy and policy guidelines set forth by EPA. Local limits shall be included as applicable in wastewater discharge permits issued by the City. Upon completion of the specific pollutant limitations and each subsequent revision thereafter, the Superintendent shall schedule a public hearing on the limitations before the City Council. The hearing shall be public noticed and all permitted industrial users shall be notified in writing ten (10) days before the scheduled hearing. Upon successful completion of the hearing, the special limitations shall be placed on first reading before the council. At the next regularly scheduled council meeting, the special limitations in the local limits documentation shall be placed into second reading and if passed in voting, shall be incorporated into the sewer use ordinance under the section of industrial pretreatment. Individual users shall be limited by the City to prevent the users daily contribution from exceeding the following:

Parameter	Daily Maximum (mg/l)	Parameter	Daily Maximum (mg/l)
Arsenic (T)	0.07	Nickel (T)	3.03
BTEX	0.750	Benzene	0.05
Cadmium (T)	0.08	Selenium (T)	0.21
Chromium (T)	2.93	Silver (T)	3.21
Chromium (+6)	1.53	Zinc, (T)	5.62
Copper (T)	1.46	Oil and Grease	250
Lead (T)	0.54	pH	5.5 – 11.0 SU
Mercury (T)	0.0003	Molybdenum (T)	0.17
Parameter	Daily Maximum Allowable Industrial Load (lbs/day)		
BOD	2,453 a		
TSS	10,514 a		
Ammonia (NH3-N)	140 a		

^a For BOD, TSS, and ammonia, the Daily Maximum Allowable Industrial Load (lbs/day) shall be allocated through Significant Industrial User permits. Total loading to all permitted industrial users shall not exceed limits shown.

5. **State requirements.** State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.
6. **Dilution Prohibition.** No industrial user shall increase the use of process water or in any other manner dilute a discharge as a substitute for adequate treatment to achieve compliance with any Pretreatment Standard or Requirement.
7. **Compliance Schedule.** The Superintendent may require a user to develop a compliance schedule for the installation of control technology to remedy or avoid a violation of the ordinance. (E-633, 09-20-93) (E-643, 01-03-94) (E-674) (E695) (E-702) (99-5)

17.0403: ADMINISTRATION

[\(back to Chapter contents\)](#)

1. All existing categorical and significant users connected to or contributing or proposing to connect or contribute to the POTW and any other industrial user subsequently designated by the Superintendent due to the nature of its discharge shall obtain a City Wastewater Discharge Permit.
2. Industrial users required to obtain a City Wastewater Discharge Permit shall be determined upon the basis of an industrial users survey conducted by the City under the direction of the Superintendent. Existing users required to obtain a City Wastewater Discharge Permit shall be notified by the Superintendent in writing and shall apply for said permit within thirty (30) days of notification. Proposed new users shall apply for said permit if required to do so at least thirty (30) days prior to connecting or contributing to the POTW after this ordinance becomes effective and in force.
3. In support of application for a City Wastewater Discharge Permit, the user shall submit, in units and terms appropriate for evaluation, the following information as required by federal regulations under 40 CFR Part 403:
 - a. Name, address and location;
 - b. SIC number;
 - c. Wastewater constituents and characteristics including, but not limited to, those mentioned in [Section 17.0402](#) of this ordinance as determined by a reliable analytical laboratory; sampling shall be performed in accordance with procedures established by the EPA pursuant to Section 304 of the Act and contained in 40 CFR Part 136, as amended;
 - d. Time and duration of contribution;
 - e. Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if they exist;
 - f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and sewer connections;
 - g. Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;
 - h. The nature and concentration of any pollutants in the discharge which are limited by the city, state or federal pretreatment standards; and a statement signed by an authorized representative of the user and certified by a qualified professional regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operational and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
 - i. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards the shortest schedule by which the user will be able to provide such additional pretreatment. Users on such a schedule are not exempt from enforcement actions. The following conditions shall apply to this schedule:
 - (1) A schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contracts, completing construction, etc.)
 - (2) No increment referred to in the paragraph above shall exceed nine (9) months.

[\(back to Chapter contents\)](#)

- (3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the City including, as a minimum, whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which the user expects to comply with the increment of progress, the reason for the delay, and the steps being taken by the user to return the construction to the schedule established;
 - j. Each product and/or by-product by type, amount, process or processes and rate of production;
 - k. Type and amount of raw materials processed (average and maximum per day);
 - l. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
 - m. List of any environmental control permits held by or for the facility;
 - n. Any other information as may be deemed necessary to evaluate the permit application.
4. A reasonable fee as determined by the Superintendent and the Sewer Committee shall be paid to the City for application for the Wastewater Discharge Permit.
 5. City Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable state and federal regulations.
 6. City Wastewater Discharge Permits shall be issued for a specified time period, not to exceed three (3) years. A user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of a permit may be subject to modification by the Superintendent based upon proposed changes in the users discharge. All permitted users shall inform the Superintendent of any proposed substantial change in volume or character of pollutants in its discharge prior to implementation of the proposed change.
 7. City Wastewater Discharge Permits are to be issued to specific users for specific operations and discharges. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without approval of the Superintendent. Any succeeding owner or user shall comply with all terms and conditions of any permit in force.
 8. If sampling by permitted user indicates a violation, the user must notify the POTW within twenty four (24) hours of becoming aware of the violation. The user must repeat the sampling and submit the results to the POTW within thirty (30) days of becoming aware of the violation.
 9. All wastewater discharge permits issued by the City shall be governed by all applicable federal regulations under 40 CFR Part 403.
 10. All permitted industrial users and the POTW shall keep records of monitoring activities and other records as deemed necessary by the Superintendent for a minimum of three (3) years, or longer in the case of unresolved litigation or if requested by the State or EPA. Any and all such records shall be available for inspection and copying by the POTW.
 11. The Superintendent or his authorized representative, State and EPA representatives, upon the presentation of proper credentials, shall have the authority to inspect the facilities or property of any industrial user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with.
 12. Information and data from any user obtained from reports, questionnaires, permit applications, permits, monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Superintendent and the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance, the City's NPDES Permit, State Permits and/or the Federal Pretreatment Program; provided, however, that such portions of a report shall be available for use by the State and EPA or any State or EPA agency in judicial review or enforcement proceedings involving the person furnishing the report. In any case, wastewater constituents and characteristics shall not be recognized as confidential information.

[\(back to Chapter contents\)](#)

13. The City shall publish, at least annually, in the Watertown Public Opinion a description of those users which are found to be in significant noncompliance, as defined in [Section 17.0101](#) of this ordinance, during the period since the previous publication.
14. Pretreatment Requirements:
 - a. Industrial users shall provide necessary wastewater treatment as required to comply with the most stringent limits of this ordinance; Federal Pretreatment Standards, as established by 40 CFR Chapter I, Subchapter N; State standards and permit conditions; and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations and with any other pretreatment standards by applicable deadlines which may hereafter be promulgated.
 - b. Any facilities required to pretreat wastewater shall be provided, operated and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the POTW for review and approval by the Superintendent. The review and approval of plans and operating procedures does not relieve the industrial user from complying with the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and approved by the Superintendent prior to the industrial user's initiation of the changes.
 - c. The City shall conduct periodic review of Federal categorical Pretreatment Standards and shall incorporate such updated standards as necessary for all applicable industrial users.
15. Analytical Requirements: All analyses, including sampling results submitted in support of any application reports, routine monitoring, evidence or required by any permit or order shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto or, if 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA.
16. City's Right of Revision. The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW than those required by state and federal regulations, if deemed necessary to meet the objectives presented in 17.0401.
17. The Superintendent has the authority to deny or conditionally approve new or increased discharges when such discharges would not meet applicable Pretreatment Standards or requirements or have the potential to cause Interference with the POTW. All categorical and significant industrial users must notify the POTW prior to the release of a changed discharge.
18. All industrial users subject to Federal categorical Pretreatment Standards shall submit a Baseline Monitoring Report to the POTW pursuant to 40 CFR §403.12(b).
19. Permit modifications.
 - a. Within one hundred eighty (180) days of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of the users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a Wastewater Discharge Permit as required, the user shall apply for a permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing permit shall submit to the City within one hundred eighty (180) days after the promulgation of an applicable Federal categorical Pretreatment Standard the information required by paragraphs (h) and (i) of Section 17.0403(3).
 - b. The Superintendent may change the conditions of any wastewater discharge permit as circumstances require to meet all conditions and requirements of the ordinance.
20. Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:
 - a. Statement of duration including issuance and expiration dates;
 - b. Effluent limitations based on the more stringent of categorical Pretreatment Standards, local limits as established by this article, and state and local law;
 - c. General and specific discharge prohibitions as established by [Section 17.0402](#)(1) and (4) of this article;

[\(back to Chapter contents\)](#)

- d. Requirements to pay fees for the wastewater to be discharged to the POTW;
- e. Limitations on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- f. Requirements for installation and maintenance of inspection and sampling facilities;
- g. Requirements and specifications for monitoring programs, including sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- h. Compliance schedules;
- i. Requirements for submission of technical reports, discharge reports or certification statements. These include any reporting requirements contained in a national categorical standards or pretreatment requirement;
- j. Requirements for collecting/retaining and providing access to plant records relating to the user's discharge and for providing entry for sampling and inspection;
- k. Requirements for prior notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater to the treatment system;
- l. Requirements for notification of spills, potential problems to the POTW including slug loads, upsets or violations;
- m. Requirements for installation, operation and maintenance of pollution control equipment;
- n. Requirements to develop and implement spill and slug control plans;
- o. Other conditions as deemed appropriate by the City to ensure compliance with this article, state and federal pretreatment standards and requirements;
- p. Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements;
- q. Statement of non-transferrability;
- r. Conditions for modification or revocation of permit.

21. Reporting requirements.

- a. Upon request of the City, each person who discharges industrial wastes to a public sewer shall prepare within eighty (80) days and file with the City a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the POTW.
- b. Similarly, each person desiring to make a new connection to the public sewer for the purpose of discharging industrial waste shall prepare and file with the City a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
- c. Baseline monitoring reports (BMR) (for categorical dischargers only), compliance date reports and periodic compliance reports:
 - (1) Industrial users subject to national categorical pretreatment standards shall submit baseline reports to the City.
 - (2) Within one hundred eighty (180) days after the effective date of a national categorical pretreatment standard or one hundred eighty (180) days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR §403.6(a)(4), whichever is later, industrial users which are existing sources subject to such categorical pretreatment standards and currently discharging to the POTW shall submit a properly completed BMR.
 - (3) New sources, when subject to a categorical pretreatment standard, shall submit a baseline report at least ninety (90) days prior to commencement of discharge to the POTW.
- d. In support of the BMR, the industrial user shall submit, in units and terms specified in the application, the following information:
 - (1) Name and address of the facility including the name of the operator and owners.
 - (2) List of any environmental control permits held by or for the facility.
 - (3) Brief description of the nature, average rate of production, and standard industrial classification of the operation carried out by the user. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes.
 - (4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (a) Regulated process streams; and

[\(back to Chapter contents\)](#)

- (b) Other streams as necessary to allow the use of the combined waste stream formula of 40 CFR §403.6(e).
 - (5) The industrial user shall identify the national categorical pretreatment standard, applicable to each regulated process and shall submit the information required in 40 CFR §403.12(b)(5).
 - (6) The industrial user shall provide a statement, reviewed by an authorized representative of the user and certified by a qualified professional, indicating whether national categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) or additional pretreatment is required for the user to meet the categorical standard.
 - (7) If additional pretreatment or O&M will be required to meet national categorical pretreatment standards, the user will submit a compliance schedule following the regulations as prescribed in Section 17.0403(3)(i). The completion date in this schedule shall not be later than the compliance date established for the applicable national categorical pretreatment standard.
 - (8) Where the industrial user's categorical standard has been modified by a removal allowance (40 CFR §403.7), or the combined waste stream formula (40 CFR §403.6), or net/gross calculations (40 CFR §403.15), at the time the industrial user submits a BMR the information required in Sections 17.0403(21)(d)(6) and (7) shall pertain to the modified limits.
 - (9) If the categorical standard for the industrial user is modified after the BMR is submitted, the user shall make any necessary amendments to information provided as a response to Sec 17.0403 (21)(d)(6-7) and submit them to the City within sixty (60) days after the modified limit is approved.
22. Compliance date report. Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to categorical pretreatment standards shall submit to the City a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such standards and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards or requirements. Where equivalent mass or concentration limits are established by the City for a user, this report shall contain a reasonable measure of the user's long term production rate. Where a user is subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include the user's actual production during the appropriate sampling period. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.
23. Periodic compliance reports. Any user subject to a categorical pretreatment standard, after the compliance date of such standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the City during the months of June and December, unless required more frequently in the pretreatment standard or by the City, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in the BMR. At the discretion of the City and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the City may agree to alter the months during which the above reports are to be submitted.
- a. The City may impose mass limitations on users which are using dilution to meet applicable Pretreatment Standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the compliance report shall indicate the mass of pollutants regulated by the pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the City, of pollutants contained therein which are limited by the applicable pretreatment standards.
 - b. For industrial users subject to equivalent mass or concentration limits established by the City in accordance with the procedures in 40 CFR §403.6(c), the compliance report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the compliance reports shall include the user's actual average production rate for the reporting period.

- c. Significant noncategorical industrial users shall submit to the City at least once every six (6) months (on dates set by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority.
24. Self-monitoring requirements. The reports required by this article shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that 40 CFR Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical procedures, including procedures suggested by the City or other persons approved by the administrator. This sampling and analysis may be performed by the City in lieu of the user. Where the City itself collects all the information required for the report, the significant industrial user will not be required to submit the periodic compliance reports.
- a. If sampling performed by an industrial user indicates a violation, the user shall notify the City within twenty four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation, except if the user is not required to resample if the City performs sampling at the users at a frequency of at least once per month; or performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.
 - b. The periodic compliance reports shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The City shall determine the frequency of monitoring which is necessary to assess and assure compliance by industrial users with applicable Pretreatment Standards and requirements.
 - c. If an industrial user subject to the reporting requirement in this section monitors any pollutant more frequently than is required by the City, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.
 - d. All reports described in this section shall include the certification statement as set forth in 40 CFR §403.6 (a)(2)(ii), and shall be signed by an authorized representative.
25. Inspection and sampling. The City shall inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. SIU s will be sampled and inspected at least annually. Persons or occupants of the premises where wastewater is created or discharged shall allow the City, State, EPA, or their representative, ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, and copying or in the performance of any of their duties. The City, approval authority (where the state is the approval authority) and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into the facility, the user shall make the necessary arrangements with their security personnel so that upon presentation of suitable identification, personnel from the City enter, without delay, for the purposes of performing their specific responsibilities.
- a. Waste sampling. Industrial wastes discharged into the sewer system shall be subject to periodic inspection and determination of character and concentration of said wastes. The determination shall be made as often as may be deemed necessary by the City.
 - b. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the City.
 - c. Installation, operation and maintenance of sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the City. Access to sampling locations shall be granted to the city, state and the EPA at all times. Every care shall be exercised in the collection of samples to insure their preservation in a state comparable to that at the time the sample was taken.
 - d. Monitoring facilities. If deemed necessary by the City, each user shall construct and maintain one or more control manholes or access points to facilitate sampling of the user's wastes, including domestic wastes. These access points or manholes shall be maintained by the user so as to be in safe condition, accessible and in proper operating condition at all times. Plans for the installation of the control manholes shall be approved by the City prior to the beginning of construction. Construction shall be completed within ninety (90) days following written notification by the City that the manholes must be installed. (E-633, 09-20-93) (E-643, 01-03-94) (E-674)

17.0404: SPILL PREVENTION AND SLUG CONTROL PLANS

[\(back to Chapter contents\)](#)

1. All industrial users which have the potential or possibility of accidental discharge of spilled materials which may interfere with the POTW shall develop spill prevention plans. Facilities necessary to implement such plans shall be provided and maintained at the owner(s) expense. Spill prevention plans, including the facilities and operating procedures shall be approved by the Superintendent before construction of any facilities.
2. Industrial users that store hazardous substances that have the potential to enter the wastewater collection system shall not contribute to the POTW after the effective date of this ordinance unless a spill prevention plan has been approved by the POTW. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage and transportation of hazardous substances.
3. The POTW shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary, to determine whether such users need a plan to control slug discharges. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
 - a. A description of discharge practices, including non-routine batch discharges;
 - b. A description of stored chemicals;
 - c. A procedure for immediately notifying the POTW of a slug discharge, including any discharge that would violate a prohibition under [Section 17.0105](#), with procedures for follow-up written notification within five (5) days;
 - d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response. (E-633, 09-20-93) (E-674)

17.0405: NOTIFICATION

[\(back to Chapter contents\)](#)

1. In the case of any discharge in violation of this ordinance or permit conditions, and in case of any discharge that could cause Interference to the POTW, including any slug loadings, the industrial user shall immediately notify the POTW of the discharge by telephone. The notification shall include:
 - a. The date, time, location and duration of the discharge
 - b. The type of waste involved, including concentration and volume
 - c. Any corrective actions taken by the user.
2. Within five (5) days following such a discharge the user shall submit a written report describing the cause of the discharge and the measures that will be taken by the user to prevent similar future discharges.
3. Such notification shall not relieve the user of any expense, loss, damage or any other liability resulting from the discharge.
4. All categorical and significant industrial users shall notify the POTW prior to any substantial change in the volume or character of pollutants in their discharge to the City.
5. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a dangerous discharge. Employers shall insure that employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
6. Users shall retain and make available upon request of authorized representatives of the City, State or the EPA all records collected by the user pursuant to this ordinance or any permit or order issued pursuant to this article. These records shall remain available for a period of at least three (3) years after their collection. This period shall be extended during any litigation concerning compliance with this ordinance or permit conditions.
7. Any industrial user, except as specified below, which discharges to the POTW any substance which, if otherwise disposed of, would be listed or characteristic of hazardous waste under 40 CFR Part 261, shall notify the POTW in writing of such discharge. All hazardous waste notifications shall include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, the type of discharge and a certification that the user has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical. In addition to the information

submitted above, industrial users discharging more than one hundred (100) kilograms of hazardous waste per calendar month to the POTW shall submit a report that contains (to the extent such information is known and readily available to the industrial user) the following:

- a. An identification of the hazardous waste constituents present in the waste;
- b. An estimate of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
- c. An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.

Industrial users are exempt from the hazardous waste notification requirements during a calendar month in which they discharge fifteen (15) kilograms or less of nonacute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR §261.20(d) and §261.33(e) requires a one-time notification. (E-633, 09-20-93) (E-643, 01-03-94) (E-674)

17.0406: FEES

[\(back to Chapter contents\)](#)

1. The City may adopt pretreatment fees to be charged to industrial users to generate sufficient revenue to operate and maintain any and all aspects of an industrial pretreatment program. Such fees may be adopted by resolution of the City Council based upon figures and recommendations provided by the Superintendent. The Superintendent shall use such factors as volume and rate of discharge, strength, waste characteristics and any other pertinent data as may be available to proportion any such costs in an equitable manner among the industrial users.
2. Pretreatment fees, if adopted, shall be listed and included as a separate billing item on the industrial users utility bill subject to the same penalty conditions and termination of service as spelled out in [Section 17.0201\(5\)](#). (E-633, 09-20-93)

17.0407: ADMINISTRATIVE ENFORCEMENT REMEDIES

[\(back to Chapter contents\)](#)

1. **Notification of violation.** Whenever the City finds that any user has violated or is violating this ordinance, or a wastewater discharge permit or order issued hereunder, the City may serve upon said user written notice of the violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and prevention thereof, to include specific required actions, shall be submitted to the City. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.
2. **Consent orders.** The City is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include compliance schedules, stipulated fines or remedial actions, and signatures of the City and industry representatives. Consent orders shall have the same force and effect as administrative orders issued pursuant to Section 17.0407(4) below.
3. **Show cause order.** The City may order any user which causes or contributes to a violation of this ordinance, wastewater discharge permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. The notice of meeting shall be served personally or by registered mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified industrial user appears as noticed, enforcement action may be pursued as appropriate.
4. **Compliance Order.** When the City finds that a user has violated or continues to violate this ordinance or a permit or order issued thereunder, the Superintendent may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated, and compliance is achieved. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.
5. **Cease and desist orders.** When the City finds that a user has violated or continues to violate this ordinance or any permit or order issued hereunder, the City may issue an order to cease and desist all illegal or unauthorized-authorized discharges immediately.
 - a. In an emergency, the order to cease and desist may be given by telephone.

- b. In non emergency situations, the cease and desist order may be used to suspend or permanently revoke wastewater discharge permits.
 - c. The cease and desist order may order the user to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting the operations and terminating the discharge.
6. **Administrative fines.** Notwithstanding any other action in this ordinance, any user who is found to have violated any provisions of this ordinance or permits or orders issued hereunder, shall be fined in an amount not to exceed one thousand dollars (\$1,000) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessment may be added to the user's next scheduled municipal utility bill.
7. **Emergency suspensions.** The City may suspend the wastewater treatment service and/or wastewater discharge permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW or the environment. Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City shall allow the user to recommence its discharge when the endangerment has passed, unless, the termination proceedings set forth below are initiated against the user. A user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the cause of the harmful contribution and the measures taken to prevent any further occurrence to the City within five (5) days of the occurrence.
8. **Termination of permit.** As deemed necessary by the City, users proposing or currently discharging to the POTW must obtain a wastewater discharge permit from the City. Any user who violates the following conditions of this ordinance or a wastewater discharge permit or order or any applicable state and federal law, is subject to permit termination:
- a. Violation of permit conditions;
 - b. Failure to accurately report the wastewater constituents and characteristics of the user's discharge;
 - c. Failure to report significant changes in operations or wastewater constituents and characteristics;
 - d. Refusal of reasonable access to the user's premises for the purposes of inspection, monitoring or sampling.

Noncompliant users will be notified of the proposed termination of their wastewater discharge permit and be offered an opportunity to show cause why the proposed action should not be taken. (E-633, 09-20-93) (E-643, 01-03-94) (E-674)

17.0408: JUDICIAL REMEDIES

[\(back to Chapter contents\)](#)

- 1. **Legal relief.** If any person discharges sewage, industrial wastes or other wastes to the POTW contrary to the provisions of this chapter or any order or permit issued hereunder, the City, through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the circuit court for the county.
- 2. **Injunctive relief.** Whenever a user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the City through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user.
- 3. **Civil penalties.** Any user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the City for a civil penalty of not more than one thousand dollars (\$1,000) plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the City may recover reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling, monitoring and analysis expenses. The City shall petition the court to impose, assess and recover such sums. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of the harm caused by the violation, the magnitude and duration, any economic benefit gained by the user, the compliance history of the user, and any other factors as justice requires.
- 4. **Criminal prosecution.** Any user who willfully or negligently violates any provisions of this chapter or any orders or permits issued hereunder, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine

not to exceed one thousand dollars (\$1,000) per violation per day or imprisonment for not more than one (1) year, or both. Any user who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000) per violation per day or imprisonment for not more than one (1) year, or both. (E-633, 09-20-93) (E-643, 01-0394)

[\(back to Chapter contents\)](#)

Chapter 17.05
HAULED WASTEWATER

Section

[\(back to Title contents\)](#)

[17.0501 General Provisions](#)

[17.0502 Spills](#)

[17.0503 Liquid Waste Disposal Coupon](#)

[17.0504 Prohibited Dumping Or Discharge](#)

[17.0505 Vehicle Inspection](#)

[17.0506 Liquid Waste Vehicle Specifications and Maintenance Requirements](#)

17.0501: GENERAL PROVISIONS

[\(back to Chapter contents\)](#)

1. It is unlawful for any person, corporation, residence, commercial establishment, industry or institution to engage in the practice of pumping, hauling or disposing of liquid waste in the City, unless a current license issued by the City is held to engage in such practice.
2. An application for a liquid waste hauler's license shall be submitted to the City Council. Any license issued pursuant to the provision of this title shall be issued by the Finance Officer and is subject to the following conditions:
 - a. The license shall expire on December 31 following its date of issuance.
 - b. It shall be the duty each year of every liquid waste hauler to secure a license on or before the first day of January.
 - c. The annual license fee shall be established by resolution of the City Council with full charge being made without regard to the time during said year when said license is issued.(Ord 10-27; Rev 11-12-10)
 - d. The license shall not be transferable. Changes in ownership shall require the approval of a new application and the purchase of a new license, which may be secured by making proper application and payment of the proper license fee as hereinbefore provided.
 - e. The licensee shall furnish proof of liability insurance for public liability and property damage and for bodily injury or death growing out of any one accident or any other cause in a minimum sum of two hundred fifty thousand dollars (\$250,000) for one person, with an annual aggregate limit of five hundred thousand dollars (\$500,000) for two or more persons; and in addition, shall provide damage liability insurance in a minimum of one hundred thousand dollars (\$100,000) for property damage growing out of any one accident or other cause or, as an alternative, provide combined limit for bodily injury or death or property damage in the sum of five hundred thousand dollars (\$500,000).
 - (1) Such public liability and property damage insurance shall protect against loss from liability imposed by law for damages on account of bodily injury, including death resulting therefrom, suffered or alleged to have been suffered by any person whatsoever, resulting directly or indirectly from any act or activity of the licensee or any person acting for the licensee or under the licensee's control or direction and also to protect against loss from liability imposed by law for damages to any property of any person, caused directly or indirectly by acts or activities of the licensee or any person acting for the licensee or under the licensee's control or direction.
 - (2) The policy required by this subsection shall contain a provision requiring that the Finance Office be provided with thirty (30) days advance notice, in writing, of cancellation or material change in the policy. In the event of cancellation or material change in the liquid waste hauler's policy, the permit shall be suspended until such time as the transporter can again secure appropriate coverage.
 - f. All liquid waste haulers shall be bonded in an amount of at least twenty five thousand dollars (\$25,000), indemnifying the public against damages sustained by reason of any spill, dumping, or discharge of any liquid waste, hazardous waste, or incompatible waste within the jurisdictional limits of the City. Proof of bonding shall be filed with the Finance Office prior to issuance of a license.
 - g. The license is subject to denial or revocation for violation by the licensee of any applicable provision of this title, state law or wastewater system ordinance.
 - h. The license required by this section for liquid waste haulers shall not apply to vehicles owned by the City.
3. If any substances or liquid wastes are discharged, or are proposed to be discharged at a disposal station designated by the POTW which are capable of or have the potential of causing Interference or pass through to the POTW or which create or have the potential to create a hazard to workers or which would otherwise

violate or have the potential to violate any standards for receiving waters imposed by state and federal agencies, the Superintendent may:

- a. Reject the substance(s) or any part thereof;
 - b. Require pretreatment to an acceptable condition for disposal;
 - c. Require control over the quantities and rates of disposal;
 - d. Require an increase in sewer charges of the discharger to cover the added cost of handling and treating the substance(s); and/or
 - e. Require any combination of the above.
4. The Superintendent may require site specific liquid wastes to be hauled separately by liquid waste haulers.

17.0502 SPILLS

[\(back to Chapter contents\)](#)

1. In the event of a spill during collection or transport, the transporter shall immediately telephone the City POTW at the telephone number listed on their license. Failure to properly notify the appropriate authorities of a spill and take such action as required by said authorities shall constitute a violation. Such notification shall not relieve the liquid waste hauler of any expense, loss, damage or other liability resulting from the spill. Notifications made pursuant to this section shall, at a minimum, provide the following:
 - a. The time the discharge occurred;
 - b. The location of the discharge;
 - c. The type of waste discharged (including its concentration, volume, known dangerous characteristics, etc.).
 - d. Any corrective actions including diking, if any, taken by the liquid waste hauler;
 - e. Any other condition, factors or circumstances that would indicate any need for expeditious, specialized or unique response to the discharge.
2. The transporter shall take any and all action as may be required by local, state, or federal officials having jurisdiction so that the discharge will not present a public health or environmental hazard. Such action may include diking, vacuuming, flushing, applying chemical agents or otherwise neutralizing the discharge. The transporter shall also take any actions to protect against reoccurrence of a spill.

17.0503 LIQUID WASTE DISPOSAL COUPON

[\(back to Chapter contents\)](#)

1. A completed liquid waste disposal coupon shall be presented to the disposal site operator at the time of disposal. The liquid waste disposal coupon shall reference the licensed liquid waste hauler number issued by the City for that vehicle.
2. The charge for a liquid waste disposal coupon shall be set by resolution of the City Council and such rates shall be effective from and after publication date of the resolution.
3. The charge for the liquid waste disposal coupon shall not be reduced if the volume of liquid waste hauled to the POTW for disposal is less than the maximum volume of liquid waste able to be hauled by the vehicle. (Ord 07-02; Rev 03-20-07)

17.0504 PROHIBITED DUMPING OR DISCHARGE

[\(back to Chapter contents\)](#)

1. The dumping or discharge of liquid waste into the sanitary sewer system of the City, other than at a disposal station designated by the POTW, is prohibited.
2. The dumping or discharge of hazardous wastes or incompatible wastes into the sanitary sewer system of the City is prohibited.
3. Intentionally providing false or inaccurate information on the liquid waste disposal coupon required in this chapter is prohibited.
4. The dumping or discharge of the above prohibitions shall subject the liquid waste hauler and/or the liquid waste generator to one or more of the administrative enforcement remedies and penalties listed in [Section 17.0407](#) and [Chapter 17.99](#). The liquid waste hauler license may also be revoked for the dumping or discharge of the above prohibitions.

17.0505 VEHICLE INSPECTION

[\(back to Chapter contents\)](#)

1. Prior to the issuance of a license, the City shall require the applicant to submit, for inspection by the POTW, each vehicle which will be utilized to pump, haul or dispose of liquid waste. The Superintendent or his duly authorized representative shall determine if the vehicle is constructed in accordance with Section 17.0506 of the Revised Ordinances of the City of Watertown and the tanks, valves, and hoses on the vehicle are in good repair, prior to license issuance.
2. In addition to the initial inspection prior to the issuance of a license, the Superintendent or his duly authorized representative is hereby authorized to re-inspect the vehicles periodically in order to observe that the vehicles are generally maintained in good repair so as not to constitute a public health hazard under the provisions of this chapter. These inspections may take place at any reasonable and safe location during normal business operation hours.

17.0506 LIQUID WASTE VEHICLE SPECIFICATIONS AND MAINTENANCE REQUIREMENTS

[\(back to Chapter contents\)](#)

1. All licensed liquid waste hauler's vehicles must at all operational times conform to the vehicle specifications and maintenance requirements in Sections 17.0506(2) and 17.0506(3). Each instance of failure to do so shall constitute a separate violation.
2. Vehicle specifications.
 - a. The vehicle must be equipped with tank(s) that are firmly and securely attached to the primary structure of the vehicle in such a manner as to assure that the tank(s) will not loosen or dislodge during the transport of liquid wastes.
 - b. All piping, valves, and connectors shall be permanently attached to the tank(s) and/or vehicle.
 - c. The tank(s) must be liquid tight.
 - d. The tank(s) must be constructed so that every interior and exterior portion can be thoroughly cleaned.
 - e. All piping, valves, and connections shall be accessible and easy to clean.
 - f. The inlet, or the opening of the tank(s), shall be constructed and located so that collected waste shall not spill during filling, transfer or transport.
 - g. Outlet connections shall be constructed so that no liquid waste shall discharge, leak, run or spill out from the tank(s).
 - h. Outlets are to be of a design and type suitable for the liquid waste to be safely removed and be capable of controlling outflow without discharge, spillage, spray, or flooding of immediate surroundings while in use.
 - i. Pumps, valves, cylinders, diaphragms and other appurtenances shall be of a design and type suitable for the liquid waste to be safely loaded, transported and removed, be capable of operation without discharge, spillage, spray or leakage, and be easily disassembled for cleaning.
 - j. Each licensed vehicle of the liquid waste hauler shall permanently display on the front bumper, the licensed liquid waste hauler number issued by the City for that vehicle.
3. Maintenance requirements. A liquid waste hauler shall:
 - a. Maintain hoses, tanks, valves, pumps, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good operation and repair and free from leaks.
 - b. Provide a safety plug or cap for each inlet and outlet tank valve.

Chapter 17.06
REGULATION OF UNPOLLUTED WATER AND SUMP PUMP DISCHARGE

Section

[17.0601 Applicability](#)

[17.0602 Prohibitions](#)

[17.0603 Exceptions Granted](#)

[\(back to Title contents\)](#)

17.0601: APPLICABILITY

[\(back to Chapter contents\)](#)

Notwithstanding any contrary provision of this code, the provisions of this chapter shall be deemed to apply to any discharge of unpolluted water, including, but not limited to, storm water, sump pump water, surface water, ground water, roof runoff, subsurface drainage or cooling water.

17.0602: PROHIBITIONS

[\(back to Chapter contents\)](#)

Unpolluted water, as defined in [Section 17.0101](#), shall be discharged to such sewers as are specifically designated as storm sewers, to the curb and gutter of the street or alley, or to such other natural outlet approved by the City. Unpolluted industrial cooling water or process water may be discharged, on approval of the City Engineer or his designee, to a storm sewer or natural outlet. Groundwater or sump water, collected by building subdrains must discharge to the ground surface outside of the building, a storm drain, a sump pump collection system, or a natural outlet. No sump pump discharge to the ground surface shall create a hazard or a nuisance, including but not limited to: ice accumulation on city streets, alleys, and sidewalks; damaging a city street or sidewalk; creating ponds of standing water or algae; depositing on the asphalt surface of a street or alley when a concrete curb and gutter is available to receive such discharge; or flowing over adjoining property. (Ord 17-28; Rev 07-14-17)

17.0603: EXCEPTIONS GRANTED

[\(back to Chapter contents\)](#)

The City Engineer, or his designee, is authorized to grant a seasonal variance permitting the discharge of unpolluted water to the sanitary sewer. Any such variance will be granted in writing and shall be limited to such duration and such discharges as may occur during winter months to minimize and prevent freezing conditions. (Ord 11-02; Add 03-18-11)

Chapter 17.99
PUNISHMENT

Section

[17.9901 Penalties](#)

[17.9902 Validity](#)

[17.9903 Ordinance in Force](#)

[\(back to Title contents\)](#)

17.9901: PENALTIES

[\(back to Chapter contents\)](#)

1. Any person found violating any provision of this ordinance except [Section 17.0105](#), shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within a period of time stated in such notice, permanently cease all violations.
2. Any person who shall continue any violation of this ordinance except for [Section 17.0105](#), beyond the time limit provided for in Subsection 1, shall be guilty of a misdemeanor, and on conviction thereof shall be punishable by a fine not to exceed one thousand dollars (\$1000) per day per violation or subject to imprisonment for up to one (1) year or both. Each day in which any said violation shall continue shall be deemed a separate offense.
3. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss or damage occasioned to the City by reason of the violation. (E-633, 09-20-93)

17.9902: VALIDITY

[\(back to Chapter contents\)](#)

1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
2. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts. (E-633, 09-20-93)

17.9903: ORDINANCE IN FORCE

[\(back to Chapter contents\)](#)

This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law. (E-633, 09-20-93)

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TITLE 18

STREETS AND PUBLIC WAYS

Chapter

[\(back to Table of Contents\)](#)

18.01	General Provisions
18.02	Street Widths
18.03	Sidewalks, Curbs and Gutters
18.04	Building - Numbering
18.05	Railroads
18.98	Cross-References
18.99	Punishment

Chapter 18.01
GENERAL PROVISIONS

Section

[\(back to Title contents\)](#)

- [18.0101 Parking Restrictions](#)
- [18.0102 Vehicle may be Removed; Cost, Etc.](#)
- [18.0103 No Burning on Surfaced Streets](#)
- [18.0104 No Petroleum Products on Paving](#)
- [18.0105 Poles in Streets](#)
- [18.0106 Conduits Required for Wires](#)
- [18.0107 Engineer has Supervision](#)
- [18.0108 Duties of Superintendent of Streets](#)
- [18.0109 Installation of Streets and Related Items](#)

18.0101: PARKING RESTRICTIONS

[\(back to Chapter contents\)](#)

1. No owner, or person in possession or control of a motor vehicle or other vehicle of any kind, including trailers, whether motorized or non-motorized, shall be parked or remain upon any public roadway when two (2) inches or more of snow has accumulated, or when a Snow Emergency has been declared by the City Manager or their designee. Parking may resume after such roadways have been plowed from curb to curb or edge to edge. A Snow Emergency may be declared for the entire City or portions thereof as defined by the City Manager or their designee. (E-506) (Ord 04-05; Rev 06-16-04)(Ord 23-24, Rev 12-15-23)
2. Except as provided below, no motor vehicle or other vehicle of any kind, including trailers, whether motorized or non-motorized, shall be parked or remain upon any street or avenue right-of-way in any one location within the limits of this City for a period of time exceeding twenty four (24) consecutive hours, and thereafter, such parked vehicle must be moved a minimum distance of fifty (50) feet from that location before being allowed to park for an additional twenty four (24) hour period. Commercial trailers of those contractors actively performing improvements to real property are exempt from the above provision so long as the trailer is parked at a street location immediately abutting said property and the trailer does not pose a threat to public safety. (E-506; E-544-1) (Ord 04-05; Rev 06-16-04) (Ord 17-22; Rev 07-14-17) (Ord 17-40; Rev 10-13-17) (Ord 18-24; Rev 12-14-18)
3. No semi-tractor, semi-trailer, watercraft trailer, or camper/RV shall be parked upon any street, boulevard, alley or public place in a residential district, except for the purpose of loading and unloading merchandise generally or the personal property of an abutting resident, and in such cases only for a reasonable length of time to load and unload, and in a reasonable location that does not pose a threat to public safety. (E-474-1) (Ord 17-22; Rev 07-14-17) (Ord 18-24; Rev 12-14-18)
4. No motor vehicle or other vehicle of any kind, including trailers, whether motorized or non-motorized, shall be parked upon any boulevard at any time unless permission therefore has been granted by an official city agency, or when two (2) inches or more of snow has accumulated, or when a Snow Emergency has been declared. Once the adjacent roadway has been cleared of snow, motor vehicles, or vehicles of any kind must be removed from the boulevard within 24 hours. (E-544-1) (Ord 18-24; Rev 12-14-18) (Ord 23-24, Rev. 12-15-23)
5. For residential areas adjacent to Lake Kampeska or Lake Pelican:
 - a. No motor vehicle or other vehicle of any kind including trailers, whether motorized or non-motorized, shall be parked within three (3) feet of the white fog line painted on the road; and
 - b. No motor vehicle or other vehicle of any kind, including trailers, whether motorized or non-motorized, shall be parked on any sidewalk/recreational trail or any portion of the roadway designated as such. (Ord 17-22; Rev 07-14-17) (Ord 18-24; Rev 12-14-18)
6. Declaration of Snow Emergency. When the City Manager or their designee determines that snow removal from public roadways is necessary, a Snow Emergency will be declared. Such declaration will be announced through the City's standard Public Service Announcement procedures and will initiate all necessary plowing and roadway surface treatments and associated parking restrictions as described in City Ordinances and policies. (Ord 23-24, Add 12-15-23)

18.0102: VEHICLE MAY BE REMOVED; COST, ETC.

[\(back to Chapter contents\)](#)

1. Any motor vehicle or other vehicle which is in any such street or avenue contrary to the provisions of Section 18.0101 hereof may be removed by an authorized removal agency and the fee for such removal shall be taxed against the owner of such vehicle by the entity or agency which causes the vehicle to be removed as a cost to cover the expense of removing the motor vehicle or other vehicle. Neither the City nor any other person shall incur liability for any damage to any motor vehicle or other vehicle removed, provided reasonable care is used. (E-544) (Ord 04-09; Rev 07-30-04)
2. The Police Department may remove or cause to be removed any vehicle found in violation of the provisions of Section 18.0101. The costs of such removal shall become a possessory lien under state law, and the City may exercise its rights thereunder. The Police Department may issue a citation in lieu of removal. (E-288-1) (E-706) (Ord 04-09; Rev 07-30-04)

18.0103: NO BURNING ON SURFACED STREETS

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to burn any trash, lumber, leaves, grass, straw or other material of any kind upon, or to light or have a fire of any kind upon, or to allow any gasoline upon, or to place any dirt, trash or any other kind of material upon any street, avenue or alley in said City upon which a wearing surface of any kind has been constructed. (C-103-2)

18.0104: NO PETROLEUM PRODUCTS ON PAVING

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to willfully deposit, leave or allow the depositing or dripping of any gasoline, naphtha or like products of similar properties, upon any asphaltic pavement or asphaltic concrete pavement or upon the pavement in or on any street paved therewith, or which may hereafter be paved with such asphalt or asphaltic concrete. (301)

18.0105: POLES IN STREET

[\(back to Chapter contents\)](#)

No person shall erect, place or set or cause the same to be done, any sign post, telephone or telegraph pole or post or erect or suspend any telephone or telegraph or other wire or rope for any purpose upon, along, over or across any street, alley, highway, sidewalk or public grounds without first having obtained the consent or authority of the City Council so to do. (285)

18.0106: CONDUITS REQUIRED FOR WIRES

[\(back to Chapter contents\)](#)

All wiring shall be underground in areas so designated by the City Engineer. (E-506)

18.0107: ENGINEER HAS SUPERVISION

[\(back to Chapter contents\)](#)

The City Engineer shall superintend in person and carefully watch the improvements of all streets, sidewalks, sewers, culverts and plumbing when attached, or to be attached to the sewers, and see that the same are done in conformity with the contract and the ordinance or resolution of the City authorizing the same to be done, and shall have general supervision of the whole construction of cement walks, driveways, streets, alley crossings, curbs or gutters, and shall establish the grades of the same subject at all times to the approval of the City Council. All grades heretofore established shall continue as so established unless and until changed in accordance with the provisions of this section. (260)

18.0108: DUTIES OF SUPERINTENDENT OF STREETS

[\(back to Chapter contents\)](#)

It shall be the duty of the Superintendent of Streets, under direction of the City Council or its committee on streets and alleys, to have the charge and control of all sidewalks, streets, highways, bridges and public grounds of the City. He shall inspect, maintain, watch over and keep the same in good repair for the City, and cause to be removed therefrom all impediments and obstructions, guard against all openings or pitfalls, or other dangerous places in the streets or alleys of said City, and to see that the same are in suitable condition for the use of the public, and shall employ from time to time such help and assistance as is necessary to so care for and protect such streets, alleys and public grounds and shall at the end of each month, or more often if required by the City Council, report to them the current expenses from time to time in such improvement. (261)

18.0109: INSTALLATION OF STREETS AND RELATED ITEMS

[\(back to Chapter contents\)](#)

1. Any developer of residential, commercial or industrial property shall be responsible for the preparation and installation of any required streets, alleys, sidewalks, curbs and gutters. Any construction or development must meet standards established by the Street Committee of the City Council and on file in the office of the City Engineer. Any such standards shall be subject to modification by the full Council. Unless waived by the Street Committee and the Municipal Utilities, water and sewer services shall be stubbed in to the property line of each lot before any blacktop shall be laid.
2. The developer may install such improvements or at the discretion of the City the Street Department may do some or all of the work at rates to be established by the City and agreed to between the City and the developer. If mutually agreed, municipal financing (including bonds) and assessments therefore may be used for any project.
3. When any such work is done by the developer, it shall be done only after an agreement in writing has been approved by the City Council upon recommendations of the City Engineer and City Attorney. (E-265-1) (E-506)

Chapter 18.02
STREET WIDTHS

Section

18.0201 Roadway Widths

[\(back to Title contents\)](#)

18.0201: ROADWAY WIDTHS

Street widths in existing areas and plats shall conform to the subdivision regulations of Title 24; however, the City Engineer may vary those requirements if necessary to conform to existing street layouts. (E-506)

Chapter 18.03
SIDEWALKS, CURBS AND GUTTERS

Section

[\(back to Title contents\)](#)

- [18.0301 Grades Fixed](#)
- [18.0302 Above Curb Grade](#)
- [18.0303 Wooden Sidewalks Prohibited](#)
- [18.0304 Protected Against Frost and Injury](#)
- [18.0305 Injuring Cement Work Before Opened to Travel](#)
- [18.0306 City Engineer Must Approve](#)
- [18.0307 Water Boxes Projecting](#)
- [18.0308 Merchandise on Sidewalk](#)
- [18.0309 Rubbish on Sidewalk](#)
- [18.0310 Snow and Ice - Nuisance](#)
- [18.0311 Snow and Ice - Owner Must Remove](#)
- [18.0312 Snow and Ice - Cost of Removal,-Charged](#)
- [18.0312A Removing Snow From Private Property To Certain Streets, Parking Lots Prohibited](#)
- [18.0313 Curb and Sidewalk Combination Prohibited](#)
- [18.0314 Curb and Gutter Requirements](#)
- [18.0315 Replacement of Sidewalks](#)
- [18.0316 Repair of Sidewalks](#)

18.0301: GRADES FIXED

[\(back to Chapter contents\)](#)

The sidewalk grade and grades for sidewalks on all streets where the grade of the street has been established by ordinance and according to profiles on file in the office of the City Engineer, are hereby established, and the said sidewalks are fixed at three inches above the curb grade as established by such profiles and street grades. (308)

18.0302: ABOVE CURB GRADE

[\(back to Chapter contents\)](#)

Upon the proper establishment and fixing of any street grades and curb grades by ordinance and the filing of profiles in the office of the City Engineer hereafter, the sidewalk grades are hereby established and fixed on said streets to be three inches above the curb grade. (309)

18.0303: WOODEN SIDEWALKS PROHIBITED

[\(back to Chapter contents\)](#)

All sidewalks hereafter built in this City shall be built of concrete according to the specifications hereinafter referred to in this chapter, and the building of wooden sidewalks is hereby prohibited. (312)

18.0304: PROTECTED AGAINST FROST AND INJURY

[\(back to Chapter contents\)](#)

The sidewalks, driveways, street and alley crossings, curbs and gutters, while being laid and constructed, shall be protected (by the contractor) from injury by rain or frost or any other cause, and shall be not opened for travel until permission is obtained from the City Engineer or superintendent of construction. (323)

18.0305: INJURING CEMENT WORK BEFORE OPENED TO TRAVEL

[\(back to Chapter contents\)](#)

No person shall walk or drive on any of the sidewalks, alley and street crossings, driveways, curbs and gutters, or do any damage to same before they are opened to travel. (324)

18.0306: CITY ENGINEER MUST APPROVE

[\(back to Chapter contents\)](#)

Sidewalks shall be required for all new construction after the effective date of this ordinance. When constructed, all sidewalks shall be in accordance with the following regulations: (E-523-1)

1. All materials used and workmanship employed in the building of concrete sidewalks, driveways, street and alley crossings, curbs and gutters, shall conform to specifications on file in the office of the City Engineer. The City Engineer shall have general supervision of all such construction.
2. Forty eight (48) hours before commencing construction of any concrete sidewalk, alley or street crossing, driveway, curbs or gutters, the City Engineer shall be notified of the time and place where any such work shall be done. All concrete sidewalks, alley and street crossings, driveways, curbs or gutters, shall be laid and built to conform to the line, form and grade furnished and set by the City Engineer and not otherwise. (325)

18.0307: WATER BOXES PROJECTING

[\(back to Chapter contents\)](#)

No person shall erect or maintain any water boxes or other structure which shall project above the surface of any sidewalk in this City. (330)

18.0308: MERCHANDISE ON SIDEWALK

[\(back to Chapter contents\)](#)

No person shall place any goods or merchandise for sale or exhibition upon any sidewalk, or suspend any goods over the same for show, or deposit thereon, or cause to suffer to be deposited thereon any other material or items not permitted by the City, except that in a commercial zone, merchandise shall be allowed for sale or exhibition during "Crazy Days" or other City wide promotions authorized by the Watertown Chamber of Commerce or the City of Watertown and in addition any business may have displays on a sidewalk or exhibition for sale for not to exceed ten (10) days in any year other than Crazy Days or other authorized promotions.

18.0309: RUBBISH ON SIDEWALK

[\(back to Chapter contents\)](#)

It shall be unlawful for any person or the owner or occupant of any lot or lots or private grounds abutting on any public sidewalk, to allow any mud, rubbish, debris or obstruction to be or remain on such sidewalk or along such abutting sidewalk for more than twelve (12) hours. (345)

18.0310: SNOW AND ICE – NUISANCE

[\(back to Chapter contents\)](#)

Snow and ice permitted to gather and remain upon the sidewalk of this City are dangerous to the safety of its citizens and others using said sidewalks and are hereby declared a public nuisance. (347)

18.0311: SNOW AND ICE - OWNER MUST REMOVE

[\(back to Chapter contents\)](#)

The owner or occupant of any building or ground within this City fronting upon or adjoining any street where a sidewalk exists in front of or adjoining said premises so owned or occupied, and the owner of any unoccupied building or lot fronting or adjoining any sidewalk as aforesaid, shall clear the sidewalk in front of, or adjoining, such building and ground and unoccupied buildings and lots as the case may be of snow or ice to the width of the sidewalk within twenty four (24) hours after the same shall have formed. (348)

18.0312: SNOW AND ICE - COST OF REMOVAL, CHARGED

[\(back to Chapter contents\)](#)

If the owner or occupant of any building or lot as herein mentioned fails or neglects to remove said snow or ice from such sidewalk for a period of twenty four (24) hours after the same shall have formed, then the Superintendent of Streets or any other officer of this City may proceed and remove the same and the City shall pay the expenses of removing such snow and ice and said amount so paid shall be reported to the Finance Officer and be charged against the abutting property from which the snow or ice was removed or it may be collected by suit against the owner or occupant of said lot or building. (349)

18.0312A: REMOVING SNOW FROM PRIVATE PROPERTY TO CERTAIN STREETS, PARKING LOTS PROHIBITED

[\(back to Chapter contents\)](#)

1. No person or corporation shall cause snow or ice to be removed from private property and deposited on a public street; or public parking lot from which the Street Department customarily removes snow or ice.
2. No person in possession or control of property shall deposit, or cause to be deposited, snow or ice from their premises anywhere on a public street or municipal parking lot except:
 - a. On the boulevard area between the curb and the sidewalk, or
 - b. If there is no curb, between the travelled road and the sidewalk, or
 - c. If there is no curb or sidewalk, on the boulevard area adjacent to the property, but not encroaching on the travelled area, or
 - d. If there is curb but no sidewalk, then on the boulevard area of the person's property.
3. No person in possession or control of private property shall deposit snow or ice on the property of another, without first having obtained consent. If property is under common ownership or shared access; depositing of snow or ice shall be based on agreement of the parties.
4. No person shall deposit, or cause to be deposited, any snow or ice on a fire hydrant.

Pursuant to the authority vested in the City of Watertown under SDCL §9-19-13; the City Council has declared this ordinance to be necessary for the immediate preservation of the public peace, health, safety, or support of the municipal government and its existing public institutions, and it shall therefore take effect immediately upon its passage on January 18, 2010 (Ord 11-01; Add 01-18-11)

18.0313: CURB AND SIDEWALK COMBINATION PROHIBITED ([back to Chapter contents](#))

No curb and sidewalk combination shall be constructed in any residential zone, except that nonconforming sidewalks may be constructed in such zones, upon the approval of the Council, after written application and good cause being shown by the property owner upon which property such nonconforming sidewalk is to be constructed. (E-263-3)

18.0314: CURB AND GUTTER REQUIREMENTS ([back to Chapter contents](#))

All curbs and gutters shall meet the specifications of the City Engineer. (E-506)

18.0315: REPLACEMENT OF SIDEWALKS ([back to Chapter contents](#))

Within thirty (30) days after existing sidewalks are removed, replacement of sidewalks shall be required unless approval is given in writing by the City Engineer. (E-496-1)

18.0316: REPAIR OF SIDEWALKS ([back to Chapter contents](#))

1. Pursuant to SDCL §9-46 as amended, the City has the express power to determine it necessary to repair any sidewalk. It being the sense of the City Council, the sidewalks not meeting minimum safety standards constitute a threat to the public safety of the citizens of Watertown.
2. The City Engineer shall promulgate minimum standards for sidewalks within the City, which shall be submitted to the City Council for adoption by resolution. (Ord 14-33; Rev 12-12-14)

Chapter 18.04
BUILDING - NUMBERING

Section

18.0401 Numbers Designated

[\(back to Title contents\)](#)

18.0401: NUMBERS DESIGNATED

Building numbers shall be assigned by the City Engineer or his designee. (E-506)

Chapter 18.05 RAILROADS

Section

[\(back to Title contents\)](#)

- [18.0501 Crossings - Shall Maintain](#)
- [18.0502 Crossings - Protection of Public](#)
- [18.0503 Crossings - Obstructing](#)
- [18.0504 Crossings - Lights](#)
- [18.0505 Crossings - Guards and Gates](#)
- [18.0506 Crossings - Notice to Enforce](#)
- [18.0507 Grades - Conform to Other Railroads](#)
- [18.0508 Grades - Change Requires Consent of Council](#)
- [18.0509 Grades - Conform to Streets](#)

18.0501: CROSSINGS - SHALL MAINTAIN

[\(back to Chapter contents\)](#)

Every person operating a railroad within the city limits of this City shall keep all crossings of streets or avenues, which now are or may hereafter be laid out, planked, paved, macadamized or otherwise put in condition as the City Council may direct from time to time, and shall conduct and maintain such bridges over or under such railroad as by the present or any future grade of streets so crossing shall be convenient for the public travel and so ordered by the City Council. (666)

18.0502: CROSSINGS - PROTECTION OF PUBLIC

[\(back to Chapter contents\)](#)

All trains, switching or other engines, or railroad cars shall approach any and all street crossings on railroads at grade located within the limits of this City, expecting to find the same occupied by persons or vehicles and shall be run and operated under absolute control or at a speed so reduced and controlled as will insure ability to stop the same without injury to persons or property which may occupy the same. In all cases where engines are coupled behind cars moving over such crossings on railroad tracks, a member of the crew shall precede the movement of the car or cars across such street crossing and promptly communicate necessary signals to the engine man and to warn approaching pedestrians or drivers. In switching over any such railroad crossing of streets, no cars shall be detached from the engine or train, and no so-called "running switches" or "kick movements" shall be made. The foregoing regulations are declared necessary for the protection against injury to persons and property. (667)

18.0503: CROSSINGS – OBSTRUCTING

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to leave, allow or permit any locomotive engine or engines, railroad car or train of cars to remain on or across or within five (5) feet of either edge of the sidewalk at any street crossing within the limits of this City for a longer period than five (5) minutes at any one time. Any corporation owning or operating a railroad track, road bed or right-of-way across any street within this City shall be guilty of a violation of this chapter if any locomotive engine or engines, railroad car or train of cars shall be left or allowed to or permitted to remain on or across or within five (5) feet of either edge of the sidewalk, at any such street crossing upon its track, road bed or right-of-way so owned or operated, whether said corporation shall have placed said obstruction upon said crossing or not, and it shall not be necessary to notify said person or corporation or demand of them to remove said obstruction. (669)

18.0504: CROSSINGS – LIGHTS

[\(back to Chapter contents\)](#)

Any persons, corporation or corporations operating a railroad or railroads within the corporate limits of this City shall be required to construct and maintain an electric arc light of not less than twelve hundred (1,200) candle power, at their own expense, where such railroads cross or may hereafter cross: Broadway, Maple, Fourth Street East and Third Street West or any other street, whenever so ordered by the City Council, and shall keep them lit during the entire night at their own expense. (670)

18.0505: CROSSINGS - GUARDS AND GATES

[\(back to Chapter contents\)](#)

Any corporation operating a railroad within the corporate limits of this City shall, at its expense when required by the City Council, keep a man stationed at or construct gates at any or all railroad crossings when so ordered by the City Council. Such gates when so constructed shall be located at such places as the City Council or its authorized committee shall designate. (672)

18.0506: CROSSINGS - NOTICE TO ENFORCE

[\(back to Chapter contents\)](#)

In order to carry out the provisions of Sections 18.0501, 18.0504 and 18.0505, it shall be the duty of the City Manager or in his absence the Finance Officer to serve or cause to be served upon the agent representing such company or corporations written notice requiring such company or corporation to perform any or all of the work and make improvements mentioned in said sections. Said notice shall be served by any police officer of this City. If such company or corporation shall neglect or refuse to comply with the requirements within the time mentioned in said notice, it shall be the duty of the Mayor to at once proceed to have the Superintendent of Streets perform such work and make such improvements and the expense of such work and improvements shall be collected from such company or corporation upon whom such notice was served. (673) (Ord 21-14; Rev 6-11-21)

18.0507: GRADES - CONFORM TO OTHER RAILROADS

[\(back to Chapter contents\)](#)

All railroads, extensions of railroads and side tracks hereafter constructed within one thousand (1,000) feet of any other railroad shall be built and constructed on an even grade and on the same altitude with the road or roads already built within the city limits of this City so that the crossings of all streets, avenues, alleys and public highways so crossed by such railroad or railroads shall be of an even or uniform grade and altitude. (674)

18.0508: GRADES - CHANGE REQUIRES CONSENT OF COUNCIL

[\(back to Chapter contents\)](#)

No person, corporation or company now operating a railroad, or that shall hereafter operate a railroad within the corporate limits of this City, shall raise or lower their tracks without the consent of the City Council. (675)

18.0509: GRADES - CONFORM TO STREETS

[\(back to Chapter contents\)](#)

Any person, company or corporation now operating a railroad or that may hereafter operate a railroad within the corporate limits of this City shall, when required by the City Council, raise or lower their grade or grades to conform with any street grade that the City Council hereafter may establish. (676)

Chapter 18.98
CROSS-REFERENCES

18.9801: CROSS-REFERENCES

[\(back to Title contents\)](#)

Accidents, Drivers and Engineers Must Report	19.0201
Accidents, Passengers and Crew Men Must Report, When	19.0202
Animals - Impounding	Chapter 3.03
Building Regulations Affecting	Chapter 5.03
Buses, Regulations	Chapter 19.08
City Engineer, Duties Relative to Streets	7.0802
Gutters, Obstructing	5.0306
Licensees, Regulations	Title 12
Obstructing Street	5.0304
Outdoor Advertising	Chapter 21.80
Parking, Regulations	Chapter 19.04
Pedestrians, Regulations	Chapter 19.03
Sewer Construction, Permit Required	17.0104
Signs.....	Chapter 21.80
Street Superintendent, Duties.....	7.0806
Street, Definition.....	Chapter 21.90
Street, Permit to Place Building Material on.....	5.0307
Streets, Regulations Relating to	Chapter 5.03
Taxicabs, Regulations	Chapter 19.09
Traffic Control Devices	Chapter 19.05
Trees in Street Prohibited.....	14.0201

Chapter 18.99
PUNISHMENT

18.9901: PUNISHMENT

[\(back to Title contents\)](#)

Any person violating any of the provisions of this title shall, upon conviction thereof, be punished by a fine not to exceed two hundred dollars (\$200) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

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TITLE 19

TRAFFIC

Chapter

[\(back to Table of Contents\)](#)

19.01	General Regulations
19.02	Accidents; Duties, Reports
19.03	Pedestrians
19.04	Parking
19.05	Traffic Control Devices
19.07	Bicycles and Other Personal Conveyances
19.08	Buses
19.09	Taxicabs
19.10	Transportation Network Companies
19.11	Motorcycles
19.12	Truck Routes and Load Limits
19.13	Snowmobiles
19.14	Off-Road Vehicles
19.14A	Golf Carts
19.15	Procedure on Arrest of Violator
19.98	Cross-References
19.99	Punishment

Chapter 19.01
GENERAL REGULATIONS

Section

[\(back to Title contents\)](#)

19.0101	Traffic Under Control of Police
19.0101A	Authority to Enforce this Title within Corporate Limits of Municipality
19.0102	Closed Streets
19.0103	Definitions
19.0104	Passing to Right
19.0105	Overtaking
19.0106	Turning Corners
19.0107	Driving on Right Hand Side of Street
19.0108	Repealed
19.0109	Reserved
19.0110	Right-of-Way at Intersections and Exceptions
19.0111	Backing
19.0112	Repealed
19.0113	License, Number and Safety and Inspection Standards
19.0114	Reserved
19.0115	Speed
19.0116	Slow Driving
19.0117	Brakes and Signaling Device
19.0118	When Vehicles Must Be Lighted
19.0119	Headlamps of Motor Vehicles
19.0120	Headlamps of Motorcycles
19.0121	Rear Lamps
19.0122	Lights on Other Vehicles
19.0123	Dynamic Braking or Air-Braking Devices
19.0124	Drivers
19.0125	Careless Driving, Careless Driving with Drinking Involved, and Exhibition Driving
19.0126	Mufflers - Smoke Eliminated
19.0127	Reserved
19.0128	Reserved
19.0129	Reserved
19.0130	Funeral Processions, Duty to Stop
19.0131	Turning Signals
19.0132	U-Turns
19.0133	Stealing Rides
19.0134	Reserved
19.0135	Reserved
19.0136	Projecting Loads
19.0137	Full Stop at Stop Sign
19.0138	Prohibiting Certain Vehicles and Machines on Streets
19.0139	Weight of Vehicle and Load
19.0140	Reserved

19.0101: TRAFFIC UNDER CONTROL OF POLICE

[\(back to Chapter contents\)](#)

Whenever any police officer takes charge of the traffic on any street or thoroughfare, he shall have full and complete control of all traffic on said street or thoroughfare irrespective of the traffic ordinances, and shall direct all traffic during the time he deems it necessary to control the same. (C-14-1)

19.0101A: AUTHORITY TO ENFORCE THIS TITLE WITHIN CORPORATE LIMITS OF MUNICIPALITY

[\(back to Chapter contents\)](#)

Notwithstanding any contrary law, regulation, or other legal authority, the City of Watertown, acting in its capacity as a Home Rule Charter municipality and pursuant to the authority granted to it pursuant to SDCL §9-31, is authorized to enforce any ordinance contained within this title on any highway, roadway, street or any other way or place open to the public for the purpose of vehicular travel within and under its jurisdiction. (Ord 10-33; Add 01-13-11)

19.0102: CLOSED STREETS

[\(back to Chapter contents\)](#)

Whenever the Chief of Police or his designee shall deem it necessary or advisable he may close from traffic any street or any part thereof, and such street shall remain closed until again opened to traffic (C-14) (Ord 04-05: Rev 06-16-04)

19.0103: DEFINITIONS

[\(back to Chapter contents\)](#)

As used within this title, the following words shall have the following meanings:

Authorized emergency vehicle: vehicles of a fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the department.

Business District: that portion of the City which is bounded on the West by the west line of First Street West, on the North by the north line of First Avenue North, on the East by the east line of Second Street East, and on the South by the south line of First Avenue South.

Crosswalk: that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Farm tractor: every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Highway: the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public as a matter of right for purposes of vehicular travel.

Intersection: the area embraced within the prolongation of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not such highway crosses the other. However, such area, in the case of the point where an alley and a street meet within a municipality, is not an intersection.

Motorcycle: every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

Motor vehicle: every vehicle, as herein defined, which is self-propelled.

Official traffic control device: all signs, signals, markings and devices not inconsistent with the law placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. The term also includes a flagman or a sign, signal, marking or other device temporarily placed or erected by a person working upon, along, above or under a highway installing or maintaining a public service facility and which is necessary or required to warn, direct or otherwise control traffic during the time of work or when a hazard exists;

Owner: a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor is the owner for the purpose of said chapters.

Park or parking: the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Pneumatic tires: all tires inflated with compressed air.

Private road or driveway: every road or driveway not open to the use of the public for purposes of vehicular travel.

Residence district: the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of three hundred (300) feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

Right-of-way: the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Road tractor: every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Roadway: that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone: the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

Semitrailer: any vehicle of the trailer type equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk: that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians.

Single axle or One axle: one or more consecutive axles whose centers may be included between two transverse vertical planes spaced forty (40) inches or less apart, extending across the full width of the vehicle.

Solid rubber tire: every tire made of rubber other than a pneumatic tire.

Steering axle: any axle on the front of a motor vehicle that is activated by the operator to directly accomplish guidance or steering of the motor vehicle or combination of vehicles.

Street: every way or place, including a highway, open to the public for the purpose of vehicular traffic or travel.

Tandem axle: two or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty (40) inches and not more than ninety six (96) inches apart, extending across the full width of the vehicle.

Trailer: every vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a motor vehicle.

Truck tractor: every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle: every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks; including bicycles and ridden animals. (Ord 04-05; Rev 06-6-04)

19.0104: PASSING TO RIGHT

[\(back to Chapter contents\)](#)

Any vehicle or motor vehicle meeting another vehicle or motor vehicle shall pass to the right. (C-14-3)

19.0105: OVERTAKING

[\(back to Chapter contents\)](#)

No vehicle, other than an authorized emergency vehicle, may overtake or pass any other vehicle or motor vehicle within the City, except upon streets or highways designated as a passing zone through the use of signs or other markings universally accepted to indicate overtaking of vehicles is permitted on such street or highway. (C-14-4) (Ord 04-05; Rev 06-16-04)

19.0106: TURNING CORNERS

[\(back to Chapter contents\)](#)

1. A vehicle or motor vehicle turning into a street to the right shall turn the corner as near the right hand curb as practicable. Upon such right turn the operator of such vehicle shall yield the right-of-way to all pedestrians crossing at such intersection, to all passing traffic and to all vehicles backing from the curb in such intersecting lane. (D-43-1)
2. A vehicle or a motor vehicle intending to turn to the left on any street, shall approach such intersection in the lane for traffic to the right of and nearest to the center line of the street, and in turning shall pass beyond the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left, except at such intersections where it is clearly indicated by buttons, markers or other direction signs installed within such intersection that a different left turn is to be made.
3. The driver of a vehicle or motor vehicle about to turn shall give timely signal to indicate the direction of the turn, which signal shall be given either by means of the hand and arm in the manner provided by the South Dakota law or by an approved mechanical or electrical signal device. (C-14-3)

19.0107: DRIVING ON RIGHT HAND SIDE OF STREET

[\(back to Chapter contents\)](#)

The driver or operator of a vehicle or motor vehicle shall drive the same upon the right half of the street, and shall drive a slow moving vehicle as closely as possible to the right-hand edge or curb of such street, unless it is impractical to travel on such side of the street, and except when overtaking and passing another vehicle, as provided in Section 19.0105 hereof, and while making a left turn as provided in [Section 19.0106](#) hereof. (C-14-6)

19.0108: REPEALED

[\(back to Chapter contents\)](#)

Source: (E-323-1) (Ord 04-05; Rev 06-16-04) (Ord 21-01; Rev 2-26-21)

19.0109: RESERVED

[\(back to Chapter contents\)](#)

19.0110: RIGHT-OF-WAY AT INTERSECTIONS AND EXCEPTIONS

[\(back to Chapter contents\)](#)

1. When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right, except as otherwise provided herein.
 - a. The driver of any vehicle traveling at an unlawful rate of speed shall forfeit any right-of-way which he might otherwise have hereunder.
 - b. The driver of a vehicle approaching, but not having entered, an intersection shall yield the right-of-way to a vehicle within such intersection and turning to the left across line of travel of such first mentioned vehicle or motor vehicle, providing the driver of the vehicle turning left has given a plainly visible signal of intention to turn as required by [Section 19.0132](#) hereof.
2. Exceptions to right-of-way rule:
 - a. The right-of-way rule shall not apply to those intersections which are regulated by mechanical signals, signs or devices regulating traffic at such intersection.
 - b. The driver of a vehicle entering a public street from an alley, private driveway or private road, shall yield the right-of-way to all vehicles approaching on such public street.
 - c. A driver of a vehicle upon a street shall yield the right-of-way to police and fire department vehicles and ambulances, when the latter are operated upon official business and the drivers thereof sound audible signal by bell, siren or exhaust whistle. These provisions shall not operate to relieve the driver of a police, fire department vehicle or ambulance from the duty to drive with due regard to the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right-of-way. (C-14-9)

19.0111: BACKING

[\(back to Chapter contents\)](#)

The driver of a vehicle may not back the vehicle unless such movement can be made with safety and without interfering with other traffic. (D-430-2) (Ord 04-05; Rev 06-16-04)

19.0112: REPEALED (Ord 03-02; Repealed 03-17-03)

[\(back to Chapter contents\)](#)

19.0113: LICENSE, NUMBER AND SAFETY AND INSPECTION STANDARDS

[\(back to Chapter contents\)](#)

No person shall operate or drive a motor vehicle within this City unless there be upon such vehicle proper license number plates displayed. (E-178-1) (Ord 04-05; Rev 06-16-04)

19.0114: RESERVED (Ord 04-05; Rev 06-16-04)

[\(back to Chapter contents\)](#)

19.0115: SPEED

[\(back to Chapter contents\)](#)

1. No person shall operate a vehicle or motor vehicle upon any street, alley or public place in this City at a speed greater, or in any manner, than is reasonable and prudent under the conditions then existing. This provision shall apply in addition to any maximum speed limitation provided by ordinance or police regulation, unless a different speed is posted in the manner authorized by [Section 19.0501](#). (Ord 16-21; Rev 12-30-16)
2. Maximum speed regulations. Subject to the above provision, the following speed limitations shall constitute the maximum speed at which any vehicle or motor vehicle may be operated:
 - a. Fifteen (15) miles an hour when approaching within fifty (50) feet of a grade crossing of any railway grade crossing when the driver's view is obstructed. The driver's view shall be deemed to be obstructed

when at any time during the last fifty (50) feet of his approach to such crossing he does not have a clear and unobstructed view of such railway crossing and of any traffic on such railway for a distance of fifty (50) feet in each direction from such crossing. Where safety lights, signals, gates or other warning devices have been installed, the same shall govern.

- b. Fifteen (15) miles an hour within any school zone as marked and posted between the hours of eight o'clock (8:00) a.m. and five o'clock (5:00) p.m. of each day, Monday through Friday, during the entire year, except during the period of school vacations. During any times that said school yards are used under a directed recreational program the Public Works Director, pursuant to authority granted in [Section 19.0501](#), may by regulation direct and enforce limited speed regulations during said excepted months, in which case proper and reasonable warning signs must be posted. (E-323-1) (Ord 16-21; Rev 12-30-16) (Ord 21-14; Rev 6-11-21)
 - c. Fifteen (15) miles an hour when approaching within fifty (50) feet and in traversing an intersection of streets when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty (50) feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection for a distance of fifty (50) feet from such intersection and traffic upon all the streets entering such intersection.
 - d. Fifteen (15) miles an hour in traversing or going round curves or traversing a grade upon a highway when the driver's view is obstructed within a distance of one hundred (100) feet along such street or highway in the direction in which he is proceeding or approaching said intersection either from the right or left.
 - e. Twenty five (25) miles per hour in the residence district as defined by ordinance and in public parks, unless a different speed is fixed and duly posted by the city or state.
 - f. Reserved. (00-3)
 - g. Thirty five (35) miles per hour upon Federal Highway 212, State Highway 20 and that part of 4th Avenue S.W. west of State Highway 20, and that part of Federal Highway 81 north of 11th Avenue N.E. (D-430-3)
 - h. Thirty five (35) miles an hour on U.S. 212 beginning at the southwest corner of Section 36, Township 117 North, Range 53 West, also known as 21st Street West, to a point seventeen hundred (1,700) feet east of the southeast corner of Section 32, Township 117 North, Range 52 West; and thirty five (35) miles per hour on U.S. Highway 81 beginning at a point two thousand two hundred eighty four (2,284) feet south of U.S. Highway 212 to the place where U.S. Highway 81 intersects with U.S. Highway 212. (D-462-1)
3. The speed limits set out in this section shall not apply to authorized emergency vehicles when responding to emergency calls if the drivers thereof sound audible signals by siren or horn. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the streets nor shall it protect a driver of any such vehicle from the consequences of a reckless disregard for the safety of others. (D-430-3)

19.0116: SLOW DRIVING

[\(back to Chapter contents\)](#)

No person may drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. (C-14-33) (Ord 04-05, Rev 06-16-04)

19.0117: BRAKES AND SIGNALING DEVICE

[\(back to Chapter contents\)](#)

Every motor vehicle shall be provided with adequate brakes in good order and sufficient to control such motor vehicle at all times when same is in use, and with a suitable and adequate bell or horn or other device for signaling. (C-14-15)

19.0118: WHEN VEHICLES MUST BE LIGHTED

[\(back to Chapter contents\)](#)

Every vehicle upon a highway within the City during the period from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred (200) feet ahead, shall be equipped with lighted front and rear lamps as required herein, for different classes of vehicles and subject to exemption with reference to lights on parked vehicles. (Ord 04-05; Rev 06-16-04)

19.0119: HEADLAMPS OF MOTOR VEHICLES

[\(back to Chapter contents\)](#)

Every motor vehicle other than a motorcycle, road roller, road machinery or farm tractor shall be equipped with at least two headlamps, with at least one on each side of the front of the motor vehicle, all such headlamps to comply with the requirements of South Dakota law relative thereto. (C-177-2)

19.0120: HEADLAMPS OF MOTORCYCLES

[\(back to Chapter contents\)](#)

Every motorcycle shall be equipped with at least one and not more than two headlamps. (C-177-3) Motorcycles and motor driven cycles, except mopeds as defined in SDCL §32-20-1, shall have at least one tail lamp, which when lighted as required under this title, shall emit a red light plainly visible from a distance of five hundred (500) feet to the rear. Mopeds shall have at least one tail lamp which when lighted as required under this title, shall emit a red light plainly visible from a distance of two hundred fifty (250) feet to the rear. Farm vehicles which are being drawn at the end of a train of vehicles may be equipped with two four-inch reflectors in lieu of lighted lamps as provided in this section so as to exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear. (Ord 04-05, Rev 06-16-04)

19.0121: REAR LAMPS

[\(back to Chapter contents\)](#)

1. Every motor vehicle, and every vehicle which is being drawn at the end of a train of vehicles, shall be equipped with a lighted rear lamp exhibiting a red light plainly visible from a distance of five hundred (500) feet from the rear. (C-177-4) Every motor vehicle, trailer, semitrailer and pole trailer, except as otherwise provided in this section, and any other vehicle which is being drawn at the end of a combination of vehicles shall be equipped with at least two tail lamps mounted on the rear, which when lighted shall emit a red light plainly visible from a distance of one thousand (1,000) feet to the rear. However, motor vehicles, trailers, semitrailers and pole trailers manufactured and assembled prior to July 1, 1973, shall have one tail lamp mounted on the left side of the rear which when lighted, as required under this title, shall emit a red light plainly visible from a distance of five hundred (500) feet to the rear.
2. Except for vehicles equipped with slow-moving vehicle emblems in compliance with state law, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two or more stop lamps, except that motor vehicles, trailers, semitrailers and pole trailers manufactured and assembled prior to July 1, 1973, and motorcycles and motor driven cycles shall be equipped with at least one stop lamp. The stop lamp shall be mounted on the rear of the vehicle at a height of no more than seventy (70) inches nor less than fifteen (15) inches. The stop lamp shall display a red light visible from a distance of not less than three hundred (300) feet to the rear in normal sunlight, except for a moped, which distance shall be not less than one hundred fifty (150) feet. The stop lamp shall be actuated upon application of the service (foot) brake which may be incorporated with one or more rear lamps. (C-177-4) (Ord 04-05; Rev 06-16-04)

19.0122: LIGHTS ON OTHER VEHICLES

[\(back to Chapter contents\)](#)

All vehicles not heretofore in this title required to be equipped with specified lighted lamps, except bicycles, shall carry one or more lighted lamps or lanterns displaying a light visible under normal atmospheric conditions from a distance of at least five hundred (500) feet to the front and to the rear of such vehicle. (C-177-6) On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable. Every tail lamp upon every vehicle shall be located at a height of not more than seventy two (72) inches nor less than fifteen (15) inches. (Ord 04-05; Rev 06-16-04)

19.0123: DYNAMIC BRAKING OR AIR-BRAKING DEVICES

[\(back to Chapter contents\)](#)

1. **Defined.** Dynamic braking device (commonly referred to as Jacobs Brakes) means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.
2. **Prohibited.** Operating any motor vehicle with a dynamic braking device engaged except for the aversion of imminent danger shall be prohibited within the territorial jurisdiction of the City.
3. **Public emergency response vehicles exception.** Any public emergency response vehicle equipped with a dynamic braking device will be allowed to use such device during a response to an emergency situation. (Ord 04-05; Rev 06-16-04) (Ord 06-10; Rev 06-9-06)

19.0124: DRIVERS

[\(back to Chapter contents\)](#)

No person shall operate or drive a motor vehicle upon the streets, alleys or public grounds of this City unless such person has in his possession and name, a valid driver's license or driver's permit.

19.0125: CARELESS DRIVING, CARELESS DRIVING WITH DRINKING INVOLVED, AND EXHIBITION DRIVING ([back to Chapter contents](#))

1. It shall be unlawful for any person to drive any vehicle or motor vehicle upon any public street, alley or public ground in this City carelessly and heedlessly in disregard of the rights or safety of others, and without due caution and circumspection at a speed or in a manner so as to endanger or be likely to endanger any person or property. Any such person so driving shall be guilty of careless driving. (E-227-1)
2. It shall be unlawful for any person to drive any vehicle or motor vehicle upon any public street, alley or public ground in this City carelessly and heedlessly in disregard of the rights or safety of others, and without due caution and circumspection at a speed or in a manner so as to endanger or be likely to endanger any person or property. Any such person so driving who has been drinking shall be guilty of careless driving with drinking involved. (E-06)
3. Any person who drives a vehicle within the limits of the City of Watertown in such a manner that creates or causes unnecessary engine noise or tire squeal, skid or slide upon acceleration or stopping; or that simulates a temporary race; or that causes the vehicle to unnecessarily turn abruptly or sway shall be guilty of Exhibition Driving. (E-127-1)

19.0126: MUFFLERS - SMOKE ELIMINATED ([back to Chapter contents](#))

1. No person may drive a motor vehicle on a highway unless the motor vehicle is equipped with an exhaust system and a muffler both in good working condition and in constant operation to prevent excessive or unusual noise.
2. Exhaust systems on passenger or passenger carrying vehicles used on any street or highway shall discharge the exhaust fumes at a location to the rear of the vehicle body or direct the exhaust fumes outward from the side of the vehicle body at a location rearward of any operable side windows. Any motor vehicle equipped with side exhaust according to the original vehicle manufacturer specifications is exempt from the location requirements. A bus used for the purpose of carrying school children may discharge the exhaust on the left side in front of the rear axle.
3. Exhaust systems on property carrying vehicles used on any street or highway shall discharge the exhaust fumes at a point rearward of the passenger-carrying compartment.
4. No person may use a muffler cut out on any motor vehicle upon a highway. (Ord 04-05; Rev 06-16-04)

19.0127: RESERVED (Ord 04-05; Rev 06-16-04) ([back to Chapter contents](#))

19.0128: RESERVED (Ord 04-05; Rev 06-16-04)

19.0129: RESERVED (Ord 04-05; Rev 06-16-04)

19.0130: FUNERAL PROCESSIONS, DUTY TO STOP ([back to Chapter contents](#))

No owner or driver of any vehicle or motor vehicle shall drive through or otherwise interfere with any funeral procession in any of the streets of this City. It shall be the duty of every person driving any vehicle or motor vehicle in said City to stop when reaching a street or avenue on which a funeral procession is passing and wait until such funeral procession has entirely passed by. (C-14-27, 28)

19.0131: TURNING SIGNALS ([back to Chapter contents](#))

1. The driver of any vehicle upon any street or highway before starting, stopping, or turning from a direct line shall first see that such movement can be made in safety and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement shall give a signal as required herein which is plainly visible to the driver of such other vehicle of the intention to make such movement
2. No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the driver of any vehicle immediately to the rear when there is opportunity to give such signal. The signal provided shall be used to indicate an intention to turn, change lanes or stop and shall not be flashed on one

side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

3. The signal required herein shall be given either by means of the hand and arm in the manner provided for in this section, or by an approved mechanical or electrical signal device. However, a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible both to the front and rear, the signal shall be given by device of a type which has been approved by the South Dakota Department of Public Safety.
4. If the signal required herein is given by means of the hand and arm, the driver shall indicate his intention to start, stop, or turn by extending the hand and arm from the left side of the vehicle in the following manner and such signals shall indicate as follows:
 - a. Left turn: hand and arm extended horizontally.
 - b. Right turn: hand and arm extended upward.
 - c. Stop or decrease speed: hand and arm extended downward. (Ord 04-05; Rev 06-16-04)

19.0132: U-TURNS

[\(back to Chapter contents\)](#)

1. The operator of a vehicle shall not turn such vehicle so as to proceed in the opposite direction (i.e. make a "U-Turn") on any street except at an intersection uncontrolled by either traffic control signals or Stop Signs.
2. Vehicles and motor vehicles making a U-turn at any intersection in this City shall grant the right-of-way to all vehicles and motor vehicles approaching and entering such intersection for any purpose other than making of a U-turn.
3. No driver of a vehicle shall cross over to park on the left side of any street or avenue in the business district except such streets as are designated one-way streets.
4. No driver of a vehicle shall back across a street in the business district to reverse direction upon leaving a parking place.

Source: (E-506) (C-14-29) (C-62-6) (Ord 21-01; Rev 2-26-21)

19.0133: STEALING RIDES

[\(back to Chapter contents\)](#)

No person shall ride, trespass upon, seize hold of or drag, slide or in any manner trail behind any vehicle. (C-181-1) (Ord 04-05; Rev 06-16-04)

19.0134: RESERVED (Ord 04-05; Rev 06-16-04)

[\(back to Chapter contents\)](#)

19.0135: RESERVED (Ord 04-05; Rev 06-16-04)

19.0136: PROJECTING LOADS

[\(back to Chapter contents\)](#)

Height, width and projecting load limits and restrictions shall be governed by state law. (E-506)

19.0137: FULL STOP AT STOP SIGN

[\(back to Chapter contents\)](#)

1. It shall be unlawful to fail to come to a complete stop at any stop sign or to proceed until the intersection is free of traffic. (E-506)
2. This section shall not apply to ambulances and fire and police department vehicles and apparatus while being operated in cases of emergency. (Ord 04-05; Rev 06-16-04)

19.0138: PROHIBITING CERTAIN VEHICLES AND MACHINES ON STREETS [\(back to Chapter contents\)](#)

It shall be unlawful for any person to operate, or cause to be operated a vehicle of any kind having mud-lugs, ice spurs, spikes, chains or any other object or objects of any kind attached to its wheels (except ordinary chains upon the wheels of rubber tired motor vehicles) over or upon any street, avenue or alley in said City upon which a wearing surface of any kind has been constructed unless sound and strong planks be placed and kept continuously under the wheels. (C-103-1) (Ord 04-05; Rev 06-16-04)

19.0139: WEIGHT OF THE VEHICLE AND LOAD

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to drive or operate any vehicle, motor vehicle, trailer or wagon upon or over any avenue, street or alley in this City when the weight of the vehicle and its load exceeds the posted limits on such street, avenue or alley. The Street Department shall have the authority to set temporary or permanent weight limits. (E-506) (Ord 04-05; Rev 06-16-04)

19.0140: RESERVED (Ord 04-05; Rev 06-16-04)

Chapter 19.02
ACCIDENTS; DUTIES, REPORTS

Section

[\(back to Title contents\)](#)

[19.0201 Drivers and Engineers Must Report Accidents](#)

[19.0202 Duties of Passengers and Crewmen](#)

19.0203 Reserved

[19.0204 Accident Scene not to be Disturbed](#)

19.0205 Reserved

19.0201: DRIVERS AND ENGINEERS MUST REPORT ACCIDENTS

[\(back to Chapter contents\)](#)

The driver of any motor vehicle involved in an accident within the police jurisdiction of this City and the engineer of any railroad train or other railroad equipment involved in an accident within the police jurisdiction of this City, which accident results in injury or death to any person or in property damage, shall immediately notify the police station either in person or through the use of some electronic communication device, the receipt of which is acknowledged by the Police Department. It shall be unlawful to leave the scene of such accident without complying with the foregoing requirements. (E-298-2) (E-323-2) (E-506) (Ord 04-05; Rev 06-16-04)

19.0202: DUTIES OF PASSENGERS AND CREWMEN

[\(back to Chapter contents\)](#)

In the event the driver of any motor vehicle and/or the engineer of any railroad train or other equipment involved in an accident within the police jurisdiction of this City shall be unable by reason of injury, death or other good and sufficient cause to report the accident as required in Section 19.0201 hereof, it shall be the duty of any passengers in said motor vehicle and/or any crewmen of said railroad equipment or other railroad personnel on the accident scene or apprised of the accident and of the inability of the driver and/or engineer to make the required report, to make such report to the police station in their stead. (C-325-2)

19.0203: RESERVED (Ord 04-05; Rev 06-16-04)

19.0204: ACCIDENT SCENE NOT TO BE DISTURBED

[\(back to Chapter contents\)](#)

In the event of an accident involving personal injury or death within the police jurisdiction of this City, it shall be the duty of the person or persons responsible for the motor vehicles and/or railroad equipment involved to take all reasonable steps to prevent disturbance of the accident scene until the arrival of the police except for such emergency steps as may be required to care for the injured or provide for traffic safety pending police investigation. (C-325-4)

19.0205: RESERVED (Ord 04-05; Rev 06-16-04)

Chapter 19.03
PEDESTRIANS

Section

[\(back to Title contents\)](#)

19.0301	Reserved
19.0302	Pedestrians Right-of-Way in Crosswalk
19.0303	Reserved
19.0304	Reserved
19.0305	Reserved
19.0306	Prohibited Crossing
19.0307	Pedestrian Walking Along Roadway
19.0308	Reserved
19.0309	Reserved

19.0301: RESERVED (Ord 04-05; Rev 06-16-04)

19.0302: PEDESTRIANS RIGHT-OF-WAY IN CROSSWALK

[\(back to Chapter contents\)](#)

1. When traffic control signals are not in place or not in operation and at all crosswalks, whether marked or unmarked, and at all intersections, the driver of a vehicle shall yield the right-of-way, to so yield to a pedestrian crossing the road within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
2. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (C-353-2) (Ord 04-05; Rev 06-16-04)

19.0303: RESERVED (Ord 04-05; Rev 06-16-04)

19.0304: RESERVED (Ord 04-05; Rev 06-16-04)

19.0305: RESERVED (Ord 04-05; Rev 06-16-04)

19.0306: PROHIBITED CROSSING

[\(back to Chapter contents\)](#)

Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk. (C-353-6)

19.0307: PEDESTRIAN WALKING ALONG ROADWAY

[\(back to Chapter contents\)](#)

1. Any pedestrian walking along and upon a roadway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. (C-353-7)
2. Where pedestrian walkways are provided on street surfaces by painted markings on the street or by visible signs, it shall be unlawful for vehicular traffic to travel on the surfaces that are designated as a walkway. All pedestrian traffic shall proceed in the walkway area. (E-306-1) (Ord 04-05; Rev 06-16-04)

19.0308: RESERVED (Ord 04-05; Rev 06-16-04)

19.0309: RESERVED (Ord 04-05; Rev 06-16-04)

**Chapter 19.04
PARKING**

Section

[\(back to Title contents\)](#)

19.0401	Parallel Parking Definition
19.0402	Diagonal Parking Definition
19.0403	Parallel Parking Except Specified Areas
19.0404	No Parking, Stopping, Standing in Certain Areas and at Certain Hours
19.0405	Parking Trucks or Trailers in Business District
19.0406	Parking in Alleys
19.0407	Parking Near Fire Hydrants
19.0408	Residential Parking Only (Repealed)
19.0409	No Parking Where "No Parking" Signs
19.0410	Curb Space Reserved (Repealed)
19.0411	Off-Street Automobile Parking Spaces to be Provided
19.0412	Off-Street Automobile Parking Spaces -Number
19.0413	Repealed
19.0414	Reserved
19.0415	Reserved
19.0416	Repealed
19.0417	Repealed
19.0418	Handicapped Parking Restrictions
19.0419	Employee and Tenant Uptown Parking Designations

19.0401: PARALLEL PARKING DEFINITION

[\(back to Chapter contents\)](#)

Parallel parking shall mean that all motor vehicles or other vehicles shall be drawn up parallel to the curb, gutter or sidewalk on the right hand side of the street, the hub of both wheels on the right hand side of the vehicle to be within one foot of the curb, gutter or sidewalk on and along the street upon which such vehicles are parked, and no vehicle shall be parked nearer than three feet of the front door or rear of any other vehicle. (C-14)

19.0402: DIAGONAL PARKING DEFINITION

[\(back to Chapter contents\)](#)

Diagonal parking shall mean that the front of a vehicle shall be drawn up to the curb, gutter or sidewalk on the right hand side of the street at an angle of forty five (45) degrees with the curb line thereof, such vehicle to be parked within six (6) inches of the curb, gutter or sidewalk on and along said street upon which such vehicles are parked, and no vehicle shall be parked nearer than one (1) foot to any other vehicle. (C-14) (Ord 04-05, Rev 06-16-04)

19.0403: PARALLEL PARKING EXCEPT SPECIFIED AREAS

[\(back to Chapter contents\)](#)

All vehicles, motor vehicles and other parking upon the streets of this City shall be parked parallel with the curb of such street except where parking spaces are otherwise marked by the City. Cars diagonally parked shall be parked with an intervening space between cars of not less than one (1) foot and all cars so parked shall be parked within six (6) inches of the curb line of said street. (E-323-3) (Ord 17-18; Rev 06-09-17)

19.0404: NO PARKING, STOPPING, STANDING IN CERTAIN AREAS AND AT CERTAIN HOURS

1. (Repealed.) (Ord 14-29; Rev 10-10-14) (Clerical Edit per § 22.0106, 02-16-17)
2. Unless necessary to avoid conflict with other traffic, or unless a police officer or official traffic control device has so directed, no person may stop, stand or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - b. On a sidewalk;
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - g. Upon any bridge or other elevated structure upon a highway or with a highway tunnel;

- h. On any railroad tracks;
- i. At any place where official signs prohibit stopping. (Ord 04-05; Rev 06-16-04)
- j. On any recreational trail under the direction and control of the Parks, Recreation and Forestry Division; (Ord 12-23; Rev 09-14-12)
- k. in front of a public or private driveway; (Ord 12-23; Rev 09-14-12)
- l. within thirty (30) feet upon the approach to any flashing signals, stop sign, yield sign or traffic control sign located at the side of a roadway; (Ord 12-23; Rev 09-14-12)
- m. within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy five (75) feet of said entrance when properly signposted. (Ord 12-23; Rev 09-14-12)

19.0405: PARKING TRUCKS OR TRAILERS IN BUSINESS DISTRICT

[\(back to Chapter contents\)](#)

No truck, truck and trailer, or automobile and trailer which measures more than eighteen (18) feet in length, measured from the extreme front of vehicle, load or other projection to the extreme rear of vehicle, load, trailer or other projection, shall be parked upon any street within the business district, except upon First Avenue North, except for the purpose of loading or unloading merchandise, and in such cases only for a reasonable length of time to load or unload. (C-62-6)

19.0406: PARKING IN ALLEYS

[\(back to Chapter contents\)](#)

No vehicle or motor vehicle shall be parked in any alley less than twenty five (25) feet in width, except for the purpose of loading or unloading merchandise, and in such cases only for a reasonable length of time to so load or unload. (C-14) (Ord 04-05; Rev 06-16-04)

19.0407: PARKING NEAR FIRE HYDRANTS

[\(back to Chapter contents\)](#)

No vehicle or motor vehicle shall be stopped, left or parked within fifteen (15) feet of a fire hydrant. (C-14) (Ord 04-05; Rev 06-16-04)

19.0408: RESIDENTIAL PARKING ONLY. REPEALED (Ord 02-07; Repealed 09-20-02)

19.0409: NO PARKING AND TIME-LIMITED PARKING WHERE SIGNS INDICATE

[\(back to Chapter contents\)](#)

There shall be no parking in any space designated as a “No Parking” area, nor shall there be parking in any space or area designated as time limited for longer than the indicated time limitation. Such designations shall be made through the use of signs or other markings universally accepted to indicate parking is prohibited or time limited in an area or space. This ordinance applies to City-managed right-of-way and City-owned parking lots. (Ord 04-05; Rev 06-16-04) (Ord 22-04; Rev 3-18-22)

19.0410: CURB SPACE RESERVED. REPEALED (Ord 23-05; Rev 04-28-23)

19.0411: OFF-STREET AUTOMOBILE PARKING SPACES TO BE PROVIDED [\(back to Chapter contents\)](#)

Whenever any plan or requirement for providing or reserving off-street automobile parking spaces in one or more sections of this City shall be adopted by the City Council, then such plan or requirement shall govern within such sections. Otherwise off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected, constructed or moved; and to extensions and enlargements of buildings and uses to the extent of such extension or enlargement, only embraced within the area hereinafter designated to-wit: Beginning at the intersection of Twenty-first Street Southwest and the north boundary line of Ninth Avenue Southwest and running thence north 300', thence east and parallel to Ninth Avenue South to the intersection of River Street, thence northeasterly to Eighth Avenue Southwest, thence easterly along Eighth Avenue Southwest to South Broadway, thence northerly to Seventh Avenue South, thence easterly to Third Street Southeast, thence north along Third Street to Sixth Avenue Southeast, thence easterly along Sixth Avenue to Tenth Street Southeast, thence north to Fifth Avenue Southeast, thence east to Fourteenth Street Southeast, thence north to the right-of-way of the Chicago Northwestern Railroad Company, thence along the easterly side of said Chicago Northwestern Railway Company right-of-way to the north line of the plat entitled "Cottage Place", thence easterly along said north line of the plat of Cottage Place and parallel with Ninth Avenue Southeast to the northeast corner of Cottage Place, this being the west section line of Section 33, Township

116, north of Range 52, thence south along the said section line to Ninth Avenue Southeast, thence west along Ninth Avenue to the northeast corner of the northwest quarter of Section 5, Township 116, Range 52, thence south 400', thence westerly to the east boundary line of Davlin's Addition to Watertown, thence west along the south boundary line of Lot 8 in Block 1 of Davlin's Addition to Watertown, thence westerly along south boundary line of said Lot 8 in Block 1 of Davlin's Addition and running parallel with Ninth Avenue Southeast, thence westerly along Tenth Avenue Southeast to Second Street Southeast, thence continuing westerly along a line being 350' south and parallel to Ninth Avenue, to the intersection of the east right-of-way of the Great Northern Railway Company, thence northeasterly along said right-of-way to Ninth Avenue Southwest, thence westerly along Ninth Avenue to the place of beginning. (C4N)

Also beginning at the intersection of First Avenue South and Karpeska Boulevard running thence north and northwesterly along said Karpeska Boulevard to Sixth Avenue North, where Karpeska Boulevard and Eighth Street West meet at a point, thence south and southerly on Eighth Street West to the public alley running east and west in the blocks between Third Avenue North and Kemp Avenue, thence west along the line of said public alley to the alley between Ninth and Tenth Street West, thence north along said public alley to Third Avenue North, thence northerly, along the line of Ninth Street West to Sixth Avenue North, running thence westerly along the line of Sixth Avenue North to Eleventh Street West, running thence southerly along the line of Eleventh Street West to Second Avenue South, thence easterly along the line of Second Avenue South to Tenth Street West, thence northerly along Tenth Street West to First Avenue South, thence easterly along First Avenue South to Karpeska Boulevard, the point of beginning; also beginning at Kemp Avenue and Fourteenth Street West and running thence south to Third Avenue South, thence west on Third Avenue South extended to Twenty-first Street West, thence northerly along Twenty-first Street West to Kemp Avenue, thence easterly on Kemp Avenue to Fourteenth Street West, the point of beginning; also beginning at a point three hundred feet north of the intersection of Ninth Avenue South and Twenty-first Street West, thence northerly along Twenty-first Street West to Third Avenue South, thence east along Third Avenue South to Thirteenth Street West, thence north along the line of Thirteenth Street West to Second Avenue South, thence east along the line of Second Avenue South to Tenth Street West, thence north along the line of Tenth Street West to First Avenue South, thence east along the line of First Avenue South to Karpeska Boulevard, thence north and northwesterly along Karpeska Boulevard to Sixth Avenue North, thence west along the line of Sixth Avenue North to the west line of Section 25 in Township 117 North, of Range 53 West of the Fifth P.M., thence north along the western boundary of said Section 25 to the quarter line of said Section 25, thence east along said quarter section line to the east section line, thence south along the East Section line of said Section 25 to Third Avenue North, thence east along the line of Third Avenue North; to the center line of the Great Northern Railway Company right-of-way, thence southwesterly along the center line of the Great Northern Railway Company right-of-way to a point three hundred (300) feet north of the center of Ninth Avenue South, thence west and parallel to Ninth Avenue South to the point of beginning. (D-436-1)

19.0412: OFF-STREET AUTOMOBILE PARKING SPACES – NUMBER

[\(back to Chapter contents\)](#)

Off-street parking spaces shall be provided at the ratio of one parking stall for:

1. Each dwelling unit in any dwelling or other building.
2. Each sleeping accommodation in any automobile court or tourist home and each camp unit in any automobile camp.
3. Each three sleeping accommodations in any hotel, boarding house, fraternity or sorority house or dormitory.
4. Each four (4) beds in any hospital.
5. Each six (6) beds in any sanitarium, convalescent home, home for the aged or similar establishment.
6. Each six (6) seats or similar accommodations in any restaurant, theater, auditorium, stadium, recreation place, entertainment use, hall for meetings, dancing or social events, and other use where seats or similar accommodations are provided for gatherings of six (6) or more persons.
7. Each five hundred (500) square feet of ground floor area in business or commercial use, each one thousand (1,000) square feet of basement area in such use, each fifteen hundred (1,500) square feet of floor area in such use above the first floor, provided that for such establishments as drive-in markets and similar and other businesses catering to drive-in patronage, the required ratio shall be two (2) parking stalls for each one hundred ninety (190) square feet of total area in business or commercial use within buildings and outside, including ground area in such use.
8. Each three (3) persons (including proprietors) of maximum employment in a single shift in any light or heavy industrial use.

9. Provision of parking stalls jointly by several uses in the same block or in the same vicinity is permissible, in which case the number of stalls required shall be the sum total of the individual requirements, provided that where it is found by the Board of Adjustment upon application thereto, that the parking demand generated by the different uses included in any joint arrangements to provide parking stalls required herein occur at distinctly different times, as in the case of a store generating demand for parking during its daytime business hours and a theater generating peak demand for parking after such daytime hours, and in similar cases, the Board of Adjustment may reduce the total number of parking stalls to be jointly provided.
10. Each business, commercial, manufacturing or industrial use having deliveries made by truck more than once a day between the hours of eight o'clock (8:00) a.m. and six o'clock (6:00) p.m., or where the time of loading and unloading materials or goods exceeds ten (10) minutes between those hours, shall provide off-street truck loading space on the lot, such space to be not less than thirty five (35) feet in length, twelve (12) feet in width and fifteen (15) feet in height.
11. Where there are practical difficulties or unnecessary hardships in the way of carrying out the parking provisions herein established in accordance with the strict letter of this section, the Board of Adjustment may vary or modify same in accordance with the provisions of [Section 21.0403](#) of this ordinance. If any uses, buildings or structures or other establishments not herein expressly enumerated require off-street parking space in the opinion of the Board of Adjustment, the permit therefore may be granted by the Board on such conditions and requirements as may be deemed equitable and for the best interest and welfare of the community. (C-408)

19.0413: REPEALED (Ord 17-21; Rev 06-09-17)

19.0414: RESERVED (Ord 04-05; Rev 06-16-04)

19.0415: RESERVED (Ord 04-05; Rev 06-16-04)

19.0416: REPEALED (Ord 16-21; Repealed 12-30-16)

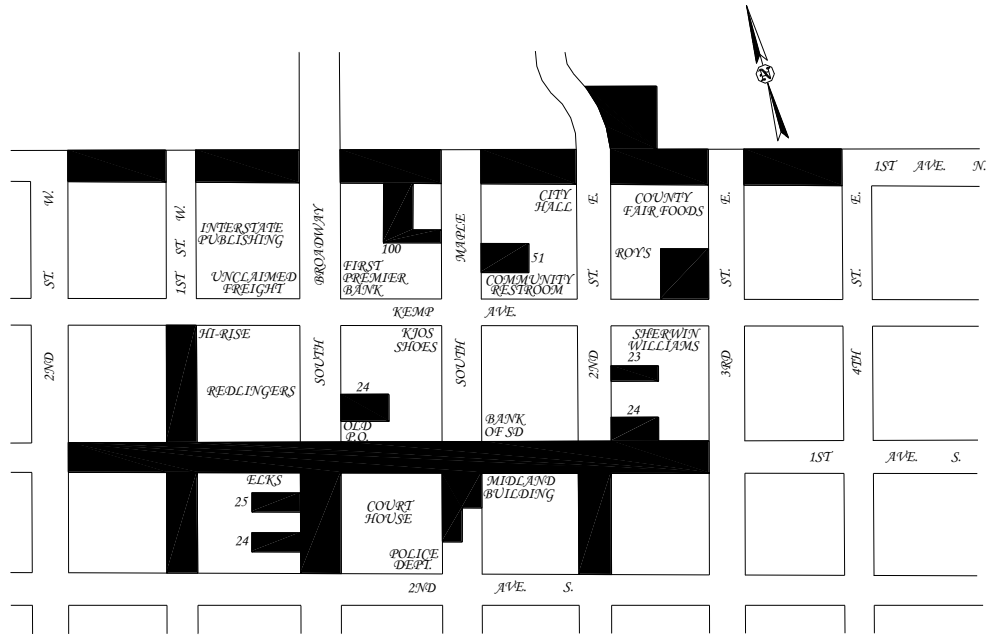
19.0417: REPEALED (Ord 17-07; Repealed 05-12-17)

19.0418: HANDICAPPED PARKING RESTRICTIONS

[\(back to Chapter contents\)](#)

1. The owner of any vehicle not displaying a serially numbered certificate or special license plate parked or stopped in a parking space, or blocking a parking space, on public or private property designated as reserved for a person with a physical disability commits a violation of this section. The court shall assess a fine of not less than one hundred dollars (\$100) if the parking space is marked in accordance with the Americans With Disabilities Act accessibility guidelines as of January 1, 2002.
2. No owner of a vehicle may park, stop, or stand in an access aisle or lane immediately adjacent to reserved parking spaces or in front of a ramp or curb cut in such a manner that blocks access to a person with a disability who uses a wheelchair. The court shall assess a fine of not less than one hundred dollars (\$100) if the parking space is marked in accordance with the Americans With Disabilities Act accessibility guidelines as of January 1, 2002.
3. Each sign designating a parking space for a person with a physical disability shall state the penalties for illegal use of the parking space. This section only applies to a new sign or a sign that replaces an existing sign after July 1, 2002. (Ord 04-05; Rev 06-16-04)

19.0419: EMPLOYEE AND TENANT UPTOWN PARKING DESIGNATIONS ([back to Chapter contents](#))



EMPLOYEE AND TENANT UPTOWN PARKING DESIGNATIONS
DATE: SEPTEMBER 1999

Chapter 19.05 TRAFFIC CONTROL DEVICES

Section[\(back to Title contents\)](#)

- [19.0501 Authority to Install Traffic Control Devices](#)
- [19.0502 Obedience to Traffic Control Devices](#)
- [19.0503 Traffic Control Signal Legend](#)
- [19.0504 Flashing Signals](#)
- [19.0505 Interference with Official Traffic Control Devices or Railroad Signs or Signals](#)
- [19.0506 City Police Department to Designate Crosswalks and Establish Safety Zones](#)

19.0501: AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES[\(back to Chapter contents\)](#)

The Street Department shall place and maintain traffic control signs, signals and devices when and as required under the traffic ordinances of this City. The Public Works Director, with the consultation of the Police Chief, Street Superintendent and City Engineer, shall make effective the provisions of said ordinances, and may order the placement, removal, and maintenance of such additional traffic control devices as deemed necessary to regulate traffic under the traffic ordinances of this City, or under the state law, to guide or warn the traffic. (C-352-1) (Ord 15-27; Rev 11-27-15) (Ord 21-14; Rev 6-11-21)

19.0502: OBEDIENCE TO TRAFFIC CONTROL DEVICES[\(back to Chapter contents\)](#)

The driver of any vehicle shall obey the instruction of any official control device applicable thereto placed in accordance with the traffic ordinances of this City, unless otherwise directed by a police officer, subject to the exception granted the driver of an authorized emergency vehicle under the ordinances of this City. (C-352-2)

19.0503: TRAFFIC CONTROL SIGNAL LEGEND[\(back to Chapter contents\)](#)

Whenever traffic is controlled by traffic controlled signals exhibiting different colored lights successively one at a time, the following colors only shall be used and the said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. **Green.**
 - a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn, but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
2. **Yellow** alone, when shown following the green.
 - a. Vehicular traffic facing the signal is thereby warned that red or stop signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when red (stop) signal is exhibited.
 - b. No pedestrian facing such signal shall enter the roadway until the green is shown alone.
3. **Red** alone.
 - a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until green is shown alone.
 - b. No pedestrian facing such signal shall enter the roadway until the green is shown alone.
4. **Red with Green Arrow.**

Vehicular traffic facing such signal must come to a full stop before entering the intersection and then may cautiously enter the intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians lawfully within the crosswalk and to all other traffic lawfully using the intersection. (D-443)
5. **Red at School Zone Intersections.**
 - a. Vehicular traffic facing red signal shall stop before entering the nearest crosswalk or intersection, or a limit line when marked, and shall remain standing until such red signal changes.

- b. Red followed by flashing yellow (caution signal). When a yellow light is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal only with caution.
6. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made but in the absence of any such sign or marking, the stop shall be made at the signal. (C-352-3)

19.0504: FLASHING SIGNALS

[\(back to Chapter contents\)](#)

Whenever an illuminated flashing yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

Whenever a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal only with caution. This section shall not apply to railroad grade crossings. (C-352-4)

19.0505: INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS

[\(back to Chapter contents\)](#)

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, remove or have in his or her possession any official traffic control device or any railroad sign or signal sign or signal or any description shield or insignia thereon or any part thereof. (E-148-1)

19.0506: CITY POLICE DEPARTMENT TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES

[\(back to Chapter contents\)](#)

The City Police Department is hereby authorized:

1. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections, where in its opinion there is particular danger to pedestrians crossing the roadway, and at such other places as it may deem necessary.
2. To establish safety zones of such kind and character and at such places as it may deem necessary for the protection of pedestrians. (C-352-6)

Chapter 19.07
BICYCLES AND OTHER PERSONAL CONVEYANCES

Section

[\(back to Title contents\)](#)

[19.0700 Personal Conveyances Regulated by this Chapter](#)

[19.0704 No Interfering with Pedestrians, No Riding Personal Assistive Devices in Certain Areas](#)

[19.0705 Must be Ridden Carefully](#)

[19.0706 Must Obey Traffic Laws, Etc.](#)

[19.0707 No More Persons on Personal Conveyance than Designed](#)

[19.0708 Not More than Two Abreast](#)

[19.0709 Reserved](#)

[19.0710 Lighting Required](#)

[19.0711 Reserved](#)

[19.0712 No Hitching Rides](#)

19.0700: PERSONAL CONVEYANCES REGULATED BY THIS CHAPTER

[\(back to Chapter contents\)](#)

The term “personal conveyances” includes the following vehicles and equipment: bicycles, rollerblades, roller skates, non-self-propelled scooters, carts, wheelchairs, electric wheelchairs, electric personal assistive devices (as defined in SDCL 32-26-21.2), skateboards, and like vehicles and equipment. (Ord 17-15; Add 05-12-17)

19.0704: NO INTERFERING WITH PEDESTRIANS; NO RIDING PERSONAL ASSISTIVE DEVICES IN CERTAIN AREAS

No person, except law enforcement officers in the performance of their duties, shall ride or propel personal conveyance upon any public street, highway, alley or boulevard in this City in such a manner as to interfere with any pedestrian thereon.. Additionally, no person, except law enforcement officers in the performance of their duties, shall operate an electric personal assistive device upon a sidewalk in this City. (Ord 04-05; Rev 06-16-04) (Ord 17-15; Rev 05-12-17)

19.0705: MUST BE RIDDEN CAREFULLY

[\(back to Chapter contents\)](#)

No personal conveyance shall be ridden faster than is reasonable and proper, or in a manner that may otherwise cause injury to the operator or other persons. (C-202-5) (Ord 17-15; Rev 05-12-17)

19.0706: MUST OBEY TRAFFIC LAWS, ETC.

[\(back to Chapter contents\)](#)

Persons riding or propelling any personal conveyance shall observe all traffic laws, regulations and traffic signs. (C-202-6) (Ord 17-15; Rev 05-12-17)

19.0707: NO MORE PERSONS ON PERSONAL CONVEYANCE THAN DESIGNED

No person shall propel or operate a personal conveyance upon said streets, highways, alleys or boulevards with more users or passengers than the conveyance was designed to carry, and infants or children shall be conveyed in properly manufactured and purpose-built seats. (C-202-7) (Ord 04-05; Rev 06-16-04) (Ord 17-15; Rev 05-12-17)

19.0708: NOT MORE THAN TWO ABREAST

[\(back to Chapter contents\)](#)

No person shall ride or propel any personal conveyance upon any of said public streets, highways, alleys or boulevards or other public place in this City more than two abreast. (C-202-8) (Ord 17-15; Rev 05-12-17)

19.0709: RESERVED (Ord 04-05; Rev 06-16-04)

19.0710: LIGHTING REQUIRED

[\(back to Chapter contents\)](#)

No bicycle, scooter, cart, wheelchair, electric wheelchair, or electric personal assistive device shall be permitted on any public street, highway, alley or boulevard of this City during the period from a half hour after sunset to a half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible any person on said public street, highway, alley or boulevard at a distance of two hundred (200) feet ahead unless said bicycle is equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least three hundred (300) feet in front of such bicycle, scooter, cart, wheelchair, electric wheelchair, or electric personal assistive device, and shall also be equipped with a reflex mirror lamp on the rear exhibiting a yellow or red light visible under

like conditions from a distance of at least two hundred (200) feet to the rear of said conveyances. (C-202-10) (Ord 17-15; Rev 05-12-17)

19.0709: RESERVED (Ord 04-05; Rev 06-16-04)

19.0712: NO HITCHING RIDES

[\(back to Chapter contents\)](#)

It shall be unlawful for any person riding upon any personal conveyance or any other similar vehicle to attach the same or himself to any motor vehicle upon any public street, highway, alley or boulevard or to hold on to such motor vehicle. (C-202-12) (Ord 17-15; Rev 05-12-17)

Chapter 19.08
BUSES

Section

[19.0801 Definitions](#)

[19.0804 Buses on Sidewalks](#)

[19.0805 Accidents](#)

[\(back to Title contents\)](#)

19.0801: DEFINITIONS

[\(back to Chapter contents\)](#)

Bus or Motor Bus: a motor vehicle for carrying passengers with a seating capacity of at least eight (8) persons, not including the driver, and carrying or accepting passengers for hire.

Driver: one who actually engages in the driving of a bus.

Operator: a person engaged in business as an operator of a bus or buses, as the case may be.

Seating Capacity: the number of persons, not including the driver, who can be conveniently seated in a bus without crowding. (C-307-1)

19.0804: BUSES ON SIDEWALKS

[\(back to Chapter contents\)](#)

No person driving or having charge of any bus shall drive any such vehicle onto the sidewalk of any street or stop any such vehicle at any crosswalk or intersection of streets, so as to obstruct or hinder the traffic along such crosswalks or intersections of those streets. (C-307-4)

19.0805: ACCIDENTS

[\(back to Chapter contents\)](#)

If any accident or injury shall happen to any person, vehicle or thing by reason of coming in contact with any bus, as defined in this chapter, it shall be the duty of the person driving or having charge of the bus to immediately stop and, if necessary, render assistance, and to give his name and residence and the number of the bus he was driving and the name and residence of the owner thereof. (C-307-5)

Chapter 19.09
TAXICABS

Section

[\(back to Title contents\)](#)

19.0901	License Required
19.0902	License Fees
19.0903	Taxi or Bus Driver's License
19.0904	Inspection
19.0905	Repealed
19.0906	Transfer
19.0907	Existing Licenses
19.0908	Repealed
19.0909	Insurance Required
19.0910	Time Effective
19.0911	Method of Termination
19.0912	When New Insurance Required
19.0913	Licenses Subject to Bond or Insurance
19.0914	Repealed
19.0915	Zero Tolerance for Alcohol or Drug Use in Taxicabs
19.0916	Display of License, Business Name, and Phone Number
19.0917	Revocation of License
19.0918	Determination of Engaging in Taxicab Business

19.0901: LICENSE REQUIRED

[\(back to Chapter contents\)](#)

1. No person, firm or corporation shall operate a taxicab business within this City without first having obtained from the Finance Officer a license therefore, and complying with all provisions of this chapter.
2. Application for such license shall be in writing, upon blanks to be furnished by the Finance Officer, which said application shall contain the full name and address of the owner, the nature of proposed operation, and proof of sales tax license. As to each vehicle, the application shall contain the following information: make, model, year of manufacture, engine and factory number, the South Dakota license number, and proof of compliance with SDCL 32-9 Commercial Motor Vehicle Certificates.
3. The Finance Officer shall grant a taxicab business license if satisfied that the applicant has complied with all of the terms and provisions of this chapter and if the evidence submitted in support of the application meets the conditions precedent to granting the license.

Source: (C-284-1) (98-12) (Ord 18-11; Rev 07-27-18) (Ord 22-07; Rev 5-13-22)

19.0902: LICENSE FEES

[\(back to Chapter contents\)](#)

The fee for such license shall be established by resolution of the City Council. All licenses shall extend from January 1 until December 31 of such year, and the full license fee must be paid for any part of such year.

Source: (C-284-2) (E-617-1) (Ord 10-27; Rev 11-12-10)

19.0903: TAXI DRIVER'S LICENSE

[\(back to Chapter contents\)](#)

1. No person shall drive or operate a taxicab unless said person shall have first obtained a driver's license as herein required. Every applicant for such license shall make application to the Finance Officer on forms to be supplied by said Finance Officer, and shall pay a fee established by resolution of the City Council. Said application shall include a waiver without reservation by the applicant permitting the City Council to investigate such sources as it deems appropriate.
2. All such licenses shall extend from date of issuance to December 31 of such year.
3. The Finance Officer shall issue a taxi driver's license so long as the insurance requirements under Section 19.0909 have been met, and examination of driver's record and criminal history does not reveal any of the following:
 - a. Judgments for more than three moving traffic violations in the preceding three years;
 - b. A violation involving reckless, careless, or exhibition driving in the preceding three years;

- c. A violation for driving on a suspended or revoked license in the preceding three years;
 - d. A felony conviction of any kind in the preceding seven years;
 - e. A misdemeanor conviction in the preceding seven years involving:
 - i. Resisting a law enforcement officer
 - ii. Dishonesty
 - iii. Injury to a person;
 - iv. Operating a motor vehicle while intoxicated;
 - v. Operating a motor vehicle in a manner that endangers a person;
 - vi. Damage to the property of another person;
 - f. A match on the state or national sex offender registry.
- 4. Each licensed taxicab driver shall conspicuously display their city-issued identification card on the interior of the vehicle any time such vehicle is being operated as a taxicab.
 - 5. The Finance Officer may suspend any license issued hereunder upon a probable cause determination upon one of the events listed in 3 above. The Finance Officer may revoke any license upon a conviction upon one of the events listed in 3 above.

Source : (C-284-3) (E-460-1) (E-617-1) (98-12) (Ord 10-27; Rev 11-12-10) (Ord 22-07; Rev 5-13-22)

19.0904: INSPECTION

[\(back to Chapter contents\)](#)

No taxi shall be licensed until it has been inspected and found to be fit for the transportation of passengers. Vehicle inspections shall be performed by a certified mechanic or other qualified person, and only those inspection reports submitted by inspectors deemed qualified by the Chief of Police or his designee shall be received. Taxi inspections shall include an inspection of all mechanical and safety equipment and an inspection of the chassis. An inspection shall be verified by a written report from the inspector certifying the vehicle is fit for the transportation of passengers. The City reserves the right to require annual or periodic inspections of any licensed taxi.

Source: (C-284-4) (Ord 04-05; Rev 06-16-04)

19.0905: REPEALED (C-284-5) (Ord 22-07; Rep 5-13-22)

[\(back to Chapter contents\)](#)

19.0906: TRANSFER

[\(back to Chapter contents\)](#)

No license for a vehicle licensed hereunder may be transferred from one vehicle to another.

Source: (C-284-6) (Ord 12-23; Rev 09-14-12)

19.0907: EXISTING LICENSES

[\(back to Chapter contents\)](#)

Notwithstanding any provision elsewhere contained in this chapter, no licensee who has paid the fees required and obtained the license required under any ordinance of this City existing prior to the adoption of this chapter shall be required to obtain a license or pay further fees hereunder for the remainder of the year for which such license was issued, but all such licensees shall be otherwise in all things subject to the provisions of this chapter.

Source: (C-284-11)

19.0908: REPEALED

[\(back to Chapter contents\)](#)

Source: (C-289) (Ord 22-07; Rep 5-13-22)

19.0909: INSURANCE REQUIRED

[\(back to Chapter contents\)](#)

Before a license shall be issued to anyone to hire, use or keep for use or hire upon any of the streets of this City, any vehicle of any description whatever for the conveyance of passengers from place to place within said City, the applicant for such license shall file with the Finance Officer a good and sufficient insurance to bind the obligors thereon to pay any final judgment rendered against such applicant arising out of any action for death or injury to any

person, or damage to any property, for which the liability of said applicant arose by reason of the operation of the business herein referred to. Insurance shall bind the obligors thereon to pay any sum up to one million dollars (\$1,000,000) per incident for death, bodily injury, or property damage. It shall be a condition of said insurance that anyone who shall recover any final judgment against said applicant, upon any of the grounds hereinabove set out, may maintain an action thereon in any court having jurisdiction of such an action, for the amount of such judgment, within the limits hereinabove provided.

Source: (00-7) (Ord 22-07; Rev 5-13-22)

19.0910: TIME EFFECTIVE

[\(back to Chapter contents\)](#)

The bond and undertaking, or the insurance in lieu thereof, provided for in Section 19.0909 hereof shall be effective for the same period as the license referred to in this chapter, and new bond and undertaking, or liability and indemnity insurance in lieu thereof, shall be furnished annually in connection with each application for license.

Source: (C-157-3)

19.0911: METHOD OF TERMINATION

[\(back to Chapter contents\)](#)

No obligor upon any such bond and undertaking, or insurer under any such insurance, shall terminate his or its liability thereunder at any time during the license year of January 1 to December 31, except by filing with the Finance Officer written notice of intention to terminate such liability, and no such termination shall become effective until ten days after the giving of such notice, unless new bond and undertaking or insurance in lieu thereof, shall be presented by such license and approved by the Finance Officer within a shorter time.

Source: (C-157-4) (Ord 22-07; Rev 5-13-22)

19.0912: WHEN NEW INSURANCE REQUIRED

[\(back to Chapter contents\)](#)

If, in the opinion of the Finance Officer, any policy of insurance shall at any time be deemed inadequate, or to have become impaired, the licensee shall be required to furnish a new policy of insurance within ten (10) days after notice to do so, to be given by the Finance Officer.

Source: (C-157-5) (00-7) (Ord 22-07; Rev 5-13-22)

19.0913: LICENSES SUBJECT TO BOND OR INSURANCE

[\(back to Chapter contents\)](#)

All licenses referred to in [Section 19.0901](#) hereof shall be issued subject to all of the provisions of this chapter, whether so stated in said license or not, and, in case of termination of liability by obligors or insurers, as referred to in Section 19.0911 hereof, or in case any such licensee shall fail to furnish obligors or insurers to the approval of the Finance Officer under the conditions and within the time specified within Section 19.0912 then, and in either such case, said license shall be suspended and of no force or effect during such time as there is no such bond and undertaking or insurance in complete force and effect, to the approval of the Finance Officer.

Source: (C-157-6) (Ord 22-07; Rev 5-13-22)

19.0914: REPEALED

[\(back to Chapter contents\)](#)

Source: (C-284-7) (Ord 22-07; Rep 5-13-22)

19.0915: ZERO TOLERANCE FOR ALCOHOL OR DRUG USE IN TAXICABS

[\(back to Chapter contents\)](#)

The City reserves the right to immediately suspend or revoke a taxicab business license or a taxicab driver's license, or both, if the City has probable cause to conclude that a taxicab driver has operated a taxicab under the influence of alcohol or drugs, or if a taxicab driver has allowed a passenger to consume alcohol or use drugs in a taxicab while such vehicle is being operated as a taxicab.

Source: (C-284-8) (Ord 22-07; Rev 5-13-22)

19.0916: DISPLAY OF LICENSE, BUSINESS NAME, AND PHONE NUMBER ([back to Chapter contents](#))

Each licensed taxicab shall display, on the rear of the vehicle and in a conspicuous place, the taxicab's license number as provided by the city at the time of issuing the license. Each taxicab shall also display on the outside of a door on each side the business name and phone number.

Source: (C-383-3) (Ord 22-07; Rev 5-13-22)

19.0917: REVOCATION OF LICENSE ([back to Chapter contents](#))

The Finance Officer may revoke any license issued under any provision of this chapter upon proof that the licensee has violated any provision hereof, or upon proof that such licensee is unfit to perform the service authorized by such license. Whenever information comes to the Finance Officer which is believed Finance Officer to justify revocation of such license, notice shall be mailed to such licensee at the address set out in the application made by such licensee for license hereunder stating the intention of the City to revoke said license, and informing said licensee that he may have a public hearing before said City Council upon such question if he makes demand for such hearing within three days after the mailing of such notice; provided however, that if said City Council deems that the public interests require it, the right of any licensee hereunder may be suspended without previous notice, such suspension to remain in effect until hearing, or waiver of hearing by failure to ask for same, upon the question of revocation of such license.

Source: (C-284-10) (Ord 22-07; Rev 5-13-22)

19.0918: DETERMINATION OF ENGAGING IN TAXICAB BUSINESS ([back to Chapter contents](#))

Any person shall be deemed to have engaged in the taxicab business if he or she keeps or maintains any vehicle for carrying passengers, not traveling any definite or prescribed route, operated by a driver, and holds themselves out for the immediate carrying or accepting passengers for transportation in a vehicle in exchange for money or any other thing of value. The following are deemed not to be taxicabs and are, therefore, not regulated by this chapter: personal vehicles operated by a TNC driver as defined in Chapter 19.10, passenger service vehicles operated by not-for-profit or government entities, ambulances, funeral cars, and vehicles operated in conjunction with a non-taxicab business (e.g. a motorbus operated solely for customers of a bar or hotel).

Source: (Ord 22-07; Add 5-13-22)

Chapter 19.10
TRANSPORTATION NETWORK COMPANIES

Section

[\(back to Title contents\)](#)

- [19.1001 Definitions](#)
- [19.1002 License Required](#)
- [19.1003 Application](#)
- [19.1004 Issuance](#)
- [19.1005 License Fee and Term](#)
- [19.1006 Regulations for TNC Licensees](#)
- [19.1007 License Suspension or Revocation](#)
- [19.1008 Appeal of License Decision](#)

19.1001 DEFINITIONS

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Digital Network. Any online-enabled application, software, website, or system offered or utilized by a TNC that enables the prearrangement of rides with TNC Drivers.

Personal Vehicle. A vehicle that is used by a TNC driver to provide a prearranged ride and is owned, leased, or otherwise authorized for use by the TNC driver. The term does not include any taxicab licensed under Chapter 19.09.

Prearranged Ride. The provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a TNC, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. The term does not include transportation provided by a shared expense carpool or vanpool arrangement or by using a taxicab licensed under Chapter 19.09.

Transportation Network Company or TNC. A person licensed pursuant to this chapter that uses a digital network to connect passengers to transportation network company services provided by transportation network company drivers. A TNC shall not be deemed to control, direct or manage the personal vehicles or TNC drivers, except where agreed to by written contract.

Transportation Network Company Driver or TNC Driver. An individual who operates a personal vehicle who:

1. Receives connections to potential passengers and related services from a TNC in exchange for payment of a fee to the TNC; and
2. Uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

Transportation Network Company Rider or TNC Rider. A person who uses a TNC's digital network to connect with a TNC driver who provides a prearranged ride to the person in the driver's personal vehicle between points chosen by the person.

Source: (Ord 18-10; Add 07-27-18) (Ord 22-07; Rev 5-13-22)

19.1002 LICENSE REQUIRED

No person shall operate a TNC in the City of Watertown without first obtaining a license from the Finance Officer.

Source: (Ord 18-10; Add 07-27-18)

19.1003 APPLICATION

Every person desiring a license to operate a TNC business in the city shall make application in writing to the Finance Office in the general form required for all applications for licenses and shall also give the following additional information:

1. Name and address of applicant;

2. Trade name, if any, under which the license is to be exercised;
3. If a partnership, the name and address of each partner;
4. If a corporation, the names and address of the officers;
5. Name and contact information for an agent to be maintained for service of process in the State of South Dakota;
6. A description of the activity to be carried out under the license;
7. Previous experience in the business, if the applicant has not been previously licensed with the city;
8. Proof of sales tax license, if applicable.

Source: (Ord 18-10; Add 07-27-18)

19.1004 ISSUANCE

The Finance Officer shall grant a TNC license if satisfied that the applicant has complied with all of the terms and provisions of this chapter and if the evidence submitted in support of the application meets the conditions precedent to granting the license.

Source: (Ord 18-10; Add 07-27-18)

19.1005 LICENSE FEE AND TERM

The fee for a TNC license shall be established by resolution of the City Council. The term of a TNC license shall extend from January 1 to December 31 of each year, unless sooner revoked, canceled or otherwise terminated. The full license fee must be paid for any partial license term and such fee is nonrefundable in the event of application denial, license suspension, or license revocation.

Source: (Ord 18-10; Add 07-27-18)

19.1006 REGULATIONS FOR TNC LICENSEES

1. **No cash trips.** The TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments or other compensation directly from TNC riders and shall notify TNC drivers of such policy. TNC drivers shall not solicit or accept cash payments or other compensation directly from TNC riders. Any payment for TNC services shall be made only electronically using the TNC's digital network. This provision shall not be construed to prohibit passengers from making a voluntary cash tip payment directly to the TNC driver.
2. **No street hails.** A TNC driver shall not solicit or accept street hails. TNC vehicles may only be used to provide prearranged transportation service. A TNC driver shall not accept or respond to requests for service via a street hail, including hand gestures and verbal statements. A TNC driver shall not solicit potential TNC riders or use words or gestures for immediate patronage of a TNC vehicle upon the public way attempting to direct people to a vehicle that is parked, stopped, standing or moving upon the right of way.
3. **Fare collected for services.** On behalf of a TNC driver, a TNC may charge a fare for the services provided to TNC riders; provided that, if a fare is collected from a TNC rider, the TNC shall disclose to TNC riders the fare calculation method on its website or within the software application service. The TNC shall also provide TNC riders with the applicable rates being charged and the option to receive an estimated fare before the TNC rider enters the TNC driver's vehicle.
4. **Identification of TNC vehicles and drivers.** The TNC's software application or website shall display a picture of the TNC driver and the license plate number of the vehicle utilized for providing the TNC service before the TNC rider enters the TNC driver's vehicle.
5. **Electronic receipt.** Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the TNC rider on behalf of the TNC driver that lists the following:
 - a. The origin and destination of the trip;
 - b. The total time and distance of the trip;

- c. The total fare paid, including the base fare and any addition charges; and
 - d. The TNC driver's first name.
6. **Records.** A TNC shall maintain the following records.
- a. Individual trip records of TNC riders for at least 1 year from the date each trip was provided;
 - b. Individual records of TNC drivers and their trips at least until the 1-year anniversary of the date on which a TNC driver's relationship with the TNC has ended; and
 - c. Names, drivers' license numbers and state of drivers' license issuance for each active TNC driver operating within the city.
7. **Monthly Record Submission.** On a monthly basis, a TNC shall submit to the Finance Officer a list of names, drivers' license numbers and the state of drivers' license issuance for each active TNC driver operating within the city.
8. **Record inspection authority.**
- a. The city has the authority to inspect the records of the TNC as necessary to investigate an alleged crime or violation of this chapter; any accident involving a TNC driver; or for other good cause. The TNC shall cooperate with the city to facilitate the exchange of relevant information required in any investigation. The city shall provide advance written notice at least 7 days prior to any inspection, which may be conducted at a mutually agreed upon third-party location, or pursuant to court order, grand jury, or investigative subpoena.
 - b. Any record or information made available by the TNC to the city pursuant to this chapter is confidential and proprietary and shall not be made public without TNC's express written permission except that if the city is required to disclose confidential information under court order or other applicable law, the city shall promptly notify the TNC of such requirement, prior to disclosure, and shall make diligent efforts to limit disclosure pursuant to any available basis in South Dakota open records law or other applicable law.

Source: (Ord 18-10; Add 07-27-18) (Ord 22-07; Rev 5-13-22)

19.1007 LICENSE SUSPENSION OR REVOCATION

The Finance Officer may suspend or revoke any license he or she issued pursuant to this chapter for the violation by the licensee of any applicable provision in city, state, or federal law, rule or regulation, or for other good cause. The licensee shall be informed in writing of any suspension, extension(s) of the suspension period, or revocation.

Source: (Ord 18-10; Add 07-27-18)

19.1008 APPEAL OF LICENSE DECISION

1. **Appeal of license denial.** If a license application under this chapter is denied, the applicant may request a personal appearance before the City Council to offer evidence why the application should be reconsidered. Such request shall be in writing provided to the Finance Office within 14 calendar days of the denial. If, upon consideration, a majority of the Council votes for authorization of the license, then the license shall be issued pursuant to the provision of this chapter.
2. **Appeal of suspension or revocation.** If a license issued under this chapter is suspended or revoked pursuant to § 19.1007, the applicant may appeal to the City Council. Such appeal shall be in writing provided to the Finance Office within 14 calendar days of the suspension or revocation. If, upon consideration, a majority of the Council votes to overturn the suspension or revocation, then the license shall be issued without need for additional application or payment of fees. (Ord 18-10; Add 07-27-18)

Source: (Ord 18-10; Add 07-27-18)

Chapter 19.11
MOTORCYCLES

Section

[\(back to Title contents\)](#)

[19.1101 Definitions](#)

[19.1102 License or Permit Required](#)

[19.1103 Height of Handlebars](#)

[19.1104 Protective Helmet and Equipment Required](#)

[19.1105 Reserved](#)

[19.1106 Passenger Seat and Safety Requirements of Passenger](#)

[19.1107 Reserved](#)

[19.1108 Restrictions as to Renting or Loaning](#)

[19.1109 Operation of Motorcycles in Municipal Park or Recreation Areas Prohibited](#)

[19.1110 Exception for Special Occasions](#)

19.1101: DEFINITIONS

[\(back to Chapter contents\)](#)

As used in this ordinance:

Motorcycle: includes mopeds, motorcycles, motorbikes, bicycles with motor attached and all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, or a platform on which the driver stands, but excluding a tractor. (Ord 04-05; Rev 06-16-04).

19.1102: LICENSE OR PERMIT REQUIRED

[\(back to Chapter contents\)](#)

No person shall operate a motorcycle on the streets or highways of this City without a state issued motor vehicle driver's license or upon any private property without the express permission of the owner or person in possession thereof. (Ord 04-05; Rev 06-16-04).

19.1103: HEIGHT OF HANDLEBARS

[\(back to Chapter contents\)](#)

No person may operate on a public street or highway a motorcycle equipped with a handlebar positioned so that the grips of the handlebar are at or above shoulder height of the person when sitting astride the seat. (Ord 04-05; Rev 06-16-04)

19.1104: PROTECTIVE HELMET AND EQUIPMENT REQUIRED

[\(back to Chapter contents\)](#)

1. No person under eighteen (18) years of age may operate or ride upon a motorcycle on the public streets or highways of this state unless the person wears a protective helmet of a type meeting Department of Transportation Motor Vehicle Safety Standard 218 as in effect on January 1, 1984. No person may operate a motorcycle with any person under the age of eighteen (18) as a passenger if the passenger is not wearing a protective helmet.
2. No person may operate a motorcycle unless he is wearing an eye protective device or unless the motorcycle is equipped with a windscreen of sufficient height and design so as to provide adequate eye protection to the operator when seated on the motorcycle in the normal operating position. However, no person may operate a motorcycle during the time period when headlights must be lighted while wearing an eye protective device that is tinted or shaded to reduce the light transmittance of the device to a level below thirty five percent (35%). (Ord 04-05; Rev 06-16-04).

19.1105: RESERVED (Ord 04-05; Rev 06-16-04)

19.1106: PASSENGER SEAT AND SAFETY REQUIREMENTS OF PASSENGER [\(back to Chapter contents\)](#)

It shall be unlawful for an operator or driver of a motorcycle while operating on the public streets of this City to carry any other person thereon, except on a seat securely fastened to the machine to the rear of the driver provided with foot rests or in a sidecar attached to the motorcycle and designed with the purpose of carrying a passenger. The passenger shall wear all of the safety equipment which is required for the operator of the motorcycle. (E-48-1)

19.1107: RESERVED (Ord 04-05; Rev 06-16-04)

19.1108: RESTRICTION AS TO RENTING OR LOANING

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to rent or loan a motorcycle to any person except those lawfully permitted to operate a motorcycle. (E-48-1) (Ord 04-05; Rev 06-16-04).

19.1109: OPERATION OF MOTORCYCLES IN MUNICIPAL PARK OR RECREATION AREAS PROHIBITED

[\(back to Chapter contents\)](#)

It shall be unlawful to operate a motorcycle in any municipal park or recreation area except upon the normally traveled roads or roadways or in specifically designated areas. (E-48-1)

19.1110: EXCEPTION FOR SPECIAL OCCASIONS

[\(back to Chapter contents\)](#)

This ordinance shall not apply to vehicles used for special occasions such as display, parade, exhibitions and similar uses. (E-48-1)

Chapter 19.12
TRUCK ROUTES AND LOAD LIMITS

Section

[19.1201 Bridge Load Limits](#)

[19.1202 Truck Routes](#)

[\(back to Title contents\)](#)

19.1201: BRIDGE LOAD LIMITS

[\(back to Chapter contents\)](#)

When deemed necessary for the safety or convenience of the public, the Public Works Director, pursuant to powers granted in [Section 19.0501](#), shall have the authority to establish load limits upon any bridge located within the city limits of the City of Watertown, South Dakota. When any such limit is imposed, a copy of such action shall be filed in the office of the Finance Officer and proper signs shall be posted on such bridge. (E-222-1) (Ord 16-21; Rev 12-30-16) (Ord 21-14; Rev 6-11-21)

19.1202: TRUCK ROUTES

[\(back to Chapter contents\)](#)

When deemed necessary for the safety or convenience of the public, the Public Works Director, pursuant to powers granted in [Section 19.0501](#), shall have the authority to establish truck routes within this City and to prohibit truck traffic upon such streets as deemed necessary. The Public Works Director may, in his or her discretion, limit the size of trucks upon certain streets or ban such traffic completely. Such action of the Public Works Director shall be referred to the full Council for vote. (E-222-1) (Ord 16-21; Rev 12-30-16) (Ord 21-14; Rev 6-11-21)

Chapter 19.13
SNOWMOBILES

Section

[\(back to Title contents\)](#)

- [19.1301 Reserved](#)
- [19.1302 Definitions](#)
- [19.1303 Unlawful Areas for Operation](#)
- [19.1304 Operation at Crossings](#)
- [19.1305 Operation at Intersection](#)
- [19.1306 Requirements for Operation](#)
- [19.1307 Snowmobile Equipment Requirement](#)
- [19.1308 Emergency Operation](#)
- [19.1309 Unlawful to Operate in Manner Detrimental to Animals](#)
- [19.1310 Separability Clause](#)

19.1301: RESERVED (Ord 04-05; Rev 06-16-04)

19.1302: DEFINITIONS

[\(back to Chapter contents\)](#)

For the purposes of this ordinance there are terms defined herein which shall have the meaning ascribed to them:

Operate: to ride in or on and control the operation of a snowmobile.

Operator: every person who operates or is in actual physical control of a snowmobile.

Owner: a person, other than a lien holder, having the property in or title to snowmobile entitled to the use or possession thereof.

Person: includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

Roadway: that portion of a highway improved, designed or ordinarily used for vehicular travel. (E-355-1)

Snowmobile: a self propelled vehicle designed for travel on snow, ice or natural terrain steered by wheels, skis or runners.

19.1303: UNLAWFUL AREAS FOR OPERATION

[\(back to Chapter contents\)](#)

It is unlawful for any person to operate a snowmobile within the limits of the City. It shall be unlawful for such vehicles to operate as follows:

1. On the portion of any right-of-way or any highway, street, road, trail or alley used for motor vehicle travel, except the most right hand lane (except in passing) which is used for vehicle traffic in the same direction of any city street. Travel and operation of said snowmobiles hereunder shall, in any case, be limited to a route of travel from the owner's residence to the city limits, and this to be on the most direct route permissible.
2. On a public sidewalk provided for pedestrian travel.
3. On boulevards within any public right-of-way.
4. On private property of another without specific permission of the owner or person in control of said property, and this permission shall be in writing and in the possession of the person who is operating the snowmobile.
5. On any other public place except Lake Kampeska and designated city park areas as posted.
6. Two or more snowmobiles traveling in the same direction shall be operated one behind the other with an interval of at least fifteen (15) feet between, and in no case shall snowmobiles ever be operated side by side.
7. No snowmobile shall be allowed or shall be operated upon the downtown streets herein designated:
 - c. First Avenue North from Fifth Street East, west to Third Street West.
 - d. First Avenue South from First Street West to Third Street East.
 - e. Kemp Avenue from Fifth Street East, west to Third Street West.
 - f. First Street West from First Avenue North, south to First Avenue South.
 - g. Broadway from north railroad tracks, south to Second Avenue South.
 - h. Maple from north railroad tracks, south to Second Avenue South.

- i. Second Street East from First Avenue North to Second Avenue South.

Persons residing in the above area are allowed to bring their snowmobiles upon their property.

8. No snowmobile shall be parked on any street at any time.
9. Operation of snowmobiles for special occasions, not in accordance with this ordinance, shall be under the jurisdiction and control of the Watertown Police Department. (E-355-1)

19.1304: OPERATION AT CROSSINGS

[\(back to Chapter contents\)](#)

A snowmobile may make a direct crossing of a street or highway provided:

1. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.
2. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way.
3. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
4. Lights must be on at any time snowmobile is operated on any roadways within city limits. (E-355-1)

19.1305: OPERATION AT INTERSECTION

[\(back to Chapter contents\)](#)

No snowmobile shall enter any intersection without yielding the right-of-way to any vehicles or pedestrians at the intersection or so close to the intersection as to constitute an immediate hazard. (E-355-1)

19.1306: REQUIREMENTS FOR OPERATION

[\(back to Chapter contents\)](#)

1. No person under twelve (12) years of age shall operate on streets or the roadway surface of highways, or designated city property, and no person under sixteen (16) years of age shall operate on any part of the state trunk system within the boundaries of the City as the operator of a snowmobile, unless accompanied by parent or guardian or by an individual eighteen (18) years of age or older.
2. It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.
3. It is unlawful for any person to operate a snowmobile within the limits of the City:
 - a. At any place, while under the influence of alcohol or drugs as defined in SDCL §32-23-7, which is hereby incorporated herein by reference.
 - b. At a rate of speed greater than reasonable or proper under all surrounding circumstances; and when operated on public roadways, in no case greater than posted speed limits.
 - c. At any place in a careless, reckless or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property.
 - d. So as to tow any person or thing in a public street or highway except through use of a rigid tow bar attached to the rear of the snowmobile.
 - e. Within one hundred (100) feet of any fisherman, pedestrian, skating rink or sliding area where the operation would conflict with use or endanger other persons or property.
 - f. On any public or private school, cemeteries, public or private golf courses or City Parks, except as listed below: Stokes Thomas Lake City Park and Jackson Park for direct access and exit to and from Lake Kampeska. Riverside, McKinley, Sioux, Scout and Lion's Parks as posted for direct access and exit to and from the Sioux River.
 - g. It shall be unlawful to ride in areas known as Skunk Hollow and Derby Downs. (E-536-1)

19.1307: SNOWMOBILE EQUIPMENT REQUIREMENT

[\(back to Chapter contents\)](#)

It is unlawful for any person to operate a snowmobile any place within the limits of the City unless it is equipped with the following:

1. Standard mufflers which are properly attached and which reduce the noise of the operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe or similar device on a snowmobile motor.

2. Brakes adequate to control the movement of and to stop and hold the snowmobile under any condition of operation.
3. A safety or so called "deadman" throttle in operating condition, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track. (E-355-1)

19.1308: EMERGENCY OPERATION

[\(back to Chapter contents\)](#)

Notwithstanding any prohibitions of this ordinance, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time when and at locations where snow upon the roadway surface renders travel by automobile impractical, as declared by the Watertown Safety Director. (E-355-1)

19.1309: UNLAWFUL TO OPERATE IN MANNER DETRIMENTAL TO ANIMALS

It is unlawful to intentionally drive, chase, run over or kill any animals with a snowmobile. (E-355-1)

19.1310: SEPARABILITY CLAUSE

[\(back to Chapter contents\)](#)

Should any section, subsection, sentence, clause or phrase of this ordinance, for any reason be held invalid, such decision shall not offset the validity of the remaining portions of this ordinance. The City hereby declares that it would have passed this ordinance and each section, subsection, clause, sentence and phrase hereof, irrespective of the possibility that any one or more sections, subsections, clauses, sentences or phrases be declared unconstitutional or invalid. (E-355-1)

Chapter 19.14
OFF-ROAD VEHICLES

Section

[\(back to Title contents\)](#)

19.1401	Reserved
19.1402	Definitions
19.1403	Unlawful Areas for Operation
19.1404	Requirements for Operation
19.1405	Off-Road Vehicle Equipment Requirement
19.1406	Seating Requirement
19.1407	Unlawful to Operate in Manner Detrimental to Animals
19.1408	Repealed
19.1409	Attachment to Other Vehicles Prohibited
19.1410	Separability Clause

19.1401: RESERVED (Ord 04-05; Rev 06-16-04)

19.1402: DEFINITIONS

[\(back to Chapter contents\)](#)

For the purposes of this chapter, the following words shall have the following meanings:

Highway: the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public as a matter of right for purposes of vehicular travel.

Off-road vehicle: any self-propelled, two or more wheeled vehicle designed primarily to be operated on land other than a highway and includes, but is not limited to, all terrain vehicles, dune buggies and any vehicle whose manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) states that the vehicle is not for highway use.

Owner: a person, other than a lien holder, having the property in or title to an off-road vehicle entitled to the use or possession thereof.

Operate: to ride in or on and control the operation of an off-road vehicle.

Operator: every person who operates or is in actual physical control of an off-road vehicle .

Person: includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

19.1403: UNLAWFUL AREAS FOR OPERATION

[\(back to Chapter contents\)](#)

It shall be unlawful to operate any off-road vehicle on any area within the corporate limits of the City of Watertown except on a highway as that term is defined in this chapter. This prohibition shall not be deemed to apply to operators of off-road vehicles on any lake, river or stream under the control or jurisdiction of the state or federal government, nor shall it be deemed to apply to operators of off-road vehicles on the private property of another with specific permission of the owner or person in control of said property, and with such permission in writing and in the possession of the person operating the off-road vehicle. It is an express provision of this section that it shall not be deemed to apply to any duly authorized law enforcement officer operating an off-road vehicle while engaged in any authorized law enforcement function, nor shall it be deemed to apply to any other authorized governmental agency engaged in a legitimate public purpose function.

19.1404: REQUIREMENTS FOR OPERATION

[\(back to Chapter contents\)](#)

No person may operate an off-road vehicle on the public streets or highways unless it is duly licensed by the State of South Dakota and without a motor vehicle driver's license or permit upon which a state testing officer has certified that such person is qualified to operate such vehicle.

19.1405: OFF-ROAD VEHICLE EQUIPMENT REQUIREMENT

[\(back to Chapter contents\)](#)

It is unlawful for any person to operate an off-road vehicle any place within the limits of the City unless it is equipped with the following:

1. Standard mufflers which are properly attached and which reduce the noise of the operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe or similar device on a three wheel or all terrain vehicle motor.

2. Brakes adequate to control the movement of and to stop and hold the off-road vehicle under any condition of operation. (E-367-1)
3. Any off-road vehicle operating on the highways of Watertown shall meet the necessary light, brake and other vehicle accessory requirements that are applicable to motorcycles including but not limited to helmets and eye protection.

19.1406: SEATING REQUIREMENT

[\(back to Chapter contents\)](#)

A person operating an off-road vehicle shall ride only upon the permanent and regular seat attached thereto, and such operator may not carry any other person nor may any other person ride on an off-road vehicle unless such off-road vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the off-road vehicle at the rear or side of the operator.

19.1407: UNLAWFUL TO OPERATE IN MANNER DETRIMENTAL TO ANIMALS

It is unlawful to intentionally drive, chase, run over or kill any animal with an off-road vehicle. (E-367-1)

19.1408: REPEALED (Ord 17-06; Rev 03-31-17)

[\(back to Chapter contents\)](#)

19.1409: ATTACHMENT TO OTHER VEHICLES PROHIBITED

[\(back to Chapter contents\)](#)

No person riding upon an off-road vehicle may attach himself or the off-road vehicle to any other vehicle on a roadway.

19.1410: SEPARABILITY CLAUSE

[\(back to Chapter contents\)](#)

Should any section, subsection, sentence, clause or phrase of this ordinance, for any reason, be held invalid, such decision shall not offset the validity of the remaining portions of this ordinance. The City hereby declares that it would have passed this ordinance and each section, subsection, clause, sentence and phrase hereof, irrespective of the possibility that any one or more sections, subsections, clauses, sentences or phrases be declared unconstitutional or invalid. (E-367-1) (Ord 06-15; Rev 07-17-06)

Chapter 19.14A

GOLF CARTS

Section

[\(back to Title contents\)](#)

[19.1401A Purpose](#)

[19.1402A Definitions](#)

[19.1403A Unlawful Areas for Operation](#)

[19.1404A Requirements for Operation](#)

[19.1405A Golf Cart Equipment Requirement](#)

[19.1406A Seating Requirement](#)

[19.1407A Unlawful to Operate in Manner Detrimental to Animals](#)

[19.1408A Repealed](#)

[19.1409A Attachment to Other Vehicles Prohibited](#)

[19.1410A Separability Clause](#)

19.1401A: PURPOSE

[\(back to Chapter contents\)](#)

The purpose of this chapter is to implement the provisions of SDCL §32-14-14 and all acts amendatory thereto, which authorize municipalities to adopt traffic regulations permitting the use of golf carts on highways under the jurisdiction of the municipality. (Ord 10-14; Add 07-16-10)

19.1402A: DEFINITIONS

[\(back to Chapter contents\)](#)

For the purposes of this chapter, the following words shall have the following meanings:

Golf cart: a four wheeled vehicle originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on a golf course. A golf cart shall not be deemed to be an “Off-road vehicle” as that term is defined in Section 19.1402(b). (Clerical Edit per § 22.0106, 1-13-17)

Highway: the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public as a matter of right for purposes of vehicular travel.

Owner: a person, other than a lien holder, having the property in or title to a golf cart entitled to the use or possession thereof.

Operate: to ride in or on and control the operation of a golf cart.

Operator: every person who operates or is in actual physical control of a golf cart.

Person: includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

19.1403A: UNLAWFUL AREAS FOR OPERATION

[\(back to Chapter contents\)](#)

No person may operate a golf cart on a state or county highway except for crossing from one side of the highway to the other. A golf cart may cross the state or county highway at a right angle, but only after stopping and yielding the right-of-way to all approaching traffic and crossing as closely as possible to an intersection or approach. Golf carts shall only be operated on highways within Watertown for the purposes of conveying persons to and from a recognized golf course, unless the Chief of Police or their designee has authorized use of a golf cart for another legitimate purpose.

19.1404A: REQUIREMENTS FOR OPERATION

[\(back to Chapter contents\)](#)

No person may operate a golf cart on the public streets or highways unless it is permitted by the City; unless the operator possesses a valid motor vehicle driver's license and proof that the golf cart is covered by a policy of liability insurance. The process for obtaining a golf cart permit shall be established by rules adopted by the Safety Committee of the Watertown City Council.

19.1405A: GOLF CART EQUIPMENT REQUIREMENT

[\(back to Chapter contents\)](#)

It is unlawful for any person to operate a golf cart any place within the limits of the City unless it is equipped with the following:

1. Brakes adequate to control the movement of and to stop and hold the golf cart under any condition of operation.

2. All necessary light, brake and other applicable vehicle accessory requirements.

19.1406A: SEATING REQUIREMENT

[\(back to Chapter contents\)](#)

A person operating a golf cart shall ride only upon the permanent and regular seat attached thereto, and such operator may only carry passengers upon the permanent and regular seat.

19.1407A: UNLAWFUL TO OPERATE IN MANNER DETRIMENTAL TO ANIMALS

It is unlawful to intentionally drive, chase, run over or kill any animal with a golf cart.

19.1408A: REPEALED (Ord 17-06; Rev 03-31-17)

[\(back to Chapter contents\)](#)

19.1409A: ATTACHMENT TO OTHER VEHICLES PROHIBITED

[\(back to Chapter contents\)](#)

No person riding upon a golf cart may attach himself or the golf cart to any other vehicle on a roadway.

19.1410A: SEPARABILITY CLAUSE

[\(back to Chapter contents\)](#)

Should any section, subsection, sentence, clause or phrase of this ordinance, for any reason, be held invalid, such decision shall not offset the validity of the remaining portions of this ordinance. (Ord 10-14; Add 07-16-10)

Chapter 19.15
PROCEDURE ON ARREST OF VIOLATOR

19.1501: PROCEDURE ON ARREST OF VIOLATOR

[\(back to Title contents\)](#)

Except as otherwise specifically provided, whenever any person is arrested for a violation of any provision of this title punishable as a misdemeanor, the arresting officer shall take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Any person who intentionally violates his written promise to appear given in accordance with the provisions of this section, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. (E-440-1)

Chapter 19.98
CROSS-REFERENCES

19.9801: CROSS-REFERENCES

[\(back to Title contents\)](#)

Railroads	Chapter 18.05
Parking of Vehicles Prohibited	18.0101
Traffic Rules, Airport.....	Chapter 1.02
Vehicles, Abandonment	Chapter 11.08

Chapter 19.99
PUNISHMENT

19.9901: PUNISHMENT

[\(back to Title contents\)](#)

Any person violating any of the provisions of this title shall, upon conviction thereof, be punished by a fine of not to exceed two hundred dollars (\$200) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. In addition, 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.

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TITLE 20

UTILITIES

Chapter

[\(back to Table of Contents\)](#)

20.01	All Utilities
20.02	Electric, Water and Gas
20.04	Gas Installation Definitions
20.05	Gas Installation Inspector
20.06	Gas - Licenses
20.07	Gas - Permits and Inspection
20.08	Municipal Utilities Board
20.99	Punishment

Chapter 20.01
ALL UTILITIES

Section

[\(back to Title contents\)](#)

20.0101	Municipal Utilities Department
20.0102	General Manager of Municipal Utilities
20.0103	All Consumers Bound by All Ordinances, Rules and Regulations
20.0104	Measurement
20.0105	Testing
20.0106	Approximately Correct
20.0107	Unlawful to Interfere with Utility Meters or Connections
20.0108	Reimbursing
20.0109	Cash Deposit Required
20.0110	Reserved
20.0111	Bills for Service
20.0112	Discontinue for Nonpayment
20.0113	Not Required to Furnish Service, Certain Cases
20.0115	Unlawful to Obtain Service Except Under Own Name
20.0117	Payment for Moving Utilities

20.0101: MUNICIPAL UTILITIES DEPARTMENT

[\(back to Chapter contents\)](#)

The electric, gas, and water utilities of this City are hereby combined in one department to be known as the Municipal Utilities Department. (C-214-1) (E-701)

20.0102: GENERAL MANAGER OF MUNICIPAL UTILITIES

[\(back to Chapter contents\)](#)

The General Manager of Municipal Utilities shall be in charge of the Utility Department under the Utility Board. (E-506) (E-701) (Ord 04-02; Rev 03-29-04)

20.0103: ALL CONSUMERS BOUND BY ALL ORDINANCES, RULES AND REGULATIONS

Every person connecting with or using any of such utilities shall be bound by all the ordinances, rules and regulations affecting such utilities and the use thereof as contained in this title or pursuant to such policy or policies adopted by the Utility Board, or which may be hereafter adopted by this City or Utility Board, and any person connecting with or using any such utility shall be deemed to have consented thereto. (Ord 04-02; Rev 03-29-04)

20.0104: MEASUREMENT

[\(back to Chapter contents\)](#)

Measurement of water, gas or electric current within this City shall be by accepted national standards, and in the case of gas shall be in accordance with any measurement method used by the supplier. (E-701) (Ord 04-02; Rev 03-29-04)

20.0105: TESTING

[\(back to Chapter contents\)](#)

Any consumer of water, gas or electricity shall have the right upon the payment of a fee set by the Utility Board, to have a meter tested. (199) (E-506) (E-701) (Ord 04-02; Rev 03-29-04)

20.0106: APPROXIMATELY CORRECT

[\(back to Chapter contents\)](#)

If after inspection of any meter, it is within industrial acceptable limits of correctness it shall be approved and sealed. (200) (E-506) (Ord 04-02; Rev 03-29-04)

20.0107: UNLAWFUL TO INTERFERE WITH UTILITY METERS OR CONNECTIONS

It shall be unlawful for any person to:

1. Break or deface any meter;
2. Break or deface any seal attached to any meter or its appurtenances;
3. Obstruct, alter, injure or prevent the proper action of any meter;
4. Make any connection by any means with the supply side of the meter in such a manner as to receive any utility without it having first passed through the meter;

5. Use any utility obtained without having first passed through a meter with the intent to defraud;
6. Turn on or off, or in any manner interfere with any switch valve connected with any main supply, meter or connection. (151) (Ord 04-02; Rev 03-29-04)

20.0108: REIMBURSING

[\(back to Chapter contents\)](#)

Whenever any meter shall be found to register incorrectly any fee paid by a consumer for the inspection of such meter shall be repaid, and an appropriate adjustment or reimbursement shall be made as determined by the General Manager or his designee. (202) (E-506) (E-701) (Ord 04-02; Rev 03-29-04)

20.0109: CASH DEPOSIT REQUIRED

[\(back to Chapter contents\)](#)

All utility customers shall be required to provide a cash deposit, prior to receipt of service, in an amount to be determined by the Utility Board. (C-319-9) (C-196) (E-506) (E-701) (Ord. 04-02; Rev 03-29-04)

20.0110: RESERVED (C-319-9) (E-701) (Ord 04-02; Rev 03-29-04) (Ord 08-15; Rev 11-14-08)

20.0111: BILLS FOR SERVICE

[\(back to Chapter contents\)](#)

Bills for utility service shall be issued to all customers and due and payable according to their terms. (C-319-4) (E-701) (Ord 04-02; Rev 03-29-04)

20.0112: DISCONTINUE FOR NONPAYMENT

[\(back to Chapter contents\)](#)

Failure to pay for any service provided shall be grounds for termination of all services. A reconnection charge shall be set by the Utility Board. (C-319-5) (E-506) (E-701) (Ord 04-02; Rev 03-29-04)

20.0113: NOT REQUIRED TO FURNISH SERVICE, CERTAIN CASES

[\(back to Chapter contents\)](#)

The City shall have the right to refuse utility service to any consumer who either individually, or as a member of an organization or entity, has an unpaid account balance for any service provided by the City. (C-95-1) (E-701) (Ord 04-02; Rev 03-29-04)

20.0115: UNLAWFUL TO OBTAIN SERVICE EXCEPT UNDER OWN NAME

[\(back to Chapter contents\)](#)

It shall be unlawful for any person to obtain any utility service from the City under any false pretense, including use of an assumed name or alias. (C-95-3) (E-701) (Ord 04-02; Rev 03-29-04)

20.0117: PAYMENT FOR MOVING UTILITIES

[\(back to Chapter contents\)](#)

In the event any utility service is relocated at the request of an individual or other entity, all costs associated with such relocation shall be borne by the individual or entity making such request. Prior to performing any relocation, the City may require a bond in an amount sufficient to cover the costs of such relocation. (E-513-1) (Ord 04-02; Rev 03-29-04)

Chapter 20.02
ELECTRIC, WATER AND GAS

Section

[20.0201 Availability and Rates](#)

[20.0202 Rules and Conditions](#)

[\(back to Title contents\)](#)

20.0201: AVAILABILITY AND RATES

[\(back to Chapter contents\)](#)

Electric, water and gas service will be available as provided in this title and the rate for all utilities shall be set by the Utility Board (E-506) (E-701) (Ord 04-02; Rev 03-29-04)

20.0202: RULES AND CONDITIONS

[\(back to Chapter contents\)](#)

Every person who takes electricity, gas, or water from the City agrees to the following: (E-506) (Ord 04-02; Rev 03-29-04)

1. All customers shall, at their own expense, install or cause to be installed water meters which shall be furnished by the City and remain property of the City. The City shall, at its own expense, install electric and gas meter or meters which shall remain its property. All required gas piping shall be done at customer's expense and subject to the approval of the City.
2. The City shall not be liable for any damage or injury, whether to person or property caused by any service interruption or disconnection.
3. Reserved.
4. The City, as a condition of providing utility service to its customers is given permission to enter upon the premises of its customers at all reasonable times for all reasonable purposes associated with the provision or termination of any utility service.
5. If the seal on any meter is broken or if the meter does not properly register the General Manager, or his designee, may assess a fee for utility service equal to the average monthly service of the particular utility for the preceding year. All meters will be maintained by the City, which shall be responsible for any damage which occurs as a result of ordinary wear or other natural cause. Any intentional damage or other deliberate act resulting in damage to any meter shall be assessed against the customer. (Ord 04-02; Rev 03-29-04)

Chapter 20.04
GAS INSTALLATION DEFINITIONS

Section

20.0401 Definitions

[\(back to Title contents\)](#)

20.0401: DEFINITIONS

Appliance Installation: the act of installing fixtures, equipment and apparatus of less than 60,000 BTU hourly input, using natural or artificial gas, where not more than ten (10) feet of piping is needed to connect the fixtures, equipment or apparatus. (E-101-1)

Appliance Installation Contractor: any person engaged in the business of appliance installation in connection with the installation of gas appliances, apparatus, fixtures, fittings, materials and/or supplies in or in connection with any building or structure.

Appliance Installer: any person who by his knowledge, training and experience is qualified to do appliance installation used in conjunction with the delivery of natural or artificial gas. (Ord 04-02; Rev 03-29-04)

Gas Company: the Municipal Utilities Department of this City, its successors or assigns. (E-506)

Gasfitter: any person who by his knowledge, training and experience is qualified to do gasfitting and is in direct charge of making gas installations. (D-481-5)

Gasfitting: the act of installing fixtures, equipment and apparatus for transporting and using natural or artificial gas, and includes the venting of gas fixtures where required.

Gasfitting Contractor: any person engaged in the business of gasfitting in connection with the installation of gas appliances, apparatus, fixtures, fittings, materials and/or supplies, in or in connection with any building or structure, or to serve any building or structure with natural or artificial gas.

Chapter 20.05
GAS INSTALLATION INSPECTOR

Section

[20.0501 Gas Installation Inspector](#)

[20.0502 Duties](#)

[20.0504 Access for Inspection](#)

[\(back to Title contents\)](#)

20.0501: GAS INSTALLATION INSPECTOR

[\(back to Chapter contents\)](#)

The General Manager of Municipal Utilities or his designee shall be the Gas Inspector. Deputy Inspectors may be appointed to have all the powers and authority of the Inspector. (E-60-1) (Ord 04-02; Rev 03-29-04)

20.0502: DUTIES

[\(back to Chapter contents\)](#)

It shall be the duty of the Gas Inspector to enforce the provisions of this title relating to gas. (E-60-1) (Ord 04-02; Rev 03-29-04)

20.0504: ACCESS FOR INSPECTION

[\(back to Chapter contents\)](#)

All gasfitting or appliance installation work, shall be under the supervision of the Gas Inspector or his designee who is authorized to issue all appropriate orders to cease any gasfitting or appliance installation whenever deemed necessary. The Gas Inspector or his designee shall have access to all buildings or structures for the purpose of carrying into effect all ordinances relating to gasfitting or appliance installation. (E-60-1) (Ord 04-02; Rev 03-29-04)

Chapter 20.06
GAS - LICENSES

Section

[\(back to Title contents\)](#)

[20.0601 Unlawful Unless Licensed](#)

[20.0602 Application for License](#)

[20.0603 Qualification](#)

[20.0604 License Fee](#)

[20.0605 License Term and Renewal](#)

[20.0606 License Non-Transferable](#)

[20.0606A License Revocation](#)

[20.0607 Bond and Insurance](#)

20.0601: UNLAWFUL UNLESS LICENSED

[\(back to Chapter contents\)](#)

No person shall engage in or work at the business of gasfitting within this City unless licensed and bonded in the manner provided herein, except as hereinafter provided. (E-60-1) (Ord 04-02; Rev 03-29-04)

20.0602: APPLICATION FOR LICENSE

[\(back to Chapter contents\)](#)

Application for license as a gasfitter, or gasfitting contractor shall be made to the Finance Office and be acted upon by the City Council. (E-101-1) (Ord 04-02; Rev 03-29-04) (Ord 10-35; Rev 01-13-11)

20.0603: QUALIFICATION

[\(back to Chapter contents\)](#)

1. Applicants for gasfitter's license shall furnish satisfactory evidence of qualifying as a gasfitter and shall be required to pass an examination given by the City Gas Inspector. The Gas Inspector, when assessing the qualifications of an applicant, may call upon a master plumber, gasfitter, or other persons for assistance. Each gasfitter must work under the control and supervision of a gasfitting contractor. However, nothing in this title shall prevent an individual from being licensed as a gasfitter and a gasfitting contractor. The examination required hereunder may be waived by the General Manager of Municipal Utilities or his designee. (E-101-1) (E-701) (Ord 04-02; Rev 03-29-04) (Ord 10-35; Rev 01-13-11) (Clerical Edit per § 22.0106, 02-13-17)
2. Any person desiring to engage in or work at the business of a gasfitting contractor shall furnish the Gas Inspector with satisfactory evidence of qualifying as a gasfitting contractor. The Gas Inspector, when assessing the qualifications of an applicant, may call upon others for assistance. (Ord 04-02; Rev 03-29-04) (Ord 10-35; Rev 01-13-11) (Clerical Edit per § 22.0106, 02-13-17)
3. Every gasfitting contractor shall be required at all times to have a licensed gasfitting installer in charge of all work, except in the case where an individual holds both a gasfitting and gasfitting contractor license. (E-60-1) (Ord 04-02; Rev 03-29-04) (Ord 10-35; Rev 01-13-11) (Clerical Edit per § 22.0106, 02-13-17)

20.0604: LICENSE FEE

[\(back to Chapter contents\)](#)

Applicants for all licenses under this chapter shall pay a fee set by resolution adopted by the City Council (Ord 10-27; Rev 11-12-10) (Ord 10-35; Rev 01-13-11)

20.0605: LICENSE TERM AND RENEWAL

[\(back to Chapter contents\)](#)

All licenses shall expire at midnight on December 31 following the date of issue. Licenses may be renewed by the City Council without examination provided an applicant for renewal satisfies all existing requirements. (E-60-1) (Ord 04-02; Rev 03-29-04)

20.0606: LICENSE NON-TRANSFERABLE

[\(back to Chapter contents\)](#)

All licenses issued pursuant to this chapter are non-transferable (E-60-1) (Ord 04-02; Rev 03-29-04)

20.0606A: LICENSE REVOCATION

[\(back to Chapter contents\)](#)

Any license issued pursuant to this chapter may be revoked by the City Council for cause. (Ord 04-02; Rev 03-29-04)

20.0607: BOND AND INSURANCE

[\(back to Chapter contents\)](#)

All gasfitting contractors shall maintain the following bond and insurance coverage at all times during which any license is active: (Ord.10-35; Rev 01-13-11)

1. File a surety bond with the City Finance Office in the amount of ten thousand dollars (\$10,000). (Ord 04-02; Rev 03-29-04)
2. File a certificate of insurance with the Finance Office which shall name the City of Watertown as an additional insured on a general contractor's liability policy in the following amounts: two hundred fifty thousand dollars (\$250,000) for damages caused by injury to one person, not less than five hundred thousand dollars (\$500,000) for damage caused by injury to more than one person in one accident, and not less than two hundred fifty thousand dollars (\$250,000) property damage in one accident. (00-7) (Ord 04-02; Rev 03-29-04)

Chapter 20.07
GAS - PERMITS AND INSPECTION

Section

[\(back to Title contents\)](#)

- [20.0701 Permits Required](#)
- [20.0704 Unlawful to Cover Work before Inspection](#)
- [20.0705 Seal of Inspection](#)
- [20.0706 Test for Additional Appliances](#)
- [20.0707 Subsequent Inspection after Rejection of Permitted Work](#)
- [20.0708 Authority to Condemn Existing Installation](#)
- [20.0709 Codes](#)

20.0701: PERMITS REQUIRED

[\(back to Chapter contents\)](#)

Prior to installing any new gasfitting or appliance or making any repairs inside any building or structure, except the stoppage of leaks or minor repairs or adjustments, a permit shall be obtained from the Gas Inspector. Only qualified persons or entities are eligible to obtain permits. Any permit issued pursuant to this title shall expire twelve (12) months after the date of its issuance. (E-60-1) (Ord 04-02; Rev 03-29-04)

20.0704: UNLAWFUL TO COVER WORK BEFORE INSPECTION

[\(back to Chapter contents\)](#)

Before any part of any installation is concealed, the permit holder shall first notify the Gas Inspector, who shall thereafter conduct an inspection of the permitted work within forty eight (48) hours. (E-60-1) (Ord 04-02; Rev 03-29-04)

20.0705: SEAL OF INSPECTION

[\(back to Chapter contents\)](#)

Upon completion of the inspection required by this chapter, the Gas Inspector shall stick, paste or tie upon the piping or appliance a notice in printing or writing that the installation has been accepted or rejected. This notice shall identify the Gas Inspector, and the date of the inspection. (E-60-1)

20.0706: TEST FOR ADDITIONAL APPLIANCES

[\(back to Chapter contents\)](#)

Whenever permits are issued for additional fixtures or piping or alterations to any existing system, the Gas Inspector may require the gasfitting or appliance installation contractor to test the entire system. (E-60-1) (Ord 04-02; Rev 03-29-04)

20.0707: SUBSEQUENT INSPECTION AFTER REJECTION OF PERMITTED WORK

If, for any reason, additional inspection(s) of permitted work are necessary, the permit holder shall be bound by the provisions of Section 20.0704, and may be assessed such additional inspection fees as determined by the General Manager, his designee, or the Utility Board. (E-60-1) (Ord 04-02; Rev 03-29-04)

20.0708: AUTHORITY TO CONDEMN EXISTING INSTALLATION

[\(back to Chapter contents\)](#)

The Gas Inspector is authorized to condemn any existing gas installation which he deems hazardous or dangerous to human life. The property owner shall immediately eliminate the hazardous condition. (E-60-1) (Ord 04-02; Rev 03-29-04)

20.0709: CODES

[\(back to Chapter contents\)](#)

The most current edition of the following codes shall govern the installation and approval of gas burning equipment:

1. American National Standards Institute Z223.1 National Fuel Gas Code NFPA No. 54. Copies of this code are on file in the offices of the Finance Officer and the City Gas Inspector at the offices of the Municipal Utilities Superintendent.
2. Standard for the Storage and Handling of Liquefied Petroleum Gases NFPA No. 58. Copies of this standard are on file in the offices of the Finance Officer and the City Gas Inspector at the offices of the Municipal Utilities Superintendent.
3. Other codes or standards required or referred to in either of the above. (E-701)

Chapter 20.08
MUNICIPAL UTILITIES BOARD

Section

[\(back to Title contents\)](#)

20.0801	Membership, Appointment
20.0802	Qualification
20.0803	Removal
20.0804	Salaries
20.0805	Procedure, Officers, Secretary
20.0806	Powers
20.0807	Finance
20.0808	Reports

20.0801: MEMBERSHIP, APPOINTMENT

[\(back to Chapter contents\)](#)

The Municipal Utility Board, hereinafter known as the Board, shall consist of five (5) members appointed by the Mayor and approved and confirmed by the City Council, which Board shall be appointed in such manner that one member shall be appointed to hold office until the first regular meeting of the City Council in May after his appointment and until his successor is appointed and qualified, and one to hold office for one (1) year, one to hold office for two (2) years, one to hold office for three (3) years, and one to hold office for four (4) years after the first regular meeting of the City Council in May after his appointment and until his successor is appointed and qualified, and at the first regular meeting of the City Council in May of each year one member shall be appointed for a term of five (5) years to succeed the retiring member. All vacancies occurring on said Board during the term of office shall be filled for the unexpired term in the manner original appointments are made. (D-463-2)

20.0802: QUALIFICATION

[\(back to Chapter contents\)](#)

Each member shall be a resident and freeholder of the municipality. (E-701)

20.0803: REMOVAL

[\(back to Chapter contents\)](#)

The members of the Board shall be removable during their respective terms of office only under the provisions of SDCL §3-17. (D-463-4)

20.0804: SALARIES

[\(back to Chapter contents\)](#)

No member of the Board shall receive a salary except as same may be fixed by the City Council, which salaries shall be paid from the funds under the control of the Board. (D-463-5)

20.0805: PROCEDURE, OFFICERS, SECRETARY

[\(back to Chapter contents\)](#)

The Board shall adopt rules for its own proceedings which shall provide, among other things, for at least one regular meeting by such Board each month. At the first regular meeting and annually thereafter at its meeting in May it shall choose a President from among its own members. It shall also appoint a Secretary for an indefinite term. The Secretary need not be a member of the Board (D-463-6) (Ord 04-02; Rev 03-29-04)

20.0806: POWERS

[\(back to Chapter contents\)](#)

1. The Board shall have the power to extend, modify or rebuild any public utility under its management and control, and to do anything such Board deems necessary for the proper and efficient operation of such utility. Said Board may enter necessary Contracts for these purposes. The provisions of SDCL chapter 5-18A relating to advertisement for bids and SDCL §§ 6-1-1 to 6-1-4, inclusive, relative to participation in contracts by members of the governing body, shall apply to contracts of and members of municipal utility boards. (Ord 04-02; Rev 03-29-04) (Clerical Edit per § 22.0106, 02-13-17)
2. The Municipal Utility Board shall have the power to employ all necessary help for the management and operation of the utility or utilities under its control and management, prescribe duties of officers and employees, and fix their compensation. The governing body of the municipality shall retain the power to determine whether utility employees shall be included in the municipality's Civil Service system.
3. The Board shall have the power to buy all fuel and supplies, and, where the utility is engaged in distribution, it may purchase wholesale electric energy, gas or water as the case may be for municipal distribution.

4. The Board shall have the power to fix reasonable rates and to adopt reasonable rules and regulations for utility service supplied by the municipally owned public utilities under its control and management within the limits provided by the statutes of this state.
5. The Board shall have the power to enter into all necessary working agreements with the officials and governing body of the City. Such agreements may contemplate arrangements for furnishing utility services for the City by such Board, compensation for use by either the Board or the City, of buildings, equipment and personnel under the control of the other and transfers of surplus funds in the controls of the Board to the General Fund of the City.
6. Nothing herein is to be construed as vesting any power or powers in any such Board or in the City beyond the powers now vested in municipal corporations relative to the management and control of utilities. (D-463-7)

20.0807: FINANCE

[\(back to Chapter contents\)](#)

1. A separate fund or a separate account shall be established in the City Treasury for each utility. Into this fund or account shall be paid all receipts from the utility and from it shall be paid all disbursements attributable to the utility.
2. The Board shall comply with all state and federal laws in the operation of its finances. (E-506)

20.0808: REPORTS

[\(back to Chapter contents\)](#)

The Board shall, immediately after the close of each fiscal year, and as often additionally as may be required by the City Council, upon thirty (30) days written notice to the Secretary of the Board, file with the Finance Officer a detailed written report of all money and monies received and disbursed by said Board for said fiscal year, in the case of an annual report, and since the last report was given in the case of any other report required by the City Council. (D-463-9)

Chapter 20.99
PUNISHMENT

20.9901: PUNISHMENT

[\(back to Title contents\)](#)

Any person violating any of the provisions of this title shall, upon conviction thereof, be punished by a fine not exceeding two hundred dollars (\$200), or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. In addition, license holders who violate any provision of this title may be subject to license revocation. (E-506) (Ord 04-02; Rev 03-29-04)

TITLE 21

ZONING

Chapter

[\(back to Table of Contents\)](#)

21.01	Purpose
21.02	Administration and Enforcement
21.03	General Provisions
21.04	Nonconformities
21.05	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	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 – “AP” Aquifer Protection
21.52	Overlay District – “WE” Wind Energy
21.54	Overlay District – “GT-1” Gateway
21.56	Overlay District – “DT” 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
21.71	Manufactured and Mobile Home Provisions
21.72	Microwave Antennas
21.73	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	Limitations on Communal Living
21.80	Signs and Outdoor Advertising
21.81	Firework Activities
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 ([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 to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS the Plan 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 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 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 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 21.01
PURPOSE

Section

[21.0101 Title](#)

[21.0102 Objectives](#)

[\(back to Title contents\)](#)

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 foster a harmonious, convenient, workable relationship among land uses.
3. To promote the stability of existing land uses that conform with the Land Use Plan and to protect them from inharmonious influences and harmful intrusions.
4. To 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. To prevent excessive population densities and overcrowding of the land with structures.
6. To foster the provision of adequate off-street parking and off-street truck loading facilities.
7. To facilitate the appropriate location of community facilities and institutions.
8. To protect and enhance real estate values.
9. 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

Section

[\(back to Title contents\)](#)

21.0201	Plan Commission
21.0202	Board of Adjustment
21.0203	Application for Rehearing upon Denial
21.0204	Appeals from the Board of Adjustment
21.0205	Administration and Enforcement
21.0206	Building Permits Required
21.0207	Application Required
21.0208	Schedule of Fees, Charges and Expenses
21.0209	Amendments
21.0210	Repealed

21.0201: PLAN COMMISSION

[\(back to Chapter contents\)](#)

1. **City Plan Commission Created.** There is hereby created a Plan Commission for the City of Watertown, South Dakota, and for land within three (3) miles of its corporate limits.
2. **Membership of the Plan Commission.** The Plan Commission shall consist of seven (7) members, and two (2) alternates, appointed by the Mayor subject to the approval of the City Council. The alternates shall be the same two individuals appointed as alternates to the Board of Adjustment pursuant to Section 21.0202. If a member of the Plan Commission is unable to attend a meeting, the first alternate, or the second alternate, in turn, shall serve in such a members place. It is recommended that each ward of the City is represented on the Plan Commission, but in no instance shall there be more than three (3) Plan Commission members from a single City ward. At least six (6) members of this Plan Commission shall be resident electors of the City; one (1) member, or one (1) alternate, may reside not more than three (3) miles outside city limits. Plan Commission members and alternates shall be qualified by knowledge or experience to act in matters pertaining to the development and administration of the city plan who shall not hold any elective office in the municipal government. The Mayor may appoint a City Council person to serve as a non-voting liaison to the Plan Commission. Administrative officials of the City may be appointed as ex-officio members of the Commission by the Mayor. (Ord 18-16; Rev 09-28-18)
3. **Terms of Members.** The term of each member of the Plan Commission shall be for three (3) years, except that when such Plan Commission is first appointed three members shall be appointed to serve a term of two (2) years and two members shall be appointed for a term of three (3) years. Thereafter appointment of each member shall be for three (3) years so that there will be an overlapping of tenures. (Ord 01-14; Rev 10-20-01)
4. **Compensation.** All members of the Plan Commission shall serve as such without compensation.
5. **Organizations, Rules, Staff and Finances.** Such Plan Commission shall elect its chairman from among its members for a term of one year with eligibility for reelection, and may fill such other of its offices as it may create in a manner prescribed by the rules of such Commission. The Commission shall hold at least one regular meeting each month and shall adopt rules for transaction of its business and keep a record of its resolutions, transactions, findings and determinations which shall be a public record. The Plan Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law, including Civil Service Regulations as govern other corresponding civil employees of the municipality. The Commission may also contract with city planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Commission, exclusive of those made from funds received by gift, shall be within the amount appropriated for the purpose by the City Council which shall provide the funds, equipment and accommodations necessary for the Commission's work.
6. **Meeting Attendance.** The majority of the membership of this corporation shall constitute a quorum for the transaction of business. A member shall be deemed present at a meeting if, upon the taking of the roll, they appear in person or participate in the meeting telephonically or other electronic means approved by the membership. A quorum may be established by any combination of members present, in person, or participating telephonically or by other electronic means. (Ord 14-12; Add 04-11-14)

21.0202: BOARD OF ADJUSTMENT

[\(back to Chapter contents\)](#)

1. **Establishment and Procedure.** The Board of Adjustment is hereby established, which shall consist of the entire membership of the Plan Commission whose appointment as such Board of Adjustment is provided for under SDCL §11-4-13, and all acts amendatory thereto. The Mayor, subject to the approval of the City Council, shall appoint two (2) alternates to the Board of Adjustment. If a member of the Board of Adjustment is unable to attend a meeting, the first alternate, or the second alternate, in turn, shall serve in the members place.

- a. **Proceedings of the Board of Adjustment.** The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of Title 21 of the Revised Ordinances of the City of Watertown and other City Zoning ordinances hereinafter “this ordinance.” Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or the chairman’s designee, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and shall be immediately filed in the office of the Finance Officer. (Ord 17-37 Rev 11-10-17)

- b. **Meeting Attendance.** At least two-thirds (2/3) of the Board members shall constitute a quorum for the transaction of business. A member shall be deemed present at a meeting if, upon the taking of the roll, they appear in person or participate in the meeting telephonically or other electronic means approved by the membership. A quorum may be established by any combination of members present, in person, or participating telephonically or by other electronic means. (Ord 14-12; Add 04-11-14)
- c. **Hearings; Appeals; Notice.** Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved by any non-ministerial, non-preliminary decision of the Building Official. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days by filing with the Building Official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Building Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice in the official newspaper and not less than ten (10) days prior to such hearing, and provide written notice to the parties in interest by certified mail whose receipts must be filed with the Board at least five (5) days prior to such hearing, and decide the appeal within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. The parties in interest must also be notified by first class mail sent at least five days before the Board of Adjustment meeting for the Board to be authorized to consider an appeal continued from a prior Board meeting. The foregoing requirement only applies when the Board of Adjustment does not announce, upon continuing an appeal, a date certain to which the appeal is continued. (Ord 16-12; Rev 09-09-16) (Ord 17-37 Rev 11-10-17)

- d. **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Building Official from whom the appeal is taken and on due cause shown. (98-6)

2. **Powers and Duties.**

- a. **Administrative Review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Official in the enforcement of this ordinance.
- b. **Conditional Uses: Conditions Governing Applications; Procedures.** To hear and decide only such conditional uses as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this ordinance. A conditional use shall not be granted by the Board of Adjustment unless and until:
 - (1) A written application for a conditional use is submitted indicating the section of this ordinance under which the conditional use is sought and stating the grounds on which it is requested.

- (2) 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. (Ord 16-12; Rev 09-09-16)
 - (3) Notice shall also be given 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 a conditional use by first-class mail of the applicant's request. The notice shall give the details of the applicant's request and the date and time of the Board of Adjustment meeting that will rule on the application. Notice shall be sent at least five (5) days before the time of the hearing. The applicant shall reimburse the City for the cost of providing such notice. Provided by the City, a sign must be posted by the applicant on the property requesting a conditional use at least five (5) days before the time of hearing. (Ord 16-12; Rev 09-09-16) (Ord 20-24; Rev 08-28-20)
 - (4) Before the Board of Adjustment may consider any previously tabled application for conditional use or any application for conditional use otherwise continued from a prior Board meeting, notice shall be provided to the adjacent land owners by first class mail sent at least five (5) days prior to the meeting on the tabled or continued application. The foregoing requirement only applies when the Board of Adjustment does not announce, upon a motion to table or otherwise continue an application for conditional use, a date certain to which the matter is continued or on which the matter will be taken off the table. The applicant shall reimburse the City for the cost of providing such notice. (Ord 16-12; Rev 09-09-16)
 - (5) The public hearing shall be held. Any party may appear in person, or by agent or attorney.
 - (6) The Board of Adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the conditional use, and that the granting of the conditional use will not adversely affect the public interest.
 - (7) Before any conditional use shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual conditional uses and the satisfactory provision and arrangement has been made concerning the following, where applicable:
 - (a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - (b) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district.
 - (c) Refuse and service areas, with particular reference to the items in (a) and (b) above,
 - (d) Utilities, with reference to locations, availability and compatibility.
 - (e) Screening and buffering with reference to type, dimensions and character.
 - (f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic affect, and compatibility and harmony with properties in the district.
 - (g) Required yards and other open space.
 - (h) General compatibility with adjacent properties and other property in the district.
 - (8) 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. (Ord 17-37 Add 11-10-17)
- c. **Variances:** Conditions Governing Applications; Procedures. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.
- (1) Standards for Variances. In granting a variance, the board shall ascertain that the following criteria are met:
 - (a) Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography or siting), fully described in the finding of the Board, do not apply generally in the district.
 - (b) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
 - (c) For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this title would deprive the applicant of

- any reasonable use of his land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land;
- (d) Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land;
 - (e) The granting of any variance is in harmony with the general purposes and intent of this title and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
- (2) Requirements for the Granting of a Variance. Before the board shall have the authority to grant a variance, the person seeking the variance has the burden of showing:
- (a) That the granting of the building permit will not be contrary to the public interest;
 - (b) That the literal enforcement of this title will result in unnecessary hardship;
 - (c) That by granting the building permit contrary to the provisions of this title the spirit of this title will be observed;
 - (d) That by granting the permit, substantial justice will be done.
- (3) All applicants for a variance will submit a written request which shall demonstrate:
- (a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - (b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - (c) That the special conditions and circumstances do not result from the actions of the applicant.
 - (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.
- No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- (4) Notice of public hearing shall be given as in Section 21.0202(2)(b)(2). (Ord 04-04; Rev 03-26-04)
- (5) Notice shall also be given 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 a variance by first-class mail of the applicant's request. The notice shall give the details of the applicant's request and the date and time of the Board of Adjustment meeting that will rule on the application. Notice shall be sent at least five (5) days before the time of the hearing. The applicant shall reimburse the City for the cost of providing such notice. (Ord 16-12; Rev 09-09-16) (Ord 20-24; Rev 08-28-20)
- (6) Before the Board of Adjustment may consider any previously tabled application for variance or any application for variance otherwise continued from a prior Board meeting, notice shall be provided to the adjacent land owners by first class mail sent at least five (5) days prior to the meeting on the tabled or continued application. The foregoing requirement only applies when the Board of Adjustment does not announce, upon a motion to table or otherwise continue an application for variance, a date certain to which the matter is continued or on which the matter will be taken off the table. The applicant shall reimburse the City for the cost of providing such notice. (Ord 16-12; Rev 09-09-16)
- (7) The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- (8) The Board of Adjustment shall make findings that the requirements of Section 21.0202(2)(c)(1) and (2), above have been met by the applicant for a variance. (Ord 04-04; Rev 03-26-04)
- (9) A variance granted by the Board of Adjustment shall expire one (1) year from the date upon which it becomes effective if no construction authorized by the variance has commenced. Upon written request to the Board of Adjustment and prior to the variance expiration date, a one (1) year time extension for the variance may be granted by the Board of Adjustment. (Ord 17-37; Rev 11-10-17)

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 21.9901 of this ordinance. (Clerical Edit per § 22.0106, 02-07-17)

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

- d. Board has Powers of Building Official on Appeals; Reversing Decision of Building Official. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Building Official from whom the appeal is taken.
- e. The concurring vote of at least two-thirds (2/3) of the members of the Board shall be necessary to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in the application of this ordinance, or to reverse any order, requirement, decision or determination of the Building Official. Notwithstanding the foregoing, conditional uses shall be determined by an affirmative vote of at least two-thirds (2/3) of the present and voting members of the Board. (Ord 06-29; Rev 02-08-07) (Ord 20-38; Rev 1-1-21)
- f. When granting a conditional use or variance, the Board of Adjustment may, as part of its official action, set an amount, not to exceed twenty five dollars (\$25) per day, to be charged in the event that the terms of the conditional use or variance are violated or the project not completed in the time set by the Board of Adjustment. (E-546-1)

21.0203: APPLICATION FOR REHEARING UPON DENIAL

[\(back to Chapter contents\)](#)

In denying a Conditional Use or Variance, the Board of Adjustment may, as part of its official decision, establish a time period, not to exceed five (5) years, during which no applicant may submit a similar request for Conditional Use or Variance at the same location. The decision on whether a request made during the time period established by the Board of Adjustment is similar to one previously submitted shall be made, in writing, by the Building Official whose decision shall be final with no right or appeal therefrom.

21.0204: APPEALS FROM THE BOARD OF ADJUSTMENT

[\(back to Chapter contents\)](#)

Any person or persons 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.

21.0205: ADMINISTRATION AND ENFORCEMENT

[\(back to Chapter contents\)](#)

- 1. The Building Official shall be appointed by the City Manager, or the City's Manager's designee, and a Deputy Building Official may be appointed to have all the powers of the Building Official. The Building Official shall act as the Building and Plumbing Inspector and shall be under the jurisdiction of the City Manager, or the City Manager's designee, and shall coordinate his work with the offices of the City Engineer, Fire Inspector and Sanitarian. (Ord 21-14; Rev 6-11-21)
- 2. Record. A record book shall be kept in which the Building Official shall keep a record of all building permits issued. (Ord 04-04; Rev 03-26-04)
- 3. Duties. The Building Official shall administer and enforce the provisions of this ordinance. The powers and duties of the Building Official shall be as follows:
 - a. Issue all building permits and make and maintain records thereof.
 - b. Conduct inspections of buildings, structures and the use of land to determine compliance with this ordinance.
 - c. Require that all construction or work of any type be stopped when such work is not in compliance with this ordinance.
 - d. Revoke any permit which was unlawfully issued or any permit wherein defective work has been performed, and when such work has not been corrected within ninety (90) days of notification.
 - e. Maintain permanent and current records of this regulation, including, but not limited to, all maps, amendments, variances, appeals and applications.
 - f. Provide public information relative to all matters arising out of this ordinance.
 - g. Forward to the Plan Commission all applications for amendments to this ordinance.
 - h. Forward to the Board of Adjustment, applications for appeals, variances or other matters on which the Board of Adjustment is required to pass under this ordinance.

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, decks, retaining walls, or other similar structures, within this City without a permit issued, upon application to the Building Official. 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 ($\leq$) 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 work which is not intended to be a base for a permissible structure. The existence of such cement work (placed without permit) shall not be considered grounds for the issuance of a future building permit or variance. 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. If the applicant is dissatisfied with the decision of the Plan 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 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 for one year from the date of issuance. Permits for commercial and industrial principal and accessory structures may, in the discretion of the Building Official, be issued for a period not to exceed three (3) years. In the event a commercial or industrial building permit

is issued 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) 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)
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. 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 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 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 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 shall be referred to the Plan 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 or until sixty five (65) days have elapsed from the date of receipt of complete information about said request by the Plan 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 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 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.** 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)
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)

[\(back to Chapter contents\)](#)

**Chapter 21.04
NONCONFORMITIES**

Section

[\(back to Title contents\)](#)

[21.0401 General](#)

[21.0402 Extension or Enlargement of Nonconformities in General](#)

[21.0403 Nonconforming Lots of Record](#)

[21.0404 Nonconforming Uses of Land \(or Land with Minor Structures Only\)](#)

[21.0405 Nonconforming Structures](#)

[21.0406 Reconstruction of Certain Nonconforming Structures Permitted Subject to Conditions](#)

[21.0407 Nonconforming Uses - General](#)

21.0401: GENERAL

[\(back to Chapter contents\)](#)

Within the districts established by this ordinance or amendments that may be adopted there exist:

1. Lots;
2. Structures;
3. Uses of land and structures;
4. Characteristics of use;

which would be prohibited, regulated or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to regulate the continuance of such nonconformities and, in some cases, to require the removal within a reasonable period of time.

21.0402: EXTENSION OR ENLARGEMENT OF NONCONFORMITIES IN GENERAL

Any nonconforming building or land use existing at the time of the passage of this ordinance may be continued even though such building, structure or land does not conform with the provisions of this ordinance for the district in which it is located. Any such existing nonconforming use may hereafter be extended throughout any part or parts of a building which were manifestly arranged or designed for such use at the time of the passage of this ordinance. Any such existing nonconforming land use may be expanded throughout any contiguous land area under the same ownership at the time of the adoption of this ordinance except where such nonconforming land use by its expansion enters into an area with a different zoning classification.

21.0403: NONCONFORMING LOTS OF RECORD

[\(back to Chapter contents\)](#)

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any platted single lot, or lots, of record located within the corporate limits of Watertown; notwithstanding limitations imposed by other provisions of this ordinance. These provisions shall apply even though such lot, or lots, fails to meet the minimum requirements for area or width or both that are applicable within the district. Any permitted construction, shall conform to the regulations for the district in which such lot, or lots, are located. In the event two or more lots or combinations of platted lots and portions of lots with continuous frontage in single ownership are of record, and provided any newly permitted construction thereon will comply with the minimum district requirements where such lot is located, the owner of such undivided combination of lots shall have the right to make application for a building permit. As a condition of permit issuance, a Development Lot Agreement or replatting of property may be required. In the event a portion of said platted nonconforming lot is ever sold or divided in a manner which renders the previously undivided platted nonconforming lot in noncompliance with the minimum lot area and width requirements established for the zoning district in which the parcel is located, the owner of such noncomplying parcel may make application for a building permit, but such divided platted nonconforming lot shall have no inherent building right. Nothing in this section shall prohibit the construction or expansion of a legal nonconforming building used as a single family dwelling provided such construction or expanded use complies with yard, height, lot coverage and use requirements for the zoning district in which the lot is located. (Ord 06-32; Rev 02-08-07)

21.0404: NONCONFORMING USES OF LAND

[\(back to Chapter contents\)](#)

No nonconforming use, building structure or premises, if once changed to conform to the requirements of this ordinance for the district in which it is located, shall ever be changed back so as to be nonconforming. If such a nonconforming use is discontinued or abandoned for more than one year, the Building Official, after notice by certified mail to the property owners, may cause the elimination of such nonconforming use. Nothing in this ordinance shall

prevent the restoration of any wall or other portion of a building declared unsafe by an authorized public official. (Ord 17-39; Rev 11-10-17)

21.0405: NONCONFORMING STRUCTURES

[\(back to Chapter contents\)](#)

The foregoing provision of this chapter shall apply to all buildings, structures, land or uses, except those buildings, land or uses which are agricultural in nature which may hereafter become nonconforming by reason of the rezoning of the area in which the same may be situated.

**21.0406: RECONSTRUCTION OF CERTAIN NONCONFORMING STRUCTURES PERMITTED
SUBJECT TO CONDITIONS**

[\(back to Chapter contents\)](#)

Whenever any building existing in any of the districts as a nonconformity is condemned by an authorized public official, it cannot be rebuilt for a nonconforming use. If any nonconforming building is destroyed or damaged by any casualty, or raised to comply with FEMA regulations, such building may be repaired or replaced and its use continued providing said reconstruction shall not add to the nonconformity or add to the cubic contents of said building as the same existed at the time of such casualty; and provided further, that such repair or reconstruction of such building shall be begun within six (6) months after such casualty and completed within a reasonable time thereafter. However, if the damage caused by such casualty is such as to cause a loss in value exceeding sixty percent (60%) of the value immediately prior to such casualty then it cannot be rebuilt for a nonconforming use. The loss in value shall be computed as the difference between the actual cash value of the structure immediately before and after the casualty. Cash value shall be the same as that used for insurance purposes as approved by the State of South Dakota Insurance Code.

21.0407: NONCONFORMING USES - GENERAL

[\(back to Chapter contents\)](#)

Nothing contained in this chapter shall be so construed as to abridge or curtail the powers of the Plan Commission as set forth elsewhere in this ordinance.

Chapter 21.05
ESTABLISHMENT OF DISTRICTS

Section

- [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](#)

[\(back to Title contents\)](#)

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
- C-1 Community Commercial District
- C-2 Local Commercial District
- C-3 Highway Service Commercial District
- C-L Lake Commercial District
- BP 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.

- AP Aquifer Protection District
- WE Wind Energy District
- GT-1 Gateway District
- DT 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 Districts		Minimum Density (SF/d.u.) ^a	Minimum Lot Area (SF)	Minimum Required Lot Width	Minimum Required Front Yard	Minimum Required Side Yard	Minimum Required Rear Yard	Maximum Overall Height ^b
R1 Single Family Dwelling Unit		9,000	9,000	75'	25'	9' c, d	25'	35'
R1 Single Family Dwelling Unit	Corner Lots	10,000	10,000	85'	25'	9' c, d	25'	35'
R-1C Compact Single Family Residential Dwelling Unit		5,000	5,000 i, j	50'	25'	6' & 9' c, d, j	25'	24'
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 side	25'	24'
R-1C Compact Single Family Dwelling Unit	Corner Lots	6,900	6,900 i, j	75'	25'	6' & 9' c, d, j	25'	24'
R2A Single Family D.U.	No New Dev.	N/A	6,000	50'	25'	c, d	25'	35'
R2 Two Family Dwelling Unit		2,500	10,000	85'	25'	9' c, d	25'	35'
R2 Attached Single Family Dwelling		2,500	2,500/d.u.	85'	25'	0' to 9' c on non-party wall side	25'	35'
R3 3 to 8 Dwelling Unit		1,300 f	1,300/d.u.f,g	100'	30'	10'	25'	35'
R3 9 to 12 Dwelling Unit		1,300 f	1,300/d.u.f,g	125'	30'	15'	25'	55'
Over 12 Dwelling Unit		1,300 f	1,300/d.u.f,g	150'	30'	15'	25'	55'
R4 Manuf. Homes		7,500	7,500	50'	25'	6'	15'	20'
R4 Manuf. Homes		7,500	7,500	50'	25'	6'	15'	20'

Residential Garages		NA	5,000	50	25	9 e	25	24
Other allowable uses in residential Districts		7,500	7,500	75'	30'	9' c	25'	25'

- a. d.u. - dwelling unit
- b. 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)
- 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. 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. The maximum allowable amount of lot coverage shall be 80% (Ord 14-11; Added 4-11-14)
- h. The maximum allowable amount lot coverage shall be 55%
- i. The maximum allowable driveway curb cut is twelve (12) feet unless there is at least twenty (20) feet of continuous curb frontage.
- j. 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 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 shall have two (2) required front yards, zero (0) required rear yard, and two (2) required side yards.
- c. For parcels that have more than two required front yards, the remaining required yards shall be side yards.
- d. 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).
- e. The front 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 structure 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 side. Any existing residential structure which observes a front 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).
- f. Where a zero lot line development is being proposed the minimum lot width may be reduced to twenty five (25) feet. (E-545-1) (Ord 13-14; Rev 06-28-13)

- g. 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)
- h. 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)
- i. 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. 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	20'	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.
- 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.
 - (1) Lots less than or equal to 43,560 square feet in total area: One (1) unattached garage, one (1) attached garage, and one (1) storage structure (per dwelling unit).
 - (2) Lots greater than 43,560 square feet in total area: Up to two (2) unattached garages, one (1) attached garage, and one (1) storage structure (per dwelling unit)
- 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 greater than 200 Square Feet.

- a. A 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 line. A garage permitted after July 11, 2008 which is entered perpendicular to an alley shall not be located closer than twenty (20) feet to the alley line. A garage which is entered parallel to an alley shall not be located closer the nine (9) feet to the alley line.
- b. Rear yards for homes located on lakefront property will be treated the same as an alley.
- c. 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.
- d. Unattached Garage.
 - (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 unattached 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 for multi-family structures located in the required rear yard, may not occupy more than sixty percent (60%) of the required rear yard.
- e. Accessory structures shall have siding and roofing material of a type similar to that of the primary structure as approved by the Building Official.
- f. 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, swimming pools, barbecue pits, noncommercial greenhouses, and similar improvements, provided a site plan for such facility is approved.
- b. Dog enclosures shall observe the same setbacks as accessory structures greater than two hundred (200) square feet (see Table 21.1002).
- 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. 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.

Source: (Ord 04-04; Rev 03-26-04) (Ord 08-11; Rev 07-11-08) (Ord 14-26; Rev 08-15-14) (Ord 21-07; Rev 5-3-21) (Ord 21-18; Rev 7-16-21)

21.1003: NON-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.

		Minimum Density (SF/d.u.) ^a	Minimum Lot Area (SF)	Minimum Required Lot Width	Minimum Required Front Yard	Minimum Required Side Yard	Minimum Required Rear Yard	Maximum Mean Height ^b
A-1 Districts		35 Acres	NA	400'	30'	25'	40'	35'
C-1 Districts		NA	625	25'	NA	0' or 30' (adj to R)	NA	60'
C-2 Districts		NA	10,000	100'	40'	30'	30'	60'
C-3 Districts		NA	20,000	100'	40'	20'	30'	60'
C-L Districts		NA	10,000	100'	30'	30'	30'	35'
C-L Districts (structures greater than 35' in height)		NA	10,000	150'	30'	35'	30'	60'
I-1 Districts		NA	30,000	100'	40'	20'	30'	60'
I-2 Districts		NA	220,000	300'	75'	50'	50'	60'
BP Districts		20 Acres	3 Acres	NA	50'	20'	20'	60'

^a d.u. - dwelling unit

^b 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.

2. Non-Residential Supplemental Provisions

- a. Corner lots shall have two (2) required front yards, zero (0) required rear yard, and two (2) required side yards.
- b. For parcels that have more than two required front yards, the remaining required yards shall be side yards.
- c. The front 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 structure 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 side.
- d. Where a zero lot line development is being proposed in a new subdivision the minimum lot width may be reduced to sixty (60) feet.
- e. Decks shall observe the same setbacks as primary structures, see Table 21.1003.

Source: (E-545-1) (Ord 06-31; Rev 1-25-07) (Ord 16-13; Rev 10-14-16) (Ord 18-02; Rev 04-27-18) (Ord 20-10; Rev 5-1-2020)

21.1004: NON-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	
A-1 Districts	40'		30'	25'	40'	
C-1 Districts	30'		30'	30'	30'	
C-2 Districts	30'		30'	10'	10'	
C-3 Districts	30'		35'	20'	10'	
C-L Districts	30'		30'	10'	10'a	
I-1 Districts	40'		40'	25'	25'	
I-2 Districts	40'		75'	50'	50'	

- a. For properties with lake frontage, the rear yard setback shall be thirty feet (30').

2. General Provisions for Non-Residential Accessory Uses

- a. 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 Adjustment.
- b. Only specifically authorized accessory uses are allowed. 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 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.
- d. Structures shall not be located in or over any easement.

3. Non-Residential Accessory Use Provisions

Any accessory use customarily incidental to the principal permitted use or conditional use shall be permitted, except those uses specifically prohibited in the district.

Source: (Ord 04-04; Rev 03-26-04) (Ord 08-11; Rev 07-11-08) (Ord 20-10; Rev 5-1-2020)

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. On-site constructed single family detached residential structures.
3. Type I manufactured homes (see [21.7101\(1\)](#)).
4. Recreational use. (Ord 19-08; Rev 08-10-19)
5. Modular Homes.
6. Orchards and tree farms.
7. Railroads and utilities substations.

21.1203: CONDITIONAL USES

[\(back to Chapter contents\)](#)

1. Type II manufactured homes (see [21.7101\(2\)](#)).
2. Mining, subject to the provisions of this ordinance.
3. Veterinary clinics (Large and/or small animal, with or without outside runs).
4. Stables and Commercial Kennels, public and private. (Ord 21-18; Rev 7-16-21)
5. Airports and airstrips.
6. Religious Institutions and/or cemeteries.
7. Animal feedlots.
8. Sewage treatment plants.
9. Public and quasi-public institutions or services
10. Livestock sales.
11. Commercial greenhouses and nurseries.
12. Golf course and driving range.
13. 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. Home occupations.
18. Funerary Service (Non-Human) (Ord 08-04; Rev 04-11-08)

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

[21.1401 Purpose](#)

[21.1402 Permitted Uses](#)

[21.1403 Conditional Uses](#)

[21.1404 Area and Bulk Requirements](#)

[\(back to Title contents\)](#)

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

[\(back to Chapter contents\)](#)

1. Single family detached residential dwellings including attached or detached garages, but 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.

21.1403: CONDITIONAL USES

[\(back to Chapter contents\)](#)

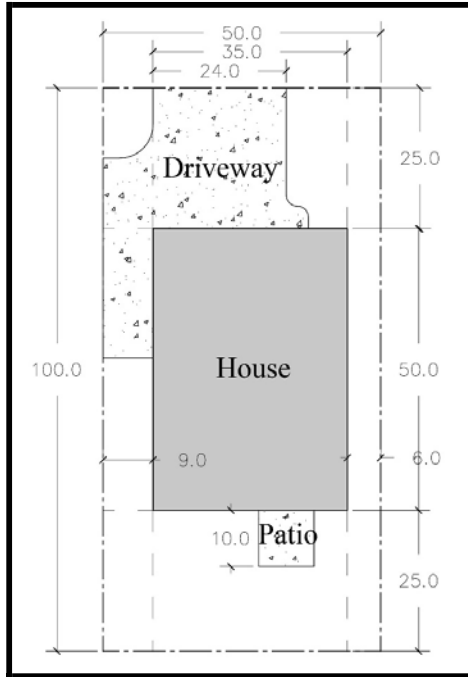
1. Day care homes caring for children, provided that such facilities shall provide not less than thirty five (35) square feet of interior floor area and fifty (50) square feet of outdoor recreation space for each child. In addition, such facilities shall supply adequate off-street parking or other suitable 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)
2. Nursing or convalescent homes with up to four (4) additional residents other than immediate family.
3. Religious institutions, public libraries, museums and schools.
4. Reserved.
5. Home occupations in accordance with [Chapter 21.70](#).
6. Bed and Breakfast.
7. Licensed day care centers in conjunction with religious institutions.
8. Golf Course. (Ord 19-08; Rev 08-10-19)
9. Community Center (Ord 19-08; Rev 08-10-19)
10. 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. 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. 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. 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)

2. R-AC 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. (Ord 04-04; Rev 03-26-04)
3. 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.
2. Three and four family dwellings.
3. Licensed residential treatment or group homes (not to exceed four (4) persons, not including employees).
4. Neighborhood retail establishments.
5. Single family zero lot line developments with eight or more contiguous lots by original plat.
6. Funeralary Service. (Ord 08-04; Rev 04-11-08)
7. Assisted Living Centers.
8. Communal Living. (Ord 20-03; Rev 2-14-20)
9. 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 notwithstanding any contrary provision within [Section 21.0209\(1\)](#).
2. Any decision by the Plan 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. Any decision by the Plan 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

[\(back to Chapter contents\)](#)

All permitted uses in the R-2 District.

21.1804: CONDITIONAL USES

[\(back to Chapter contents\)](#)

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.
2. 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)

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 ($\leq$) 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. Clinics and Hospitals.
6. Licensed residential treatment or group homes.
7. 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

[\(back to Chapter contents\)](#)

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. Public utilities and services required by the resident population.
6. Recreational Use. (Ord 19-08; Rev. 08-10-19)
7. Accessory uses and buildings in accordance with the provisions and regulations of Section 21.1002 and/or 21.1004 of this ordinance.

21.2203: CONDITIONAL USES

[\(back to Chapter contents\)](#)

1. Home occupations in accordance with [Chapter 21.70](#).
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.
4. Religious Institutions (Ord 21-31; Rev 8-13-21)

21.2204: 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)

1. (Reserved)
2. 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)

3. 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)
4. 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)
5. 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. 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. Site lighting shall be provided. 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)
 - 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 ANSI/NFPA 50/A Standards. (Ord 04-04; Rev 03-26-04)
6. 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)
7. Whenever a manufactured home is moved into an existing court, a permit from the Building Official shall be required. (E-545-1) (Ord 04-04; Rev 03-26-04)
8. 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. The expansion shall comply with all other regulations herein set forth.
9. 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

[\(back to Chapter contents\)](#)

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 21.23

R-G RESIDENTIAL GARAGE DISTRICT

Section[\(back to Title contents\)](#)[21.2301 Purpose](#)[21.2302 Permitted Use\(s\)](#)[21.2303 Requirements](#)[21.2304 Prohibited Uses](#)[21.2205 Area and Bulk Requirements](#)**21.2301: PURPOSE**[\(back to Chapter contents\)](#)

It is the purpose of the Watertown City Council and Watertown Plan Commission to establish a district which allows for the construction of a residential garage on a lot that does not contain a residential dwelling unit, and therefore; becomes the primary structure.

21.2302: PERMITTED USE(S)[\(back to Chapter contents\)](#)

1. Garage for residential storage use.

21.2303: REQUIREMENTS[\(back to Chapter contents\)](#)**1. Area**

- a. Must be located adjacent to a residential district.
- b. No area shall be eligible unless it contains at least one (1) acre and a minimum of three hundred (300) feet of improved street frontage.
- c. Before a Petition for Rezone can be heard the following requirements must be met:
 - i. The written consent of a majority of all property owners (fifty-five percent (55%)) owning property immediately adjacent to the proposed zone.
 - ii. The written consent of a majority (fifty-five percent (55%)) of all property owners within two hundred and fifty (250) feet of the proposed zone.
 - iii. If an applicant cannot acquire all signatures required they may appeal to the Plan Commission. (Ord 17-12; Rev 05-12-17)

2. Structure

- a. Garages shall be in accordance with [Section 21.1001 Residential Height & Placement Regulations](#) unless otherwise specified below.
- b. Only one (1) garage will be allowed per lot.
- c. Maximum impervious surface (including structure) shall be fifty percent (50%) of the lot area.
- d. Building construction and materials shall meet the requirements of a primary residential structure and shall be approved by the Building Official.
- e. A garage's maximum side wall height shall not exceed sixteen (16) feet.
- f. A sidewall of a building that exceeds twelve (12) feet in height and twenty (20) feet in length requires [sidewall articulation](#) in the form of a structural projection of at least two (2) feet in depth and six (6) feet in length, and must extend from grade to the eave. The eave must be at least two (2) feet.
- g. Connection to sanitary sewer is allowed.
- h. Must have a paved driveway.
- i. 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. (Ord 13-13; Added 6-28-13)
- j. Maximum pitch height shall not exceed thirty (30) feet.
- k. 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. (Ord 17-12; Rev 05-12-17)

Outside Storage

- l. Outside storage may be permitted, if acceptable screening is provided and approved by the Building Official.
- m. Outside storage is not allowed in front of the building.

3. Sidewalk/Recreational Trail

- a. A Waiver-of-Right-to-Protest may be required.

21.2304: PROHIBITED USES

[\(back to Chapter contents\)](#)

1. Non-residential uses.
2. Home Occupations.
3. Residential dwelling uses (living quarters).
4. Harboring of animals.
5. Sheds.

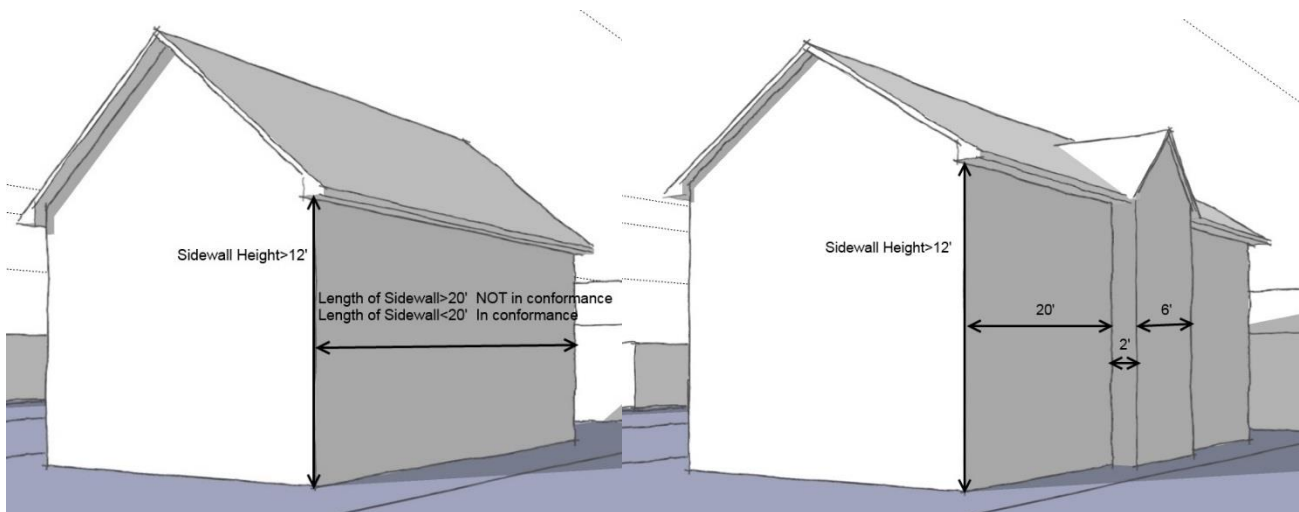
21.2305: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

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) (Ord 13-09; Added 5-10-13)

Figure 21.2303(2f)

Sidewall articulation is required for buildings that exceed twelve (12) feet in height and twenty (20) feet in length. Articulation shall be in the form of a structural projection of at least two (2) foot in depth and six (6) feet in length, and must extend from grade to eave. (Ord 17-12 ; Add 05-12-17)



Chapter 21.24
C-1 COMMUNITY COMMERCIAL DISTRICT

Section

[\(back to Title contents\)](#)

[21.2401 Purpose](#)

[21.2402 Permitted Uses and Permitted Special Uses](#)

[21.2403 Conditional Uses](#)

[21.2404 Area and Bulk Requirements](#)

21.2401: 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.

21.2402: 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 (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)

21.2403: CONDITIONAL USES

[\(back to Chapter contents\)](#)

1. Lumberyard.	14. Civil/Social Organizations.
2. Bakery.	15. Social Assistance.
3. Truck or Bus Terminal.	16. Religious Institutions.
4. Bar or Tavern.	17. Theater.
5. Reserved. (Ord 04-44; Rev 03-26-04)	18. Clinic
6. Manufacture/assembly of products and goods.	19. Convention Center/Banquet Facility.
7. Wholesale merchandising.	20. Warehouse.
8. Day Care Facility (Non-residential).	21. Recreational Use.
9. Apartment houses.	22. Service Station – Motor Vehicle.
10. Hotel/Motel/Inn.	23. Car Wash (automatic or semi-automatic).
11. Storage Units.	24. Auto Body Repair Shops (Ord 20-46; Rev 1-15-21)
12. Contractor Shops & Storage Yards.	25. Recreation Facility. (Ord 19-08; Rev 08-10-19)
13. Bed and Breakfast	
-
26. Apartments (over 4 units) using the upper floors of commercial buildings
 27. Apartment(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)

21.2404: 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

[21.2601 Purpose](#)

[21.2602 Permitted Uses and Permitted Special Uses](#)

[21.2603 Conditional Uses](#)

[21.2604 Area and Bulk Requirements](#)

[\(back to Title contents\)](#)

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.
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)

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. 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 ($\leq$) six hundred (600) sf)
10. Funerary Service (Ord 08-04; Rev 04-11-08)
11. Apartments (Ord 20-02; Rev 2-14-20)
12. Other uses which in the opinion of the Board of Adjustment are of the same general character. (Ord 17-02; Rev 03-31-17)

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

[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](#)

[\(back to Title contents\)](#)

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)

21.2803: CONDITIONAL USES

[\(back to Chapter contents\)](#)

1. Car Wash (automatic or semi-automatic).	10. Day Care Facility (Non-residential).
2. Theater.	11. Storage units.
3. Bar or Tavern.	12. Contractor Shops & Storage Yards.
4. Truck or Bus Terminal.	13. Light Manufacturing
5. Bottling works.	14. Funerary Service. (Ord 08-04; Rev 04-11-08)
6. Lumberyard.	15. Funerary Service (Non-Human) (Ord 08-04; Rev 04-11-08)
7. Grain elevators and terminal.	16. Wholesale establishment or warehouse in a completely enclosed building.
8. Campground. (Ord 04-04; Rev 03-26-04).	17. Caretakers Residence (Ord. 20-36; Rev 10-30-20)
9. Apartments.	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. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-14-13)
 22. Schools offering post secondary education. (Ord 14-38; Rev 01-10-15)
 23. Commercial Kennel (Ord 21-18; Rev 7-16-21)

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) (Ord 23-20; Rev 10-13-23)

21.2903: CONDITIONAL USES

[\(back to Chapter contents\)](#)

1. Campground.
2. Apartments.
3. Storage Shops.
4. Boat Repair Shops.
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) (Ord 23-20; Rev 10-13-23) (Ord 23-20; Rev. 10-13-23)

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

[\(back to Chapter contents\)](#)

1. 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

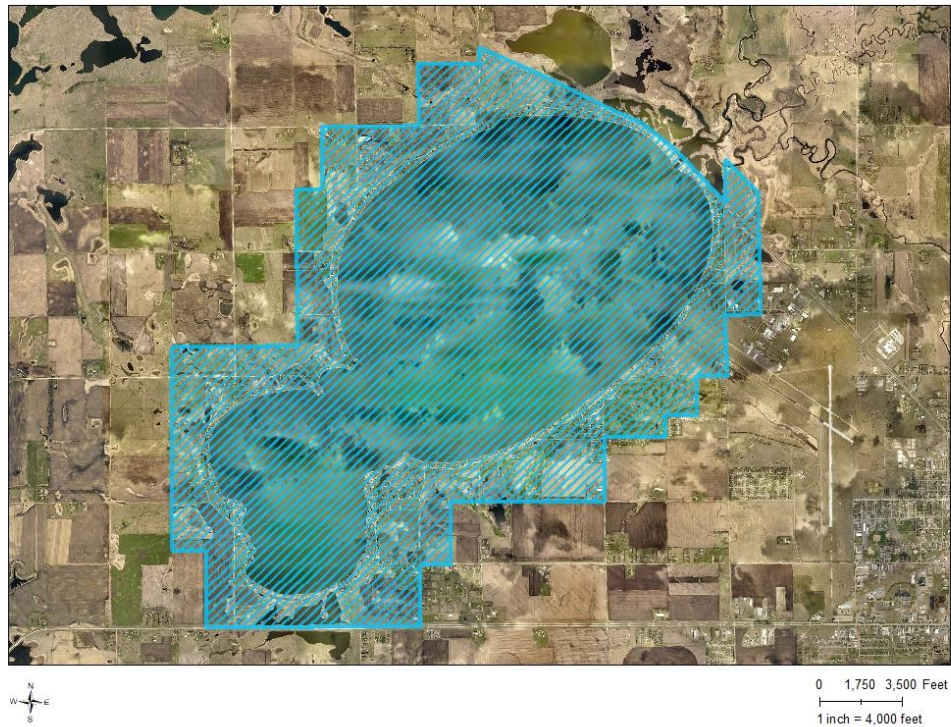
Residential shall be finished with the following materials or similar faux material, or a combination of:

- i. Face brick
 - ii. Natural stone; Manufactured stone provided it replicates 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.
2. 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.
3. 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

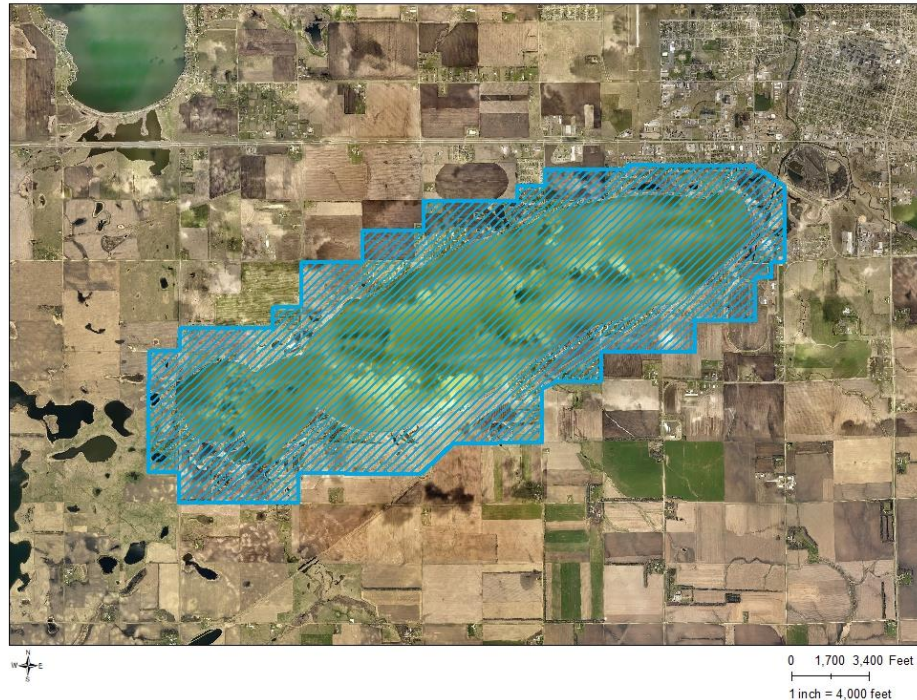
[\(back to Chapter contents\)](#)



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 BP BUSINESS PARK DISTRICT

Section

[21.3001 Purpose](#)

[21.3002 Permitted Uses](#)

[21.3003 Conditional Uses](#)

[21.3004 Requirements](#)

[21.3005 Prohibited Uses](#)

[\(back to Title contents\)](#)

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)

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).	10. Oil stations/auto cleaning establishments.
2. Motor vehicle sales and/or repair. (Ord 12-18; Rev 06-15-12)	11. Public and private utilities uses.
3. Welding shops. (Ord 04-04; Rev 03-26-04)	12. Truck terminals and freight warehouses.
4. Lumberyards.	13. Contractor Shops & Storage Yards.
5. Offices. (Ord 04-04; Rev 03-26-04)	14. Storage Units.
6. Highway/street maintenance shops/yards.	15. Warehouse.
7. Mail order houses.	16. Veterinary Clinic (large and/or small animal, with or without outside runs).
8. Milk/soft drink bottling plant (with no limit of employees).	(Ord 19-17; Rev 1-10-2020; removed “Caretakers Residence”)
9. Light manufacturing. (Ord 04-04; Rev 03-26-04)	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)	

21.3203: CONDITIONAL USES

[\(back to Chapter contents\)](#)

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)

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)

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. Funeralary Service. (Ord 08-04; Rev 04-11-08)
18. Funeralary 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 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 (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 meeting when action will be taken.
- e. The Plan Commission may impose other conditions as necessary to recommend to the City Council. The Plan Commission shall recite the reasons and findings of fact if the application is denied.
- f. Plan 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. Major changes to an approved PUD Plan shall follow the procedures for approval of a PUD Plan as required in this section. 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
“AP” 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 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)

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
“WE” 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 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 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](#). 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 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.
The same as underlying zoning district uses may be allowed provided they meet the conditions described herein.
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. 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. **Exception:** The Building 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	
<i>Percentage of Front Yard Setback Used as Gross Parking Area*</i>	<i>Less than 15%</i>
Structures	20'

Lots Adjacent to 9th Avenue SE (US Highway 212)	
<i>Percentage of Front Yard Setback Used as Gross Parking Area*</i>	<i>Less than 15%</i>
Structures	30'

Lots Adjacent to Other Streets	
<i>Percentage of Front Yard Setback Used as Gross Parking Area*</i>	<i>Less than 15%</i>
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 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 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. Areas not planted with shrubs, trees or other appropriate screening devices shall be maintained with not less than seventy five percent (75%) grass.
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 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. 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
MISCELLANEOUS	
Banners	Not Allowed
Portable, temporary	Not Allowed

- Building signs, miscellaneous signs and other characteristics shall be allowed in accordance with underlying zoning requirements.
- 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:

- Storage or display is limited to items related to items sold or similar to items sold within the primary structure.
- Outside storage or display shall not be allowed on any required parking spaces.
- Storage of excess inventory shall be screened by means of an opaque fence, plant materials, walls or earth berms.
- 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

[\(back to Chapter contents\)](#)

- No junk, scrap, rubbish, trash, litter or refuse shall be deposited or permitted to remain or accumulate on any site.
- 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
“DT” 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 to establish a Downtown Overlay District (DT) 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 DT 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 DT 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 DT 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 DT Downtown Overlay District shall conform to the following regulations and procedures:

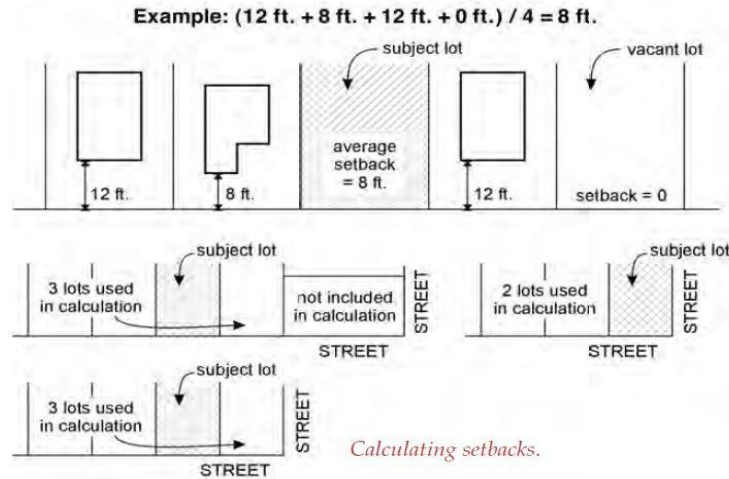
1. Permitted Uses in the DT Downtown Overlay District shall conform to the underlying zoning district provided they meet the conditions described herein.
2. Conditional Uses in the DT Downtown Overlay District shall conform to the underlying zoning district provided they meet the conditions described herein.

(Ord 19-09; Eff. 11-1-19)

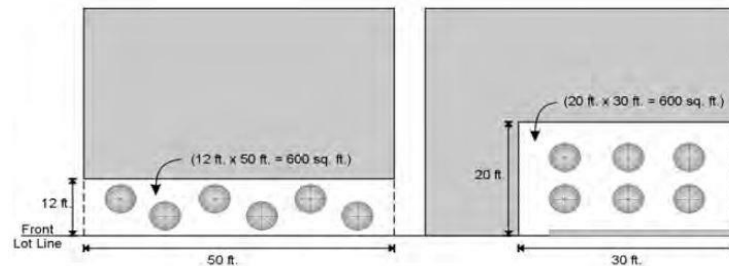
21.5605: SETBACKS

[\(back to Chapter contents\)](#)

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.



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 (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 DT 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 DT Downtown Overlay District, if any similar material not approved by the Building 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 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: DT DOWNTOWN OVERLAY DISTRICT MAP

[\(back to Chapter contents\)](#)

The DT 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 21.60
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 Storage/Off-Street Parking subject to the limitations and requirements of Chapter 21.65, 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 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 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 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

21.6101 Fences, Walls and Hedges

[\(back to Title contents\)](#)

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:

<u>Use</u>	<u>Height</u>
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 21.62

ALL LOTS AND BUILDINGS TO FRONT ON PUBLIC OR APPROVED PRIVATE STREET

Section

[\(back to Title contents\)](#)

21.6201 All Lots and Buildings to Front on Public or Approved Private Street

21.6201: ALL LOTS AND BUILDINGS TO FRONT ON PUBLIC OR APPROVED PRIVATE STREET

All lots created after the effective date of this ordinance shall front upon a public street or an approved private street, and no building shall hereafter be erected or constructed except upon such a lot.

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 industrial districts (I-1 and I-2). (Ord 23-09; Rev 06-30-23)
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.

Source: (Ord 17-32; Rev 09-29-17) (Ord 22-03; Rev 3-18-22)

Chapter 21.64
PERFORMANCE STANDARDS

Section

21.6401 Performance Standards

[\(back to Title contents\)](#)**21.6401: PERFORMANCE STANDARDS**

Performance standards apply to all districts except I-2 Heavy Industrial Districts. Current federal and state regulations are adopted by reference. Uses which because of the nature of their operation are accompanied by an excess of noise, vibration, dust, dirt, smoke, odor, noxious gases, glare or wastes shall not be permitted. These residual features shall be considered as "excessive" when they either exceed or deviate from the limitations set forth in the following performance specifications:

1. **Noise:** shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity. At the property line, the sound pressure level of noise radiated from a facility shall not exceed the values given in Table I herein. The sound pressure level shall be measured with a sound level meter and on an associated octave band analyzer, both of which are manufactured according to current specifications prescribed by the American National Standards Institute. Measurement shall be made using the flat network of the sound level meter.

Table I - Noise Levels

Octave Band Frequency (cycles per second)	Maximum Decibel Level
20- 75	65
75- 150	60
150- 300	55
300- 600	46
600-1,200	40
1,200-2,400	34
2,400-4,800	31
4,800-Over	28

2. **Vibration:** No activity or operation shall at any time cause earth vibrations perceptible beyond the limits of the immediate site on which the operation is located.
3. **Dust and Dirt:** Solid or liquid particles shall not be emitted at any point in concentrations or amounts exceeding limitations established in the latest revision of federal and state regulations.
4. **Smoke:** Smoke shall not be emitted from any source with opacity or frequency exceeding limitation in federal or state regulations, the latest revision of which is hereby incorporated by reference. All open burning is prohibited or must be conducted in conformance with applicable federal and state regulations, the latest revision of which is hereby incorporated by reference.
5. **Odor:** No activity or operation shall cause at any time the discharge of toxic, noxious or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be detrimental to or endanger the public health, welfare, comfort or safety or cause injury to property or business.
6. **Glare:** whether direct or reflected, such as from spotlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the limits of the immediate site from which it originates.
7. **Wastes:** All solid waste material, debris, refuse or garbage shall be kept within a completely enclosed building or properly contained in a closed container designed for such purpose.
8. **Tests - Owner:** The owner or operator of any permitted use shall be required to show compliance with the performance standards set forth above. In cases where compliance cannot be demonstrated to the satisfaction of the City Council or where reasonable doubt exists, the Council may require the owner or operator to have investigations or tests made by an independent testing organization. Costs of such investigations or tests shall be paid by the owner or operator. In all cases the tests must comply with requirements of federal and state regulations.
9. **Tests - City:** The procedure above stated shall not preclude the City from making any tests and investigations it finds appropriate to determine compliance with these performance standards.

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.

10. **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.
11. **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](#).
12. **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 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 may order it be removed.
8. Due to the uniqueness of lake lots, it will be the Building Official’s 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. (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. (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. (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 21.70
HOME OCCUPATIONS AND STANDARDS

Section

[\(back to Title contents\)](#)

[21.7001 Home Occupations](#)

[21.7002 Home Occupation Standards](#)

[21.7003 Activities Not Covered](#)

21.7001: HOME OCCUPATIONS

[\(back to Chapter contents\)](#)

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)

21.7002: HOME OCCUPATION 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. 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. No outdoor storage of equipment or materials used in the home occupation shall be permitted.
3. 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 occupy the entire dwelling unit.
4. No internal or external alteration which would change the basic character of the building as a residential dwelling unit shall be permitted.
5. No nonresident employee(s) may be employed on the premises at any time.
6. No public display of goods shall be allowed on the premises except inside the principal building.
7. 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. 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. Any change in location of an existing home occupation shall be required to meet these regulations.

21.7003: 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 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 21.71
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

[\(back to Chapter contents\)](#)

For the purpose of this ordinance, manufactured homes and mobile homes will be regulated by type. 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. 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) 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](#).
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.

[\(back to Chapter contents\)](#)

21.7102: MANUFACTURED AND MOBILE HOME INSTALLATION STANDARDS

1. **Building permit required.** No manufactured home or mobile home shall be installed, reinstalled, or altered without first obtaining a permit from the Building Official. A separate permit shall be required for each installation, reinstallation, or alteration. Said separate permit may include accessory buildings and structures if constructed in conjunction with the installation, reinstallation or alteration.
2. **Inspections required.** The following inspections shall be required: Footing/foundation inspection, vapor retarder inspection, concrete slab or under floor inspection, anchorage inspection, and building service equipment inspections. 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. 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 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. 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. 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; Rev 12-31-04)

Chapter 21.72
MICROWAVE ANTENNAS

Section

21.7201 Microwave Antennas

[\(back to Title contents\)](#)

21.7201: MICROWAVE ANTENNAS

1. The purpose of this section is to assure that a microwave antenna and its supporting structure is so located that it will perform its function while creating a minimal visual impact on the neighborhood in which the antenna is located and provide for safety. In adopting this section, it is not the intent of the City to prohibit the installation of a microwave antenna, but rather to minimize the antenna's visual impact and provide for safety.
2. **"Microwave antenna"** as used in this section means any antenna used for or designed for transmitting or receiving microwave electronic signals from one point to another by way of an earth satellite.
3. **Building Permit Required.** No microwave antenna shall be erected on any parcel of land or upon any building unless a building permit for such antenna has been issued. The charge therefore will be established by resolution of the City Council. (Ord 12-23; Rev 09-14-12)
4. **Board of Adjustment Review Required.** No building permit shall be issued to erect a microwave antenna on any parcel of land or upon any building unless the size, color, placement, positioning, screening and safety features of the antenna shall have been first approved by the Board of Adjustment. The Board of Adjustment may delegate responsibility for review and approval to the Building Official. The purpose of such review shall be to minimize the visual impact of the microwave antenna on the neighborhood in which it is located and to provide for safety. This may be accomplished by screening an antenna from sight, by blending the antenna with its background, or by other appropriate means which do not unreasonably impair the function of the microwave antenna.
5. **Application.** The provisions of this section shall apply to all land use districts. Statements of Intent to Guide Construction of Ambiguous Provisions. Whenever there is doubt or ambiguity concerning the meaning or intent of a provision of this ordinance, such provisions shall be so construed and interpreted as to most closely effectuate the relevant statements of intent set forth in this ordinance. (E-524-1)

Chapter 21.73 LANDSCAPE AND LIGHTING STANDARDS

Section

[\(back to Title contents\)](#)

21.7301	Landscape and Lighting Standards
21.7302	Applicability
21.7303	Standards for Landscape Materials
21.7304	Parking Lot Requirements
21.7305	Boulevard/Public Right-Of-Way Landscaping Requirements
21.7306	Compliance
21.7307	Maintenance
21.7308	Landscape Plan
21.7309	Enforcement
21.7310	Repealed
21.7311	Exceptions

21.7301: 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.

21.7302: 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.

21.7303: 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: A minimum of one and one-quarter (1¼) inch caliper measured at a point six inches above immediate ground level and normally capable of reaching a mature height of thirty (30) feet.

Deciduous ornamental tree: A minimum of one (1) inch caliper measured at a point six (6) inches 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) 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) 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.
- 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 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)

21.7304: 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 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 dwelling with less than eight (8) units.

[\(back to Chapter contents\)](#)

21.7305: 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.

21.7306: 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.

21.7307: 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.

21.7308: LANDSCAPE PLAN

[\(back to Chapter contents\)](#)

1. The applicant for a 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 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.

21.7309: ENFORCEMENT

[\(back to Chapter contents\)](#)

The enforcement of this ordinance shall be the responsibility of the Building Official and the Director of Parks, Recreation and Forestry, or designated representative.

21.7310: 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)

Chapter 21.74
LIMITATIONS ON SPECIFIC USE OFFICE BUILDING

Section

21.7401 Limitations on Specific Use Office Building

[\(back to Title contents\)](#)

21.7401: LIMITATIONS ON SPECIFIC USE OFFICE BUILDING

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

21.7501 Bed and Breakfast (B & B)

[\(back to Title contents\)](#)

21.7501: BED AND BREAKFAST (B & B)

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

21.7601 Campgrounds

[\(back to Title contents\)](#)

21.7601: CAMPGROUNDS

1. Each campsite shall contain at least two thousand (2,000) square feet.
2. The campgrounds 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 Building 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

21.7801 [Limitations on Communal Living](#)

[\(back to Title contents\)](#)

21.7801: LIMITATIONS ON COMMUNAL LIVING

[\(back to Chapter contents\)](#)

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 21.80
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

[\(back to Chapter contents\)](#)

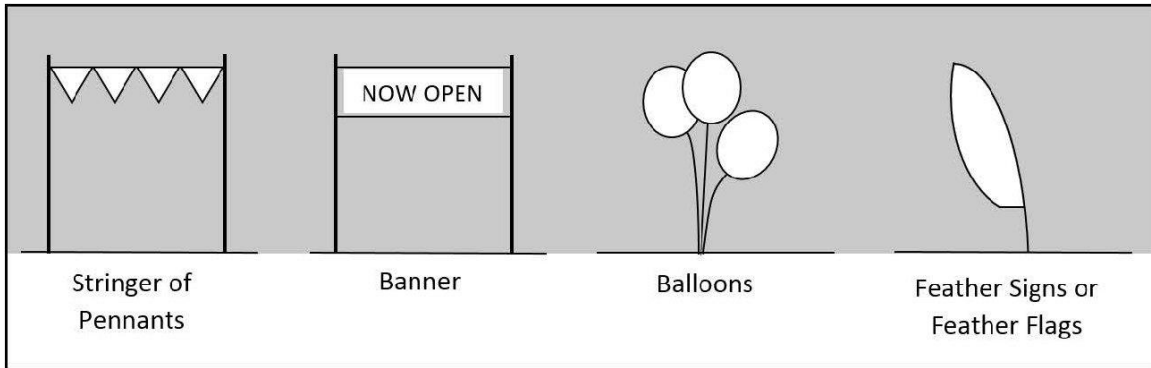
No sign regulated hereunder may be erected, placed, established, painted, created or maintained in the City unless it is in conformity with the standards, procedures, exceptions and other requirements of this chapter. These regulations are applicable to all districts.

21.8003: RESERVED

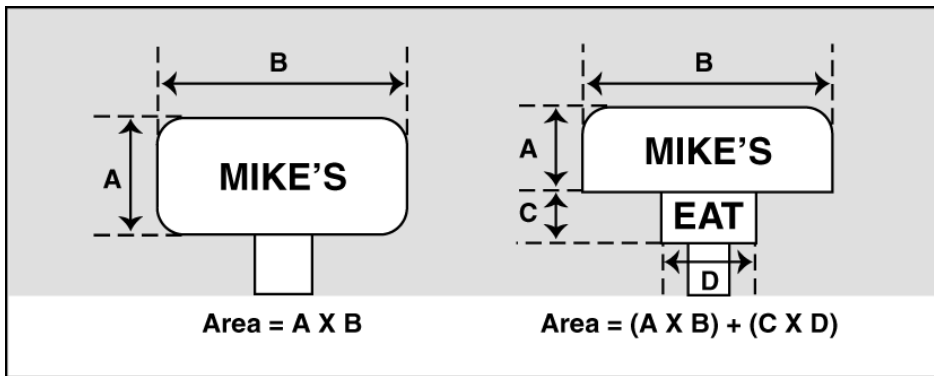
21.8004: GRAPHIC ILLUSTRATIONS

[\(back to Chapter contents\)](#)

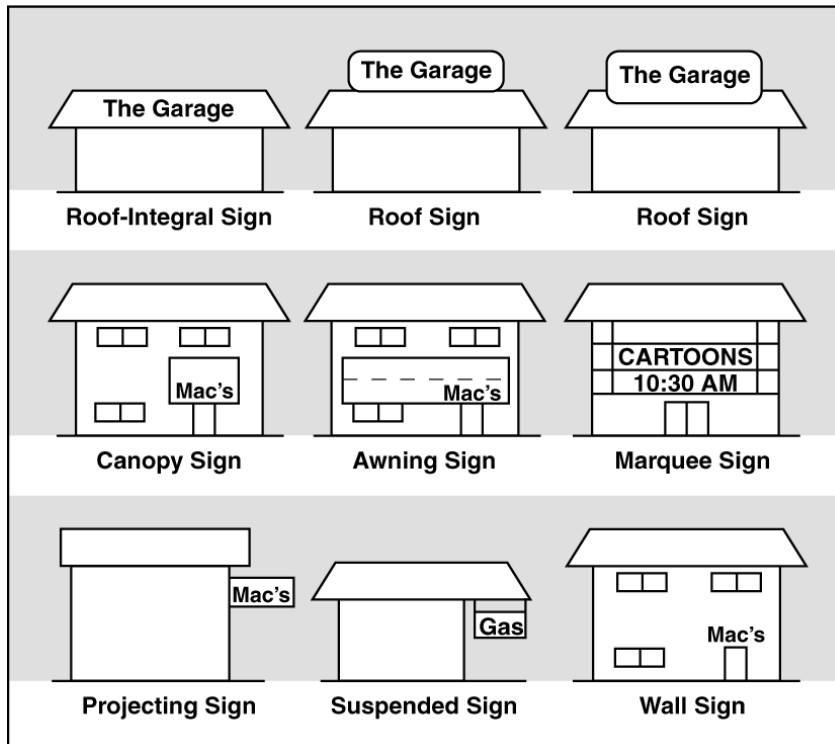
1. Examples of Temporary Signs (not all inclusive)



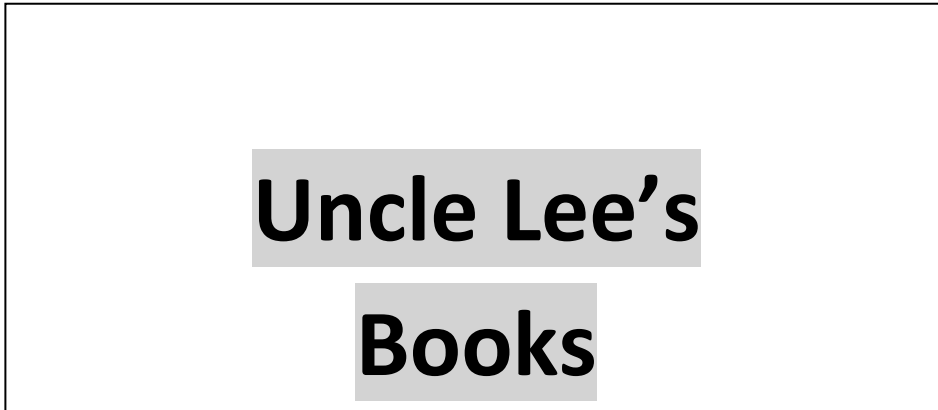
2. Computation of Sign Area



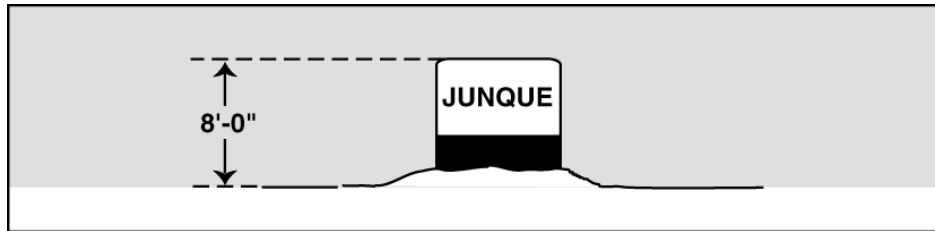
3. Building Identification Signs (not all inclusive)



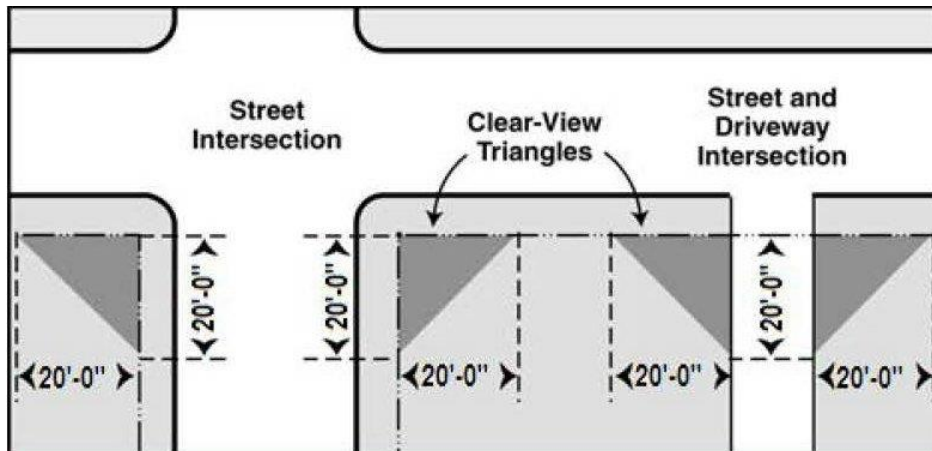
4. **Computation of Sign Area of Individual Signs of Individually Mounted Letters or Symbols and Awning and Canopy Signs**



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, 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. Every sign permit issued by the Administrative Official 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 extend the time of permit validity for an additional one hundred twenty (120) 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. **Number of Signs.** Any permit issued may authorize one or more signs.
4. **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. **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. **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. **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. Application Review

The Administrative Official shall review all sign permit applications and render a decision on permit issuance as quickly as possible.

9. 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. 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 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 (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.
4. 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.

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. (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.
9. Balloons with a diameter of less than twenty four (24) inches.
10. Temporary signs unless placed in the boulevard. (See Section 21.8019 (2))
11. Any traditional flag. (Ord 18-15; Rev 11-09-18)

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, 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; (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 (20) 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 (20) 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. (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[\(back to Chapter contents\)](#)

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 21.8019.1.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 21.8020
 - (b) Permitted only in accordance with Section 21.8021
 - (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 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. 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)

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. (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-PREMISES SIGNS

[\(back to Chapter contents\)](#)

1. Off-premises ground signs shall have no more than one visible structural support or pole.
2. 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. 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. Off-premise signs shall have no more than two faces.
6. The faces of off-premises signs shall be mounted parallel or up to a maximum of thirty (30) degrees between one another.
7. Off-premises signs shall not be located within any clear view triangle.
8. Off-premise signs shall be separated by not less than fifty (50) feet from any on-premises sign.
9. 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. 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. No on-premise sign may be converted to an off-premise sign without approval of the Sign Code Board of Appeals.

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 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	P	P	P	P	P	P	P	P	P
Off-Premises Sign	N	N	P	N	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	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)	P	P	P	P	P	P	P	P	P
Illuminated-Internal	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 and certain residential uses permitted in residential districts. Such uses include, 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.

TABLE 2	ZONING DISTRICTS								
SIGN TYPE	R1 R2 R2A	R3 R4 RG	C1	C2	C3	BP	All I's (k)	AG	INS (a)
FREE STANDING									
Number Permitted per Lot	NA	NA		NA	NA	NA	NA		
Number Permitted Per Feet Of Street Frontage (d) (l)	NA	NA	1 for each Business with up to 200' of Frontage; over 200' of frontage is allowed one additional sign	1 for each 200' of Frontage	1 for each Business with up to 200' of Frontage; over 200' of frontage is allowed one additional sign	1 for each 500' of Frontage; over 500' of frontage is allowed one additional sign	1 for each 500' of Frontage; over 500' of frontage is allowed one additional sign	1 for each 500' of frontage; over 500' of frontage is allowed one additional sign	1 for each Frontage; over 500' of frontage is allowed one additional sign
Setback From Right-of-Way (Feet) (c)	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	75	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	16 *b	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' (f)	Street Frontage (SF) of 1-50' = 20' SF of 51-150' = 25' SF Over 151' = 30' (b)(f)	20	20
Minimum Clearance (Feet) (i)	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	7.5	7.5	10	7.5
MAXIMUM TOTAL SIGN AREA (g)(h)(j)									
Maximum Total SF - Single Frontage	16	16	400	200	800	800	600	750	200
Maximum Total SF For Lots With 2 Or More Frontage	NA	NA	600	300	1000	1000	NA	1,000	800

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.

- (b) In no case shall the sign height exceed the setback distance from an adjacent residential district boundary line, except for *f.
 - (c) No part of any sign shall protrude into the horizontal or vertical setback line.
 - (d) 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.
 - (e) 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.
 - (f) 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.
 - (g) 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.
 - (h) Window signs shall not count toward MAXIMUM TOTAL SIGN AREA.
 - (i) A ground sign requires no minimum clearance but is prohibited within the clear view triangle.
 - (j) 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.
 - (k) Warehousing, packaging, and sales of fireworks uses may use allowable C-3 signage requirements. (Ord 20-05; Rev 2-28-20)
 - (l) 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)
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 (Ft)	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)

Chapter 21.81
FIREWORK ACTIVITIES

Section

[\(back to Title contents\)](#)

[21.8101 I-1 Light Industrial Zoning District Standards for Firework Activities](#)

[21.8102 I-2 Heavy Industrial Zoning District Standards for Firework Activities](#)

21.8101: I-1 LIGHT INDUSTRIAL ZONING DISTRICT STANDARDS FOR FIREWORK ACTIVITIES

[\(back to Chapter contents\)](#)

1. Warehousing and sales are restricted to Class 1.4G Fireworks.
2. Minimum lot area is one acre.
3. Setback requirements shall comply with I-1 Light Industrial District.
4. Structures for fireworks shall not be located within one-half (1/2) mile of any Residential or Planned Unit Development (PUD) Zoning Districts. Such distance shall be measured from the lot line nearest to the Residential or PUD zoned property.
5. Structures for fireworks shall be located on a lot, excluding streets and alleys, adjacent to property with a C-3 Highway Commercial zoning designation.
6. Warehousing and sales shall be conducted in a permanent structure.
7. Upon issuance of a conditional use permit for warehousing and sales of fireworks, no other uses, other than those incidental to the warehousing or sale of fireworks, shall be allowed on the parcel while the conditional use permit is in effect.
8. Signage may be in accordance to C-3 requirement in Section 21.8028 Table 2 – Number, Dimensions, and Locations of Individual Signs and Maximum Total Sign Area by Zoning District.

(Ord 20-05; Rev 2-28-20)

21.8102: I-2 HEAVY INDUSTRIAL ZONING DISTRICT STANDARDS FOR FIREWORK ACTIVITIES

[\(back to Chapter contents\)](#)

1. Warehousing, packaging, and sales are restricted to Class 1.3G and 1.4G Fireworks.
2. Minimum lot area is five (5) acres.
3. Setback requirements shall comply with I-2 Heavy Industrial District.
4. Structures for fireworks shall not be located within one-half (1/2) mile of any Residential or Planned Unit Development (PUD) Zoning Districts. Such distance shall be measured from the lot line nearest to the Residential or PUD zoned property.
5. Warehousing, packaging, and sales shall be conducted in a permanent structure.
6. Upon issuance of a conditional use permit for warehousing, packaging, and sales of fireworks, no other uses, other than those incidental to the warehousing or sale of fireworks, shall be allowed on the parcel while the conditional use permit is in effect.
7. Signage may be in accordance to C-3 requirements in Section 21.8028 Table 2 – Number, Dimensions, and Locations of Individual Signs and Maximum Total Sign Area by Zoning District.

(Ord 20-05; Rev 2-28-20)

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: a subordinate building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main 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 or such other officials as are authorized by the City of Watertown.

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 – Multi-Family, Townhouse, Complex, and Attached (Row). (Ord 23-21; Rev 10-13-23)

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.

Boat Repair Shops: the repair, alteration, restoration, or maintenance of boats or other watercrafts as a primary use, including incidental wholesale and retail sale of marine equipment parts as an accessory use. (Ord 23-21; Add 10-13-23)

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 authorized Administrative Official.

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 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 dwelling unit, which will be considered an accessory use to the primary business that allows for an employee of the business to monitor the property. The individual residing at this residence must own or be employed by the business and no home occupations will be allowed. (Ord 23-21; Rev 10-13-23)

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)

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: 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.

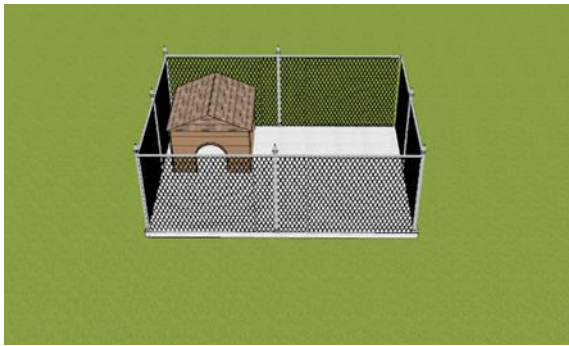
Development Lot Agreement (DLA): an agreement joining one or more lots together as one parcel for the purpose of development. DLA's must be signed by the Plan Commission or its designee. (Ord 06-31; Add 01-25-07)

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. **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 families.
6. **Single Family:** see detached.
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 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 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.

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, or will be stabled or 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.

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. (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 of 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.

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:

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 advanced 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: any sign identifying or advertising a business, person, activity, goods, products or services at a location other than where such sign has been erected.

On-premises 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. (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)

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, indoor amusement, copying services, health, professional, educational, social services and other miscellaneous services. (Ord 23-21; Rev 10-13-23)

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: A type of business that primarily provides services to the public, rather than selling goods (laundry, hair salon/barber shop, etc.). (Ord 23-21; Rev 10-13-23)

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 which directs attention to business, commodity, service or entertainment but excluding any flag, badge or insignia of any government agency, or any civic, charitable, religious, patriotic or similar organizations.

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)

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.

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.

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:



TITLE 21



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 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)

TITLE 22

GENERAL PROVISIONS

Chapter

[\(back to Table of Contents\)](#)

22.01	Title and Numbering
22.02	Definitions
22.03	General Provisions

Chapter 22.01
TITLE AND NUMBERING

Section

[\(back to Title contents\)](#)

[22.0101 Title of Ordinance](#)

[22.0102 Source](#)

[22.0103 Numbering of Ordinance](#)

[22.0104 Cross-References](#)

[22.0105 Punishment](#)

[22.0106 Numbering of Amendments and Additions](#)

22.0101: TITLE OF ORDINANCE

[\(back to Chapter contents\)](#)

This ordinance may be cited by its ordinance number or as the 1984 Revised Ordinances of Watertown.

22.0102: SOURCE

[\(back to Chapter contents\)](#)

Except sections relating to punishment (as to which the source will be the same as the section to which it relates, or readily ascertainable from that source) the source of each section which is a codification or revision of an existing ordinance is shown at the close of the section by figures in parenthesis. Figures without other designation refer to sections in the 1926 Ordinances of this City. Figures preceded by the letter "C", "D" or "E" refer to the ordinance of that number enacted subsequent to the 1926 Ordinances, and when followed by an additional number (as, for instance, C-7-2) the final number is the section of the ordinance involved.

22.0103: NUMBERING OF ORDINANCE

[\(back to Chapter contents\)](#)

Each section number is divided by a decimal point. The figures to the left of the decimal point always indicate the title number; the two figures immediately to the right of the decimal point refer to the chapter number within that title, and the two figures at the right indicate the section number within the title and chapter.

22.0104: CROSS-REFERENCES

[\(back to Chapter contents\)](#)

Where Cross-References have seemed advisable, they are set out in each title in the last consecutively numbered paragraph thereof.

22.0105: PUNISHMENT

[\(back to Chapter contents\)](#)

In Title 13 (Offenses and Regulations) the punishment is set out with the respective offenses. In all other titles, punishment is set out in a chapter at the close of the title, always numbered 99.

22.0106: NUMBERING OF AMENDMENTS AND ADDITIONS

[\(back to Chapter contents\)](#)

Insofar as practical, amendments of and additions to this ordinance may be numbered as sections, chapters or titles of this ordinance. Generally, additions to the subject matter of a given chapter may be added as additional, numbered sections at the end of the chapter. A new chapter may be added at the end of the title to which it relates. A new title may be inserted in the title arrangement in alphabetical order by using the title number of the preceding title followed by a letter, as for example, "1-A" for title number, "1-A.01" for chapter number, and "1-A.0101" for section number within the new title following Title 1. The Finance Officer, with the approval of the City Attorney, may correct obvious mistakes and may correct titles or offices where names have been changed and make numbering consecutive within a title where a gap exists. (E-506)

Chapter 22.02
DEFINITIONS

Section

22.0201 Definitions

[\(back to Title contents\)](#)

22.0201: DEFINITIONS

Unless clearly limited or stated otherwise, wherever any of the following words occur in any ordinance of this City now in effect or hereafter enacted such words shall have the following meanings, respectively, to-wit:

1. "City", "the City" or "this City" refers to the City of Watertown, South Dakota.
2. All references to the Council, any committee, officer, appointee or employee shall be to the City Council, Council Committee, officer, appointee or employee of that title in this City.
3. "Person" includes persons, firms, corporations and every association or organization of people.
4. All masculine pronouns include the feminine and neuter.
5. Words used in the singular number include the plural, and the plural the singular.
6. Words used in the present tense include the future as well as the present.
7. Unless otherwise provided, the powers conferred upon an officer may be exercised by his deputy, representative, or employee acting under him.
8. "Street" includes alley, avenue and traveled road.
9. "Lot" includes tract or parcel of ground.

Chapter 22.03
GENERAL PROVISIONS

Section

[\(back to Title contents\)](#)

- [22.0301 Validity](#)
- [22.0302 All Prior Inconsistent Ordinances Repealed; Exceptions](#)
- [22.0303 Ordinances Remaining in Effect](#)
- [22.0304 References to South Dakota Laws](#)
- [22.0305 Area Affected](#)
- [22.0306 Imprisonment in City or County Jail](#)
- [22.0307 Imprisonment for Unpaid Fines](#)
- [22.0308 Publication and Effect](#)

22.0301: VALIDITY

[\(back to Chapter contents\)](#)

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

22.0302: ALL PRIOR INCONSISTENT ORDINANCES REPEALED; EXCEPTIONS

Upon the taking effect of this ordinance, all prior inconsistent ordinances and parts of ordinances adopted prior to July 1, 1984, shall be repealed and be of no further force or effect except as otherwise provided in this ordinance. However, those persons committing prior to the taking effect of this ordinance shall be subject to prosecution and punishment under the ordinances in effect when such offense was committed - for which purpose all such ordinances shall remain in full force and effect. Further, nothing in this ordinance shall be so construed as to impair any vested right or valid obligation existing when this said ordinance takes effect.

22.0303: ORDINANCES REMAINING IN EFFECT

[\(back to Chapter contents\)](#)

All ordinances adopted subsequent to July 1, 1984, and all ordinances heretofore enacted and in effect immediately prior to the adoption of this ordinance, relating to appropriations, bonds, special assessments, names of streets, establishment of water districts and sewer districts, and establishing street and avenue widths, shall remain in full force and effect in accordance with their respective provisions.

22.0304: REFERENCES TO SOUTH DAKOTA LAWS

[\(back to Chapter contents\)](#)

All references to chapters or sections of the South Dakota Compiled Laws of 1967, or any session law, shall apply also to any amendment or reenactment of any such chapter or section.

22.0305: AREA AFFECTED

[\(back to Chapter contents\)](#)

The provisions, regulations, restrictions, requirements and prohibitions contained in this ordinance apply to the area within the territorial limits of the City of Watertown unless otherwise specifically provided; and to the additional area referred to in Title 9 of SDCL of 1967, for the purposes outlined in that said section and amendments thereto.

22.0306: IMPRISONMENT IN CITY OR COUNTY JAIL

[\(back to Chapter contents\)](#)

In all instances in which imprisonment is authorized as the punishment, in whole or in part, such imprisonment may be either in the City or County Jail, as stated in the sentence of the Court, and may be at hard labor unless otherwise expressly limited by ordinance.

22.0307: IMPRISONMENT FOR UNPAID FINES

[\(back to Chapter contents\)](#)

In all instances in which fines which are imposed are not paid, unless otherwise expressly provided in the sentence of the Court, the defendant shall be imprisoned until such fine has been paid, with a credit as authorized by state law and Court Rules, per day for all time served by reason of nonpayment of said fine. (E-324-1)

22.0308: PUBLICATION AND EFFECT

[\(back to Chapter contents\)](#)

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

TITLE 23
STORMWATER

Chapter

([back to Table of Contents](#))

23.01	Definitions and Abbreviations
23.02	Illicit Discharge
23.03	Construction Site Runoff Erosion and Sediment Control
23.04	Post Construction Stormwater Management

Chapter 23.01
DEFINITIONS AND ABBREVIATIONS

[\(back to Title contents\)](#)

Accelerated Erosion: erosion caused by development activities that exceeds the rate of natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

Applicant: a property owner or agent of a property owner who has filed an application for a stormwater management permit.

Building: any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than one hundred (100) square feet of area.

Channel: a natural or artificial watercourse with a definite bed and banks that conducts, continuously or periodically, flowing water.

City Engineer: the duly appointed Administrative Official of the City of Watertown or designated representative.

Clearing: any activity that removes the vegetative surface cover.

Dedication: the deliberate appropriation of property by its owner for general public use.

Department: the Engineering Department of the City of Watertown.

Detention: the temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

Detention Facility: a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

Developer: a person who undertakes land disturbance activities.

Drainage Easement: a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

Drainage Way: any channel that conveys surface runoff throughout the site.

Erosion: the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical change.

Erosion Control: a measure that prevents erosion.

Erosion and Sediment Control: a measure that prevents erosion or prevents eroded sediment from leaving the site.

Erosion and Sediment Control Plan: a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

Fee in Lieu: a payment of money in place of meeting all or part of the storm water performance standards required by this ordinance.

Grading: excavation or fill of material, including the resulting conditions thereof.

Hotspot: an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Hydrologic Soil Group (HSG): a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

Illicit Connections: either of the following: any drain, conveyance, or component of MS4 (as defined below) whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency.

Illicit Discharge: any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in [Section 23.0201\(a\)](#) of this ordinance. Sources of illicit discharge include, but are not necessarily limited to, improper cross connections between sanitary or industrial sewers and storm sewers, spills that flow into the MS4, and other non-stormwater sources that flow into the MS4. Illicit Discharges are classified by the City of Watertown as either Class I or Class II. Class I Illicit Discharges include (a) severe connections such as sewer cross connections where

sanitary sewage is discharged into the stormwater system, (b) septic tank effluent, (c) industrial discharges of process waters, (d) radiator flushing disposal, and (e) other ongoing discharges of toxic materials. Class II Illicit Discharges include connections that require a permit but do not pose an imminent threat to people or the environment such as floor drains or other connections that could leak.

Impervious Cover: those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Industrial Stormwater Permit: a National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration: the process of percolating stormwater into the subsoil.

Infiltration Facility: any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

Jurisdictional Wetland: an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land Disturbance Activity: any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

Landowner: the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Maintenance Agreement: a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

Municipal Separate Storm Sewer System (MS4): a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that discharges into waters of the State (as defined below), is designed or used for collecting or conveying stormwater, which is not a combined sewer, and which is not part of a Publicly Owned Treatment Works (POTW) as defined under Federal Regulations at 40 CFR 122.2.

Nonpoint Source Pollution: pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Non-Stormwater Discharge: any discharge to the storm drain system that is not composed entirely of stormwater.

Offset Fee: a monetary compensation paid to a local government for failure to meet pollutant load reduction targets.

Off-Site Facility: a stormwater management measure located outside the subject property boundary described in the permit application for land development activity.

On-Site Facility: a stormwater management measure located within the subject property boundary described in the permit application for land development activity.

Phasing: clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Pollutant: anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Pollution: contaminants in the air, water, or soil that cause harm to human health or the environment.

Recharge: the replenishment of underground water reserves. "Redevelopment" means any construction, alteration or improvement exceeding square feet in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.

Redevelopment: any construction, alteration or improvement exceeding square feet in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.

Sediment Control: measures that prevent eroded sediment from leaving the site.

Site: a parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Development Permit: a permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

Stop Work Order: an order issued which requires that all construction activity on a site be stopped.

Stormwater: any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Drainage System: any facility, structure, improvement, development, equipment, property or interest therein, or other structural or nonstructural element made, constructed, used or acquired for the purpose of collecting, containing, storing, conveying and controlling stormwater wherever located, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater Management: the use of structural or nonstructural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

Stormwater Management Program: the overall strategy and framework for the stormwater management activities of the City.

Stormwater Pollution Prevention Plan (SWPP): a set of plans prepared by or under the direction of a licensed professional engineer (PE), or a Certified Professional in Erosion and Sediment Control (CPESC), or a Certified Professional in Stormwater Quality (CPSWQ), indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Stormwater Retrofit: a stormwater management practice designed for an existing development site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater Runoff: the portion of rainfall that does not infiltrate into the ground, flows on the surface of the ground, and is drained into the stormwater drainage system or waters of the State.

Stormwater Treatment Practices (STPs): measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

Water Quality Volume (WQv): the storage needed to capture and treat ninety percent (90%) of the average annual stormwater runoff volume. Numerically (WQv) will vary as a function of long term rainfall statistical data.

Watercourse: a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waters of the State of South Dakota: all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state, but not waste treatment systems, including treatment ponds or lagoons.

Waterway: a channel that directs surface runoff to a watercourse or to the public storm drain.

Chapter 23.02 ILLICIT DISCHARGE

Section

[\(back to Title contents\)](#)

23.0200	Purpose
23.0201	Prohibition of Illicit Discharges
23.0202	Prohibition of Illicit Connections
23.0203	Plan and Construction Review and Inspection Process
23.0204	Industrial and Construction Activity Discharges
23.0205	Enforcement

23.0200: PURPOSE

[\(back to Chapter contents\)](#)

The purpose of this chapter is to protect, maintain, and enhance the public health, safety, environment and general welfare by defining prohibited activities and establishing procedures to control the adverse effects of stormwater runoff and nonpoint and point source pollution associated with illicit discharges into the MS4. The City of Watertown has determined that proper management and control of illicit discharges will minimize damage to public and private property and infrastructure, safeguard the public health, safety, and general welfare, and protect water and aquatic resources.

23.0201: PROHIBITION OF ILLICIT DISCHARGES

[\(back to Chapter contents\)](#)

It shall be unlawful to discharge any materials into the municipal separate storm sewer system or to any waters of the State within the City of Watertown, South Dakota, or in any area under the jurisdiction of said City, including but not limited to any matter defined as a source of illicit discharge as well as other pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described:

1. The following discharges are not prohibited by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wet-land flows, fire fighting activities, and street washwater.
2. Active groundwater dewatering systems are prohibited unless a permit is obtained through the SD DENR.
3. Discharges specified in writing by the City as being necessary to protect public health and safety.
4. Dye testing is an allowable discharge, but requires a verbal notification to the City prior to time of the test.
5. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency or South Dakota Department of Environment and Natural Resources, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

23.0202: PROHIBITION OF ILLICIT CONNECTIONS

[\(back to Chapter contents\)](#)

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. An owner is considered to be in violation of this ordinance if the owner connects a line conveying sewage to the storm sewer, or allows such a connection to continue.

23.0203: PLAN AND CONSTRUCTION REVIEW AND INSPECTION PROCESS [\(back to Chapter contents\)](#)

1. **Plan and Construction Review.** There shall be an excavation permit required for construction, repair, or maintenance of a storm sewer with the exception of a publicly-administered project. The property or project

owner(s) or the owner’s authorized agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City. A reasonable permit and inspection fee which shall be determined by the Public Works Committee of the City Council shall be paid to the City at the time the application is filed.

The City may withhold permit or issue a “stop work” order to any project which shows an illicit discharge or illicit connection on submitted plans, specifications, or other documents, or any project site at which City staff have observed an illicit discharge or illicit connection. The existence of an illicit discharge or illicit connection will also result in enforcement actions including those contained in Section 23.0205.

2. **Authority to Inspect.** Whenever necessary to make an inspection to enforce any provision of this ordinance, or whenever the City has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this ordinance, City staff designated by the City Engineer may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. City staff designated by the City Engineer may enter property to inspect the suspected illicit discharge including but not limited to using the following methods: dry weather screening measures, sampling and monitoring, field tests, dye testing, smoke testing and televising.
3. **Authority to Sample, Establish Sampling Devices, and Test.** During any inspection as provided herein, the City Engineer may direct that samples be taken and that tests be performed as deemed necessary to aid in the pursuit of the inquiry or to record site activities including leaving testing equipment on site.

23.0204: INDUSTRIAL AND CONSTRUCTION ACTIVITY DISCHARGES [\(back to Chapter contents\)](#)

1. Any person subject to an industrial or construction activity SD DENR storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4.
2. Examples of other separate NPDES permits include the Watertown Airport, Wastewater Treatment Plant, and other facilities that have an SD DENR discharge permit.
3. Any construction activity within the City that does not fully comply with the requirements of Chapter 23.03 shall constitute an illicit discharge.

23.0205: ENFORCEMENT [\(back to Chapter contents\)](#)

1. **Requirement to Eliminate Illicit Discharges.** As described in the City of Watertown Illicit Discharge Detection and Elimination Standard Operating Procedure document, the City may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

If the illicit discharge is discovered during any stage of construction, the City Engineer may issue a “Stop-Work-Order” to require that the owner halt all other construction activity at the site until the illicit discharge is removed. Upon issuance of a “Stop-Work-Order”, the only activity that may be conducted is remediation of the illicit discharge. After the illicit discharge has been remediated, the ‘Stop-Work-Order’ may be lifted by the City.

2. **Requirement to Eliminate or Secure Approval for Illicit Connections.** The City may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this ordinance to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection, or discharges to it, had been established or approved prior to the effective date of this ordinance.

If, subsequent to eliminating a connection found to be in violation of this ordinance, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request City approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

[ORDINANCE CONTINUED]

[\(back to Chapter contents\)](#)

3. **Watercourse Protection.** Every person owning property through which a watercourse passes shall cause that part of the watercourse within the property to be kept and maintained reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner shall cause existing privately owned structures within or adjacent to a watercourse to be maintained so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner shall ensure that healthy bank vegetation is not removed beyond that actually necessary for maintenance, and that said vegetation is not removed in such a manner as to increase the vulnerability of the watercourse to erosion.
4. **Requirement to Remediate.** Whenever an unpermitted discharge of pollutants is taking place or has occurred, the City Engineer may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time pursuant to the provisions of Paragraphs 5. through 8. below.
5. **Requirement to Monitor and Analyze.** The City Engineer may require by written notice to any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system or waters of the State of South Dakota, to undertake at said person's expense such monitoring and analyses and furnish such reports to the City as deemed necessary to determine compliance with this ordinance.
6. **Notification of Spills.** Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the State of South Dakota from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event that such a release involves a hazardous material, said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of nonhazardous materials, said person shall notify the City Engineer in person or by phone to the City's "Dump-No-Waste" hotline no later than five o'clock (5:00) p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City Engineer within three (3) calendar days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. The provisions of this paragraph do not relieve the owner from reporting discharges as required by state or federal law.
7. **Notice of Violation.** When a violation of any provision of this ordinance, or a failure to meet and fulfill any requirement of this ordinance, has occurred, the City Engineer may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
 - a. The performance of monitoring, analyses, and reporting;
 - b. The elimination of illicit connections or discharges;
 - c. That violating discharges, practices, or operations shall cease and desist;
 - d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
 - e. Payment of a fine to cover administrative and remediation costs; and
 - f. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the City Engineer and the expense thereof shall be charged to the violator pursuant to Paragraph 9 below.

8. **Appeal.** Notwithstanding the provisions of Paragraph 13 below, any person receiving a Notice of Violation under Paragraph 7 above may appeal the determination of the City Engineer to the Public Works Committee. The notice of appeal must be received by the Secretary of the Committee within five (5) calendar days from the date of the Notice of Violation. Hearing on the appeal before the Public Works Committee shall be held within thirty (30) calendar days from the date of receipt of the notice of appeal. The decision of the Public Works Committee shall be final.

[\(back to Chapter contents\)](#)

9. **Abatement by City.** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal under Paragraph 8, within ten (10) calendar days of the decision of the Committee upholding the decision of the City Engineer, then the City or a contractor designated by the City shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.
10. **Charging Cost of Abatement/Liens.** Within thirty (30) calendar days after abatement of the nuisance by City, the City Engineer shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the Public Works Committee within fifteen (15) calendar days. The Committee shall set the matter for public hearing. The decision of the Public Works Committee shall be set forth by resolution and shall be final.

If the amount due is not paid within ten (10) calendar days of the decision of the Public Works Committee or the expiration of the time in which to file an appeal under this section, the charges shall become a special assessment against the property and shall constitute a lien on the real property for the amount of the assessment. A copy of the resolution shall be turned over to the County Treasurer so that the Treasurer may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the Treasurer shall include the amount of the assessment on the bill for taxes levied against the parcel of land.
11. **Urgency Abatement.** The City Engineer is authorized to require immediate abatement of any violation of this ordinance that constitutes an immediate threat to the health, safety or well being of the public. If any such violation is not abated immediately as directed by the City Engineer, the City of Watertown is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the City shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent the City from seeking other and further relief authorized under this ordinance.
12. **Violations and Fines.** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Each day any violation or failure to comply with any of the requirements of this ordinance occurs or continues shall be deemed to constitute a separate and/or continuing offense and shall be prosecuted in a court of competent jurisdiction in the same manner as any other prosecution for ordinance violations or violation of other applicable law implicated by such violation.
13. **Compensatory Action.** In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the City Engineer may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
14. **Violations Deemed a Public Nuisance.** In addition to the enforcement processes and penalties provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this ordinance shall be deemed to constitute a public nuisance as that term is defined in SDCL §21-10, as well as all acts amendatory thereto, and may be abated in accordance therewith.
15. **Acts Potentially Resulting in a Violation of the Federal Clean Water Act.** Any person who violates any provision of this ordinance or any provision of any requirement issued pursuant to this chapter, may also be in violation of the Federal Clean Water Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this ordinance shall also include written notice to the violator of such potential liability.
16. All ordinances and parts of ordinances in conflict herewith are hereby repealed. (Ord 07-20; Add 08-10-07)

[\(back to Chapter contents\)](#)

Chapter 23.03 CONSTRUCTION SITE RUNOFF EROSION AND SEDIMENT CONTROL

Section

[\(back to Title contents\)](#)

23.0300	Purpose
23.0301	Permits
23.0302	Review and Approval
23.0303	Design Requirements
23.0304	Stormwater Pollution Prevention Plan (SWPPP)
23.0305	Inspection
23.0306	Enforcement
23.0307	Separability

23.0300: PURPOSE

[\(back to Chapter contents\)](#)

1. The construction process and the associated construction and building industries are vital to the growth, physical development, maintenance, aesthetic appearance, and protection and enhancement of properties, of the Watertown community.
2. During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.
3. The purpose of this chapter is to develop the necessary partnerships between the City and those involved in the physical development, maintenance, and enhancement of the Watertown community to safeguard persons, protect property and property values, and prevent damage to the environment of Watertown through a streamlined construction site erosion and sediment control process that fulfills the Stormwater Phase 2 requirements of the Federal Clean Water Act. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in Watertown.

23.0301: PERMITS

[\(back to Chapter contents\)](#)

No person shall be granted a grading permit or building permit, nor shall any person be eligible for subdivision plat approval, for land-disturbing activity until the requirements for erosion and sediment control as outlined herein and in the most current version of the *Erosion and Sediment Control Best Management Practices (BMP) Manual* are met. A Stormwater Pollution Prevention Plan (SWPPP), when required, must be accepted by the City prior to issuance of a Building Permit or an Excavation and Grading Permit, or approval and recording of a subdivision plat.

1. **Requirements by Category of Construction Site.**
 - a. Sites larger than one (1) acre of disturbed area and not part of a subdivision or common plan of development must develop and submit for acceptance a complete SWPPP including a narrative report and detailed drawings, and must implement erosion and sediment control measures as described in the BMP Manual and shown on drawings.
 - b. Sites less than one (1) acre of disturbed area and not part of a subdivision or common plan of development must implement erosion and sediment control measures as necessary to ensure that sediment does not leave the site.
 - c. Sites less than one (1) acre of disturbed area and part of a subdivision or common plan of development must implement erosion and sediment control measures following the SWPPP developed and accepted for the entire subdivision or development and as necessary to ensure that sediment does not leave the site.
 - d. Sites larger than one (1) acre of disturbed area and part of a subdivision or common plan of development must develop and submit for acceptance an abbreviated SWPPP including an abbreviated narrative report and detailed drawings and must implement erosion and sediment control measures as described in report and shown on drawings.

2. **General Requirements.** The following requirements shall apply to all sites: ([back to Chapter contents](#))

- a. Conduct all land disturbing and construction activities in a manner that effectively reduces accelerated soil erosion and reduces the movement and off site deposition of sediment and other construction related materials.
- b. Schedule construction activities to minimize the total amount of soil exposed at any given time and to minimize the period of soil exposure.
- c. Erosion and sediment controls must retain sediment on the site and prevent discharge of sediment and other construction related materials to adjacent properties and streets.
- d. In the event sediment and other construction-related materials are discharged from the site, as soon as possible but no later than the end of the work day in which the discharge occurred, the discharged materials shall be recovered, the affected properties shall be returned to the condition prior to the discharge, and the affected streets shall be swept or broomed. Street cleaning can be accomplished by a number of methods including, but not limited to, the use of mechanical street sweepers, mechanical street vacuum equipment, power brooms, or manual push brooms.
- e. Designate an area of the site for concrete washout and concrete equipment cleaning with the objective of preventing the discharge of concrete washout water and concrete equipment wash water off-site to adjacent properties and streets.
- f. Install stabilized construction site entrance/exit point(s), and direct all traffic to the stabilized construction entrance/exit point(s), prior to the delivery of any construction equipment or building materials.
- g. Preserve or establish permanent or temporary vegetation of the boulevard area of the public right-of-way.
- h. Install access barriers and down gradient perimeter erosion and sediment controls prior to the delivery of any construction equipment or building materials to protect vegetated boulevard areas and to direct construction traffic to the stabilized construction site entrance/exit.
- i. Permanent stabilization of the project with permanent vegetation and final hard surfacing shall be completed within the timeframe allowed by the associated building or grading permit.

In the case of infrastructure construction projects, final stabilization with permanent vegetation and final hard surfacing shall be completed as soon as possible following the substantial completion of infrastructure installation. Every effort shall be made to complete final stabilization of the project site prior to the end of the growing season and prior to the close of the construction season due to climatic conditions. Unusually wet or otherwise abnormal climatic conditions may be sufficient justification to delay final stabilization measures to the beginning of the following construction and growing season, but do not relieve the operator of the requirement and responsibility for implementing and maintaining temporary stabilization measures and sediment control best management practices.

3. **Adjusted Compliance.** ([back to Chapter contents](#))

Adjustments to standard compliance with the construction site erosion control planning process will be considered for any of the following; however, exempting the Owner from preparing a SWPPP or applying for a Building Permit or an Excavation and Grading Permit does not exempt the Owner from controlling erosion of soil at each construction site through the use of the techniques described in the BMP Manual:

- a. Agricultural use of land.
- b. A sidewalk or driveway.
- c. Underground utility construction if confined entirely to a hard-surfaced area and provided that runoff and erosion from soil stockpiles are properly confined and will not enter the drainage system. (Underground utility construction that is not located under hard-surfaced roads, streets, or sidewalks will be subject to site specific BMPs as described in this manual).
- d. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

4. **Performance Bond.** ([back to Chapter contents](#))

The applicant may be required to file with the City a letter of assurance, faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by the City to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the City, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

23.0302: REVIEW AND APPROVAL

[\(back to Chapter contents\)](#)

The appropriate staff (Urban Planner, Building Official, or City Engineer) will review each application for a grading permit, building permit, or approval and recording of a subdivision plat to determine its conformance with the provisions of this regulation. In response to receiving a complete application, the Engineering Department shall, in writing:

1. Approve the permit application;
2. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
3. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

23.0303: DESIGN REQUIREMENTS

[\(back to Chapter contents\)](#)

1. Grading, land-disturbing activity, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of *Erosion and Sediment Control Best Management Practices (BMP) Manual*, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Engineering Department. Cut and fill slopes shall be no greater than 2:1, except as approved by the Engineering Department to meet other community or environmental objectives.
2. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this code. Clearing techniques that retain natural vegetation and drainage patterns, shall be used to the satisfaction of the Engineering Department.
3. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

23.0304: STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

[\(back to Chapter contents\)](#)

1. The Stormwater Pollution Prevention Plan (SWPPP) shall include the following:
 - a. Erosion and Sediment Control Report prepared as described in the most recent version of the BMP manual.
 - b. Erosion and Sediment Control Detailed Drawing(s) prepared as described in the most recent version of the BMP manual.
2. Abbreviated Stormwater Pollution Prevention Plan (SWPPP)
An abbreviated version of the SWPPP can be submitted for certain sites when specified in [Section 23.0301](#) and shall be prepared as described in the most recent version of the BMP manual.
3. Modifications to Stormwater Pollution Prevention Plan (SWPPP)
Modifications to the plan shall be processed and approved or disapproved in the same manner as Section 23.0302 of this regulation, may be authorized by the Engineering Department by written authorization to the permittee, and shall include:
 - a. Major amendments of the erosion and sediment control plan submitted to the Engineering Department.
 - b. Field modifications of a minor nature

23.0305: INSPECTION

[\(back to Chapter contents\)](#)

1. The Owner shall ensure that qualified personnel such as the construction site superintendent or project manager inspect the site at least once every seven (7) calendar days and within twenty four (24) hours of the end of a storm of one-half (0.5) inch precipitation or greater to confirm plan compliance. Inspections are also required after snowmelt events resulting in runoff and any event or activity resulting in surface erosion, sediment transport, or vehicle tracking of debris off of property. Action to address any problem areas found during inspection must occur as soon as possible. Such sites will be considered as potential violations until addressed. The plan shall be revised and implemented in no case later than seven (7) calendar days following the inspection.
2. The inspection shall look for evidence of or the potential for pollutants entering the drainage system or leaving the site and shall include: disturbed areas of the construction site that have not been finally stabilized;

areas used for storage of materials; structural and nonstructural control measures; and locations where vehicles enter or exit the site.

3. A report summarizing the areas inspected, name(s) and title(s) of personnel making the inspection, the date(s) of the inspection, major observations and corrective actions taken shall be made and retained as part of the plan for at least three (3) years. Such reports shall identify any incidents of noncompliance. Where an inspection does not identify any incidents of noncompliance, the report shall contain a certification that the site is in compliance with the plan and permit.

23.0306: ENFORCEMENT

[\(back to Chapter contents\)](#)

1. **Stop-Work Order; Revocation of Permit.** In the event that any person holding a grading permit, building permit, or approval and recording of a subdivision plat pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City may suspend or revoke the applicable grading, building, or subdivision permits. The City may also withhold building inspections, issue warning letters and letters of noncompliance, and coordinate with the SD DENR if a state permit is being violated.
2. **Violation and Penalties.** No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be subject to a fine and/or imprisonment. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration. In addition, any person who violates a permit condition or makes any false statement, representation, or certification, may be subject to enforcement action under SDCL §34A-2.

23.0307: SEPARABILITY

[\(back to Chapter contents\)](#)

The provisions and sections of this title shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder. (Ord 07-30; Add 02-29-08)

Chapter 23.04
POST CONSTRUCTION STORMWATER MANAGEMENT

Section

[\(back to Title contents\)](#)

23.0400	Purpose
23.0401	Permits
23.0402	Review and Approval
23.0403	Design Requirements
23.0404	Final Stabilization Requirements
23.0405	Inspection
23.0406	As-built Plans, Certification of Conformance, Final Inspection
23.0407	City's Right of Entry
23.0408	Design, Construction, Engineering, and Maintenance Responsibilities
23.0409	Enforcement
23.0410	Separability

23.0400: PURPOSE

[\(back to Chapter contents\)](#)

The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This ordinance seeks to meet that purpose through the following objectives:

1. minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
2. minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
3. limit the total volume of surface water runoff and the increase in peak flow due to new development; and
4. limit stormwater runoff peak flow rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and ensure that these management controls are properly maintained and pose no threat to public safety.

23.0401: PERMITS

[\(back to Chapter contents\)](#)

1. No person shall be granted a grading permit or building permit, nor shall any person be eligible for subdivision plat approval, involving any land disturbing activity until first having met the requirements for Post Construction Stormwater Management as outlined in the *Post Construction Stormwater Management Best Management Practices (BMP) Manual* (the “Manual”), as adopted by resolution of the City Council.
2. Post construction water quality requirements outlined in the *Manual* are applicable to all sites of land-disturbing activities that affect one acre or more. In the absence of water quantity requirements set forth in a drainage master plan, additional water quantity detention requirements outlined in the *Manual* to manage post development stormwater associated with runoff events with a magnitude and return frequency of up to and including the 100-year event are applicable to those sites with land-disturbing activities greater than one acre of new impervious surface area.

23.0402: REVIEW AND APPROVAL

[\(back to Chapter contents\)](#)

A designated staff member (Urban Planner, Building Official, or City Engineer) will review each application for a grading permit, building permit, or approval and recording of a subdivision plat to determine its conformance with the provisions of this regulation. Only after receiving a complete application, the Engineering Department may, in writing:

1. Approve the permit application; or
2. Approve the permit application subject to such conditions as may be necessary to secure the objectives of this regulation, and issue the permit subject to these conditions; or
3. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

23.0403: DESIGN REQUIREMENTS[\(back to Chapter contents\)](#)

1. Storm Drainage Plans shall be prepared by a Professional Engineer (PE) and shall meet the design criteria set forth in the *Manual*, however, the Public Works Committee may grant variances to the adopted criteria that may be less restrictive than the Manual to facilitate development while meeting community or environmental objectives. Any decision by the Public Works Committee will be final.
2. Storm Sewers and Open Channel Flow shall be designed by a Professional Engineer (PE) and shall meet the design criteria set forth in the *Manual*, however, the Public Works Committee may grant variances to the adopted criteria that may be less restrictive than the Manual to facilitate development while meeting community or environmental objectives. Any decision by the Public Works Committee will be final.
3. Post Construction Water Quality BMPs shall be designed by a Professional Engineer (PE), or a Certified Professional in Stormwater Quality (CPSWQ) and shall meet the design criteria set forth in the *Manual*, however, the Public Works Committee may grant variances to the adopted criteria that may be less restrictive than the Manual to facilitate development while meeting community or environmental objectives. Any decision by the Public Works Committee will be final.
4. A Stormwater Pollution Prevention Plan (SWPPP), when required, shall be prepared by a Professional Engineer (PE), or a Certified Professional in Erosion and Sediment Control (CPESC), or a Certified Professional in Stormwater Quality (CPSWQ), or a professional landscape architect in accordance with Chapter 23.03 and with the *Erosion and Sediment Control Best Management Practices (BMP) Manual*, as adopted by resolution of the City Council.

23.0404: FINAL STABILIZATION REQUIREMENTS[\(back to Chapter contents\)](#)

The construction site SWPPP must be submitted with the final design describing the stabilization and management techniques to be used at a site during construction and after construction is completed. Final site stabilization will be accomplished by installing hard surface or porous pavement on those areas minimally necessary for vehicular and pedestrian ingress and egress, driving, parking, loading/unloading, and maneuvering; by vegetating the remainder of the disturbed areas of the site; and by employing other stabilization and management techniques as may be required to address unique site conditions. The Public Works Committee may grant variances to the final site stabilization requirements that may be less restrictive than the Manual to facilitate development while meeting community or environmental objectives. Any decision by the Public Works Committee will be final. The SWPPP will explain through text and illustrations erosion and sediment control best management practices that will be employed on a temporary and permanent basis during construction and upon the completion of construction. The SWPPP will include and identify specific permanent post construction best management practices including, but not limited to:

1. The minimal areas that will be stabilized with hard-surface pavement or porous pavement;
2. The areas to be stabilized with vegetation and other erosion control and management techniques;
3. The party responsible for inspection and maintenance of the permanent stabilization best management practices;
4. Frequency of inspections and required maintenance activities.

In the case of land-disturbing activities that disturb an acre or more, temporary and/or final stabilization measures shall be initiated as soon as possible, but in no case later than fourteen (14) days, after the land disturbing activity in that portion of the site has temporarily or permanently ceased. Re-stabilization efforts should be consistent with, and must meet the erosion and sediment control objectives set forth in Chapter 23.03 and the *Erosion and Sediment Control Best Management Practices (BMP) Manual*.

23.0405: INSPECTION[\(back to Chapter contents\)](#)

The applicant must submit their notice of intent to the City fifteen (15) calendar days prior to the commencement of construction. All storm sewers, open channel drainage ways, post construction water quality BMPs, and any other element of the stormwater management system shall be subject to inspection by the staff appointed by the City Engineer, and shall be certified by a professional engineer or CPSWQ who has been approved by the jurisdictional stormwater authority that construction has taken place in accordance with all applicable permit conditions and approved technical specifications. All inspections shall be documented and written reports prepared that contain the following information:

1. The date and location of the inspection;

2. Whether construction is in compliance with the approved stormwater management plan;
3. Acceptable variations from the approved construction specifications;
4. Any instances of permit noncompliance, or construction that does not conform to the objectives of approved technical specifications.

If any violations are found, the property owner shall be subject to enforcement provisions in [Section 23.0409](#).

23.0406: AS-BUILT PLANS, CERTIFICATION OF CONFORMANCE, FINAL INSPECTION

1. All applicants are required to submit actual "as-built" plans for any stormwater management practices located on site within sixty (60) calendar days after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.
2. A final inspection by the City is required before acceptance of a Notice of Termination, Notice of Final Stabilization, or the release of any required performance securities can occur. Final inspection by the City shall take place only after construction is complete and final stabilization of the site has been achieved. For purposes of this section, final stabilization means all land disturbing activities at the site have been completed, paved surfaces have been installed, non-vegetative permanent stabilization and management techniques (such as, but not limited to, riprap, gabions, geotextiles) have been employed, and a uniform perennial vegetative cover with a density of seventy percent (70%) of the native cover has been established for nonpaved areas not otherwise stabilized with other permanent stabilization and management techniques.

23.0407: CITY'S RIGHT OF ENTRY

[\(back to Chapter contents\)](#)

Any permit issued by the City subsequent to this section, and accepted by the permit applicant, grants the City and the City's contractors and agents the future and perpetual right of entry onto the property at reasonable times and in a reasonable manner for the following purposes:

1. inspection during construction of stormwater management facilities and post construction best management practices;
2. periodic inspection of stormwater management facilities and post construction best management practices to ensure continued compliance of this section and maintenance of the facilities and practices;
3. to investigate, and address as necessary including abatement, allegations that a violation of this ordinance is occurring or has occurred;
4. the abatement of a public nuisance in the event that on site stormwater management facilities and post construction best management practices become a danger to public safety or public health;
5. to correct a violation of the design standards in the event the applicant, subsequent property owner, or other responsible party fails or refuses to properly construct the stormwater management facilities and post construction best management practices or to conduct maintenance activities.

23.0408: DESIGN, CONSTRUCTION, ENGINEERING, AND MAINTENANCE RESPONSIBILITIES

1. **Individual Stormwater Management Facilities.** As used herein, an individual stormwater management facility is defined as a stormwater management facility that serves one or more properties under one ownership and is designed to accommodate stormwater runoff quantity and/or quality. A Maintenance Agreement by and between the City of Watertown and the applicant shall be executed contemporaneously with the issuance of any building permit, grading permit, or approval of a subdivision plat issued after the effective date of this title. The Maintenance Agreement shall establish the applicant's responsibility for design, construction, and engineering costs of individual stormwater management facilities and best management practices. The Maintenance Agreement shall include a list or exhibit of stormwater management facilities and post construction best management practices employed on the site, an inspection schedule and checklist, and a schedule of anticipated regular maintenance items and activities. The Maintenance Agreement shall grant the City the right of access and entry to ensure any stormwater management facility or post construction best management practice was constructed in compliance with the approved construction specifications and continues to function properly. The applicant shall be responsible for the design, construction, engineering and maintenance of an individual stormwater management facility. The Maintenance Agreement shall run with the land and shall be recorded with the Codington County Register of Deeds. In the event an individual stormwater management facility provides a public benefit or is of

sufficient size or character that it cannot be reasonably maintained by the applicant; the applicant may request the City take title to the individual stormwater management facility at no cost to the City; the City shall thereafter be responsible to perform ongoing maintenance. (Clerical Edit per § 22.0106, 2-5-21)

2. **Regional Stormwater Management Facilities.** As used herein, a regional stormwater management facility is defined as any stormwater management facility that is not an individual storm water management facility, including stormwater management facilities that serve properties under more than one ownership, and is designed to accommodate stormwater runoff quantity and/or quality. The City shall acquire the land on which a regional stormwater management facility will be located. In acquiring land for any regional stormwater management facility, the City will pay appraised value. The appraisal will be completed by a licensed South Dakota appraiser and paid for by the applicant. The City may elect to commission a separate appraisal, at the City's expense. In the event two appraisals are completed; the purchase price shall be the average of the two appraisals. The purchase price shall include the cost of any study, including water studies, commissioned by the applicant and related to stormwater management facilities.

After the land for a regional stormwater management facility is acquired, the City shall design, construct, engineer, and maintain the regional stormwater management facility. Any costs associated with the acquisition of land, construction, engineering, or maintenance of a regional stormwater management facility may be assessed against all landowners served by the regional stormwater management facility in proportion to each landowner's percentage ownership of the total watershed acreage served by the regional stormwater management facility.

3. **Inspection of Stormwater Facilities.** The City may conduct inspections of on-site stormwater management facilities and post construction best management practices including, but not limited to:
 - a. periodic inspections (random and/or routine);
 - b. inspections based upon complaints or other notice of possible violations;
 - c. joint inspections with other agencies inspecting under environmental or safety laws.
4. **Inspections may include,** but are not limited to:
 - a. reviewing inspection, maintenance and repair records;
 - b. sampling discharges, surface water, groundwater, and material or water in drainage control facilities;
 - c. and evaluating the condition of drainage control facilities and other stormwater treatment practices.
5. **Records of Inspection and Maintenance Activities.** Parties responsible for the inspection and maintenance of any stormwater management facility and on-site post construction best management practices shall make records of the inspection and maintenance and shall retain minimally an electronic version of the records for at least three (3) years. These records shall be made available to the City during inspection of the facility and at other reasonable times upon request.

23.0409: ENFORCEMENT

[\(back to Chapter contents\)](#)

1. **Stop-Work Order; Revocation of Permit.** In the event that any person holding a grading permit, building permit, or approval and recording of a subdivision plat pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City may suspend or revoke the applicable grading, building, or subdivision permits. The City may also withhold building inspections, issue warning letters and letters of noncompliance, and coordinate with the SD DENR if a state permit is being violated.
2. Any person who violates a permit condition or makes any false statement, representation, or certification, may be subject to enforcement action under SDCL §34A-2.

23.0410: SEPARABILITY

[\(back to Chapter contents\)](#)

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder. (Ord 08-03; Add 05-16-08)

TITLE 24

SUBDIVISION OF LAND

Chapter

[\(back to Table of Contents\)](#)

24.01	Title and Purpose
24.02	Legal Provisions
24.03	Subdivision Plans in General
24.04	Administration and Penalties
24.05	General Requirements and Design Standards
24.06	Subdivision Procedure
24.07	Final Plat Approval
24.08	Street Maintenance and Acceptance
24.09	Changes and Variances
24.10	Definitions
24.97	Interpretation, Abrogation and Severability
24.98	Cross-References
24.99	Punishment

Chapter 24.01
TITLE AND PURPOSE

[\(back to Title contents\)](#)

24.0101: TITLE

These regulations may be referred to as the 2011 Revised Subdivision Ordinance for the City of Watertown and its area of extraterritorial jurisdiction.

24.0102: PURPOSE

It is the purpose of this ordinance to regulate the subdivision of land so as to coordinate streets with other subdivisions and uses, to provide water and sanitation facilities, drainage and flood control, to foster efficient and orderly urban growth compatible with the natural environment, to minimize cut and fill operations, to prevent premature land subdivision and to conform with the Comprehensive Plan for the City of Watertown and its area of extraterritorial jurisdiction. (Ord 11-18; Add 11-4-11)

Chapter 24.02
LEGAL PROVISIONS

[\(back to Title contents\)](#)

24.0201: JURISDICTION

Pursuant to SDCL §11-6, these regulations shall govern the regulation of all subdivisions and the plats of all subdivisions within the corporate limits of the City, and any applicable extraterritorial area. (Ord 11-18; Add 11-4-11)

Chapter 24.03
SUBDIVISION PLANS IN GENERAL

[\(back to Title contents\)](#)

24.0301: RECORDING, USE AND SELLING

No person shall transfer or sell any parcel as part of a subdivision plan before a plat of such subdivision has been approved by the City of Watertown and recorded.

1. No person shall subdivide or layout such land in lots, unless by plat, in accordance with state law and the regulations contained herein. Subdivision of any parcel by metes and bound description for the purpose of sale, transfer, or lease with the intent of evading the terms of these regulations is prohibited.
2. No building permit shall be issued for the construction of any building or structure located on a lot subdivided or sold in violation of the provisions of these regulations.
3. No application for variance or conditional use shall be received by the City for any such lot subdivided or sold in violation of the provisions of these regulations. (Ord 11-18; Add 11-4-11)

Chapter 24.04
ADMINISTRATION AND PENALTIES

[\(back to Title contents\)](#)

24.0401: ADMINISTRATION

The City Engineer is hereby authorized to enforce these regulations, to interpret them, and to adopt and enforce rules and supplemental regulations in order to administer and clarify their provisions. Any appropriate action may be taken by law or in equity to prevent any violation thereof, to prevent unlawful construction, to recover damages, to correct or abate a violation or to prevent illegal occupancy of a building, structure, or premises. These remedies shall be in addition to the penalties described below. (Ord 11-18; Add 11-4-11)

24.0402: PENALTIES

Any person violating any provision of this title shall be subject to the maximum penalty allowed by law. (Ord 11-18; Add 11-4-11)

Chapter 24.05
GENERAL REQUIREMENTS AND DESIGN STANDARDS

Section

[\(back to Title contents\)](#)

24.0501	General
24.0502	Design Standards
24.0503	Land Suitability
24.0504	Floodplain Management
24.0505	Conformity with Other Plans
24.0506	Relation to Adjoining Street Systems
24.0507	Street Names and Numbers
24.0508	Private Roads; Places
24.0509	Half Streets
24.0510	Sidewalks
24.0511	Blocks
24.0512	Lots
24.0513	Easements
24.0514	Permanent Property Markers
24.0515	Preservation of Natural Features and Amenities
24.0516	Parks, School Sites and other Public Areas
24.0517	Homeowner's and other Associations
24.0518	Drainage
24.0519	Areas Subject to Periodic Inundation
24.0520	Erosion
24.0521	Assurances for the Completion of Minimum Improvements

24.0501: GENERAL

[\(back to Chapter contents\)](#)

The Plan Commission shall require compliance with the following requirements to ensure the orderly development of all property within its platting jurisdiction. (Ord 11-18; Add 11-4-11)

24.0502: DESIGN STANDARDS

[\(back to Chapter contents\)](#)

All public improvements shall be designed in accordance with standard accepted engineering practices, designed in compliance with the Engineering Design Standards and subject to the approval of the City Engineer. (Ord 11-18; Add 11-4-11)

24.0503: LAND SUITABILITY

[\(back to Chapter contents\)](#)

The Plan Commission may find that land sought to be subdivided is unsuitable for development due to high agricultural productivity, flooding, poor drainage, steep slopes, rock formations or other conditions.

The Plan Commission may refuse to approve what it considers scattered or premature subdivision of land by reason of: lack of adequate water supply and sewerage treatment, schools, proper drainage, good roads or other public services which would necessitate an excessive expenditure of public funds for the supply of such services. (Ord 11-18; Add 11-4-11)

24.0504: FLOODPLAIN MANAGEMENT

[\(back to Chapter contents\)](#)

Regulations pertaining to floodplain management are set forth in Title 5 of the Watertown Ordinances. (Ord 11-18; Add 11-4-11)

24.0505: CONFORMITY WITH OTHER PLANS

[\(back to Chapter contents\)](#)

1. All proposed subdivisions shall conform to the adopted Comprehensive Plan.
2. The densities established by the zoning ordinance shall be observed by the subdivider and developer.
3. All thoroughfares in the major street plan shown as crossing or as boundaries of a proposed subdivision are required to be provided in that location and at the right-of-way width designated thereon. (Ord 11-18; Add 11-4-11)

24.0506: RELATION TO ADJOINING STREET SYSTEMS[\(back to Chapter contents\)](#)

The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) in so far as they may be deemed necessary by the Plan Commission for public requirements. The width of such streets in new subdivisions shall not be less than the minimum width established in the Engineering Design Standards. The street and alley arrangement shall be such as not to cause a hardship to owners of the adjoining properties. In general, provisions should be made for through streets at intervals not exceeding one-half mile, and for street connections to future subdivisions at intervals not less than one quarter mile. Offset streets should be avoided. (Ord 11-18; Add 11-4-11)

24.0507: STREET NAMES AND NUMBERS[\(back to Chapter contents\)](#)

1. Streets in line with existing streets shall bear the names of the existing streets.
2. No street names shall duplicate, contain the same spelling, or sound alike in pronunciation with any existing street. All street names should be kept as short as possible to permit signs to be no longer than thirty six (36) inches.
3. Each lot shall be assigned an address number in accordance with the numbering system now in effect in the City. Where possible, such address shall be established at the time of plat approval.
4. Street name suffixes shall be applied as follows:
 - a. Avenue a road running east and west
 - b. Street a road running north and south.
 - c. Road a road running east and west or north and south, but which is not appropriate to name as a street or avenue.
 - d. Lane a road running northeast to southwest.
 - e. Drive a road running northwest to southeast.
 - f. Trail a road which wanders in different directions.
 - g. Circle all cul-de-sacs.
 - h. Court a road with two openings, which enters and exits on the same road.
 - i. Place all private roads.
 - j. Boulevard a major road, usually an arterial or collector.
5. When, due to topography, offsets caused by rectangular surveys, or other physical features, streets become interrupted, quarter line and section line streets shall retain the same name on either side of the irregularities. (Ord 11-18; Add 11-4-11)

24.0508: PRIVATE ROADS; PLACES[\(back to Chapter contents\)](#)

The use of private roads shall be discouraged; however, in cases where a private road is allowed, it shall meet the following requirements:

1. Private streets shall be surfaced by the developer to a width of no less than twenty eight (28) feet, and maintained in a passable condition. Greater width may be required when necessary. All private streets must provide a height clearance of fourteen (14) feet six (6) inches as a minimum and are subject to the same grade requirements as public streets.
2. A road maintenance agreement among property owners who will depend on said private street for access will be filed with the plat. This agreement shall affix the legal responsibilities for the repair and maintenance of any private streets and the required signs.
3. The Homeowner's Association shall place street signs on all private streets or to pay the City to place street signs for private streets at the locations the City Engineer deems necessary for the safety and convenience of the public. Street signs shall be of such a style and material to render them easily readable at night as well as day, and are subject to the approval of the City Engineer.
4. Buildings located adjacent to a private street shall be addressed and are subject to the approval of the City Engineer.
5. Private streets shall be indicated on the plat with broken lines. Any lots adjacent to a private street shall have their lot lines extended to include the area used for streets.

6. Any private street accepted by the City must provide permanent unobstructed public access to the area it serves.
7. Any plat presented for City approval which shows a private street as a means of access shall provide language in the Owner's Certificate reserving said private street as a permanent unobstructed access easement.
8. The City will not subsequently accept a private street for dedication unless and until it is brought up to City standards, providing adequate right-of-way without requiring variances for setbacks.
9. Alleys
 - a. Alleys are permitted in commercial and industrial districts, except where provision is made for service access, such as off-street loading, unloading and parking consistent with the requirement set forth in the Zoning Ordinance.
 - b. Alleys are permitted in residential districts when design standards and conditions warrant an alternative means of access. (Ord 11-18; Add 11-4-11)

24.0509: HALF STREETS

[\(back to Chapter contents\)](#)

1. Whenever an existing half street is adjacent to a tract being subdivided, the other half of the street shall be platted with said subdivision.
2. A preliminary plan of a subdivision may show half of a street adjoining property, which has not been subdivided, but no lot abutting on such half street shall have a building permit issued for it until such time as the other half street is dedicated. (Ord 11-18; Add 11-4-11)

24.0510: SIDEWALKS

[\(back to Chapter contents\)](#)

1. Concrete sidewalks shall be constructed along each side of every street shown on the plat in accordance with applicable standards and specifications of the City. Pedestrian ramps meeting the current American with Disabilities Act guidelines shall be installed with the street improvements.
2. The City may waive the installation of sidewalks in Industrial zoned districts.
3. The City may require the installation of sidewalks on lots, whether or not they contain any structure, when the adjacent lots have sidewalks, or when the City determines it is in the best interest of the public.
4. Alternative pedestrian routes may be considered by the Plan Commission in lieu of or in addition to sidewalks. (Ord 11-18; Add 11-4-11)

24.0511: BLOCKS

[\(back to Chapter contents\)](#)

1. The lengths, widths and shapes of blocks shall be determined with due regard to:
 - a. Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
 - b. Need for convenient access, circulation, control and safety of street traffic and utilities.
 - c. Limitations and opportunities of topography.
2. Block lengths shall not exceed one thousand (1,000) feet and shall normally be wide enough to allow two tiers of lots of appropriate depth.
3. Pedestrian walks with a right-of-way not less than ten (10) feet wide, shall be required through blocks where it is deemed to be essential to provide circulation or access to schools, playgrounds, shopping centers and other community facilities. (Ord 11-18; Add 11-4-11)

24.0512: LOTS

[\(back to Chapter contents\)](#)

1. The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of the Zoning Ordinance.
2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide off-street parking and loading for the use contemplated.
3. Corner lots for residential use shall, to the extent possible, have extra width to permit appropriate building setbacks from both streets.

4. Each lot shall be provided with access to a public street or an officially approved place designated by the City Zoning Ordinance.
5. Double frontage lots shall be avoided except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation. Along the property line of lots abutting any arterial street or other such disadvantageous feature, no right of access shall be permitted.
6. Side lot lines shall be substantially at right angles to streets except on curves where they shall be radial.
7. All interior lot lines shall be a straight line or a series of straight lines. Curved interior lot lines shall be prohibited. (Ord 11-18; Add 11-4-11)

24.0513: EASEMENTS

[\(back to Chapter contents\)](#)

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall conform to the Engineering Design Standards.
2. Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage, parkway or recreational use, the width of which shall be determined by the City Engineer and approved by the Plan Commission.
3. All proposed lots of record shall provide:
 - a. A ten (10) foot utility easement along any side which abuts a public right-of-way;
 - b. A ten (10) foot rear yard utility easement whenever the rear yard abuts another lot; and
 - c. A five (5) foot utility easement for all other lot lines.

Said easements shall be measured starting from the lot line, then into the lot in question. Said easements shall be depicted on all official plans by broken lines and the particular purpose of the easement shall be clearly indicated thereon. (Ord 17-29; Rev 07-14-17)

4. Lots and easements shall be arranged in such a manner as to eliminate unnecessary jogs or off sets and to facilitate the use of easements for power distribution, telephone service, drainage and water and sewer services.
5. The property owners whose property is subject to such easements shall be responsible for its maintenance. The easements shall be kept clear of any structure, debris, trees, shrubs or landscaping whatsoever except lawn grass which shall be regularly mowed and annual vegetation may be grown thereon. Fences and minor landscaping are permitted obstructions, allowed at sufferance, within utility easements and are wholly prohibited in drainage easements. No utility whose facilities are currently sited, or are being installed, in a utility easement shall be liable for or responsible for the replacement of any portion of fence or minor landscaping that must be removed to accomplish necessary work on utility facilities. (Ord 11-18; Add 11-4-11) (Ord 17-29; Rev 07-14-17)

24.0514: PERMANENT PROPERTY MARKERS

[\(back to Chapter contents\)](#)

All subdivision boundary corners shall be marked with monuments to grade and noted on the subdivision plat. (Ord 11-18; Add 11-4-11)

24.0515: PRESERVATION OF NATURAL FEATURES AND AMENITIES

[\(back to Chapter contents\)](#)

1. Existing features which would add value to residential development or to the community as a whole, such as trees, water courses and similar irreplaceable assets, should be preserved in the design of the subdivision.
2. Sensitive environmental areas as shown on the Comprehensive Plan shall be reviewed with regard to the special character of the area taking into consideration harmonious design, environmental protection and topographical restraints. (Ord 11-18; Add 11-4-11)

24.0516: PARKS, SCHOOL SITES AND OTHER PUBLIC AREAS

[\(back to Chapter contents\)](#)

In conjunction with Title 14, when subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to any recommendations of the official

comprehensive plan, school board or park department plans. Any provisions for schools, parks and playgrounds should be indicated on the preliminary plan in order that it may be evaluated. (Ord 11-18; Add 11-4-11)

24.0517: HOMEOWNER'S AND OTHER ASSOCIATIONS

[\(back to Chapter contents\)](#)

Where the subdivision contains park areas, road maintenance systems or other facilities or services which are necessary to or desirable for the area, and which are of common use or benefit and which are not accepted for maintenance by an existing public agency, provisions shall be made by trust agreement for the proper and continuous maintenance and supervision of such facilities. A final and signed copy of said agreement shall be attached to each and every plat having a facility or service covered by such an agreement. (Ord 11-18; Add 11-4-11)

24.0518: DRAINAGE

[\(back to Chapter contents\)](#)

A drainage plan conforming to the City approved master drainage plan for the area, if any, shall be made for each subdivision by a licensed professional engineer. Provisions shall be made within each subdivision to provide drainage facilities needed within the subdivision taking into account the ultimate development of the tributary area. The storm and sanitary sewer plans shall be made as part of the utility plans. Engineering considerations in subdivisions and other development shall give preferential treatment to gravity flow improvements as opposed to other utilities and improvements.

1. Off-premise drainage easements and improvements may be required to handle the runoff of subdivisions into a natural drainage channel and shall be the responsibility of the developer.
2. Low areas subject to periodic inundation shall not be developed or subdivided unless and until the City Engineer establishes and the Plan Commission establish and/or approve the following:
 - a. The nature of the land use would not lend itself to damage by periodic flooding and inundation; or
 - b. The area may be filled or improved in such a manner as to prevent such periodic inundation; or
 - c. Minimum floor elevations may be established to prevent damage to buildings and structures. Standing water that would contribute to mosquito development is to be eliminated by suitable construction measures.
3. The City Engineer may require whatever additional engineering information deemed necessary to make a decision on subdivisions and other development.
4. Ponds and similar areas will be accepted for maintenance only if approved by the City Council. (Ord 11-18; Add 11-4-11)

24.0519: AREAS SUBJECT TO PERIODIC INUNDATION

[\(back to Chapter contents\)](#)

1. **Flood Zones.** Land areas of such elevation and location to be subject to periodic inundation by flood waters shall not be subdivided or developed except as provided below.
2. **Development Review in Flood Zones.** Proposed subdivisions and proposed new developments shall be reviewed to determine whether such proposals will be reasonably safe from flooding. Any such proposals shall be reviewed to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage within the flood prone area.
 - b. All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - c. Adequate drainage is provided to reduce exposure to flood hazards.

Source: (Ord 11-18; Add 11-4-11) (Ord 21-32; Rev 8-27-2021)

24.0520: EROSION

[\(back to Chapter contents\)](#)

Measures used to control erosion on a development site shall, as a minimum, meet the standards and specifications of the Codington County Soil and Water Conservation District and the Engineering Design Standards. Stripping of vegetation, re-grading and cut and fill operations should be kept to a minimum, as should the amount of land and the duration of exposure. Whenever feasible, development plans should be made in conformance with topography in order to create the least erosion potential. Similarly, as much as possible natural vegetation shall be retained, protected and supplemented. The City Engineer may require further measures if necessary to prevent erosion on building sites and developments from depositing wastes or sediments on public streets or other property. Every effort shall be made to

retain the natural vegetation on all ditches and drainage ways. Ditches and drainage ways will not be disturbed without the approval of the City Engineer's office. (Ord 11-18; Add 11-4-11)

24.0521: ASSURANCES FOR THE COMPLETION OF MINIMUM IMPROVEMENTS

1. No plats of any subdivision shall be approved unless the improvements required by this ordinance have been installed prior to such approval or unless the developer has signed a development agreement to establish the responsibility for the construction of such improvements in a satisfactory manner and within a period specified by the City Council, such period not to exceed two (2) years. An extension to the two (2) year period may be granted at the discretion of the City Council. This development agreement shall be recorded with the register of deeds at the time of filing the plat.
2. No building permits shall be issued until agreements have been filed or all required public improvements have been completed and approved. (Ord 11-18; Add 11-4-11)

[\(back to Chapter contents\)](#)

Chapter 24.06 SUBDIVISION PROCEDURE

Section

[\(back to Title contents\)](#)

24.0601	The Plat Approval Process
24.0602	Procedure
24.0603	Concept Plan
24.0604	Approval of Concept Plan
24.0605	Effective Period of Concept Plan/Amendments
24.0606	Preliminary Plan
24.0607	Additional Impact Requirements
24.0608	Approval of Preliminary Plan
24.0609	Effective Period of Preliminary Approval
24.0610	Amendments to Preliminary Plan
24.0611	Construction Plans
24.0612	Construction May Begin
24.0613	Inspections and Testing
24.0614	Shop Drawings
24.0615	Record or As-Built Drawings
24.0616	Plat

24.0601: THE PLAT APPROVAL PROCESS

[\(back to Chapter contents\)](#)

All proposed subdivision plats must be approved through a three phase development process. All plans and plats referred to in this section shall be prepared by a registered professional engineer and a registered land surveyor in conformity with requirements of state law.

Source: (Ord 11-18; Add 11-4-11)

24.0602: PROCEDURE

[\(back to Chapter contents\)](#)

The procedure for review and approval of a subdivision consists of the following phases:

1. Required preparation, submission and approval of a “Concept Plan”.
2. Required preparation, submission and approval of a “Preliminary Plan”.
3. Required preparation, submission and approval of the “Construction Plans” and “Plat”.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0603: CONCEPT PLAN

[\(back to Chapter contents\)](#)

The purpose of a Concept Plan is for the developer to receive approval from the Plan Commission regarding general requirements, minimum standards of design and required improvements as set forth in this ordinance. This plan includes the entire area the developer intends to subdivide and will show the development phases to be preliminary planned. This plan will aid the developer in preparing a more readily accepted Preliminary Plan for each phase and help prevent revisions in the layout and development of the subdivision. One (1) paper copy and electronic copies of the PDF, DWG and GIS shapefile of a Concept Plan shall be submitted to the Community Development Division to be distributed for review by the Design Review Team. A Concept Plan shall include the following information:

1. **General**
 - a. The proposed name of the subdivision shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said subdivision. These names shall be subject to the approval of the Administrative Official.
 - b. Names of the additions and subdivisions within the city limits shall read as follows:

_____ Addition (Subdivision) to the Municipality of Watertown, in the County of Codington, South Dakota.
 - c. Names of additions and subdivisions outside the city limits (within jurisdiction) shall read as follows:

_____ Addition (Subdivision) in the _____ Quarter, Section _____, T _____, R _____, _____ of the 5th P.M. in the County of Codington, South Dakota.
 - d. Names of H Lots within the city limits shall read as follows (include Addition if available):

H-__ in _____ Addition, in the _____ Quarter, Section _____, T _____, R _____, _____ of the 5th P.M. in the County of Codington, South Dakota.

- e. Names, addresses, and telephone numbers of the owner(s), developer(s) and engineer(s).
- f. Vicinity map to scale, showing the locations of the proposed subdivision and other property for at least six hundred sixty (660) feet in every direction.
- g. The legal description(s) and notations stating acreage, scale, north arrow and date of survey.
- h. The names of all adjoining subdivisions. Adjoining un-platted property shall be labeled as such.
- i. Un-platted//undeveloped property surrounding such property being developed shall be included showing connectivity to existing infrastructure: streets, sanitary sewer, water, drainage, or other public infrastructure as applicable within the quarter (¼) section.
- j. The proposed zoning districts.
- k. A systematic lot and block numbering pattern, complete with proposed lot dimensions and areas.
- l. Locations and widths of all existing and proposed easements.
- m. Locations and sizes of all public facilities, schools, libraries, fire stations, parks, tree masses and other significant natural features.
- n. Any expectations for City reimbursements.
- o. Proposed phasing for development with estimated timelines.
- p. Disclosure of proposed variances.

2. Streets

- a. The general layouts of streets and access points to arterial, collectors, and other adjacent street systems.
- b. The general layout of pedestrian connectivity.
- c. Rights-of-way widths.
- d. Street names.
- e. Type of street section.

3. Sanitary Sewer

The general layout of the proposed sanitary sewer system including locations of gravity sewers and force mains, lift stations, and connection points to the existing system.

4. Water

The general layout of the proposed water main system including connection points to the existing system. Water systems shall be approved by the City of Watertown Municipal Utilities Department.

5. Drainage and Grading

The proposed drainage and grading plan shall include detailed data for all runoff within the proposed development phase in accordance with the Preliminary Drainage Plan in the adopted Post Construction Stormwater Best Management Practices Manual (Ch. 24), also found as an appendix in Chapter 11 in the currently adopted Engineering Design Standards.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21) (Ord 22-01; Rev 3-4-22)

24.0604: APPROVAL OF CONCEPT PLAN

[\(back to Chapter contents\)](#)

After the Community Development Division and Design Review Team have reviewed and approved the Concept Plan, it shall be submitted to the Plan Commission for final approval. A public hearing will be held by the Plan Commission. The approved plan shall be kept on file with the Community Development Division. Approval of the Concept Plan shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the plat; therefore, no zoning or building permits shall be issued on the approval of the Concept Plan.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0605: EFFECTIVE PERIOD OF CONCEPT PLAN/AMENDMENTS

[\(back to Chapter contents\)](#)

The approved Concept Plan shall remain effective until all phases of the subdivision are complete. The Community Development Division may request an updated Concept Plan for administrative review and approval when minor changes to the plan are proposed. Minor changes may include, but are not limited to, the following: a change in local

street pattern, street name, drainage ways or detention pond location, lot lines, development phases, subdivision name, rights-of-way width, easements, or lot and block numbers. Major changes to an approved Concept Plan shall follow the procedures for approval of a Concept Plan as required in this section. Major changes may include, but are not limited to, the following: a change in arterial or collector street patterns, proposed variances, other public open space locations, an increase in density, or perimeter boundaries.

Source: (Ord 20-32; Rev 1-1-21) (Ord 22-01; Rev 3-4-22)

24.0606: PRELIMINARY PLAN

[\(back to Chapter contents\)](#)

A Preliminary Plan for the specific phase of development as outlined by the approved Concept Plan shall be submitted to the Community Development Division to be reviewed and approved by the Design Review Team. One (1) copy on 11"x17" paper and electronic copies of the PDF, DWG and GIS shapefile of the Preliminary Plan shall be submitted. Plan sheets shall be submitted at a maximum scale of one (1) inch equal to one hundred (100) feet (1:100). The Community Development Division shall review the Preliminary Plan and provide recommendations, along with recommendations from the Design Review Team, to the applicant. Final consideration shall be made by the Community Development Manager within sixty (60) days following submittal.

The Preliminary Plan shall conform with the Engineering Design Standards and shall include all information from the approved Concept Plan as well as the following information:

1. General

- a. Engineer's certificate.
- b. Disclosure of any anticipated supplemental provisions to the General Conditions and Standard Specifications for Public Improvements and the currently adopted Engineering Design Standards.
- c. Adjacent property information: access points, rights-of-way, lot and block lines, easements, city limits, development plans, and any other pertinent information needed for review.
- d. A systematic lot and block numbering pattern, complete with proposed lot dimensions and areas.
- e. Proposed zoning districts and minimum setback requirements.
- f. Location and widths of all existing and proposed easements.
- g. Specify which phase shown on the Concept Plan is being developed.

2. Street Plan

[\(back to Chapter contents\)](#)

- a. Compliance with the City's Major Street Plan in the currently adopted Comprehensive Land Use Plan.
- b. Access onto city streets shall be in accordance to the currently adopted Engineering Design Standards.
- c. The City has adopted an Access Plan for accesses to U.S. Highways 212 and 81 and South Dakota Highway 20 in conjunction with the State of South Dakota Department of Transportation (SDDOT). Any conflicts with this Plan will need to be first resolved with the SD DOT before they will be considered on a preliminary plan.
- d. Proposed street names and widths from back to back of curb including curb radius dimensions at intersections and cul-de-sacs.
- e. Illustrations of typical street sections.
- f. Streets and rights-of-way widths.
- g. Locations and widths of proposed easements.
- h. Identification of minor and major collectors with conformance to the currently adopted Engineering Design Standards.
- i. Transportation connectivity within the development as well as connectivity with the surrounding properties. This also includes pedestrian connectivity.
- j. Consideration of lots that front on an arterial or collector street and proposed access points.
- k. Note if access to the development is from a city street, county or state highway.
- l. Conformance to traffic calming practices shown in the currently adopted Engineering Designs Standards.
- m. Top back of curb elevations at low end of lots.

3. Sanitary Sewer Plan

[\(back to Chapter contents\)](#)

- a. Compliance with the City's Wastewater Collection System Master Plan, Sanitary Sewer Manual, and Sewer Capacity Study.

- b. Major individual commercial or industrial occupants (if any).
 - (1) Type of sewage produced by major contributors identified above (if atypical).
 - (2) Volume of sewage produced by major contributors identified above (if atypical).
- c. Provide geographic, gradient and capacity serviceability of the proposed development to the existing sewer system. The City Engineer will furnish the design engineer with sewer flows of the existing system upon written request.
- d. Locations, material type, grade and size of proposed gravity sewers, force mains, manholes, lift stations and other sanitary sewer appurtenances.
- e. Estimated flow in planned sewer and future upstream sites (cfs, mgd, or other units).
- f. Type and capacity of proposed lift stations.
- g. Locations and widths of proposed easements.
- h. Adequacy of receiving sewer system.
- i. Manhole locations and spacing with manholes numbered.
- j. Flow directions, connections to existing system and extensions to adjacent properties.
- k. Extensions of sanitary sewer to the adjacent upstream users.

4. Water Plan [\(back to Chapter contents\)](#)

- a. Water systems shall be approved by the City of Watertown Municipal Utilities Department.
- b. Show locations of valves, fire hydrants (including spacing), and other water main appurtenances.
- c. Locations and widths of proposed easements.
- d. Extensions of waterlines to perimeter of the development.
- e. Proposed pipe sizes and materials.

5. Drainage and Grading Plan [\(back to Chapter contents\)](#)

- a. The drainage and grading plan shall include detailed data for all runoff within the proposed development phase in accordance with the Final Drainage Plan in the adopted Post Construction Stormwater Best Management Practices Manual (Ch. 2.5, also found as an appendix in Chapter 11 in the currently adopted Engineering Design Standards.
- b. Approximate ground water and lowest finished floor elevations shall be shown for buildings. The lowest recommended floor elevations shall be two (2) feet above the normal ground water elevation. Test holes shall determine ground water elevation where applicable.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21) (Ord 21-16; Rev 7-16-21) (Ord 22-01; Rev 3-4-22)

24.0607: ADDITIONAL IMPACT REQUIREMENTS [\(back to Chapter contents\)](#)

The City Engineer may require any or all of the following to be included in the Preliminary Plan:

- 1. Traffic studies in accordance to Chapter 5.1 of the currently adopted Engineering Design Standards.
- 2. Information on additional water and sewer loads created by the proposed subdivision including confirmation that existing facilities or proposed additions can accommodate the additional loads is required.
- 3. A Geotechnical Exploration Report in accordance to Chapter 6 of the currently adopted Engineering Design Standards.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0608: APPROVAL OF PRELIMINARY PLAN [\(back to Chapter contents\)](#)

The preliminary plan shall be submitted to the Community Development Division for approval following review by the Design Review Team. The approved plan shall be kept on file with the Community Development Division. Approval of the preliminary plan shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the plat; therefore, no zoning or building permits shall be issued on the approval of the preliminary plan.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0609: EFFECTIVE PERIOD OF PRELIMINARY APPROVAL [\(back to Chapter contents\)](#)

The approval of a Preliminary Plan shall be effective for a period of three (3) years, at the end of which time approval on the subdivision plat or a portion thereof must have been obtained from the City. Any preliminary plan which has not received approval for all or a portion thereof of it within the period of time set forth herein, would require re-submittal of a new plan for preliminary approval subject to any new subdivision regulations. However, before the initial three (3) years has ended, the Developer may, upon written request, receive a three (3) year extension from the Community Development Manager.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0610: AMENDMENTS TO PRELIMINARY PLAN

[\(back to Chapter contents\)](#)

Amendments to an approved Preliminary Plan may be made at the discretion of the Community Development Manager. The Community Development Manager may request an updated Preliminary Plan for review and approval when minor changes to the plan are proposed. Minor changes shall include, but are not limited to, a change in local street pattern, street name, lot lines, development phases, drainage ways or detention pond location, subdivision name, rights-of-way width, easements, or lot and block numbers. Major changes to an approved Preliminary Plan shall follow the procedures for approval of a preliminary plan as required in this section. Major changes to an approved Preliminary Plan shall require a revised Concept Plan as detailed in Section 24.0603 and 24.0604. Major changes shall include, but are not limited to, a change in major street pattern, public open space location, or perimeter boundaries.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21) (Ord 22-01; Rev 3-4-22)

24.0611: CONSTRUCTION PLANS

[\(back to Chapter contents\)](#)

Construction Plans shall be submitted to the Community Development Division to be distributed for review and approval. One hard copy on 11"x17" paper and electronic copies of the PDF, DWG, and GIS shapfile shall be submitted. Plan sheets shall be submitted at a maximum scale of one (1) inch equal to forty (40) feet (1:40). Final consideration and issuance of a Permit to Construct shall be made by the City Engineer within sixty (60) days following submittal.

Construction Plans shall conform to all chapters of the currently adopted Engineering Design Standards. Plans shall include all information from the Preliminary Plan.

1. **Final Site Grading Plan.** The drainage and grading plans shall show the existing and proposed contours with intervals of one (1) foot for land with a slope of one percent (1%) or less, intervals to two (2) feet for a slope between one and one-tenth (1.1%) and nine and nine-tenths (9.9%) percent and contours of five (5) feet for land with a slope exceeding ten percent (10%) referenced to City of Watertown datum (established by the NAVD 1988 USGS). The site grading plan shall also show the top-of-foundation elevation and drainage arrows for each lot with lot corner elevations shown. The lowest recommended floor elevations shall be two (2) feet above the normal ground water elevation.
2. **Final Street Grading Plan.** The street grading plan shall show finished street grades shown to an accuracy of one hundredth of a foot (1/100), showing existing conditions and proposed curb grades, and a detailed design for all intersections. Where the developer owns only half the property which makes up a street, and he/she is the first person to request development along said street, he/she shall be responsible for establishing the street grades for said street for approval by the City.
3. **Final Drainage Plan.** The final drainage plan shall include detailed data for all runoff within the proposed development phase in accordance with the adopted Post Construction Stormwater Best Management Practices Manual (Ch. 2.5), also found as an appendix in Chapter 11 in the currently adopted Engineering Design Standards. *(Same requirements as the Drainage and Grading Plan for the Preliminary Plan referenced in Section 24.0606 5.)*
4. **Final Utility Plan.** The utility plan shall show the final storm sewer system and sanitary sewer layout, showing the direction of flow, the manhole locations and their approximate depth to a scale approved by the City Engineer. The utility plan shall also show the final water system layout showing the location of existing water lines and the proposed pipe sizes.
5. **Final Erosion Control Plan.** The erosion control plan must show all proposed land disturbance including areas of excavation, grading, filling, removal and destruction of topsoil and spreading of earth material. Provisions for erosion control during construction must be in accordance with the adopted Erosion and Sediment Control Best Management Practices including a copy of the NOI and SWPPP, as applicable.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21) (Ord 21-16; Rev 7-16-21)

24.0612: WHEN CONSTRUCTION MAY BEGIN

[\(back to Chapter contents\)](#)

Grading of the proposed subdivision may begin only after a Grading Permit has been issued by the Engineering Division in accordance to Title 5 of the Revised Ordinances of the City of Watertown. A Grading Permit may be issued if a Preliminary Plan for the area has been approved. If the project disturbs one acre or more, a Storm Water Pollution Prevention Plan must be submitted to and approved by the Engineering Division. A copy of the Notice of Intent (NOI) issued by the South Dakota Department of Environment and Natural Resources must also be submitted to the City Engineer prior to Grading Permit issuance.

The installation of water, sewer and storm sewer lines and the construction of street and drainage requirements may not begin until after Construction Plans have been approved by the City Engineer and a permit to construct has been issued.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0613: INSPECTIONS AND TESTING

[\(back to Chapter contents\)](#)

Inspections and testing shall be required as written in the currently adopted Engineering Design Standards. It is the responsibility of the developer to schedule all required testing and to notify the Office of the City Engineer when work is ready for inspections. In the event that the required specifications are not met, construction on the project shall cease until the items that are out of compliance are resolved. Failure to comply with the City's standards may result in a moratorium of building permits and/or other penalties as provided under law.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0614: SHOP DRAWINGS

[\(back to Chapter contents\)](#)

Shop drawings shall be submitted in accordance with the currently adopted Engineering Design Standards. Drawings shall be reviewed and approved by the Developer's Engineer prior to submittal to the City Engineer. The attached cover page shall include contact information for the Developer's Engineer in addition to those listed in the currently adopted Engineering Design Standards.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0615: RECORD OR AS-BUILT DRAWINGS

[\(back to Chapter contents\)](#)

Record drawings shall be prepared and submitted in accordance with the currently adopted Engineering Design Standards. Two (2) copies on 11"x17" paper and electronic copies of the PDF, DWG and GIS shapefile shall be submitted. On projects where city-maintained utilities are being constructed, the developer shall be responsible for locating the utilities until record drawings have been approved. Once approved, the City shall assume locating responsibilities.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0616: PLAT

[\(back to Chapter contents\)](#)

A Plat shall be submitted to the Community Development Division to be distributed for review. One (1) mylar, two (2) paper copies, and electronic copies of the PDF, DWG and GIS shapefile shall be submitted. Final consideration shall be made by the City Engineer within sixty (60) days following submittal. Copies of the approved plat shall be submitted in accordance with the currently adopted Engineering Design Standards and this chapter.

The Plat shall conform substantially to the Preliminary Plan as approved and may constitute only a portion of the Preliminary Plan, which the developer proposed to record and develop. Plats shall comply with state statutes and shall include the following information:

1. Compliance with the Preliminary Plan for layout of lot, block, right-of-way, and easements.
2. The name of the subdivision shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said subdivision.
3. Site location map, north arrow, and basis of bearings.
4. The date, title, scale (minimum scale of one hundred (100) feet to one (1) inch within the city limits, minimum scale of two hundred (200) feet to one (1) inch outside the city limits), north point and legal description of

the proposed subdivision, location by quarter section, section, township and range required on plats outside the city limits.

5. The names of all adjacent subdivisions and streets, all previously platted lots to include dimensions and block lines, type of easements, and rights-of-way. Adjoining unplatted property shall be labeled as such.
6. All easements shall be shown indicating size and purpose on new subdivision.
7. A systematic lot and block numbering pattern corresponding to that existing in the City. Lot lines, road names, and the square footage or acreage of all lots shall be included.
8. The location and width of all proposed and existing right-of-way, alleys, and easements, as well as the location of any parks, dedicated drainage ways and railroad right-of-way.
9. The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest sector corner, other previously described subdivision, or other recognized permanent monuments which shall be accurately described on the plat.
10. Accurate location of all permanent monuments, control points and survey pins, either set or located.
11. An accurate description of any portions of the property intended to be dedicated or granted for public use, labeled as lot and block or tract.
12. For properties within the Special Flood Hazard Area (SFHA), reference the effective Flood Insurance Rate Map (FIRM) date, community and panel number.
13. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision lots, streets, alleys, easements, and any other area for public or private use. Linear dimensions are to be given to the nearest one one-hundredth (1/100) of a foot.
14. All property lines shall show chords, lengths and radii to the nearest minute and second.
15. Appropriate certifications as required by State statute.
16. Acknowledgment of the owner(s) of the Plat of any restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.
17. All formal irrevocable offers of dedication for all streets, alleys, parks and other uses as required.
18. Certificates of approval for endorsement by City Engineer and Finance Officer.
19. Development agreements shall be approved by the City Council.
20. Access agreements shall be approved by the City Engineer and SD Department of Transportation, where applicable.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

Chapter 24.07
FINAL PLAT APPROVAL

Section

[\(back to Title contents\)](#)

- [24.0701 Plat Approval](#)
- [24.0702 Subdivision Process Exemptions](#)
- [24.0703 Plat Exemptions](#)
- [24.0704 Additional Requirements](#)

24.0701: PLAT APPROVAL

[\(back to Chapter contents\)](#)

1. The Plat shall be considered for final approval only after the City has assurances from the developer fixing responsibility for required improvements. All plats are approved separately by the Plan Commission and City Council, except as noted below.
2. Pursuant to the authority granted in SDCL §11-3-6 and as authorized by the City Council, the City Engineer may approve plats in lieu of approval by the governing body subject to the following regulations:
 - a. A Preliminary Plan of the subdivision has been approved by the Plan Commission and the plat is in conformance with the same.
 - b. Lot line revisions so long as the lots created conform to the density requirements of the applicable zoning district.
3. In the event the City Engineer determines that Subsections 1 or 2 have not been complied with, the plat shall be submitted to the Plan Commission and the City Council for review and approval.
4. When the plat has been approved, the mylar and accompanying documents will be recorded with the Register of Deeds office. All recording fees will be billed to the applicant. (Ord 11-18; Add 11-4-11)

24.0702: SUBDIVISION PROCESS EXEMPTIONS

[\(back to Chapter contents\)](#)

To ensure timely review of minor plats and replats (including plats for transfer of ownership) that do not discernibly impact surrounding properties, environmental resources, or public facilities, no concept plan, preliminary plan, or construction plans will be required. Minor plats and replats can be administratively approved by the City Engineer and must comply with all requirements of a plat.

1. Minor Plat Requirements: A minor plat is a plat containing not more than five (5) lots and must meet **ALL OF** the following requirements:
 - a. Does not require the dedication of right-of-way or construction of new streets, except that arterial roadways identified on the Major Street Plan will be required to dedicate the necessary right-of- way;
 - b. Does not create any public improvements other than sidewalks;
 - c. Does not landlock or otherwise impair convenient ingress or egress to or from the rear side of the subject tract or any adjacent property;
 - d. Does not change the grades from the grading plan which was submitted and approved with the original plat or, if the grades are going to be changed, then a grading plan shall be submitted and approved for the minor plat or replat;
 - e. Does not significantly change any plans that have been prepared for the placement of any other utilities in the subdivision;
 - f. Does not adversely affect the remainder of the parcel or adjoining property; and
 - g. Does not conflict with any provision or portion of the growth management plan, official map, zoning ordinance, or these regulations.
 - h. No property involved or created by a minor plat shall be involved in a subsequent minor plat procedure for a period of three (3) years from the date of filing of the original minor plat procedure.
2. Replat: A replat includes all the requirements of a minor plat and shall also include the minor vacation of existing platted lines to achieve either a reconfiguration of the existing recorded plat or change the number of recorded lots in the subdivision only where the perimeter of the tract being replatted is not altered by the replat. Also, a replat shall certify that the platting vacates the existing plat. (Ord 11-18; Add 11-4-11)

24.0703: PLAT EXEMPTIONS[\(back to Chapter contents\)](#)

This section is intended to provide exemptions to city platting rules and regulations. However, exemption of city platting rules and regulations does not exempt the platting requirements of the register of deeds, title company and state law. The following exemptions exist:

1. Cemetery gravesite plats or plots do not have to meet any requirements of this subdivision ordinance as long as land is surveyed, mapped, or diagramed, and subdivided into sections, blocks, lots, individual grave spaces, avenues, walks, and streets, thereby platting or making a map which shall be filed and maintained as a permanent cemetery record. However, all platting requirements of the county register of deeds and state law are still applicable.
2. Government owned parcels. In order to facilitate the transfer of ownership from one owner to a government entity for the use of a public land or facility (e.g., school, park, drainage way, H lots), plats may be exempted by the City Engineer.
3. Boundary line adjustments. The purpose is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of legal lots or building sites in order to rectify defects in legal descriptions, to allow minor enlargement or reduction of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, and to correct situations where an established use is located across a lot line, or for other similar purposes. When an application is made for building permits, if the description given for the lots on the building permit application shows the property lines to be different from the platted lot lines, a boundary line adjustment or replat will be required for those lots. A boundary line adjustment shall include a surveyed site plan including all information required for a plat. The survey shall be submitted to the planning office with a title report of the entire parcel. A development lot agreement may also be required to officially join parcels to comply with zoning requirements. If the legal description given does not meet the requirements listed below for a boundary line adjustment, other applicable subdivision ordinance provisions shall be followed.

A boundary line adjustment application:

- a. Shall not result in the creation of an additional lot, parcel, or building site;
 - b. Shall not result in a lot that does not qualify as a building site pursuant to this title;
 - c. Shall not relocate an entire lot from one lot of record to another lot of record;
 - d. Shall not reduce the overall area in a plat or parcel devoted to open space;
 - e. Shall not be inconsistent with any restrictions or conditions of approval for a recorded plat;
 - f. Shall not involve lots which do not have a common boundary;
 - g. Shall not result in the required minimum lot sizes that do not meet the zoning ordinance requirements;
 - h. Shall not result in the creation of a nonconforming setback for any existing building; and
 - i. Shall meet all transfer and recording requirements of the county register of deeds. (Ord 11-18; Add 11-4-11)
4. Condo plats do not have to meet any requirements of this subdivision ordinance as long as land is surveyed, mapped, or diagramed, and subdivided into sections or units and the following requirements are met. If all of the requirements are met then the condo plat can be administratively approved. If not ALL of the requirements are met then the condo plat must be approved separately by the Plan Commission and City Council.
 - a. That a Master Deed or Lease has been prepared in accordance with SDCL §43-15A-4,
 - b. The name of the plat must include the word “condominium” (ex: “Plat of Pine Knoll Condominium” or “Plat of Windhaven, a Condominium”),
 - c. The plat cannot create public streets, alleys or dedicate any area to the public,
 - d. The plat cannot alter any area previously dedicated to the public, nor modify or remove any easements, restrictions, or other encumbrances on the land.
 - e. The construction of the building(s) must meet the International Building Code and the International Fire Code, and
 - f. That the primary structure meets the required setbacks of the proposed zoning designation. (Ord 15-15; Add 06-12-15)

24.0704: ADDITIONAL REQUIREMENTS

[\(back to Chapter contents\)](#)

Additionally, building permits will not be issued on any tract or lot in the subdivision until, where applicable:

1. A Final Plat has been approved.
2. Construction Plans have been approved.
3. The Park Fee is paid or park land donated.
4. The property to receive a permit is platted and officially recorded.
5. Final zoning has been approved. (Ord 11-18; Add 11-4-11)

Chapter 24.08
STREET MAINTENANCE AND ACCEPTANCE

Section

[\(back to Title contents\)](#)

- [24.0801 Maintenance of Gravel Streets under Development](#)
- [24.0802 Completion of Final Lift on Street](#)
- [24.0803 Final Acceptance of Improvements](#)
- [24.0804 Developers Warranty Responsibilities](#)

24.0801: MAINTENANCE OF GRAVEL STREETS UNDER DEVELOPMENT [\(back to Chapter contents\)](#)

For streets under construction the City will provide minimum maintenance and snow removal on gravel and asphalt streets to provide minimum vehicular passage and provide minimum street sweeping on asphalt streets. If there is any damage to manholes, valves, curb and gutter, valley gutters, or other appurtenances, repairs shall be done at the developer's expense. Gravel streets will be allowed through one winter season only. (Ord 11-18; Add 11-4-11)

24.0802: COMPLETION OF FINAL LIFT ON STREET [\(back to Chapter contents\)](#)

No sooner than one year after the first lift has been applied or at any time when requested by the City, the developer shall place the final lift of asphalt on the street. Prior to this action, the developer will notify the City and state its intentions. The City Engineer will inspect the improvements and make an inspection report to the developer as to the necessary work needed for the project to meet City specifications. This inspection report will encompass all aspects of the water, sewer, storm sewer, curb and gutter, valley or any other part of the construction as provided for in the preliminary plan as approved. Adjustments or repairs will be the responsibility of the developer and shall be made prior to the placement of the final lift. (Ord 11-18; Add 11-4-11)

24.0803: FINAL ACCEPTANCE OF IMPROVEMENTS [\(back to Chapter contents\)](#)

After the developer deems that all the street and utility improvements have been completed and has placed the final lift of asphalt, the developer will notify the City in writing that the street is completed. The City Engineer will then inspect all the improvements and inform the developer of any deficiencies. Any deficiencies shall be remedied by the developer at the developer's expense. Upon the recommendation of the City Engineer, the City will then issue a Certificate of Completion noting any deficiencies and setting a date as to when the one (1) year warranty will end. (Ord 11-18; Add 11-4-11)

24.0804: DEVELOPERS WARRANTY RESPONSIBILITIES [\(back to Chapter contents\)](#)

The developer shall warranty the water, sewer, storm sewer, curb and gutter, valley or any other part of the construction specified in the preliminary plan for a period of one year from the date as stated in the Certificate of Completion.

Prior to the end of the one (1) year warranty period the City Engineer will inspect the improvements and report his findings to the City Council. The City Council shall by resolution confirm or reject the Acceptance Certificate. If confirmed, the developer's responsibility for the improvements end, and the improvements become the responsibility of the City. If any portion is rejected, the developer will repair or replace the rejected portion and a one (1) year warranty period will begin again on the rejected portion and the developer shall again comply with the provisions as stated in this ordinance. (Ord 11-18; Add 11-4-11)

Chapter 24.09
CHANGES AND VARIANCES

Section

[\(back to Title contents\)](#)

[24.0901 Changes or Modifications of Plans](#)

[24.0902 Variances](#)

24.0901: CHANGES OR MODIFICATIONS OF PLANS

[\(back to Chapter contents\)](#)

The Plan Commission reserves the right to require that any changes or modifications to approved plans that they deem to be major changes or modifications shall require the developer to re-submit the modified plan for review and adoption as herein provided. (Ord 11-18; Add 11-4-11)

24.0902: VARIANCES

[\(back to Chapter contents\)](#)

Requests for variances must be submitted to the Plan Commission and/or the City Council under the procedures set forth in Watertown Ordinances. (Ord 11-18; Add 11-4-11)

Chapter 24.10
DEFINITIONS

[\(back to Title contents\)](#)

24.1001: DEFINITIONS

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."

Access Control Easement: an easement on property adjacent to a street right-of-way prohibiting vehicular access or street curb cuts to such designated property.

Alley: a public or private right-of-way which affords a secondary means of access to property.

Acceptance Certificate: a certificate issued as acceptance of improvement in developments that will be, after acceptance by the City Council, maintained by the City of Watertown.

Block: a tract of land bounded by streets or by a combination of streets, public parks, railroad right-of-ways, shoreline of waterways or municipal boundaries.

Building: any structure for the shelter, support 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 Setback Line: a line parallel or approximately parallel to the lot lines at a specified distance therefrom, marking the minimum distance from the lot line that the building may be erected.

City Engineer: the person designated by the City Council to furnish engineering assistance for the administration of these regulations.

City, City of Watertown: the City of Watertown, South Dakota.

City Council: the City Council of Watertown, South Dakota, as duly elected.

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.

Construction Standards: construction specifications approved by the City for infrastructure construction.

Comprehensive Plan: the master plan or general plan for the development and improvement of Watertown, South Dakota as adopted by the City Council.

Concept Plan: a basic set of plans indicating the proposed layout of the subdivision to be submitted for approval.

Construction Plan: a set of detailed engineering plans to be used for construction of public infrastructure based on the City's Engineering Design Standards.

Contractor: the person who contracts with an individual or the developer to construct a building on a parcel of land prepared by the developer.

Corner Lot: a lot at the junction of, and fronting on, two or more intersecting streets.

Covenants: those declarations prepared by the developer and intended to be recorded along with the Plat, which may provide for restrictions and controls of land use and development within the subdivision and which shall include a method whereby all private roadways within the subdivision shall be improved and maintained until such time as the obligation thereof may be accepted by the City or another governmental unit.

Cul-de-Sac: a local street with only one outlet having an appropriate terminal for safe and convenient reversal of traffic movement.

Curb Cut: a cut in the curb allowing access to a public street.

Dedicated: a grant of land to the public for perpetual use.

Design Review Team: a group of representatives from each city department, SD DOT, 1st District, Focus Watertown and others affected by the proposed plan.

[\(back to Title contents\)](#)

Developer: any person who converts undeveloped land into legally platted, buildable lots. The developer may or may not be the landowner or the builder of structures that occupy the lots.

Easement: authorization by a property owner for the use by another property owner or the public for specific purposes for any designated part of his property.

Engineering Design Standards: the engineering design standards for public improvements of the City of Watertown.

Flood Prone Area: a land area adjoining a river, creek, watercourse or lake which is likely to be flooded.

Frontage: that side of a lot abutting on a street regarded as the front of the lot.

H Lot: a lot created via a highway right-of-way plat.

Homeowner's Association: an association of property owners joined together for the purpose of maintaining an area held in common ownership.

Improvements: includes street grading, street surfacing, curb and gutter, water mains and lines, sanitary sewers, storm drainage facilities, culverts or other such installations as designated by the City Council.

Letter of Irrevocable Credit: a guaranteed letter from a bank or savings and loan association stating that if the said improvements are not completed by a developer, the money provided in the letter will be forwarded to the City to complete said improvements.

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.

Major Street Plan: the major street plan adopted through the comprehensive plan and as approved by the City Council.

Monument: a boundary marker of concrete, permanently planted and firmly fixed in the ground and placed so that the top of the monument is flush with natural ground.

Owner: the title holder of property, on file at the office of the County Register of Deeds.

Plan Commission: the Plan Commission of Watertown, South Dakota as duly appointed.

Plat: a map, or representation on paper of a piece of land subdivided into lots, parcels, tracts or blocks, including streets, commons and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedications and filed with the County Register of Deeds.

Preliminary Plan: a set of drawings, including all required information, for review by the Plan Commission.

Re-Plat: a change in a map of an approved or recorded subdivision plat which affects any road layout, area reserved for public use, or lot line.

Right-of-Way: a strip of land occupied by a street, railroad, transmission line, oil or gas pipeline, water lines, storm or sanitary sewer lines, pedestrian walkways or other special use. The use of the term right-of-way for platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way shall be dedicated to public use by the owner of the plat on which such right-of-way is established.

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.

[\(back to Title contents\)](#)

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.

Storm Water Pollution Prevention Plan: in compliance with the State General Permit, the SWPPP is a document which identifies sources and activities at a particular construction site that may contribute pollutants to storm water and commits the operator to specific control measures and time frames to prevent or treat such pollutants.

Structure: anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, walls, fences and signs.

Subdivider: a person, corporation, partnership, association, or any group who prepares or causes to be prepared a subdivision plat.

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. (Ord 11-18; Add 11-4-11)

Chapter 24.97
INTERPRETATION, ABROGATION AND SEVERABILITY

24.9701: 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. (Ord 11-18; Add 11-4-11)

Chapter 24.98
CROSS-REFERENCES

24.9801: CROSS-REFERENCES ([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
Zoning.....	Title 21

Chapter 24.99
PUNISHMENT

24.9901: PUNISHMENT ([back to Title contents](#))

Any person violating any of the provisions of this title shall, 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.

Any violation of this title shall be a misdemeanor and punishable by a fine of not more than two hundred dollars (\$200). 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. (E-299-2) (E-679) (Ord 11-18; Add 11-4-11)

TITLE 25

CANNABIS REGULATIONS AND USES

Chapter

[\(Back to Table of Contents\)](#)

25.01	Purpose and Intent
25.02	Severability Clause
25.03	Most Stringent Regulation Applies
25.04	Other Laws and Ordinances Remain Applicable
25.05	License Required
25.06	Locations and Special Use Provisions for Medical Cannabis Establishments
25.07	Limitation on Number of Medical Cannabis Dispensaries
25.08	Building Permit Required
25.09	Adoption of NFPA Code
25.10	Smoking of Cannabis in Public Places Prohibited
25.11	Public Nuisance
25.12	Liability for Violations
25.13	Penalties
25.14	Definitions

Chapter 25.01

PURPOSE AND INTENT

25.0101: PURPOSE AND INTENT

[\(back to Title contents\)](#)

The purpose and intent of this ordinance is to:

1. Establish regulations for the location, use, sale, dispensing, cultivation, testing, and manufacturing, of medical cannabis as established by SDCL 34-20G and the administrative rules promulgated thereunder, in order to protect, enhance, and promote health, safety, and welfare of the public.
2. Prevent potential conflicts and issues arising from ownership and employees, recognize certain safety and security considerations, and minimizes risk of unauthorized use or access of cannabis by the public.
3. Regulate the time, place, manner, and number of medical cannabis establishments within the City in accordance with SDCL 34-20G-58.
4. Establish reasonable administrative fees associated with the cost of permitting, licensing, and regulating medical cannabis establishments.
5. Provide for a means of distribution, cultivation, testing, and manufacturing of cannabis to patients who qualify to obtain, possess, and use cannabis for medical purposes pursuant to SDCL 34-20G-1 and the Administrative Rules promulgated thereunder.

Source: (Ord 21-34; Eff 9-25-21)

Chapter 25.02 SEVERABILITY CLAUSE

25.0201: SEVERABILITY CLAUSE

[\(back to Title contents\)](#)

The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

Source: (Ord 21-34; Eff 9-25-21)

Chapter 25.03 MOST STRINGENT REGULATION APPLIES

25.0301: MOST STRINGENT REGULATION APPLIES

[\(back to Title contents\)](#)

Nothing in this section is intended to supersede or modify applicable provisions of state law concerning the same subject. To the extent this ordinance is interpreted to authorize an action or activity otherwise prohibited by state law, such authorization shall mean such action or activity is not prohibited by local law. To the extent that a provision of state law is or becomes more stringent than a provision of this ordinance, the most stringent requirement or construction shall govern or apply.

Source: (Ord 21-34; Eff 9-25-21)

Chapter 25.04 OTHER LAWS AND ORDINANCES REMAIN APPLICABLE

25.0401: OTHER LAWS AND ORDINANCES REMAIN APPLICABLE

[\(back to Title contents\)](#)

All applicable state laws and Chapters of the Revised Ordinances of the City of Watertown, South Dakota shall apply to all medical cannabis establishments, including but not limited to dispensaries, cultivation facilities, testing facilities, and manufacturing facilities.

Source: (Ord 21-34; Eff 9-25-21)

Chapter 25.05
LICENSE REQUIRED

Section

[\(back to Title contents\)](#)

- [25.0501 License Required](#)
- [25.0502 License Application](#)
- [25.0503 Issuance of License](#)
- [25.0504 City Neutrality as to Applicants](#)
- [25.0505 Expiration of License and Renewal](#)
- [25.0506 Suspension](#)
- [25.0507 Revocation](#)
- [25.0508 Suspension and Revocation Process](#)
- [25.0509 Appeal](#)
- [25.0510 Licenses Not Transferrable](#)

25.0501: LICENSE REQUIRED

[\(back to Chapter contents\)](#)

- (a) No cannabis establishment may be located or operate in the city without the appropriate valid and current cannabis establishment license issued by the city 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.
- (b) No cannabis establishment may be located or operate in the city without the appropriate valid and current cannabis establishment registration certificate issued by the Department pursuant to rules promulgated under SDCL 34-20G. 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.

Source: (Ord 21-34; Eff 9-25-21)

25.0502: LICENSE APPLICATION

[\(back to Chapter contents\)](#)

- (a) An application for a cannabis establishment license must be made on a form provided by the city. No other application form will be considered.
- (b) The applicant must submit the following:
 - 1. City Application fee as established by resolution of the City Council. The City will reimburse a portion of the application fee for applicants who fail to obtain a registration certificate from the South Dakota Department of Health. (Ord. 23-28, Rev 1-12-24)
 - 2. An application that will include, but is not limited to, the following:
 - i. The legal name of the prospective cannabis establishment;
 - ii. The physical address of the prospective cannabis establishment that meets the zoning requirements identified in this Chapter, as well as any location requirements pursuant SDCL 34-20G and the administrative rules promulgated thereunder.
 - iii. The name, address, and birth date of each principal officer, owner, and board member of the proposed cannabis establishment.
 - iv. A sworn statement that no principal officer, owner, or board member has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction.

Source: (Ord 21-34; Eff 9-25-21)

25.0503: ISSUANCE OF LICENSE

[\(back to Chapter contents\)](#)

- (a) The city will issue a license unless:
 - 1. The applicant has made a false statement on the application or submits false records or documentation; or
 - 2. Any owners, principal officer, or board member of the applicant is under the age of twenty-one (21) years; or

3. Any owner, principal officer, or board member of the applicant has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction;
 4. The proposed location does not meet the applicable zoning requirements under Title 21;
 5. The proposed location does not meet all location requirements under SDCL 34-20G and the administrative rules promulgated thereunder;
 6. The license is to be used for a business not permitted by state or local law, statute, rule, ordinance, or regulation; or
 7. Any owner, principal officer, or board member of the applicant has had a cannabis establishment license revoked by the city or a registration certificate revoked by the state; or
 8. An applicant, or an owner, principal officer, or board member thereof, is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to any cannabis establishment; or
 9. The applicant will not be operating the business for which the license would be issued.
- (b) In the case of an application for a medical cannabis dispensary license, the city will reject the application if the limit on the number of actively operating medical cannabis dispensary licensees has been reached.
- (c) The license must be posted in a conspicuous place at or near the entrance to the cannabis establishment so that it may be easily read at any time.

Source: (Ord 21-34; Eff 9-25-21)

25.0504: CITY NEUTRALITY AS TO APPLICANTS

[\(back to Chapter contents\)](#)

Upon request from the Department as to the City's preference of applicants, the City will neither support nor oppose any registration certificate application under consideration by the Department. Likewise, if the Department makes inquiry, the City will abstain from endorsing any application as beneficial to the community.

Source: (Ord 21-34; Eff 9-25-21)

25.0505: EXPIRATION OF LICENSE AND RENEWAL

[\(back to Chapter contents\)](#)

- (a) Each license expires one year from the date of issuance and may be renewed only by making application as provided in Section 25.0501. Application for renewal must be submitted at least thirty (30) days before the expiration date. The license holder must continue to meet the license requirements to be eligible for a renewal.
- (b) The fee for any license or combination of licenses authorized under this shall be established by resolution of the City Council and paid at the time of application for renewal. The City will reimburse a portion of the renewal fee for applicants who fail to obtain a renewal of their registration certificate from the Department. (Ord 23-28, Rev 1-12-24)
- (c) Failure to renew a license in accordance with this section may result in additional fees. Upon expiration of the license, the city may order closure of the cannabis establishment.
- (d) If a license holder has not operated an establishment for which it holds a license in the preceding twelve (12) months, the license will not be renewed.

Source: (Ord 21-34; Eff 9-25-21)

25.0506: SUSPENSION

[\(back to Chapter contents\)](#)

- (a) A license may be suspended if the license holder or an employee or agent of the license holder:
 1. Violates or is otherwise not in compliance with any section of this article.
 2. Consumes or smokes or allows any person to consume or smoke cannabis on the premises of the cannabis establishment.
 3. Knowingly dispenses or provides cannabis or cannabis products to an individual or business to whom it is unlawful to provide cannabis or cannabis products.

- (b) A license may be suspended if the license holder has its Department-issued registration certificate suspended, revoked, or not renewed by the Department or if the registration certificate is expired.
- (c) A license may be suspended if the license holder creates or allows to be created a public nuisance at the cannabis establishment.

Source: (Ord 21-34; Eff 9-25-21)

25.0507: REVOCATION

[\(back to Chapter contents\)](#)

- (a) A license may be revoked if the license is suspended under Section 25.0505 and the cause for the suspension is not remedied.
- (b) A license may be revoked if the license is subject to suspension under Section 25.0505 because of a violation outlined in that section and the license has been previously suspended in the preceding 24 months.
- (c) A license is subject to revocation if a license holder or employee of a license holder:
 - 1. Gave false or misleading information in the material submitted during the application process;
 - 2. Knowingly allowed possession, use, or sale of non-cannabis controlled substances on the premises;
 - 3. Operated the cannabis establishment or the business of the cannabis establishment for which a license is required under this article while the license was suspended;
 - 4. Repeated violations of Section 25.0505;
 - 5. Operated a function of a cannabis establishment for which the license holder was not licensed (e.g., a licensed cannabis cultivation facility conducting cannabis testing functions without a cannabis testing establishment license);
 - 6. A license holder, or an owner, principal officer, or board member thereof, is delinquent in payment to the city, county, or state for any taxes or fees related to the cannabis establishment;
 - 7. A license holder, or an owner, principal officers, or board member thereof, has been convicted of, or continues to employ an employee who has been convicted of, a disqualifying felony offense as defined by SDCL 34-20G; or
 - 8. The license holder has its Department-issued registration certificate suspended, revoked, or not renewed or the registration certificate is expired.
 - 9. The license holder allows a public nuisance to continue after notice from the City.

Source: (Ord 21-34; Eff 9-25-21)

25.0508. SUSPENSION AND REVOCATION PROCESS

[\(back to Chapter contents\)](#)

- (a) The license holder will receive a notice of intent to suspend or notice of intent to revoke informing the license holder of the violation and the city's intention to suspend or revoke the license. The notice will be hand delivered to the license holder or an employee or agent of the license holder or sent by certified mail, return receipt requested to the physical address of the cannabis establishment.
- (b) If the license holder disputes the suspension or revocation, the license holder has ten (10) days from the postmark date on the notice or the date the notice was hand delivered to request a hearing before a hearing panel, which will consist of the Finance Officer, the Police Chief, and the Community Development Manager.
- (c) If the license holder disputes the determination made by the hearing panel, the license holder may request a review by the City Manager. The City Manager will review any documents and information relevant to the suspension or revocation but will not hold a hearing. The City Manager will either affirm or reverse the hearing panel's decision.
- (d) A suspension will be for thirty (30) days and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder exercises its rights to process and appeal, in which case the suspension takes effect upon the final determination of suspension.
- (e) A revocation will be for one (1) year and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder appeals the revocation, in which case the revocation takes effect upon the final determination of revocation.

- (f) The license holder who has had the license revoked may not be issued any cannabis establishment license for one year from the date the revocation became effective.

Source: (Ord 21-34; Eff 9-25-21)

25.0509: APPEAL

[\(back to Chapter contents\)](#)

An applicant or license holder who has been denied a license or renewal of a license or who has had a license suspended or revoked under this article may appeal to the City Council by submitting a written appeal within ten (10) days of the postmark on the notice of denial, nonrenewal, suspension, or revocation. The written appeal must be submitted to City Hall at 23 2nd St NE, Watertown, South Dakota, 57201. The appeal will be considered by the City Council at a regularly scheduled meeting within one month of the receipt of the appeal.

Source: (Ord 21-34; Eff 9-25-21)

25.0510: LICENSES NOT TRANSFERRABLE

[\(back to Chapter contents\)](#)

No cannabis establishment license holder may transfer the license to any other person or entity either with or without consideration, nor may a license holder operate a cannabis establishment at any place other than the address designated in the application.

Source: (Ord 21-34; Eff 9-25-21)

Chapter 25.06

LOCATIONS AND SPECIAL USE PROVISIONS FOR MEDICAL CANNABIS ESTABLISHMENTS

Section

[\(back to Title contents\)](#)

[25.0601 Medical Cannabis Dispensary](#)

[25.0602 Cannabis Cultivation Facility](#)

[25.0603 Cannabis Testing Facility](#)

[25.0604 Cannabis Product Manufacturing Facility](#)

25.0601: MEDICAL CANNABIS DISPENSARY

[\(back to Chapter contents\)](#)

- (a) Permitted Special Use in the C-1 Community Commercial District, C-2 Local Commercial District, and C-3 Highway Commercial District as referenced in Title 21. Dispensary shall not be located within a prescribed distance from certain existing uses as measured from the closest point of the property lines of the property where the dispensary is proposed, to the lot line of the protected uses listed below:
1. Shall not be located within 1,000 feet of a public or private school, including a licensed preschool, existing before the date of the medical cannabis establishment application.
 2. Shall not be located within 500 feet from a nonresidential daycare facility.
 3. Shall not be located within 300 feet from a public park, public pool or public recreational facility or library.
 4. Shall not be located within 300 feet of a religious institution.
 5. Shall not be located within 500 feet of a residential district.
 6. No future development will cause a dispensary to become nonconforming due to the establishment of a protected use within the distance prescribed herein.
- (b) Other location standards are as follows:
1. No medical cannabis dispensary shall share premises with or permit access directly from another medical cannabis establishment, business that sells alcohol or tobacco, or if allowed by law, other cannabis establishment.
 2. Permanent or temporary dispensaries are prohibited in all other zoning districts and not eligible for a home occupation use.

3. It shall be unlawful to operate a dispensary in a building which contains a residence or a mixed use building with commercial and residential uses.
- (c) General Provisions and Performance Standards for Dispensaries are shown below:
1. No dispensary shall allow access entry to anyone under 21 years of age.
 2. Access control methods shall be installed pursuant to state requirements.
 3. Shall be located within a completely enclosed structure on a permanent foundation. Mobile dispensaries are prohibited.
 4. Drive-through and curbside pick-up/drop-off dispensaries are prohibited.
 5. No cannabis dispensary may operate between the hours of 12:00 a.m. and 7:00 a.m. any day of the week.
 6. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
 7. Retail products, storage, sales, and display areas shall be kept out of the public view and shall not be visible from the exterior of the building.
 8. Signage and advertising shall be limited to on premise signage only, no billboard advertising or pole signage and signage is limited to text only with no graphic displays, videos, as displayed on electronic message centers. Sign logos and symbols are permissible.
 9. All other signage shall be regulated in accordance with Chapter 21.80.

Source: (Ord 21-34; Eff 9-25-21)

25.0602: CANNABIS CULTIVATION FACILITY

[\(back to Chapter contents\)](#)

- (a) Permitted Special Use in the I-1 Light Industrial and I-2 Heavy Industrial District as referenced in Chapter 21. The special use provisions are as follows:
1. All cultivation operations shall be within a completely enclosed structure on a permanent foundation or secured greenhouse facility.
 2. Security measures shall be installed as required by state regulations.
 3. Perimeter of the property shall be fenced with minimum of a six (6) foot high solid fence and security access gates, in accordance with Chapter 21.61.
 4. Permanent or temporary cultivation facilities are prohibited in all other zoning districts.
 5. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
 6. Shall not be located within 500 feet of a residential district, as measured from the closest point of the property line from the lot line of the property where the cultivation facility is proposed.
- (b) General Provisions and Performance Standards for Cannabis Cultivation Facilities:
1. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
 2. Shall provide for a ventilation and filtration system designed to ensure that odors from the cultivation facility are not detectable at the property line. Ventilation and filtration systems shall meet the standards set forth by the State of South Dakota.

Source: (Ord 21-34; Eff 9-25-21)

25.0603: CANNABIS TESTING FACILITY

[\(back to Chapter contents\)](#)

- (a) Permitted Special Use in the I-1 Light Industrial and I-2 Heavy Industrial District as referenced in Chapter 21. The special use provisions are as follows:
1. All testing operations shall be within a completely enclosed structure on a permanent foundation.
 2. Security measures shall be installed as required by state regulations.

3. Perimeter of the property shall be fenced with minimum of a six (6) foot high solid fence and security access gates, in accordance with Chapter 21.61.
4. Permanent or temporary testing facilities are prohibited in all other zoning districts.
5. Shall not be located within 300 feet of a residential district, as measured from the closest point of the property line from the lot line of the property where the testing facility is proposed.

(b) General Provisions and Performance Standards for Cannabis Testing Facilities:

1. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
2. Shall provide for a ventilation and filtration system designed to ensure that odors from the testing facility are not detectable at the property line

Source: (Ord 21-34; Eff 9-25-21)

25.0604: CANNABIS PRODUCT MANUFACTURING FACILITY

[\(back to Chapter contents\)](#)

(a) Permitted Special Use in the I-1 Light Industrial and I-2 Heavy Industrial District as referenced in Chapter 21. The special use provisions are as follows:

1. All manufacturing operations shall be within a completely enclosed structure on a permanent foundation.
2. Security measures shall be installed as required by state regulations.
3. Perimeter of the property shall be fenced with minimum of a six (6) foot high solid fence and security access gates, in accordance with Chapter 21.61.
4. Permanent or temporary manufacturing facilities are prohibited in all other zoning districts.
5. Shall not be located within 1,000 feet of a residential district as measured from the closest point of the property line from the lot line of the property where the manufacturing facility is proposed.

(b) General Provisions and Performance Standards for Manufacturing Facilities:

1. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
2. Shall provide for a ventilation and filtration system designed to ensure that odors from the manufacturing facility are not detectable at the property line.
3. Extraction processes utilizing flammable liquefied gas shall not be located in any building containing Group A, E, I, or R occupancies as defined by the International Building Code.
4. Exit doors from extraction rooms shall swing in the direction of egress and be self-closing. Panic hardware shall be provided on door and where latching door hardware is provided panic hardware shall also be provided.
5. Extraction rooms, booths, or hoods, including ductwork where required for hazardous exhaust systems shall be protected by an approved automatic fire extinguishing system.
6. An approved exhaust system and gas detection system shall be installed as approved by the Building Official.

Source: (Ord 21-34; Eff 9-25-21)

Chapter 25.07

LIMITATION ON NUMBER OF MEDICAL CANNABIS DISPENSARIES

25.0701: LIMITATION ON NUMBER OF MEDICAL CANNABIS DISPENSARIES

[\(back to Title contents\)](#)

The number of medical cannabis dispensaries may not exceed one (1) for the first ten thousand (10,000) of population or fraction thereof, and may not exceed one (1) for each additional (10,000) of population or fraction thereof. At the time of enactment of this Section, no more than three (3) active medical dispensaries shall be allowed to operate in the City at any one (1) time.

Source: (Ord 21-34; Eff 9-25-21)

Chapter 25.08 BUILDING PERMIT REQUIRED

25.0801: BUILDING PERMIT REQUIRED

[\(back to Title contents\)](#)

A building permit is required for the establishment of, construction, installation, remodel, demolition, change of use, or repair of all cannabis related establishments, including medical dispensaries, cultivation facilities, testing facilities and manufacturing facilities as provided for in Chapter 21.02 and Chapter 5, of the Revised Ordinances of the City of Watertown, South Dakota and the adopted version of the International Building Code, International Residential Code, International Fire Code and any other applicable adopted codes.

Source: (Ord 21-34; Eff 9-25-21)

Chapter 25.09 ADOPTION OF NATIONAL FIRE PROTECTION ASSOCIATION CODE

25.0901: ADOPTION OF NFPA CODE

[\(back to Title contents\)](#)

The City Council hereby adopts the most current version of NFPA 1 Chapter 38, “Cannabis Growing, Processing, or Extraction Facilities,” as well as all sections of the NFPA code referenced within Chapter 38.

Source: (Ord 21-34; Eff 9-25-21)

Chapter 25.10 SMOKING OF CANNABIS IN PUBLIC PLACES PROHIBITED

25.1001: SMOKING OF CANNABIS IN PUBLIC PLACES PROHIBITED

[\(back to Title contents\)](#)

It is unlawful for any person to smoke cannabis in any public place including parks, sidewalks, streets, alleys, rights-of-way, sports complexes, publicly owned property, or in any place that is open to the public. A violation of this section is subject to the general penalty provision in Chapter 13.99.

Source: (Ord 21-34; Eff 9-25-21)

Chapter 25.11 PUBLIC NUISANCE

25.1101: PUBLIC NUISANCE

[\(back to Title contents\)](#)

The establishment, operation and continuation of any activity in violation of the terms of this Chapter is specifically determined to constitute a public nuisance, may be abated by the City as a nuisance and may be enjoined by the City in an action brought to circuit court in the county in which the activity occurs. The remedies set forth in this section shall not be exclusive, shall be cumulative, and shall be in addition to any other remedy available at law or in equity.

Source: (Ord 21-34; Eff 9-25-21)

Chapter 25.12 LIABILITY FOR VIOLATIONS

25.1201: LIABILITY FOR VIOLATIONS

[\(back to Title contents\)](#)

Notwithstanding anything to the contrary, for the purposes of this article, an act by an employee or agent of a cannabis establishment that constitutes grounds for suspension or revocation will be imputed to the cannabis establishment license holder for purposes of finding a violation of this article, or for purposes of license denial, suspension, or

revocation, only if an officer, director or general partner or a person who managed, supervised or controlled the operation of the cannabis establishment, knowingly allowed such act to occur on the premises.

Source: (Ord 21-34; Eff 9-25-21)

Chapter 25.13 PENALTIES

25.1301: PENALTIES

[\(back to Title contents\)](#)

Any person who operates or causes to be operated a cannabis establishment without a valid license or in violation of this article is subject to a suit for injunction as well as prosecution for ordinance violations. Such violations are punishable by a maximum fine of five hundred dollars (\$500.00). Each day a cannabis establishment so operates is a separate offense or violation.

Source: (Ord 21-34; Eff 9-25-21)

Chapter 25.14 DEFINITIONS

25.1401: DEFINITIONS

[\(back to Title contents\)](#)

Unless an alternative definition is explicitly stated in this section, this chapter utilizes the definitions for cannabis-related terms which are defined by SDCL 34-20G-1.

Medical Cannabis Cultivation Facility: a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment.

Medical Cannabis Establishment: a medical cannabis cultivation facility, a medical cannabis testing facility, a medical cannabis product manufacturing facility, or a medical cannabis dispensary.

Medical Cannabis Products: any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans for medical purposes. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

Medical Cannabis Product Manufacturing: a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells medical cannabis products to a medical cannabis dispensary.

Medical Cannabis Testing Facility: a legally licensed entity legally authorized to analyze the safety and potency of medical cannabis.

Department: the South Dakota Department of Health

Medical Cannabis (or Medical Marijuana): all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. (hemp) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

Medical Cannabis Dispensary: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses medical cannabis, medical cannabis products, medical cannabis paraphernalia, or related supplies and educational materials.

Place Open to the Public: A place open to the public is a place to which the public is invited, including in, on, or around any place of business, parking lot, or place of amusement or entertainment, whether or not a charge of admission or entry thereto is required and includes the elevator, lobby, halls, corridors, and areas open to the public of any store, office, or multifamily residential building even if such place charges an admission or limits the number of admittees.

Source: (Ord 21-34; Eff 9-25-21)