

TITLE I: ADMINISTRATIVE CODE

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Chapter 1-1: Town Board of Trustees Meetings

- 1-1-1 Regular Meetings. The regular monthly meeting of the Board of Trustees of the Town of Wolsey shall be held on the first Monday of each month at 5:00 pm in the City Hall. In the case of the regular meeting day falling on a holiday, said meeting will be held one day later. Any person or person(s) who wish to be heard at the Town Meeting must be put on the agenda the Friday prior to the meeting.
- 1-1-2 Special Meetings. Special meetings of the Town Board of Trustees may be held at any time on the call of the Town President or the Finance Officer, in case of his/her absence or inability to act or refusal to act, by the majority of the Trustees.
3. Notice. In case of special meetings, it shall be the duty of the Town President, or other official calling the same, to issue notice to each of the Trustees in due time before the holding of such meeting. The notice may be given by person, letter, or by telephone.
- 1-1-4 Order of Business: Regular Meetings. At all regular meetings of the Town Board of Trustees after the same shall have been called to order, the business of the meeting shall be considered in the following order:
- A. Calling the roll of members.
 - B. Correction and approval of the minutes of the last regular meeting and of any intervening special meeting(s).
 - C. Financial Report
 - D. Presentation of claims and communications.
 - E. Introduction and first reading of ordinances.
 - F. Introduction of resolutions.
 - G. Reports of standing and special committees.
 - H. Second reading and final passage of ordinances.
 - I. Reports of Town Officers.
 - J. Unfinished business.
 - K. Miscellaneous business.

Provided, however, that this order of business may be temporarily suspended at

any meeting by the affirmative vote of a majority of the Town Board of Trustees.

- 1-1-5 Order of Business: Special Meetings. Special meetings of the Town Board of Trustees may, consider only the matters for which the meeting was called and the order of business provided for regular meetings in the preceding section shall not be observed.
6. Adjournment of Meetings. Any regular or special meeting may be adjourned to meet at a later date to be fixed at the time of adjournment.
7. Quorum, Majority Required for Action. A majority of the members of the Board shall constitute a quorum, but no act of the Board shall be effective unless assented to by a majority of the members. In the case of the Town of Wolsey, a quorum may consist of two (2) Town Board of Trustees members.

Chapter 1-2: Officers, Bonds, Salaries and Compensation

- 1-2-1 Elective Officers. The elective officers of the Town shall be three (3) trustees. They shall constitute the Town Board of Trustees. Each shall be a legally qualified elector of the Town, within the City Limits of Wolsey.
2. Terms of Officers. Terms of office of trustees. The members of the Board of Trustees shall hold office for three years and until their successors are elected and qualified.
- Whenever any third class municipality is organized, the trustees shall be elected for terms of one, two, and three years respectively at the first annual election. At subsequent elections each trustee shall be elected for a term of three years.
3. Town President Elected by Town Board. At the first regular meeting after their election, the members of the Board of Trustees shall elect one of their members as Town President to serve for one (1) year and until his/her successor is elected and qualified.
4. Appointed Officers. The appointed officers of the Town shall be Finance Officer, Zoning Board, Maintenance Person, and such other officers as may be provided for by ordinance.
- 1-2-5 Mode of Appointment. All appointed officers of the Town shall be appointed by the Town Board of Trustees.
- 1-2-6 Term of the Appointed Officers. Each appointed Town Officer shall enter upon the discharge of his/her duties as soon as each has duly qualified and shall hold office until the appointment and qualification of his/her successor. Each appointed officer shall hold his/her appointment for a one (1) year term, which may be extended each year thereafter.
7. Qualifications of Officers. The Town Board of Trustees shall qualify by filing the Constitutional Oath with the Finance Officer within ten (10) days after notice of their election.
8. Certificates of Appointment. All appointed officers, except the Finance Officer, shall be commissioned by warrant under the corporate seal, signed by the Town President and Finance Officer. The Town President shall issue a certificate of appointment under the seal of the municipality to the Finance Officer.
9. Vacancies, How Filled. In case of vacancy for any cause in the office of Finance Officer, Zoning Board or Maintenance Personnel or any other appointive office, the Town Board of Trustees shall fill the vacancies. In case of a vacancy in the

Board of Trustees, the same shall be filled by appointment by the remaining members at a special meeting of the board called for that purpose. Such appointee shall hold office until the next annual municipal election when such vacancy shall be filled by election for the balance of the unexpired term.

10. Removal of Elected Officer. The removal of any Town officer from the Town Board or his/her failure for ten (10) days after notice of his/her election or appointment to qualify and enter upon the duties of his/her office, or the conviction of any such officer of any public offense other than a misdemeanor shall cause a vacancy in the office.
- 1-2-11 Grounds for Removal of Elected Officers From Office. All elected Town Officers may be charged, tried, and/or removed from office for misconduct, malfeasance, nonfeasance, crimes in office, drunkenness, gross incompetency, corruption, extortion, oppression, or gross partiality according to provisions of SDCL 3-17-B through 3-17-11.
- 1-2-12 Removal of Appointed Officer. The Town Board of Trustees shall have the power to remove from office, any officers or employees appointed by the Town Board of Trustees whenever it shall be of the opinion that the interests of the Town demands such removal. Such removal shall be by majority vote of the Town Board of Trustees.
- 1-2-13 Certain Officers Not to Hold Other Office. No Town President, Finance Officer, or Trustee shall hold any other office under the municipality while an incumbent of any such office.
- 1-2-14 Public Records. The Finance Officer shall keep a record of the official acts and proceedings of this office and such record shall be open to public inspection upon request of the Finance Officer.
- 1-2-15 Compensation. Compensation of all officials and personnel will be set by the Town Board of Trustees and on file with the Finance Officer and published in the January minutes as required by law.

Chapter 1-3: Law Enforcement

1-3-1 Provision for Law Enforcement. Law enforcement in the Town of Wolsey shall be as provided by the Beadle County Sheriff Department or as otherwise agreed upon or arranged by the Town Board of Trustees, Wolsey, South Dakota.

Chapter 1-4: Fire Department

1. Provision for Fire Protection. Fire protection in the Town of Wolsey shall be as provided by the Wolsey Town/Township Volunteer Fire Department or as otherwise agreed upon or arranged by the Town Board of Trustees, Wolsey, South Dakota.
- 1-4-2 Constitution and Bylaws. The Fire Department may adopt such constitution and bylaws and rules for its regulation and government, subordinate to the ordinances of the said Town, as it may deem best calculated to accomplish the object of its organization.
- 1-4-3 Members. The members of the Fire Department must be able-bodied men and women. There shall also be a Fire Chief appointed to said Fire Department.
4. Appointment of Officers. Officers shall be nominated by the active members of the Wolsey Town/Township Volunteer Fire Department and elected by a majority of members present at the April meeting of the Wolsey Town/Township Volunteer Fire Department.
- 1-4-5 Duties of Chief Over Members and Apparatus. The Chief shall have sole charge and control over the members of the Fire Department at fires. He/she shall, at all times, have the general direction and management of hose and other apparatus belonging to the department.
- 1-4-6 Keeping Fire Apparatus in Readiness. The Chief of the Fire Department shall keep the engine house properly heated and lighted and see that all the fire hoses are, at all times, dry and that all fire apparatus is, at all times, in readiness.
- 1-4-7 Power of Chief to Arrest. The Chief, or in his/her absence, the firefighter in command, shall have authority, and it shall be his/her duty to arrest any person or persons committing an incendiary act or intent and to take them before any magistrate or justice of the peace for criminal prosecution.
- 1-4-8 Fire Zone. The Chief, or in his/her absence, the firefighter in command may prescribe limits around any fire. It shall be unlawful for any persons, except those who reside therein, firemen, policemen, and those given admission by any officer of the Fire Department, to enter therein.
- 1-4-9 Investigation of Cause of Fire. The Chief shall inquire into and investigate the cause of each fire that occurs in the Town of Wolsey as soon as possible and make a record of his/her proceedings and file the same or a copy thereof with the secretary of the Fire Department.

10. Financial Estimate. The Chief shall prepare, in detail, and submit to the Finance Officer on or before the first day of August in each year, an estimate of the entire cost and expense of providing and maintaining the Wolsey Town/Township Volunteer Fire Department of said Town during the current fiscal year; and said Finance Officer shall present such estimate to the Wolsey Board of Trustees with his/her annual estimate.
11. Split Financial Estimate. The Town of Wolsey and the Wolsey Township will each be responsible for an equal share (50/50) of the Financial Estimate for the Wolsey Town/Township Volunteer Fire Department each year.
- 1-4-12 Command in Absence of Chief. If the Chief is absent from any fire, the Assistant Chief, or the secretary-treasurer, of which, whoever arrives first at the scene, will take charge of the Volunteer Firefighters and shall exercise all the powers of Chief.
- 1-4-13 Collection of Debts Due Department. The Fire Department of the Town may, in the name of the Town and for the use of the Department, sue any member of the Volunteer Fire Department who shall be justly indebted to it pursuant to the constitution and bylaws of said department, provided such action has first been submitted to and approved by the Wolsey Town Board of Trustees.
- 1-4-14 Conduct at Fires. Upon the alarm of fire, the different companies, under direction of their proper officers, shall repair to the place of fire with the fire apparatus under their care, and work to manage the fire under the direction of the Chief. If any company shall, without permission of the Chief or such other person as may be in command, leave any fire with its apparatus, the one directing command of such company while so leaving, shall be punishable by a fee set by the Board of Trustees and on file with the Town Finance Officer.
- 1-4-15 Obstructing Door of Fire Hall. Any person, who shall in any manner obstruct the use of the door of the Wolsey Fire Hall, or place any material in front of or within ten (10') feet on either side of said door, or park any automobile within ten (10) feet of said door, shall upon conviction, be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer. Any such material, automobile, or vehicle, shall be forthwith removed by any member of the Volunteer Fire Department at the risk and expense of the owner.
- 1-4-16 Impersonating Firefighters. Any person not a member of the Wolsey Town/Township Volunteer Fire Department, who impersonates a firefighter or officer of the Fire Department at a fire or while going to or from a fire shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.
- 1-4-17 Refusal to Obey Orders. Every person present at a fire shall be subject and obedient to the orders of the Chief or such other person or persons in charge.

- 1-4-18 Giving False Alarm. Any person or persons who shall, in the Town of Wolsey, knowingly or willfully give a false alarm of fire, shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.
- 1-4-19 Refusal to Assist Firefighters. The Chief, or the one in command, may command the aid of any truckmen, person or vehicle in drawing and conveying any of the fire apparatus to the fire and in working and using the same while at a fire; and any person who shall refuse or neglect to comply with such command shall, upon conviction thereof, be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.
- 1-4-20 Hindering Firefighters and Injuring Fire Apparatus. Any person who willfully hinders or delays any officer or firefighter in the performance of his/her duties at a fire or who willfully injures, defaces, or interferes with any of the fire apparatus belonging to the Town of Wolsey shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.
- 1-4-21 Driving Over Hose. Any person who drives a vehicle over unprotected fire hose used at a fire, fire alarm, or Fire Department practice without the consent of the Chief shall punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.
- 1-4-22 Allowing Use of Fire Apparatus. Any person having charge of the fire apparatus without the consent of the Fire Chief or the one in command shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer. Said person shall be liable to the Town of Wolsey for any injuries hereby accruing to such apparatus.
- 1-4-23 Taking Fire Apparatus Outside District Limits. The Chief, or in his/her absence, the Acting Fire Chief may authorize their respective fire apparatus beyond the Wolsey Volunteer Fire District to be absent such length of time as he/she may direct. Any officer in command of any company who suffers or permits the apparatus in charge of said company to be taken beyond the limits of the Wolsey Fire District without such permission shall punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer. He/she shall be personally liable for all damage that might happen to such fire apparatus during such absence.
- 1-4-24 Insubordination. Any firefighter who refuses to obey the Chief, or the person having control of the Fire Department, during any fire shall, upon conviction, shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.
- 1-4-25 Destroying Buildings at Fires. The Chief, or person in command of the Fire

Department, may direct the hook and ladder company or other persons to cut down and remove any fence or other small obstruction for the purpose of checking the progress of the fire.

1-4-26 Disposition of Fines. The Finance Officer shall place all moneys collected from fines or otherwise under the provisions of this chapter into the Fire Fund of the Town of Wolsey.

1-4-27 General Penalty: Fire Department. Any person who shall violate any of the provisions of this chapter, for which no other penalty is provided, shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.

Chapter 1-5: Ordinance and Resolution Regulations

1. Ordinance Control Authority. The Town Board of Trustees shall have the authority to make, publish, ordain, amend and repeal all such ordinances, bylaws and police regulations not contrary to the Constitution of the United States and the laws of this State for the good government and commerce of the Town of Wolsey as may be necessary to carry into effect the powers vested in the Town Board of Trustees or any officer of said Town by this act.

1-5-2 Rules and Regulations Regarding Enactment of Ordinances and Resolutions. All ordinances of the Town shall be passed pursuant to such rules and regulations as the Town Board of Trustees may prescribe provided that upon the passage of all ordinances the yeas and nays shall be entered upon the record of the Town Board of Trustees. A majority of the votes of all the members of said Board present shall be necessary to their passage, provided a majority of all the members elected shall constitute a quorum for the transaction of business.

A. All ordinances of the Town may be proven by the ordinance book or the certificate of the Town of Wolsey under the seal of the Town, if there be such seal, and, when posted or published in a book or pamphlet form and purporting to be published or printed by authority of the Town, shall be read and received in all courts and places without further proof.

B. The style of all ordinances shall be as follows:
"An ordinance (inserting the title)" followed by: "Be it ordained by the Town of Wolsey" followed by the substance of the ordinance.

C. An ordinance must embrace but one subject, which shall be expressed in its title.

D. All ordinances shall be read twice with at least one (1) week intervening between the first (1st) and second (2nd) reading, shall be signed by the Town President or representing Trustee, filed with the Finance Officer, and published once. Twenty (20) days after the completed publication of such notice, unless the referendum shall have been invoked, such ordinance shall become effective.

Except, an ordinance incorporating and adopting comprehensive regulations or a code promulgated, approved, and published by a recognized and established national organization prescribing building, electrical, plumbing, safety, fire, or health need not be published in a newspaper, but upon adoption of such an ordinance, the Finance Officer shall publish a notice of the fact of adoption once a week for two (2) successive weeks in the official newspaper. Twenty (20) days after the completed publication of such notice, unless the referendum

shall have been invoked, such ordinance shall become effective.

- E. Except such resolutions or ordinances as may be necessary for the immediate preservation of the public peace, health, safety, or support of the municipal government and its existing public institutions, or which provide for an election, or for hearing on an improvement or assessment, or which call for bids, which take effect on the twentieth (20th) day after its publication unless suspended by operation of a referendum.
- F. A resolution may be passed after one (1) reading. It shall be recorded at length in the minutes of the meeting at which it is passed with a statement of the number of votes for and against the same. It shall be published in full as part of the minutes.

1-5-3 Expansion of Powers Beyond Existing Ordinances. When by State law the power confirmed upon the Town President and Board to do and perform any act or things and the manner of exercising the same is not specially pointed out, the Town President and Board may provide, by ordinance, the details necessary for the full exercise of such powers.

1-5-4 General Penalty Clause. When no penalty is prescribed for violation of the provisions of any title, chapter, or section of these ordinances, then any person or persons, firm or corporation violating any such provisions of these ordinances, or failing to comply with any of the provisions thereof shall, upon conviction thereof, where no penalty or punishment is prescribed in the section, title, or chapter containing such provision, be punished by a fine of not exceeding two hundred (\$200) dollars or by imprisonment in the County Jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment in the discretion of the court; provided that in all cases where a fine is imposed, the court may, in the event that the fine is not paid, commit the person or persons to the County Jail for a period of one (1) day for each twenty (\$20) dollars of such fine.

1-5-5 Trial Provisions. Trial for violation of these ordinances shall be before a Judge or Magistrate empowered by the State law to try such violations, and such trial shall follow the procedure prescribed by law.

1-5-6 Conflicting Ordinances Repealed. If any provision of this article is declared unconstitutional or the application thereof to any person or circumstances held invalid, the constitutionality of the remainder of the article and the applicability thereof to other persons or circumstances shall not be affected thereby.

Chapter 1-6: Elections

- 1-6-1 Date of Annual Municipal Election- Hours of Voting. In said municipality, an annual election for the election of officers shall be held on the second Tuesday of April of each year at the Community Center. The polls at such election shall be kept open continuously from 7 o'clock a.m. until 7 o'clock p.m. and no longer.
2. Regulations and Procedures. The Town Board shall have power to regulate elections and to appoint the judges thereof. Voting shall be by ballot, and the judges of the election shall take the same oath and have the same penalties as judges of general elections under the State laws. The ballots shall be counted in the same manner provided by general law. The returns shall be delivered sealed to the Finance Officer within one (1) day after election, and the Town Board shall within three (3) days after election meet and canvass the vote and declare the result of the election. All persons elected or appointed to office shall qualify within ten (10) days thereafter, otherwise the office shall become vacant.
- 1-6-3 Notice to Persons Elected-Time Allowed for Qualifications. The Finance Officer, within two (2) days after the result of the election is declared, shall notify all persons elected to office of their election. Unless such person shall qualify in ten (10) days after such notice, the office shall become vacant.
- 1-6-4 Tie-Breaking Provisions. Whenever there shall fail to be an election of any officer voted for by the voters of said Town, in consequence of two (2) or more candidates receiving an equal number of votes for the same office, the judges of the election shall certify the same to the Town President who shall determine the same by casting of lots in such manner as the Board may direct.
5. Election Not Held in Absence of Contest: Certificate of Election Issued to Unopposed Candidates. No election shall be held in said municipality wherein there is no question to be submitted to any elections or wherein there are no opposing candidates for any office. In case there are no opposing candidates, the Finance Officer shall issue certificates of election to the nominees, if any, in the same manner as to successful candidates after election.
- 1-6-6 Provision of Vacancy. In case the people shall fail to elect any of the officers herein required to be elected, the Town Board shall forthwith order a new election for such office; and when any vacancy shall occur by death, resignation, removal, or otherwise, of any of the officers named above, such vacancy shall be filled by a new election within thirty (30) days after the vacancy occurs, unless said vacancy shall occur within three (3) months before the regular Town election in which case no special election shall be called. Officers elected to fill vacancies shall hold their offices only during the unexpired term. Each appointed officer shall hold his/her appointment for a one (1) year term, which may be extended each year thereafter.

- 1-6-7 Qualifications of Voters at Municipal Elections. Every person/resident of this State who shall be of the age of eighteen (18) and upwards, not otherwise disqualified, who shall have complied with the provisions of law relating to the registration of voters shall be entitled to vote at any election in the Town of Wolsey, South Dakota. Per SDCL 9-13-4.1, a person is qualified to vote in a municipality if such person has resided in the municipality for at least thirty (30) days each year, and shall have a valid ID as prescribed by South Dakota State Law in order to vote.
- 1-6-8 Penalty: Elections. Any violation of the above voting qualifications by any person shall be deemed a violation of the Ordinances of the Town of Wolsey, and be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.
- 1-6-9 Notice Published Prior to Time of Filing Nominating Petitions. Not less than thirty (30) days prior to the time of filing of nominating petitions for municipal officials, the Finance Officer of the Town shall cause to be published in the official newspaper designated by the Town Board, a notice setting forth the vacancies which will occur by termination of the terms of office of elective officers and which notice shall also state the time and place where nominating petitions may be filed for such offices. Such notice shall be published once each week for two (2) consecutive weeks.
- 1-6-10 Town President Pro Tem Provision. When any vacancy shall happen in the office of Town President by death, resignation, absence, or otherwise, the Town Board shall, by the vote of a majority of all Board Members, elect from their number a Town President Pro Tem, who shall exercise the office of Town President until such vacancy is filled or such disability removed, or in case of temporary absence, until the Town President shall return. During that time, he/she shall receive the same compensation that the Town President would be entitled to, the same to be deducted from the salary of the Town President.
- 1-6-11 Residence Requirement for Election or Appointment to Office- Exceptions: Defaulters Ineligible. Except as otherwise provided, no person shall be eligible to any municipal office who has not attained the age of eighteen (18), who is not a qualified voter of the Town of Wolsey, and who shall not have resided therein at least three (3) months next preceding his/her election or appointment, per SDCL 9-14-2. The Town Attorney and Finance Officer need not be qualified electors of or residents of the Town. No person shall be eligible to any municipal office that is a defaulter to the Town of Wolsey. If the Town President moves from the Town, his/her office shall be vacated.

- 1-6-12 Certification of Officers. At the first meeting of the Town Board after any general election for Town officers, they shall cause to be made out and certified by their Finance Officer, a certificate of election of such officers, as are required to be elected by this act. A neglect of any such officer to qualify within ten (10) days after the delivery of the certificate to him/her shall be deemed a refusal to accept the office to which he/she shall have been elected.
- 1-6-13 Grounds for Removal of Elected Officials From Office. All elected Town officers may be charged, tried, and/or removed from office for misconduct, malfeasance, nonfeasance, crimes in office, drunkenness, gross incompetence, corruption, extortion, oppression, or gross partiality according to provisions of SDCL 3-17-6 through 3-17-11.
14. Removal From Office of Officer Appointed by Town President- Report to Board. The Town President shall have power except as otherwise provided to remove from office any officer appointed by him/her whenever he/she shall be of the opinion that the interests of the Town demand such removal, but he/she shall report the reasons for his/her removal to the Board at its next regular meeting.

TITLE 2: LOCATION AND BOUNDARIES

Chapter 2-1 Boundaries

Chapter 2-2 Annexation

Chapter 2-1: Boundaries

2-1-1 Corporate Limits. These regulations shall apply for and within the corporate limits of Wolsey, South Dakota. An area extending one and one-half (1 ½) miles in all directions from the corporate limits, as defined by the official zoning map, shall be under joint jurisdiction with Beadle County.

Chapter 2-2: Annexation

- 2-2-1 Penal Sum Required. At the time of annexation, the owners petitioning for such annexation shall file written undertaking signed by sureties satisfactory to the Town Board of Trustees in such penal sum as they may require, but in no case in excess of the estimated cost of all necessary storm sewers, sanitary sewers, curbs, gutters, and sidewalks, which undertaking shall provide that all of said improvements shall be made as ordered by the Town Board of Trustees, otherwise the penal sum mentioned in the bond shall be forfeited to the Town; or in lieu of furnishing such a bond, the owners, prior to the annexation, may install all of said improvements, and the petitioners for annexation shall show that such improvements have been previously installed before petitioning for such annexation.
- 2-2-2 Grades and Specifications - Sewers, Curbs, Gutters, Sidewalks. All such storm sewers, curbs, gutters, and sidewalks shall be designed and constructed in accordance with the grades and specifications established and approved by the Town President and Town Board of Trustees. All engineering work necessary for the establishment of grade lines to comply with the grades and specifications of the Town shall be done by the owner at the owner's or contractor's expense, but shall be, prior to any construction, approved by the Town Board of Trustees.
3. Town to Install Water Mains. The Town will install water mains including pipe, labor, hydrants, and fittings to the lot, and not within; and the Town will be responsible for the cost of any other related services which may be for any reason installed by the Town within the Town limits; and the Town shall, at its own expense, do or furnish grading of streets within the Town limits.

TITLE 3: BUILDING CODE

Chapter 3-1 Building Code

Chapter 3-2 Moving Buildings

Chapter 3-3 Excavations in Public Places

Chapter 3-1: Building Code

- 3-1-1 Intent. It is the intent of the Town of Wolsey, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that the following rules and regulations contained in this Title be enforced in the construction of all buildings and other structures within the corporate limits of the Town of Wolsey.
- 3-1-2 Establishment of Department of Building Inspection. That there be, and hereby is, established a Department of Building Inspection in and for the Town of Wolsey and shall consist of the Maintenance Personnel and Zoning Board Secretary.
- 3-1-3 Appointment of Building Inspector. That the Maintenance Personnel shall be the head of the Department of Building Inspection and shall be known as the Building Inspector.
- 3-1-4 Work of Department. All buildings and/or mobile homes constructed, repaired, or removed within the limits of the Town of Wolsey moved into said limits shall be under the supervision and control of the Department of Building. Inspection, aforesaid, and shall be subject to all provisions of this ordinance.
- 3-1-5 Power to Suspend Work. Whenever the Building Inspector shall deem that any work in the erection, alteration, repair, or removal of any building in the limits of the Town of Wolsey or the moving into said limits of any building, does not conform to the requirements of this chapter, or of any ordinance of Wolsey or with the permit granted therein, he/she shall serve a written notice upon the person in charge of such work or the owner of such building or, if such person cannot conveniently be found, post a copy thereof in a conspicuous place on said building, requiring that all work thereon shall cease until further order of the Department of Building Inspection. That from and after the service of such notice, no person or persons shall do or cause to be done any further work upon such building until a permit therefore has been issued by the Department of Building Inspection.
- 3-1-6 Definitions.
- A. Whenever the word "municipality" is used in the Building Code, it shall be held to mean the Town of Wolsey.

B. Whenever the term "corporate counsel" is used in the Building Code, it shall be held to mean the Town Attorney for the Town of Wolsey.

7. Building Permits Required. Any person, firm, or corporation desiring to erect or remove any building within the Town of Wolsey, shall apply to the Wolsey Town Zoning Board for a permit for such purpose and furnish a plan and specifications sufficient for the Wolsey Town Zoning Board to determine whether such building, alteration, or repair is in compliance with the provisions of the Wolsey Zoning Regulations.

3-1-8 Application for Permit. Any person, persons, firm, or corporation desiring to construct, erect, or repair any building or mobile home within the building limits of Wolsey or removing from or into said limits any building or mobile home shall make application for a permit therefore to the Zoning Board Secretary, which application shall state the following facts:

A. For Construction of Building. Said application shall state: the name of the architect; the name of the contractor or builder; the street of the proposed location; the lot or part of lot; block and addition upon which the building is proposed to be located; the dimensions, giving its front, depth, height, and number of stories; the material of which it is proposed to be constructed; the manner of construction; the use to which said building is to be devoted; and the time of the probable completion.

B. For Repairs of Building. Said application shall state present location of the building, giving the street, lot or part of lot, block, and addition, and the description of the building, giving the front, depth, height, number of stories, material built of, and the purpose for which used, together with the value of the building to be repaired and a specific description of the contemplated repairs and improvements, giving the costs of such repairs and improvements.

C. For Removal From Town or Moving Into Town Buildings or Mobile Homes. Said application shall state the street, lot or part of lot, block and addition on which the building or mobile home is to be located, the number of stories, width and depth of building, lot, block, and addition or subdivision. Said application shall be subscribed and sworn to by the owner and contractor or builder and shall be filed with the Town Finance Officer in the Department of Building Inspector.

9. Building Permit Fee. Permit fees shall be set by Wolsey Town Board of Trustees and shall be on file with the Town Finance Officer. It is the owner's responsibility

to obtain a permit prior to construction on the property.

- 3-1-10 Town Board to Approve or Reject Application. The Zoning Board Secretary shall receive the application and refer it to the Zoning Board for their consideration at their next meeting. No owner or contractor or builder shall attempt to proceed with any work or improvement of any kind for which a request is herein required without first having obtained a permit therefore. If approved by the Zoning Board, the Zoning Board Secretary shall issue such permit. If disapproved, the Zoning Board Secretary shall notify the applicant of such disapproval and the reasons for disapproval.
11. Form of Permit - In Duplicate. The permit granted by the Zoning Board Secretary shall be in duplicate and shall have attached thereto an agreement signed by the owner of the building, agreeing that in consideration of the issuance and delivery of such permit, the said owner will do the proposed work in accordance with the specifications set forth in the application, will allow the Building Inspector to inspect the work at all times, will abide by the ruling or directions of the Building Inspector and will, in all things, comply with the terms of this chapter and the amendments thereto, and all other ordinances in force in said Town relating to this subject.
12. General Penalty: Building Code. Any person or persons who shall violate any of the provisions of this chapter or who shall remove or repair a building without complying with the provisions thereof shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.
- 3-1-13 Guarantee Fund. Any person, persons, firm or corporation desiring to demolish a building or move a building from or into the Town limits shall deposit with the Finance Officer, a minimum sum set by the Town Board of Trustees. Such deposit shall protect the Town against loss or damage to crossing, sidewalks, or other public or private property, or expense for protecting such property against the injuries that may be caused by such removal. The deposit shall be returned to the person submitting an official report of the condition of the streets, sidewalks, crossings, or other public or private property after such removal made by a duly authorized representative of the Zoning Board.
- 3-1-14 Payment to Town Before Move. In the event any such building is to be moved outside the Town limits, the person so moving shall first pay his/her prorated share of the balance of general obligation debt based on the ratio of the last assessed value of the said building. All general obligation debt, social assessments, and miscellaneous outstanding payments shall be figured by and paid to the Finance Officer. All real estate taxes shall be figured by and paid to the County Treasurer.

3-1-15

Moving a Building to Outside the Town Limits– Non-refundable Fee. In addition to complying with the other Town Ordinances, any owner or owners of an affixed building that has been used during the preceding ten (10) years, shall pay to the Town a one-time, non-refundable fee up to but not exceeding five (5%) percent of their assessed valuation as recorded in the Office of Director of Equalization if such building is to be moved to a location outside the Town Limits of the Town of Wolsey, South Dakota.

- A. This fee shall not exceed the sum of five thousand (\$5,000.00) dollars. The aforementioned fee may, at the discretion of the Town Board of Trustees, be refunded to said owner when replacement within one (1) year retains or exceeds the original assessed base.
- B. The owner or owners of any buildings that will be or are removed from the assessment roll; must clean up, restore, and fill in basements/crawl ways in the remaining lot or lots.
- C. The Town Board of Trustees prior to the removal of the building will determine a deposit for this restoration.

3-1-16

Temporary Permissible Wooden Structures in Fire Limits. No frame or wooden structure shall hereafter be built within the fire limits as defined herein, or as they may be hereafter established, except the following:

- A. Temporary one (1) story frame buildings for use of builders.
- B. Structures built by a retail lumberman upon his/her premises and which building must be removed from the premises within three (3) days after completion.

Chapter 3-2: Moving Buildings

3-2-1 Moving Buildings. It is unlawful for any person or persons, firms or corporations to move into, along, or over any of the streets, alleys or avenues of the Town any building, without a permit having first been obtained.

3-2-2 Application. Written application for a moving permit shall be made to the Wolsey Finance Officer and shall include, but not limited to, the following:

- 1) The proposed location to which such building or part thereof may be moved;
- 2) The present location of the building to be moved;
- 3) At least two photographs of the building concerned, taken from different angles;
- 4) Dimensions of the building, width, length, height, and type of construction, frame, masonry, steel, etc;
- 5) The moving route;
- 6) Signature of the applicant, date of application, and name of the bonded mover; and
- 7) A statement of the willingness of the applicant to furnish a performance bond executed to the Town prior to granting of the moving permit and necessary building permits. Bond requirement may be waived in lieu of copy of bona fide contract to cause moved building to conform to Town and County building, plumbing, and electrical codes and in compatibility with other buildings in the proposed move-in area. Completion date of conformity to codes and area shall be no more than one hundred eighty (180) days from date of issuance of the permits whether covered by or contract;
- 8) Pay a fee that is set by the Town Board of Trustees and is on file with the Finance Officer.

However, if such building is to be moved to any location within the Town, no permit shall be granted until after a hearing on such application, which the hearing will be at a regular meeting of the governing body and after five (5) days notice of such hearing has been given by posting of not less than one sign containing notice of the hearing, in a conspicuous place on or near the property to which the application is made to move such building.

3-2-3 Bond for Movers. Before issuing such permit, the Finance Officer shall require the person, firm, or corporation who is to move the building to file in the office of the Finance Officer a written application for such permit which shall describe such building, state the location from which it is to be moved, the streets and alleys over and along which the same is to be moved, and the location to which it is proposed to move said building and shall also require a bond to be executed to the Town with good and sufficient surety and conditioned for the payment of any damage that said Town may be liable in consequence of the use of any street, alley or

avenue for the removal of such building, and for any damage which may occur to any street, alley or avenue on account of the removal of such building, and the payment of any penalty that may be incurred by such person, firm or corporation, his/her, their, or its agents, for the violation of any of the provisions of this chapter.

Any person, firm, or corporation in the business of moving buildings may file their bond for one year covering all buildings moved by them, subject to the provisions of this chapter.

The dollar amount of the bond that is required by the Town of Wolsey will be on file in the office of the Finance Officer.

4. Guarantee Fund. Whenever the Finance Officer shall decide from any other information as he/she may obtain, that the sum set by the Town Board of Trustees is not sufficient as a guarantee fund for ample protection of the Town against the probable damages and expenses that may be caused by the removal of such building, he/she is hereby authorized and it shall be his/her duty to require an additional deposit set by the Town Board of Trustees and on file with the Finance Officer.
5. Permit, Contents. On the receipt of the application and the guarantee fund as hereinbefore provided, the Finance Officer may investigate the representation of the applicant and if such instigation is satisfactory, he/she shall deposit said guarantee fund with the Finance Officer to be by him/her held subject to the order of the Board of Trustees, who shall thereupon issue the said applicant a permit in writing for the removal of such building along or across the streets, highways or alleys to be designated by the Finance Officer. Said removal to be finished prior to the end time stated in such permit.
6. Refunding Guarantee Fund. Before refunding said guarantee fund or any part thereof, it shall be the duty of the Board of Trustees to examine the report of the Finance Officer and pay out of said fund or set aside for such purposes the amount claimed or ascertained as the damages for injuries to the public or private, including the expenses of protection to electric, telegraph and telephone wires as aforesaid, caused or occasioned by the removal of such building as aforesaid.
7. Removing Telephone Wires, etc. and Planking Streets. Any person, firm, or corporation to whom a permit for moving buildings is granted shall see that all telephone or electric wires or poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same and necessary trimming of any trees or branches enroute shall be done or supervised by the Town, who shall be notified by the mover of such need, and such person, firm, or corporation engaged in moving buildings shall plank all streets, alleys and avenues which are paved in such ways as to fully protect such paving or pavement from damage, and

any damage to any sidewalk, pole or other Town property, including the Town roadways, caused by any person, firm, or corporation moving the building, shall be repaired by the Town, or his/her, their sureties, shall be liable for the same.

8. Applicant Must Serve Notice to Owner of Wires, Etc. If the permit includes streets, alleys or highways on which are located, or across or along which are strung electric light or telegraph, telephone wires, or cable television it shall be the duty of such applicant or representative to notify in writing the resident manager or managing agent or officer of such public services corporation or owner of said line or wires at least twenty-four (24) hours before the commencement of such work, of his/her intent to move such building under or across such line or wire and of the approximate time for such crossing of line or wire by such building.
9. Wrecking of Buildings. No person shall wreck or tear down any building or part of a building or permit the same to be wrecked or torn down within the limits of the Town of Wolsey until the owner of thereof has notified the Board of Trustees.
10. Application for Permit. Such owner shall make written application for such permit in which the application he/she shall describe the building or part of a building, which is to be wrecked or torn down. Such application shall have attached thereto a receipt from the Finance Officer of the Town of Wolsey showing that a cash bond, set by the Board of Trustees and on file with the Finance Officer has been deposited with the Town Finance Officer, to be approved by the Zoning Board conditioned that if such application be granted and a permit issued to applicant to wreck or tear down the building or part of a building described in the application that he/she will conform to all regulations and requirements relating thereto which are now, or which may be hereafter established by the Board of Trustees.
- 3-2-11 Fill Excavations. That he/she will promptly fill all excavations and basement left open as a result of the wrecking or tearing down of such building or part of a building and leave the premises in a safe, sanitary, and sightly condition and that he/she repair and make good to the satisfaction of the Board of Trustees any damage to any Town property caused by wrecking or tearing down of such building and that he/she will immediately indemnify and save harmless the Town of Wolsey against any and all liability for damages, costs, or expenses arising from or on the part of his/her servants, employees or contractors in connection with the wrecking or tearing down of such building and that all taxes and assessments shall be paid in full.
12. Approval of Application. Application fees are set by the Board of Trustees and on file with the Finance Officer. Cash bonds shall be deposited and filed with the Finance Officer and shall be submitted by him/her to the Board of Trustees at the next meeting. If the same shall meet with the approval, the Zoning Board Secretary shall be directed to forthwith issue to the applicant a permit to wreck or tear down

the building or part of a building described in the application. If the same does not meet with their approval, the Board of Trustees shall cause the reasons for their approval to be endorsed upon such application and bond shall be forthwith returned to the applicant.

13. Buildings Not to Remain on Streets. It is unlawful for any person, firm, or corporation to allow any building for which a removal permit shall be obtained, to remain upon, occupy, or stand upon any streets, avenues, alley, or sidewalk for more than twenty-four (24) consecutive hours. Warning lights shall be displayed at night on buildings being moved while standing upon the streets or alleys or avenues of the Town.
14. Damaging Streets. Any house mover moving any house or other building over or across any street, sidewalk, or curb shall, when so provided in their permit, cause such street to be protected by laying planks thereon.
15. Town May Move Buildings. Whenever the person, firm, or corporation moving a building upon or along any street, avenue, or alley shall willfully or negligently permit such building, while in transit, to remain upon the street, avenue, alley, or sidewalk, the Town shall have the authority and is authorized to move said building to any point or place in the Town where the same shall not obstruct traffic or inconvenience the public, and the Town shall keep an account of the expenses of such removal, and said person, firm, or corporation and the sureties on the bond filed, as required by the provisions of this chapter, shall be liable to the Town for such expenses and the same shall be collected in any court having jurisdiction.
16. Conforming to Codes. All moved buildings to be located within or relocated within the Town shall be brought into compliance with the building, plumbing, and electrical codes in existence at the time the building or buildings are located or relocated, the foundation and/or basement on which the moved or relocated building will rest shall be complete and ready to accept the building prior to moving said building from the present location to the proposed location. A maximum of one hundred eighty (180) days from the date of issue of the moving permit, and other permits issued at the time of the moving permit, shall be allowed for complete compliance with this chapter.
17. Sewer Required to be Capped. After the moving or tearing down of any building or structure within the Town of Wolsey the water/sewer system is required to be capped off or plugged to prevent underground water seepage. It shall be capped off using a four-inch (4") cap, or other device first approved by the Town Board.
- 3-2-18 Violations and Penalties. Any person, firm, or corporation violating any of the provisions of this chapter is guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this chapter is

committed, continued, or permitted in an amount set by the Town Board and on file in the office of the Finance Officer.

Chapter 3-3: Excavations in Public Places

1. Permit Required. Any person, company, or corporation intending to make excavations in any street, alley, sidewalk, or public ground in the Town of Wolsey for any purpose whatsoever shall file in the office of the Zoning Board Secretary a statement in writing of the place where such excavation is to be made and the estimated time of its completion; together with a written agreement executed by such person, company, or corporation, stating that such person, company, or corporation will pay to the Town of Wolsey any and all damages which may be sustained by the said Town due to the failure of such person, company, or corporation to observe this ordinance. Upon the completion of these requirements, the Zoning Board Secretary shall issue a permit in writing for such excavation.

2. Application and Bond. Application for such permit shall be made to the Zoning Board Secretary, who shall secure the approval of the Zoning Board before issuing any such permit. Such application shall be accompanied by a fee set by the Board of Trustees and on file with the Finance Officer, which will be considered compensation to the Town for the granting of such permit and the necessary investigation prior thereto. In addition to the hereinbefore-described fee, the applicant shall deposit with the Finance Officer an amount set by the Town Board of Trustees on file with the Finance Officer to secure the replacement and refilling of any such excavation. In lieu of such deposit, a bond for the purpose in amount set by the Board of Trustees on file with the Finance Officer, to be approved by the Board covering all excavations for the year for which such bond is given. Before any such permit is issued, the person requiring the same shall state in his/her application thereof where such excavation is to be made, the extent thereof, in front of what lot or lots, for what purpose said excavation is to be made, and whether or not such person has a bond on file with the Finance Officer for making such excavation. If such applicant has not filed a bond, before a permit shall be issued, such applicant shall furnish a bond or make the deposit as above provided with the Finance Officer. The bond shall be used as a guaranty for the proper refilling of and guarding of such trenches and excavations while in the course of excavating or refilling. The maintenance of the same shall remain in good condition for one year thereafter.

3. Deposit Forfeited. If at any time within one year after the issuance of the permit referred to in this chapter the Board of Trustees shall find that the work for which bond deposit was made does not stand a satisfactory test or has not been properly refilled, he shall notify the depositor in writing that the work must be put in satisfactory condition within three days, and if the depositor fails to comply with the terms of said notice, then the Board of Trustees shall have authority to cause such work to be put in proper and satisfactory condition and charge the expense thereof to the sum deposited. The Finance Officer shall upon order from the Board of Trustees return the balance unexpended at the expiration of one year from date

of such permit to the depositor.

In cases where a deposit is put up for all work done by any person as provided in this chapter, the Board of Trustees shall have power to cause the repairing of or refilling of any excavations made by such person if he fails to do so upon three days written notice, and such depositor shall immediately replenish such deposit to the original amount.

4. Supervision of Excavation. The Board of Trustees shall authorize an employee of the Town to supervise all excavations made for any purpose in the streets, alleys or public grounds, and shall require that all excavations be backfilled in the manner specified.
5. Guarding Excavations. Any person, company, or corporation receiving a permit to make excavation in any street, alley, sidewalk, or public ground shall during the progress and continuance of the work, erect and maintain around the same both by day and night suitable guards, fences, flares, and signals so as to prevent injury to person, animals, or vehicles on account of such excavation. Such flares shall be kept lighted from sundown to sunrise.
6. Refilling Excavations. When excavation is completed, the person, company, or corporation making such excavation shall promptly and without delay refill the same in the manner herein provided. The dirt shall be carefully replaced and tamped in hard layers of not more than six (6") inches in depth. Where water supply is convenient, the layers of dirt should be well saturated with water so as to make the surface of the ground, when completely filled, level and as firm as before such excavation occurred.
7. Excavations Under Sidewalks. Any person, company, or corporation having or erecting any building abutting upon any street, alley, or sidewalk in the Town of Wolsey, may excavate under any sidewalk to the curb for the purposes of constructing a cellar or basement in front of or adjoining said building; provided, however, that said excavation shall be surrounded on the outer sides and end with a substantial brick, stone, or cement wall, sufficient to maintain the said sidewalk. Permission to make said excavation must first be obtained from the Zoning Board as provided for in Section 3-3-1 and also said excavation shall be securely guarded as provided for in Section 3-3-2.
8. Excavations Near Street. It shall be unlawful for any person, owner, or occupant of any lot or parcel of land within the Town of Wolsey, to make or cause to be made, any excavation on said lot or parcel of land, unless the same be securely guarded so as to prevent the injury of any person or animals passing upon or along said streets, alleys, public grounds, or traveled path or roadway.

9. Permit Required: Excavations in Public Places. Where it is necessary to cut the street pavement in making any street excavation, there shall be deposited with the Finance Officer before permit is issued an amount set by Board of Trustees on file with the Finance Officer. The deposit is refundable if the area excavated is put back into the same or better condition than it was prior to the excavation.

TITLE 4: FIRE CODE

Chapter 4-1 Fire Code

Chapter 4-1: Fire Code

- 4-1-1 Adoption of National Code. There is hereby adopted by the Town of Wolsey for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Uniform Fire Code, being the whole thereof save and except such portions as are hereinafter deleted, modified, or amended by the Wolsey Town Board of Trustees. The same is hereby adopted and incorporated as fully as if set out at length-herein, and from this date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Town of Wolsey.
- 4-1-2 Definitions. Wherever the word "municipality" is used in the Code hereby adopted, it shall be held to mean the Town of Wolsey.
- 4-1-3 Enforcement. The Chief of the Wolsey Town/Township Volunteer Fire Department shall enforce the rules and regulations hereby adopted.
- 4-1-4 Establishment of Limits of Districts in Which Storage of Flammable Liquids in Outside Aboveground Tanks and Bulk Storage of Liquefied Petroleum Gasses is to be Restricted. The limits referred to in this Code in which storage of flammable liquids in outside aboveground tanks is prohibited, and the limits referred to in this Chapter in which bulk storage of liquefied petroleum is restricted, are hereby established as follows:

Liquid petroleum gases within the jurisdiction of the Town shall be handled, transported, and stored in a safe manner.

Liquid gases.

1. The term "Liquefied Petroleum Gas" as used in this ordinance shall mean and include any material which is composed predominately of any of the following: hydrocarbons, or mixtures of the same; propane, propylene, butane (normal butane of insobutance), and butylenes.
2. That on tanks or containers for the storage or use of liquefied gases in excess of five hundred (500) gallons water capacity that such tanks or containers shall be located on property owned by or under the conclusive control of the user and located at a distance of not less than twenty (20) feet from the building or buildings of adjoining property owners.
3. That no tank or container for liquefied gases in excess of one thousand

(1,000) gallons water capacity shall be installed on any property in the Town of Wolsey.

4. That if no portable containers are used for such liquefied gases as above described no more than four (4) 100 pound portable containers may be used, adjoining the buildings served by such containers; that if portable containers are used in excess of (4) 100 pound containers and not to exceed a total of two hundred (200) gallons water capacity such containers shall be installed and used at a distance of not less than twenty (20') feet from the building or buildings of adjoining properties.
5. Before any tanks or containers including portable containers as above described are installed or used, written application for permission for such installation and use be made to the Wolsey Board of Trustees; which application must state the capacity of the tanks or containers to be installed and the manner of installation proposed including the foundation upon which said container shall be supported. Such installation shall be in accordance with the rules and regulations as promulgated by the State Fire Marshall under the authority of Chapter 98 of the Session Laws of 1947, as awarded, and such application must be approved by the Chief of the Wolsey Town/Township Volunteer Fire Department and duly approved by resolution of the Town Board of Trustees.
6. No plant for the charging of liquefied petroleum cylinders or tanks of any kind shall be installed or located or used within the Town limits of the Town of Wolsey except on such site as may be approved once by the Town Board, and during its normal inspections by the State Fire Marshall.
7. Where portable containers are used for such liquefied gases as permitted by this ordinance such containers shall be removed from the premises immediately upon being emptied.
8. Any persons or person or corporation using or installing any tanks or containers containing liquefied petroleum gases as defined in this ordinance without first having his/her written application therefore duly approved by the Chief of the Wolsey Town/Township Volunteer Fire Department and the Town Board of Trustees as herein provided shall be guilty of a misdemeanor; and such tanks, containers and installation may be removed upon order of the Town Board of Trustees by resolution therefore within five (5) days after service of a copy of such order or resolution upon the owner or user of such container or upon the owner of such property on which they are located. And in event of the failure of such owners, users, or property owners to remove the same they may be removed by proper officers of the Town and such officers shall have the right to enter upon any

real premises in the Town of Wolsey for the purposes of such removal.

- 4-1-5 Permit Required. A building permit will still need to be required from the Wolsey Town Board of Trustees for section 4-1-4, after the Town Board passes a resolution to allow the aboveground tank/bulk storage, along with any fees it may include.
- 4-1-6 Modifications. The Wolsey Town Board of Trustees shall have power to modify any of the provisions of this Chapter hereby adopted upon application in writing by the owner of lessee, or his/her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Chapter, provided that the spirit of the Chapter shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Chief of the Wolsey Town/Township Volunteer Fire Department thereon shall be entered upon the records of the Department and a signed copy shall be furnished to the applicant.
- 4-1-7 Appeals. Whenever the Wolsey Town Board of Trustees shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the Chapter do not apply or that the true intent and meaning of the Chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Wolsey Town/Township Volunteer Fire Department to the Town Board of Trustees within thirty (30) days from the date of the decision of the appeal.
8. Burning of Buildings or Other Property. No property owner or occupant shall destroy a building or other such property by fire in the Town Limits unless he/she shall first notify and receive permission from the Fire Chief and have obtained the appropriate permits immediately prior to burning the said building or property.
- 4-1-9 Open Fires, Trash Burning Unlawful. It shall be unlawful for any person to light, set fire to, or burn hay, straw, manure, leaves, trees, weeds, grass, vegetation, lumber, trash, garbage, refuse or rubbish of any kind within the Town limits of Wolsey. This section shall not apply to any fire maintained by the Wolsey Town/Township Volunteer Fire Department in ridding the Town of any nuisances or hazards, or personal and properly maintained fire pits. Fire pits may not be used during a Beadle County burn ban.

TITLE 5: HEALTH CODE

- Chapter 5-1 Sanitation
- Chapter 5-2 Solid Waste Disposal
- Chapter 5-3 Miscellaneous Nuisances
- Chapter 5-4 Noxious Weeds
- Chapter 5-5 Barbed Wire Fence
- Chapter 5-6 Stockyards, Feeding Lots, Buildings
- Chapter 5-7 Poultry

Chapter 5-1: Sanitation

- 5-1-1 Sanitary Regulations. It shall be the duty of the Town Board of Trustees of the Town of Wolsey to make such regulations from time to time, as it may deem necessary and expedient for the welfare and health of the people of said Town. Such regulations shall be published in the official newspaper of said Town for at least two (2) successive publications.

- 2. Garbage Disposal. The Town Board of Trustees of the Town of Wolsey may, by resolution, authorize the collection of garbage and other refuse and, to that extent, may employ garbage collectors on contract to collect and dispose of garbage.

- 5-1-3 Unauthorized Disposal Prohibited. It shall be unlawful for any person, firm or corporation to dispose of any garbage, rubbish or waste material within the Town of Wolsey or any property under the control of the Town of Wolsey.

- 5-1-4 Garbage Rates. Garbage rates will apply to all homes in the Town and such rates shall be set by the contracting collector and on file with the Finance Officer or based on a fee schedule provided by an authorized garbage collector.

- 5-1-5 General Penalty: Sanitation. Persons violating any sanitary regulations prescribed by the Wolsey Board of Trustees pertaining to this chapter shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.

- 6. Collection Fee. All garbage, rubbish, rubble, and refuse created, produced, or accumulated within the Town limits shall be collected and removed from the property as prescribed herein. The occupant of any property shall be responsible for the refuse collection fees for such property. If the Town enters into a contract with a garbage collector to provide garbage collection within the Town, all property owners and residences shall be responsible for payment of refuse collection fees and the Town shall establish the refuse collection fees with the contracting collector by resolution and such resolution shall be on file in the office of the Finance Officer. The Town may bill for such garbage collection directly or

may authorize the garbage collection contractor to bill property owners or occupants directly for such collection fees. Pursuant to State law (SDCL 34A-6-29), garbage, rubbish, rubble, and refuse collection fees, and the Town may shut off any and all other utilities to such property if the garbage collection fees are delinquent or not paid after three (3) months. The Town shall determine by resolution from time to time its policies concerning nonpayment of refuse collection fees, including the maximum delinquency period, the type of notice, if any, given to the property owner before shutoff, and any late charges or reconnect charges which must be paid before service will be resumed.

Chapter 5-2: Solid Waste Disposal

1. Restricted Use. Under South Dakota law, local ordinances may further restrict some of the items listed below. The Beadle County Rubble site has the right in the future to deem what is authorized and unauthorized for disposal at the Restricted Use Site.

2. Authorized Wastes. Listed below is the list of authorized wastes that may be disposed of at the Beadle County Rubble site Restricted Use Site. All items must be placed in the correct spot within the site. Persons who abuse the site by placing disposal items in the incorrect place and/or dispose of unauthorized materials may be banned from further use of the site.
 - A. Construction and Demolition Debris (non-burnable). Concrete, brick, stonework, asphaltic concrete, concrete block, asphaltic or fiberglass shingles, painted or stained wood, attached insulation, and similar wastes, excluding cardboard, plastic, Styrofoam, foam rubber, other packaging material, containerized paints, sealants, adhesives and similar wastes. *

 - B. Construction and Demolition (C&D) Debris (burnable). Scrap lumber, untreated wood, trees and tree branches.

 - C. Treated Wood.**

 - D. Miscellaneous wastes. Furniture, mattresses and similar wastes.

 - E. White Goods. Refrigerators, washers, dryers, freezers, stoves, water heaters and other recyclable scrap metals, excluding fuel tanks.

 - F. Ash.

 - G. Yard Waste. Leaves, grass clippings, and similar vegetation.

* Cardboard, plastic, Styrofoam, foam rubber, packaging materials, containerized paints, sealants, and adhesives may not be accepted at a restricted use site. These wastes must go to a municipal solid waste landfill.

** Wood treated with copper chromium arsenate (also known as CCA or “green treated”), pentachlorophenol (PCP or “Beadle treated”) wood must go to a permitted municipal solid waste landfill.

Chapter 5-3: Miscellaneous Nuisances

5-3-1 Nuisances Defined and Prohibited. No person shall create, commit, maintain, or permit to be created, committed, or maintained any nuisance as defined herein.

Whatever is dangerous to human health, whatever renders the ground, the water, the air, or food a hazard or an injury to human health, and the following specific acts, conditions, and things are, each and all of them, hereby declared to constitute nuisances.

- A. Impure Food. Selling or offering for sale within the Town of Wolsey any spoiled, diseased, or rotten meat or provision of any kind.
- B. Offensive Substance. Permitting any dead carcass, carrion, or other offensive, nauseous, or unwholesome substance to be in any building or remain upon the surface of any lot in the Town for any period exceeding twenty-four (24) hours.
- C. Offensive Sewage. Permitting any house, barn, cellar, vault, private drain, cesspool, privy, or sewer upon any premises within the limits of the Town of Wolsey to become nauseous or offensive or injurious to public health.
- D. Dead Animals. For the owner of any animal which shall have died to permit the same to lie on any public street, alley, public ground, or private lot or place within the Town of Wolsey.
- E. Disposal of Dead Animals or Decayed Matter. Dumping or leaving any animal or any vegetables or decayed matter, or any slops or filth whatever, solid or fluid, in or by any pool, creek, lake, river, or pond of water in the Town of Wolsey.
- F. Burning or Burial. It shall be unlawful for any person, firm, or corporation having dead chickens, dogs, cats or animals or any dead carcass, carrion or other offensive nauseous, and unwholesome substance of any description on or about his, her, or their premises to dispose of the same in any manner or form other than burning or burial. It shall be unlawful for any person, firm, or corporation to remove any such dead chickens, dogs, cats, or animals from the place where the same may be found dead other than for the purpose of destruction by burning or burial.
- G. Slaughter Houses. It shall be unlawful for any person, firm, or corporation to carry on the business of slaughtering animals or

rendering any animal matter or manufacturing the same into fertilizing material by the use of heat or otherwise at any place within the Town of Wolsey except by permit of an ordinance passed by the Town Board.

- H. Depositing Offensive Matter. Throwing of or depositing in any of the streets, avenues, alleys, or public grounds of the Town of Wolsey any offal (parts of animals), dead or decaying animals, fruit or vegetable matter, materials offensive to the public or liable to cause injury to persons or vehicles in the lawful use of such streets, avenues, alleys, or public grounds.
- I. Litter on Streets. Dumping or depositing or causing the same to be done on any street, alley, lot, or parcel of land within the Town of Wolsey any paper, litter, or other substance capable of being carried by the wind.
- J. Hay, Straw, Etc. Depositing or stacking any hay, straw, shavings, or other easily combustible material in any yard or in an area where the wind may blow freely at less than three hundred (300) feet from any dwelling or house situated within the Town of Wolsey.
- K. Rodents. Accumulation of junk, old iron, automobiles, cement slabs, or parts thereof, or anything in which rodents may live or breed or accumulate.
- L. Ice Boxes, Refrigerators, or AirTight Containers. Keeping, leaving, or permitting to remain outside of any dwelling, building, or other structures or premises, in a place accessible to children, any discarded ice box, refrigerator, or other container which has an air-tight door, lid, snap lock, or other locking device which may not be released from the inside, without first removing said door, lid, snap lock, or other locking device from said ice box, refrigerator, or container.
- M. Breeding Place for Flies. The accumulation of manure, garbage, or anything in which flies breed.
- N. Garbage and Refuse. Depositing, maintaining, or permitting to be maintained or to accumulate upon any public or private property, any household waste water, sewage, garbage, tin cans, offal or excrement, any decaying fruit, vegetables, fish, meat, or bones or any foul, putrid, or obnoxious liquid substance.
- O. Stagnant water. Any excavation in which stagnant water is permitted to collect.

- P. Weeds. Permitting weeds to grow into maturity on any private property, including vacant lots.
- Q. Privies, cesspools and septic tanks. Erecting or maintaining any privy, cesspool or septic tank except such sanitary privies, cesspools and septic tanks, the plans of which are approved by the State health department.
- R. Excavations. Permitting any basement, hole or excavation to remain uncapped and/or unfenced.
- S. Junk vehicles. The keeping, storage or accumulation of any wrecked, dismantled or junk vehicles, old car bodies, or any junk of like character.

5-3-2 Notice to Abate, Issuance. It shall be the duty of the owner, occupant, or person having charge of or in possession of, or part of, any premises to prevent any nuisance from occurring or continuing. Whenever the Town Board, or someone under their direction, becomes aware of and upon inspection thereof that any condition or conditions prohibited in this article has been created or exist on any premises located within the Town, the Town Official may give, or cause to be given, notice to abate the unlawful condition or conditions existing on the premises. Such notice shall be served by certified mail, or personal service, or whenever the owner or agent there is not known or cannot be found, and his/her post office address is unknown, a copy of such notice may be posted for twenty-four (24) hours upon the premises where the nuisance exists or such notice may be served by publication in a newspaper of general circulation in the County.

3. Abatement by Town. In the event a person, firm, or corporation shall fail to abate any nuisance created, permitted or maintained by him/her within fourteen (14) days after adequate notice as prescribed herein, any Town Official may cause such nuisance to be abated. The expense may be reported to the Town Board for special assessment against the property benefited or by any other means as prescribed by South Dakota Law.

4. Recovery by Town. In lieu of spreading the cost of the destruction of noxious weeds and other deleterious matter against property in the discretion of the Board of Trustees, said amount may be recovered in a civil action against the owner or occupant of such property.

5. Penalty: Miscellaneous Nuisances. Any person violating any provisions of this ordinance shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer. Such penalty shall be in addition to any of the

penalties prescribed by reason of abatement of said nuisance.

Chapter 5-4: Noxious Weeds

1. Weeds, Duty of Owner. No owner of any lot, place or area within the Town or the agent of such owner or the occupant of any lot, place or area shall permit on such lot, place or area or upon any sidewalk abutting the same, any weeds, grass or deleterious or unhealthy growths or other noxious matter that may be growing, lying or located thereon, and the growing of such weeds or other noxious or unhealthy vegetation is hereby declared to be a nuisance.

2. Definition. The following weeds and plants are hereby declared to be noxious weeds and are hereby declared to be nuisances: rag weed, thistles of any kind, wild sunflower, dandelion, goldenrod, cockleburr, sand bur, wild oats, wild mustard, wild lettuce, wild salsify, pig weed, wild firebush, burdock, and other useless, noxious, and unhealthy vegetation suffered or allowed to grow during the growing season.

- 5-4-3 Growth. It shall be the duty of the occupant, person in charge, or the owner of any lot or parcel to keep said lot or parcel free from any noxious or unhealthy vegetation and particularly as to the weeds and plants, and to cut or cause to be cut all such noxious and unhealthy vegetation at such time or times as may be necessary to prohibit its growth and bearing seed. The Town of Wolsey shall in like manner cut or cause to be cut all such noxious or unhealthy vegetation being and growing on the streets or alleys of the Town of Wolsey.

- 5-4-4 Length of Grass and Weeds. The failure of anyone owning, occupying or having charge of or possession of or part of any premises within the Town limits to cut, trim, and maintain any grass or weeds in excess of six inches in height, or failure to cut and remove any weed before it goes to seed is declared a public nuisance.

5. Expenses Charged to Owner. If the owner, occupant, or person in charge of any lot or lots shall fail or neglect to destroy any such weeds or noxious vegetation as aforesaid growing upon any such lot or lots, the Town President or some other person under his/her direction shall cause the work to be done and report the expense thereof to the Finance Officer of the Town for special assessment against the property benefited.

- 5-4-6 Failure to Comply. If the owner, occupant, or person in charge of any lot or lots shall fail or neglect to cut or destroy any such noxious and unhealthy vegetation as aforesaid being or growing upon any such lot or lots or parcel of land, the Town Board of Trustees of the Town of Wolsey shall notify such persons of the violation. If within ten (10) days after the notice is provided, the owner, occupant, or person in charge of any lot or lots shall continue to fail or neglect to cut or destroy any such noxious and unhealthy vegetation, the Town Board of Trustees shall cause the work to be done and report the expenses thereof to the Town Board of Trustees of

the Town of Wolsey and the cost of such cutting or destruction shall be collected from the property owner in such a manner as authorized by law including, but not limited to, special assessments against the property pursuant to State Statues regarding this matter.

Chapter 5-5: Barbed Wire Fences

- 5-5-1 Barbed Wire Fences. No person, firm, or corporation shall erect or maintain any barbed wire fence within the limits of the Town of Wolsey
- 5-5-2 Exception. The preceding section of this chapter shall not apply to any tract or tracts of land lying within the Town of Wolsey used exclusively for farming purposes.
3. Penalty: Barbed Wire Fences. Any person, persons, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists any of the provisions of this chapter or who knowingly refuses or neglects to obey any of the rules, orders, or sanitary regulations or who omits, neglects, or violates or refuses to comply with or who resists any officer or order or regulation made under authority for the purpose of strict enforcement of this chapter shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.

Chapter 5-6: Stockyards, Feeding Lots, Buildings

5-6-1 Feedlots, Stockyards, Pens, Sheds, Buildings, Enclosures- Restrictions.

- A. It shall be unlawful for any person, firm, or corporation to keep, pen, maintain, or pasture within one (1) block of any residence within the Town of Wolsey any animals except bonafide pets except when penning is necessary for purposes of loading or shipping. When such keeping or penning is necessary for purposes of loading or shipping livestock, it shall be unlawful to keep or pen these animals within one (1) block of any residence of the Town of Wolsey for more than twenty-four (24) hours.
- B. No such person shall keep or maintain any building or enclosure where livestock is kept anywhere within the Town limits, unless the same be at all times kept in a clean and sanitary condition and in accordance with the rules and regulations of the Board of Health.
- C. Exceptions to provisions A and B shall be those parcels of land within the limits of the Town of Wolsey which are zoned as agricultural and have been in use for livestock purposes September 1, 1977.

- 2. Penalty: Feedlots, Stockyards, Pens, Sheds, Buildings, Enclosures. Any person, persons, firm, or corporation violating any of the provisions of this chapter or failing to comply with any of the provisions thereof shall, upon conviction thereof, where no penalty or punishment is prescribed in the section, title, or chapter containing such provision, be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.

Chapter 5-7: Poultry

- 5-7-1 Poultry in Town Limited. No person shall place, keep, or maintain live chickens, turkeys, geese, ducks, or other fowl within the Town limits after the date of July 14, 2004.
- 5-7-2 Penalty: Poultry. Any person who shall violate any of the provisions of this chapter shall, be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.

Chapter 5-8: Private Pools

1. Pools. All property owners within the Town of Wolsey who own a private swimming pool with the capacity of 6,000 gallons or more must ensure their yard or property in which the pool is set to be enclosed and shall not allow entrance to the general public.

2. Fence Required. A solid fence, non-see through, at least four (4') feet in height must be used on the sides of the yard that are visible to the general public from the street. A solid fence or chain link fence, at least four (4') feet in height shall be used on the portion of the property that is not plainly visible by the general public from the street.

- 5-8-3 Fence Lock. All entrances on the fence must have a lock or locking system to prevent the general public from entering the property.

- 5-8-4 Penalty: Pools. Any person who shall violate any of the provisions of this chapter shall, be punishable by a fine set by the Board of Trustees and on file with the City Finance Officer

TITLE 6: LICENSES

Chapter 6-1 General Provisions

Chapter 6-2 Alcoholic Beverages

Chapter 6-3 Dogs / Cats

Chapter 6-4 Junk Dealers

Chapter 6-5 Auctioneers, Sale Rings and Itinerant Dealers

Chapter 6-1: General Provisions

1. License, Unlawful Without. It shall be unlawful for any person, persons, firm or corporation to engage in any trade, business, or occupation within the corporate limits of the Town of Wolsey for which a license is provided in this ordinance, without first having obtained such license as hereinafter provided. The power of this ordinance pertains to, but is not necessarily restricted to, auctions, auctioneers, bowling alleys, pool halls, skating rinks, shooting galleries, amusement devices, shows and amusements, theaters and theatricals, dances, junk dealers, pawn brokers, trailer camps, restaurants, rooming houses, hotel, or boarding house, solicitors, and peddlers. The Town Board may at any time expand the general provisions of this ordinance by requiring any person, persons, firm, or corporation engaging in any trade, business, or occupation within the corporate limits of the Town of Wolsey which is not specified by this ordinance to obtain a license, as deemed necessary.

2. License, How Obtained. Any person, persons, firm(s), or corporation(s) wishing to obtain a license to engage in any trade, business, or occupation, as herein provided, shall pay to the Town Finance Officer an amount set by the Town Board of Trustees and on file in the office of the Finance Officer for the different types of license(s) applied for, who shall issue a receipt therefore, and shall make written application to the Board of Trustees, stating the name of the person(s); post office address; business, calling, or vocation in which such person or person(s) desire to engage in; the length of time for which said license is wanted; and the particular place at which said license is to be used, and upon the presentation of said application to the Board of Trustees, the Board of trustees shall act upon said application. If the Board of Trustees deems the applicant suitable to have such license, the Board of Trustees shall cause the Finance Officer to issue same, which license shall be countersigned by the Finance Officer, and attested by the corporation seal, and shall authorize said person to carry on the business, calling, or vocation named in said application. If said application is refused by the Board of Trustees, the same shall be endorsed upon the receipt so endorsed to the Town Finance Officer, and the Town Finance Officer will refund the money to the applicant.

3. Existing License Renewal. All applications for the renewal of existing licenses for

auctioneers, bowling alleys, pool halls, shooting galleries, skating rinks, amusement devices, shows and amusements, theaters and theatricals, trailer camps, plumbers, electricians, sewer builders, sidewalk constructors, dances, or others shall be made to the Town Board and accompanied by a receipt from the Finance Officer.

6-1-4 License Expiration. All annual licenses granted under the provisions of this chapter shall expire on the 31st day of December next following the granting thereof, except as in this chapter otherwise provided, and shall not be granted for any sum less than the annual rate, and there shall be no rebate made on the termination of said calling, vocation, or kind of business for which said license was issued.

6-1-5 Revocation. The Town Board shall have power at any time to suspend or revoke any license granted under the provisions of this ordinance whenever said Town Board shall be satisfied upon written complaint that any such calling, vocation, or kind of business for which said license has been issued has been made or conducted in an indecent, indecorous, improper, or illegal manner, or for failure of the licensee to comply with any ordinance or regulation of the Town or State law respecting such license or the manner of exercise thereof or for other good cause, after hearing upon notice to the licensee.

Chapter 6-2: Alcoholic Beverages

1. License Required. No person shall sell, offer for sale, keep for sale, exchange, distill, manufacture, produce, bottle, blend, or otherwise concoct, within the Town, any alcoholic beverages or malt beverages as defined by statute, without having a license therefore as required by South Dakota Codified Laws, or as amended.
2. Classification– Fees Per. The following classifications and fees, which are on file in the office of the Finance Officer are, established for on-sale dealers (the sale of any alcoholic beverage for consumption only upon the premises where sold) and package dealers (sells or keeps for sale, any alcoholic beverage for consumption off the premises where sold other than distiller, manufacturer, or wholesaler) and malt beverage dealers.
3. Fee for License. The license shall be at a rate per Section 6-2-2 and payable yearly. The term of the license shall be no more than one (1) year without renewal, nor for any longer term than the first Monday of the January next following the date of its issue.
4. Restrictions. Licenses for the sale of alcoholic beverages or malt beverages in the Town of Wolsey shall be submitted as prescribed by South Dakota Codified Laws, as amended. The number of licenses approved by the Town Board of Trustees will not exceed the limits set by South Dakota Codified Law, as amended.

The Town of Wolsey shall not issue in excess of two off-sale dealer licenses within the Town limits of Wolsey, pursuant to South Dakota Law 35-4-10. The Town of Wolsey shall not issue in excess of three on-sale dealer licenses within the Town limits of Wolsey, pursuant to South Dakota Law 35-4-11.

5. Municipal Liquor License. The municipal liquor license can be leased by the Town to a private individual. The lease agreement between these two parties will contain all requirements and conditions and is on file at the office of the Finance Officer.
6. Temporary Permit. Upon application duly made to the Board, a temporary permit may be issued by the Board for a specific time and public place when and where possession of an unsealed can, bottle, glass, pitcher, container, or package containing alcoholic or malt beverages may be temporarily permitted as the special occurrence may require. Such application and permit shall be in writing and in such form as the Town Board of Trustees may establish.
 - A. Temporary Permit Fee. A fee will be assessed for all temporary permits, which allow distribution or sale of alcoholic or malt beverages. The fee will be determined by the Wolsey Board of Trustees, and will be on file with the Town Finance Officer.

7. Alcohol Beyond Premises. It shall be unlawful for any licensee who is authorized by law to sell alcoholic beverages within the Town of Wolsey to allow any person to take beyond the enclosed premises so licensed any unsealed can, bottle, glass, pitcher, container, or package of any kind containing alcoholic beverages.
8. Sale or Gift to Minors. No person shall sell or give any alcoholic beverages to any person under the age of twenty-one (21) years.
9. Hours of Alcoholic Beverages and Malt Beverages.
 - A. Times When On-Sale Service Prohibited. No on-sale licensee, may sell, serve, or allow to be consumed on the premises covered by the license, alcoholic beverages between the hours of two a.m. and seven a.m. or on Sunday after two a.m., or on Memorial Day after one a.m., or at any time on Christmas Day.
 - B. Times When Off-Sale Service Prohibited. No off-sale licensee, may sell, or allow to be sold, alcoholic beverages between the hours of twelve midnight and seven a.m. of the following day, or sell, or allow to be sold, distilled spirits or wine on Memorial Day or Christmas Day. In addition, off-sale licensees may sell, or allow to be sold, alcoholic beverages on Sunday.

Notwithstanding SDCL 35-4-81, the governing body of any municipality may in its discretion, provide in any on-sale license the right to sell, serve or allow to be consumed alcoholic beverages between the hours of eleven o'clock am and twelve o'clock midnight on Sunday with the serving of food where said licensee has facilities for the serving of prepared meals from a fixed restaurant with the simultaneous seating capacity of at least twenty-five (25) patrons in the third class municipalities.

- 6-2-10 Establishment of Municipal Liquor Store. The governing body of the Town of Wolsey is empowered to establish a municipal liquor store at local option under the guidelines set forth in Title 35, Chapter 3, of the South Dakota Codified Laws of 1967.
- 6-2-11 Alcoholic Beverage Licensees– Video Lottery Fee. There is hereby imposed on any establishment in the Town of Wolsey, who is issued a video lottery license, an annual additional license fee for the privilege of locating video lottery machines on the licensed premises. The fee is on file in the office of the Finance Officer and shall be paid at the same time and in the same manner as the fees paid in SDCL 35-4-2. All fees received under this Section shall be deposited into the general fund of the Town of Wolsey.

Chapter 6-3: Dogs / Cats

1. Dogs and Cats Shall Not be Killed Promiscuously. No dog or cat shall be killed without an attempt first been made by the Wolsey Town President or Town Board Trustee to locate its owner, for which the owner shall pay said Town President or Trustee of Wolsey upon surrender of his/her pet a fee determined by the Town Board of Trustees and on file with the Finance Officer.
2. Vicious Dogs and Cats. Any dog or cat that is known to be vicious or dangerous is hereby prohibited from being allowed to run at large in the Town of Wolsey and shall be killed by or under the direction of the Town President or Trustee of Wolsey whether same is licensed or not.
3. Running at Large. It shall be unlawful for any person who keeps, harbors, maintains, or who has in his or her custody or under their control any dog or cat, to permit such dog or cat to run at large within the Town of Wolsey.
- 6-3-4 Other Animals Running at Large. The running at large of horses, cattle, mules, asses, goats, sheep, swine, geese, turkeys, ducks, chickens, and other fowl upon the streets, alleys, and public grounds of the Town of Wolsey shall be deemed and is hereby declared to be a nuisance.
5. Restrictions. All dogs and cats must be chained or so confined at all times during all the months of the year so as not to reach the sidewalk or onto another person's property.
6. Control Exception. Dogs and cats may be taken out for exercise on sidewalks or streets provided they are led on a chain or leashed by some person who is capable of controlling the animal.
7. Keeping of Predators. The keeping of predators such as skunks, foxes or raccoons as pets is not permitted.
8. Removal of Dangerous Animal. The Board of the Town of Wolsey is empowered to instruct any person in the limits of the Town of Wolsey to remove from said limits any animal deemed dangerous or a public nuisance.
- 6-3-9 Penalty: Dogs/Cats. Any person or persons violating any of the provisions of this chapter or evading or attempting to evade the provisions thereof, or who shall refuse to comply with the same, or who shall in any manner interfere with any officer of the Sheriff's Department, or any person engaged in carrying out the provisions in this ordinance and in the discharge thereby shall, upon conviction thereof, shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.

Chapter 6-4: Junk Dealers

- 6-4-1 Definition. The terms “junk dealer” as used in this chapter shall mean any person, firm or corporation engaged in business as a junk dealer or trader in junk, old metals, rags, waste paper, green hides, old automobiles, or other articles which from their worn condition are rendered useless for the purpose for which made.
- 6-4-2 License Required. No person shall engage in business as a junk dealer as defined in this chapter without first having secured a license to do so.
- 6-4-3 Application for License. Any person desiring a license to engage in business as a junk dealer shall make a written application to the Town Board of Trustees which shall state the following:
- A. The length of time applicant has resided in the Town;
 - B. Applicant’s place of residence and previous employment;
 - C. The premises where the business is located. Such description shall be given by street number, or in case of a vacant lots(s), the same shall be designated by legal description together with the exact dimensions of the space to be occupied in any manner in the conducting of said business.
- 6-4-4 License Fee. Every junk dealer shall pay an annual license fee for each establishment or place of business that shall be set by the Town Board of Trustees and on file with the Finance Officer.
5. Granting of License. Upon filing of the application together with the necessary license fee, the Board of Trustees may grant a junk dealer’s license by majority vote if they deem such applicant a fit and proper person to engage in such business. The Finance Officer will then issue the license.
- 6-4-6 Revocation of License. The Board of Trustees may at any time, for cause and upon investigation, revoke any license granted under provision of this chapter. A reasonable notice of hearing will be given to the named licensee by personal service of by mail and by filing a copy of such notice with the Finance Officer. Whenever such license shall be revoked, no refund of any unearned portion of the license fee shall be made.
- 6-4-7 Reports to be Made. Every junk dealer upon being served with written notice to do so shall report in writing to the Town Board or his/her designated representative all goods, articles and things purchased or received by him in the course of his/her business as a junk dealer during such time period as specified in the notice. Such

written report shall state the amount paid for each item and the name, residence and a general description of the person from whom such goods, articles, or other things were received.

6-4-8

Restrictions on Operations. Additional restrictions on junk dealer operations are as follows:

- A. No junk dealer shall carry on the business at any other place than the premises designated and described on the application and license. All junk of any kind shall be kept wholly within the boundaries of such premises with a six (6') foot fence around the property where the junk is located.
- B. It shall be unlawful for any junk dealer to burn junk or refuse on the premises covered by said license or any other place in the Town.
- C. If located outside the Town limits and within one mile thereof, the entire business, including buying, selling, and storage must be conducted within a fence at least seven (7') feet high. Said business and fence must be located at least two hundred (200') feet from any public highway leading into the Town.
- D. Wrecking and dismantling of old cars for the purpose of securing parts shall be done wholly inside the building occupied by said junk dealer or within the enclosure hereinafter provided and shall not in any event be done upon the highway or streets of the Town or outside the premises described on the application and license.
- E. In all cases where the business of a junk dealer is to be conducted on a vacant lot(s) or in a partially enclosed structure, the Board of Trustees shall have the right to determine whether or not the appearance of the lot(s) distracts from the appearance of the area in which located. No license shall be granted until such lot(s) has been enclosed with a tight fence of at least seven (7') feet high or of a height sufficient to cut off public view. Such fence shall be suitably maintained and kept in good repair at all times. In no event shall any such license permit any advertising of any sort to be placed upon said fence, except that such license may use up to fifty (50') square feet for the purpose of advertising his/her business.

Chapter 6-5: Auctioneers, Sale Rings and Itinerant Dealers

- 6-5-1 Regulations. The businesses or trades of auctioneering and maintaining or establishing a business of operating a sale ring or sale barn are hereby declared to be regulated by the Board of the Town of Wolsey, South Dakota. No person shall exercise the business or trade of an auctioneer or sell any personal property, except household goods, livestock, and used farm machinery at public auction or outcry within the corporate limits of the Town of Wolsey without first having obtained a license therefore from the Finance Officer as prescribed by the provisions of the chapter.
- 6-5-2 License. Any person, firm, or corporation desiring to operate, conduct, or manage a sale ring or sale barn shall first make application to the Board for a license for the operation of such sale ring or sale barn; and for such license, if the same is granted, the fee shall be per year basis, and the said fee shall be valid for one (1) year after date of issue.
- 6-5-3 License Fee: Auctioneers, Sale Rings and Itinerant Dealers. The license fee prescribed by this chapter shall be set by the Board of Trustees and on file with the Town Finance Officer.
- 6-5-4 Exception. All sales at auction by virtue of legal process shall and hereby are excepted from the provisions of this chapter.
5. Supervision. The said sale ring or sale barn shall be supervised by the Town President and Fire Department of the Town of Wolsey South Dakota, the special rules of any or all of which shall be complied with; and the premises of said sale ring or sale barn shall be kept reasonably free of all manure, filth, loose and unbaled straw, or other unbaled forage feed. The said premises shall be kept sprayed at the expense of the licensee to prevent breeding of flies and other pests.
- 6-5-6 Itinerant Dealers and/or Merchants. No itinerant dealer or merchant, or dealer or merchant not regularly a resident of the Town of Wolsey shall be allowed to sell within any sale ring or sale barn licensed hereunder or anywhere in the Town of Wolsey any merchandise, goods, or wares without first having obtained a license from the Finance Officer; and such license shall be granted only after the payment to the said Town of Wolsey a fee set by the Board of Trustees and on file with the Town Finance Officer. After said license is granted, it shall only be valid for two (2) consecutive days.
- 6-5-7 Penalty: Auctioneers, Sale Rings and Itinerant Dealers. Any person or persons violating any of the provisions of this chapter shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.

TITLE 7: OFFENSES

- Chapter 7-1 Offenses Against Public Welfare
- Chapter 7-2 Offenses as to Property
- Chapter 7-3 Noxious and Unhealthy Vegetation
- Chapter 7-4 Abandoned Property
- Chapter 7-5 Notice to Abate
- Chapter 7-6 Firearms and Fireworks
- Chapter 7-7 Animals
- Chapter 7-8 Curfew
- Chapter 7-9 Junked Cars
- Chapter 7-10 Noise Violations
- Chapter 7-11 Public Morals

Chapter 7-1: Offenses Against Public Welfare

1. False Emergency Alarms Prohibited. No person shall knowingly make any false alarm of fire emergency by calling or causing to be called the Beadle County Sheriff or any authorized emergency vehicle.
2. Carrying Concealed Weapons. No person shall carry concealed about his/her person within the Town of Wolsey any firearm, slingshot, dirk knife or sheath, brass knuckles, or any other weapon, which when used is likely to produce a great bodily harm or death, unless permitted by the State and has the permit on his/her person. Any peace officer may wear or carry such weapons, as may be necessary and proper for the discharge of his/her official duties.
3. Drawing Weapon. No person, besides an officer of the law, shall draw any pistol, revolver, knife or other deadly weapon upon another.
4. Firearms and Fireworks. It shall be unlawful for any person to discharge or shoot off any gun, other firearm or discharge any firearm within the Town.
5. Impure Food. No person, shall sell within the Town of Wolsey any spoiled, diseased, or rotten meat or provisions of any kind.
6. Inciting Dog Fights. No person shall within the Town of Wolsey set any dog or dogs fighting.
7. Making Disturbances or Creating Disturbances. It shall be unlawful for any person, who shall within the Town of Wolsey make or engage in any riot, mob, disturbance, or disorderly conduct or behavior, or who shall otherwise disturb the peace of the Town of Wolsey, or who shall disturb any lawful assemblage of persons or of any neighborhood or any religious meeting, family, or any social

gathering, or to incite, encourage, aid, or assist any person therein.

- 7-1-8 Air Rifles, Slingshots Prohibited. It shall be unlawful for any person to discharge any air rifle or use any slingshot or any device of like character within the limits of the Town of Wolsey.
- 7-1-9 Indecency. No person shall use any profane, obscene or indecent language, or make any indecent exposure of his/her person, or otherwise conduct himself/herself in an indecent or grossly immoral manner.
- 7-1-10 Resisting Officer. No person shall resist, or aid or assist any other person to resist or escape from any police officer, or from any lawful confinement. No person shall assault or strike any police officer in the discharge of his/her duty.
- 7-1-11 Prostitution. No person shall entice or attempt to entice any male or female person into prostitution, nor shall any man or woman solicit prostitution, or follow the calling of a prostitute.
- 7-1-12 Furnishing Tobacco and Alcohol to Minors. No person shall sell, give, or furnish in any manner any tobacco or alcohol in any form, or any substance of which tobacco or alcohol is an ingredient, to any minor under the age of eighteen (18) and twenty-one (21) years, respectively.
13. Displaying License Unlawfully. No person shall carry or display any Town license or permit which has been terminated or revoked or which has not been lawfully procured and issued.
14. Hindering or Molesting Passerby. No person shall upon any street or at the entrance of any building on any such street, alley, or sidewalk, wrongfully hinder, impede, or molest any passerby, or use any rude, obscene, vulgar, indecent, or threatening language to any passerby, or by any indecent act, gesture, or noise, molest, annoy, or insult or put in fear any person passing or attempting to pass on such street, alley, or sidewalk or through the entrance to such building.
- 7-1-15 Goods on Sidewalk. No person shall place any goods or merchandise for sale or exhibition upon any sidewalk, except for the purpose of loading or unloading, such articles may be placed upon the outer sidewalk for such time as may be necessary to load or unload the same, but in no instance shall any such articles be left upon the sidewalk in the nighttime or in such a way as to obstruct the sidewalk without having first obtained permission from the Board of Trustees.
- 7-1-16 Penalty: Offenses Against Public Welfare. Any person convicted under this chapter shall be punishable by a fine set by the Board of Trustees and on file with the

Town Finance Officer.

Chapter 7-2: Offenses as to Property

1. Destroying Property. No person shall willfully damage, deface, break, destroy, or interfere with the property of the Town or of another person.

- 7-2-2 Entering. The practice of going in and upon private residences in the Town of Wolsey, South Dakota, by solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise not having been requested or invited so to do by the owner or owners, occupant or occupants of private residences for the purpose of soliciting orders for the sale of goods, wares, and merchandise and/or disposing of and/or peddling or hawking the same is declared to be a nuisance and punishable as such nuisance as a misdemeanor. However, this ordinance shall not be construed to apply to persons solely engaged in canvassing or going door-to-door for a religious purpose, a political purpose, or any charitable purpose.

- 7-2-3 Interference with Town Property. No person shall climb on or in any manner interfere with or tamper with any building, water tower, fire hydrant, or structure, belonging to the Town unless authorized to do so by the Town. No person shall, in any manner, injure or deface any such structure.

- 7-2-4 Injuring Sidewalks, Streets, Etc. No person, without proper authority, shall tear up, break, or injure any pavement, crosswalk, sidewalk, or other improvement in any street, road, alley, or public ground.

- 7-2-5 Digging or Removing Sod, Earth, Gravel From Town Property. It shall be unlawful for any person to dig any hole, drain, or ditch in any street, avenue, or alley, park, or public ground in this Town without written permission from the Board. Anyone found guilty of violating this ordinance shall be a set amount on file in the office of the Finance Officer.

6. Destroying Public Trees and Plants. No person shall willfully injure, destroy, or deface any tree, shrub, plant, or grass in any parking lot or park.

7. Destroying Private Trees and Plants. No person shall willfully injure or destroy any cultivated fruits or vegetables, ornamental trees, shrubs, hedges, vines or flowers, nor injure or carry off any of the products thereof, which are the property of another.

- 7-2-8 Injuring Signs. No person shall deface, remove, change, mar, or in any way interfere with or obliterate wholly or in part any sign, traffic sign, signboard, or card placed, posted, extended, or erected by the Town.

9. Injuring or Placing Unauthorized Traffic Signs Prohibited. No persons shall deface, injure, move, obstruct, or interfere with any official traffic sign or signal, or

street sign.

10. Prohibited Signs. No person shall place, maintain, or display upon or in view of any street any unofficial sign, signal, or device which purports to be or is an imitation of or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance, and the Town Board of Trustees is hereby empowered to remove the same or cause the same to be removed without notice.
11. Interference with Electric Light Posts and Apparatus. No person shall interfere with, injure, break, or jar any electric light, telephone, telegraph, or fire alarm system, post, pole, or apparatus in any manner, or climb any telegraph, telephone, electric light, or fire alarm pole without being properly authorized to do so.
12. Unauthorized Connection with Gas or Water. No person shall, without lawful authority, connect with any main service line, pipe, or other device for the purpose of obtaining gas or water there from. No person shall, with intent to defraud, interfere with any meter installed to register the amount of gas or water supplied to any customer.

Chapter 7-3: Noxious and Unhealthy Vegetation

- 7-3-1 Definition. The following weeds and plants are hereby declared to be noxious weeds and vegetation and are hereby declared to be nuisances: rag weed, thistle of any kind, dandelion, wild sunflower, goldenrod, cocklebur, sand bur, wild oars, wild mustard, wild lettuce, wild salsify, pigweed, wild firebrush, burdock, and all other useless, noxious, and unhealthy vegetation suffered or allowed to grow during the growing season.
- 7-3-2 Noxious Vegetation to be Cut. It shall be the duty of the occupant, person in charge, or the owner of any lot or parcel to keep said lot or parcel free from any noxious or unhealthy vegetation and particularly as to the weeds and plants mentioned in Section 7-3-1 of this chapter, and to cut or cause to be cut, all such noxious and unhealthy vegetation at such time or times as may be necessary to prohibit its growth and bearing seed. The Town of Wolsey shall in like manner cut or cause to be cut all such noxious or unhealthy vegetation being and growing on the streets or alleys of the Town of Wolsey.
3. Failure to Comply. If the owner, occupant, or person in charge of any lot or lots shall fail or neglect to cut or destroy any such noxious and unhealthful vegetation as a foresaid being or growing upon any such lot or lots or parcel of land, the Town Board of Trustees of the Town of Wolsey shall notify such persons of the violation. If within ten (10) days after the notice is provided, the owner, occupant, or person in charge of any lot or lots shall continue to fail or neglect to cut or destroy any such noxious and unhealthy vegetation, the Town Board of Trustees shall cause the work to be done and report the expenses thereof to the Town Board of Trustees of the Town of Wolsey and the cost of such cutting or destruction shall be collected from the property owner in such a manner as authorized by law including, but not limited to, special assessments against the property pursuant to State Statues regarding this matter.

Chapter 7-4: Abandoned Property, Maintenance and Sanitation of Premises and Buildings.

7-4-1

Definitions.

- A. Person. Any person, firm, partnership, association, corporation, company, or organization of any kind.
 - B. Vehicle. Any 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 all shall include, without limitation, automobiles, trucks, trailers, motorcycles, and tractors.
 - C. 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.
 - D. Property. Any real property within the Town of Wolsey which is not a street or highway.
 - E. Premises. A lot or parcel of land, improved or unimproved, parking areas thereon, walkways, and sidewalks.
 - F. Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons or property.
 - G. Abandonment of Vehicles. No person shall abandon any vehicle within the Town and no person shall leave any vehicle at any place within the Town for such time and under such circumstances as to cause such vehicle to appear to have been abandoned.
2. Abandonment of Vehicles. No person shall abandon any vehicle within the Town and no person shall leave any vehicle at any place within the Town for such time and under such circumstances as to cause such vehicle to appear to have been abandoned.
3. Leaving Wrecked or Non-Operating Vehicles on Street. No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the Town.
4. Leaving Wrecked or Discarded Vehicles on Property. No person in charge of any property within the Town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than fourteen (14) days; except with regard to (1) a vehicle in an enclosed building (2) a vehicle on the premises of a lawfully operated business enterprise when such vehicle is necessary to the operation of such business enterprise, or (3) a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town or authorized by the Town.
5. Disposal of Abandoned Vehicles. The Beadle County Sheriff or a designated

representative are authorized to remove or cause to be removed any vehicle left at any place within the Town which reasonably appears to be in violation of this chapter or appears to be lost, stolen, or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with South Dakota Codified Law.

6. Recovery of Expenses. The Town of Wolsey may recover the expenses incurred by the Town in abating any nuisance under the provisions of this article from the person creating, permitting, or maintaining the same in a civil suit instituted for such purpose, or, the Town of Wolsey shall cause to have offensive material removed and the cost applied to the owner or to the respective tax list.

Chapter 7-5: Notice to Abate

- 7-5-1 Issuance. Whenever the Town Board of Trustees is notified that any condition or conditions prohibited in this chapter exist on any premises located within the Town, the Town President or the Finance Officer shall by certified mail, give, or cause to be given, notice to abate the unlawful condition or conditions existing on the premises to the owner of the premises and the person creating, permitting, or maintaining such nuisance within seven (7) days after the receipt of the notice said person or such person's agent or return of the notice said person or such person's agent or return of notice to the Town President or the Finance Officer.
- 7-5-2 Nuisance Abatement by Town. In the event a person shall fail to abate the nuisances created, permitted or maintained within the seven (7) days following the receipt of the notice or return of said notice to the Town President or the Finance Officer shall cause the nuisance to be abated.
- 7-5-3 Appeal from Decision of Street Official. The person affected may appeal to the Town Board of Trustees the decision of the Town President or the Finance Officer. Such appeal must be in writing and submitted to the Finance Officer within six (6) days after receipt of the notice to abate or return to the notice of the Town President or the Finance Officer. The Town Board of Trustees at a special meeting or regular meeting shall determine whether the Town President or the Finance Officer shall proceed in accordance with the notice to abate or as modified by the Town Board of Trustees. The person affected shall be given notice of said meeting either orally or in writing.
- 7-5-4 Preparation of Expense Statement. After the resident abates the nuisance, the Town President or the Finance Officer shall prepare a statement of expenses incurred by the Town in abating the nuisance.
- 7-5-5 Notice of Assessment. Within ten (10) days after the preparation of the statement described in the above section, the Finance Officer shall send by certified mail a copy of the statement to the owner of the premises and the person who created, permitted or maintained the nuisance to such person's or persons' last known address.
6. Hearing on Statement. The owner or any person affected shall have the right to appeal to the Town Board of Trustees concerning the proposed assessment. Such appeal shall be in writing, shall state objections pertaining to the proposed assessment and shall be filed within ten (10) days after receipt of notice or return of the notice to the Finance Officer. The objections shall be presented to the Town Board of Trustees at their next regular meeting. The Town shall determine by resolution the assessment and shall proceed to place a lien against the property until the assessment is made.

Chapter 7-6: Firearms and Fireworks

7-6-1 Discharge of Firearms or Air Rifles. It shall be unlawful for any person except a Police Officer in the performance of an official act, to discharge or fire any gun, air rifle, slingshot, or other dangerous weapons within the Town Limits of the Town of Wolsey.

7-6-2 Fireworks. It shall be unlawful for any person to sell, keep for sale, or offer for sale to any person within the limits of the Town of Wolsey any firecrackers, fireworks cartridges, Roman Candles, rockets, or other fireworks or explosives from which firecrackers, blank cartridges, or other fireworks may be made or manufactured, unless authorized by permit from the Town Board.

Fireworks shall be defined as those fireworks classified by the US Department of Transportation as Class C (common) fireworks [C.F.R. Title 49 - Transportation, Part 173.100 (r)] effective on January 1, 1983], including, but not limited to, hose fireworks designed primarily to produce visible effects by combustion, that must comply with the construction, chemical composition and label regulations promulgated by the US Consumer Products Safety Commission [C.R.F. Title 16 - Commercial Practices, Part 1507j, effective on January 1, 1983].

No person shall in the Town of Wolsey discharge or shoot off any fireworks or firecrackers of any kind, or light or throw any fire balls or crackers of any kind, except between the twenty-eighth (28th) day of June to the fifth (5th) day of July, unless authorized by the Town President or the Finance Officer.

Public displays of fireworks are permitted at any time with the written consent of the Town Board of Trustees.

3. Sale Prohibited. It shall be unlawful for any person, firm, or corporation to furnish, sell, offer for sale, keep or display for sale any fireworks within the Town of Wolsey unless authorized by a permit from the Town Board.

4. Fireworks Banned During Burn Ban. It shall be unlawful for any person to discharge or shoot off any fireworks or firecrackers of any kind, or light, or throw any fireballs or crackers of any kind during a Beadle County Burn Ban.

Chapter 7-7: Animals

7-7-1 Cruelty to Animals. No person shall cruelly or immoderately beat, torture, or injure any domestic animal, overload any working animal, or willfully or negligently maltreat, abuse, neglect, or treat in a cruel or inhumane manner any such animal.

7-7-2 Animals Running at Large. It shall be unlawful for any person, firm, or corporation to permit any horse, cattle, swine, sheep, goat, or other animal to run at large in the Town of Wolsey.

7-7-3 Fowl in Town. No person shall allow any ducks, geese, chickens, or other domestic fowl to run at large within the Town of Wolsey.

7-7-4 Horses, Cows, Sheep, Goats in Town. No person shall keep any horse, cow, sheep, goat, or other farm animal or erect or maintain any building or enclosure for use in keeping any of such animals within the Town limits.

No person shall keep or maintain any building or enclosure where livestock is kept unless the same be at all times kept in a clean and sanitary condition in accordance with the rules or regulations of the Board of Health.

7-7-5 Feedlots In and Around Town Prohibited. It shall be unlawful for any person, persons, firm, or corporation to keep or maintain within the Town of Wolsey or within one-mile of the boundaries thereof any pen, building, yard, shed, or enclosure wherein any cattle, sheep, or swine are collected, kept, or fed by the owner, lessee, or occupant of any property within such area.

It shall also be unlawful for any person, persons, firm, or corporation to collect, keep, or feed any cattle, sheep, or swine within any pen, building, yard, shed, or enclosure within the limits of the Town of Wolsey and within one-mile of the boundaries thereof.

7-7-6 Exotic Animals Prohibited. No person shall place, keep, or maintain exotic animals within the Town of Wolsey.

Chapter 7-8: Curfew

1. Curfew– Hours Designated. It is unlawful for any minor to loiter, idle, wander, stroll or play, ride or be in any motor vehicle, in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots or other unsupervised places or to be or remain in any dancehall, restaurant, café, theater, or other public place between the hours of 10:01 pm and 4:59 am of the following day Sunday thru Thursday, or between 12:01 am and 4:59 am of the following day Friday thru Saturday official Town time, if such minor is under the age of eighteen (18) years. The provisions of this section do not apply to a minor accompanied by his/her or her parents, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business, directed by his or her parent, guardian or other adult person having the care of custody of the minor, or minor is on his or her way to or from an approved school function or activity; and provided further that the ordinance codified in this section does not in any way apply to any minor after he or she shall have reached his or her eighteenth birthday.

2. Curfew– Allowing or Permitting Violation- Parent’s Responsibility. It is unlawful for the parent, guardian or other adult person having the care and custody of a minor who has not reached the age of eighteen years, to knowingly permit such minor to loiter, idle, wander, stroll or play, or to ride in any motor vehicle, in or upon the public streets, highways, roads, alleys, playgrounds or other public grounds, public places and public buildings, places of amusement, vacant lots, or other unsupervised places, or to be or remain in any dancehall, restaurant, café, theater, or other public place between the hours of 10:01 pm and 4:59 am of the following day, official Town time, if such minor is under the age of eighteen (18) years; provided, however, that the provisions of this section do no apply when a minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or unless the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor, or minor is on his or her way to or from an approved school function or activity.

- 7-8-3 Curfew– Allowing or Permitting Violation– Other’s Responsibility. It is unlawful for any person, firm or corporation operating places of amusement and entertainment, restaurants, cafes, theaters, or other public places, to permit minors to enter or remain in such place of amusement and entertainment, restaurant, café, theater or other public place during the hours prohibited under this chapter, or owner or operator of any motor vehicle to permit or allow any minor to be in or ride in such a motor vehicle during the hours prohibited by the ordinance codified in this section; provided, however, that the provisions do not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor.

Chapter 7-9: Junked Cars, Junk.

1. Junked Cars– Defined. “Junked motor vehicle” is any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate if a motor vehicle inspection certificate is required, or the condition of which is wrecked, dismantled, partially dismantled, inoperative, or abandoned.
 2. Public Nuisances. The keeping, storage, or accumulation of any wrecked, dismantled, or junked vehicles, old car bodies, old iron, old lumber, or any junk of like character which tends to be unsightly or does or tends to lower the value of adjacent real estate because of unsightliness or which might be a public health hazard on any property within the Town of Wolsey or within one (1) mile of the corporate limits of the Town of Wolsey is hereby declared to be a public nuisance and may be abated as provided by Ordinances of the Town of Wolsey or Statutes of the State of South Dakota pertaining to the abatement of nuisances.
 3. Complaint. Upon a complaint being made to the Beadle County Law Enforcement of the presence of any material described in this section, the Beadle County Sheriff shall in writing notify the owner or person in charge of such real estate to remove the same within ten (10) days after the service of such notice. Upon failure of such owner or person in charge to remove such nuisance property, said nuisance shall be abated in the manner prescribed in Section 12-7-1 of this Chapter.
 4. Junk Cars, Junk Unlawful. It shall be unlawful for any person, firm, or corporation owning or in control of any real estate within the Town or within one (1) mile of the boundaries thereof to permit, allow, or to accumulate any such wrecked, dismantled, or junked vehicles, old car bodies, old iron, old lumber, or junk of like character which tends to be unsightly or does or tends to lower the value of adjacent real estate because of unsightliness or which might be a public health hazard, longer than ten (10) days after having been notified by the Beadle County Sheriff to remove such material and abate such nuisance, and each day such violation is committed or permitted to continue shall constitute a separate offense and be punished as such.
- 7-9-5 Exceptions. This Chapter shall not apply to any personal property described above kept within an enclosed building or on the premises of a licensed junk dealer licensed as such by the Town of Wolsey.

Chapter 7-10: Noise Violations

1. Noise Violations Unlawful. It shall be unlawful for any person to make, continue or cause to be made or continue any noise disturbance within the limits of the Town of Wolsey.

2. Specific Prohibitions. The following acts are declared to be in violation of this chapter:
 - A. Dynamic Braking Devices. Operating any motor vehicle with a dynamic braking device engaged except for the aversion of imminent danger. Dynamic braking device (commonly referred to as Jacobs Brake) 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. The Town Board of Trustees shall have enforcement responsibility for this chapter as it relates to vehicular sources.

3. Penalty: Noise Violations. Any person who violates this chapter shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.

Chapter 7-11 Public Morals

1. **Definitions.** The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - A. *Obscene Material.* Obscene material means material which:
 - i. Taken as a whole, the dominant theme appeals to the prurient interests;
 - ii. Is patently offensive because it affronts contemporary community standards relating to the description or representation of sadomasochistic abuse or sexual conduct; and
 - iii. Lacks serious literary artistic, political or scientific value.
 - B. *Nudity and state of nudity.* The showing of the bare human or female genitals, anus or pubic area with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of the areola; or the showing of the covered male genitals in a discernibly turgid state.
 - C. *Public Place.* Any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not-for-profit, and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), bottle clubs, hotels, motels, restaurants, nightclubs, country clubs, cabarets and meeting facilities utilized by any religious, social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be a public place. The term “public place” shall not include movie theatres, theatres used for production of legitimate theatre and theatrical productions, enclosed single sex and unisex public restrooms, enclosed single sex and unisex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleep accommodations, doctor’s offices, portions of hospitals and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected therein; nor shall it include a person appearing in a state of nudity in a modeling class operated by:
 - i. A proprietary school, licensed by the state; a college, junior college or university supported entirely or partly by taxation; or

- ii. A private college or university, which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation, or an accredited private college.

2. Indecent Exposure. It shall be unlawful for any person to expose his or her anus or genitals in a public place where another person may be present who will be offended or alarmed by the person's act.

3. Display of Adult Reading Material.

- A. The display of adult reading material at grocery stores, convenience stores, and other retail outlets within the Town of Wolsey is prohibited
- B. It shall be unlawful for any person to display or exhibit for sale in any public place, any magazine, book, or newsprint displaying or containing obscene material or material unless such magazine, book or newsprint is wrapped or covered, so that any obscene material is not exposed and that no obscene material contained in the magazine, book or newsprint can be viewed or examined without breaking the seal, wrapping or covering.
- C. The provisions of this section shall not apply to any establishment or portion thereof which prohibits the entry of any person under 18 years of age and which has posted notice thereof.
- D. In addition to the penalties provided for violation of this section, the conduct described in this section is declared to be a public nuisance and may be abated by the City.

4. Public Nudity and Public Performance of Sexual Acts. It is a violation of this section for any person to knowingly or intentionally, in a public place:

- i. Engage in sexual intercourse;
- ii. Engage in deviant sexual conduct;
- iii. Appear in a state of nudity; or
- iv. Fondle the genitals of himself/herself or another person.

7-11-5 Allowing Nudity or Unlawful Touching in Public Place. It shall be unlawful for any person or entity maintaining, owning, or operating any public place to operate and knowingly, or with reason to know, permit or allow any person to appear nude in such public place or to permit unlawful touching as prohibited by subsection (d) of this section.

6. Dancers or Strippers; Prohibited Acts. It shall be unlawful for any male or female dancer, stripper or performer to engage in any physical contact with patrons or customers while dancing or performing, to include, but not limited to placing of money in the dancers' or strippers' wearing apparel. All such dancers or performers

shall be confined to a stage or designated area separate and apart from the seating area for patrons and customers.

7. Refusing Admittance to On-Duty Police Officers. It shall be a violation of this section for any person to refuse admittance without fee to any on-duty police officer at any time when patrons or customers remain in such premises.
8. Underage Persons Not Permitted to Access Public Places Permitting Nude Dancing. No person under 18 years of age shall be permitted access to any public place which shall permit nude dancing, which otherwise complies with the provisions of this section.
9. Contemporary Community Standards to be Standard of Section Provisions. The contents of this section shall constitute contemporary community standards as they pertain to public nudity and obscene live conduct.
10. Violation of Section a Public Nuisance; Remedies; Abatement. Operation of an establishment in violation of this section shall constitute a public nuisance, and, in addition to all other remedies provided in this section, the City attorney may, by civil process, seek permanent abatement of such nuisance.

TITLE 8: PLUMBING CODE

Chapter 8-1: Plumbing Regulations

8-1-1 Adoption of National Code. There is hereby adopted by the Town of Wolsey for the purpose of establishing rules and regulations governing plumbing as defined in this code, including permits and penalties, that certain plumbing code known as the “National Standards Plumbing Code” as adopted by the American Standards Association, being and the whole, thereof, except such portions as are hereinafter deleted, nullified, or amended, of which not less than one (1) copy shall be filed in the office of the Finance Officer of the Town of Wolsey. The same is hereby adopted and incorporated as fully as if set out at length herein; and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling pertaining to plumbing, as defined in the Code, within the corporate limits of the Town of Wolsey.

2. Title and Scope.

A. Title. This code shall be known as the National Standards Plumbing Code, may be so cited, and will be referred to in this ordinance as this Code.

The administration and enforcement of this ordinance shall be the duty of the Town Board of Trustees which is hereby authorized to take such actions as may be reasonably necessary to enforce the purpose of this Code. Such persons may be appointed and authorized as assistants or agents of such administrative authority as may be necessary to carry out the provisions of this Code.

B. Scope. The provisions of this Chapter shall apply to govern plumbing as defined in this Code, including the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system, and the public or private water supply systems, within or adjacent to any building or other structure, or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of the storm water or sewage system of any premises to their connection with any point of public disposal or other terminal.

C. Facilities. It is recognized that certain facilities in or adjacent to public streets that are referred to in this Code are only partially owned or controlled by the owner or occupants of the building or premises to which this Code applies.

8-1-3

Interpretation. All ordinances or parts of ordinances in conflict with the provision of the National Standards Plumbing Code are hereby repealed, and in the event any ordinance or parts of an ordinance of the Town is in consistent in any manner with the provisions of said National Standards Plumbing Code shall govern.

TITLE 9: UTILITIES

Chapter 9-1 Utilities, General

Chapter 9-2 Sewers

Chapter 9-3 Water

Chapter 9-4 Electricity

Chapter 9-5 Establishment of Drain Fields

Chapter 9-1: Utilities, General

1. Duties of the Sewer and Water Superintendent. Under supervision of the Board of Trustees, the Town employee to whom is delegated the management of waterworks shall have charge of application for service, connection, and management and shall make such suggestions for the improvement of the service as he/she may deem advisable and shall person such other duties as the Board of Trustees may require.
2. Application for Water and Sewer Service. Application for water or sewer services shall be made by the owner or agent of the property in writing to the Finance Officer stating the name, address, lot and block, and the uses for which such service is desired. No permit shall be granted until the applicant shall agree to comply with the terms and conditions of this title. No tap shall be made until said permit has been granted. Separate permits must be issued for each service connection, building, residence, business place and each branch connection when more than one connection is made by one service pipe. A permit must also be issued for making an extension or alterations to any plumbing of any house, store, or building beyond that for which permission may already have been granted. The cost of the permit will be on file with the Finance Officer. The permit fee is non-refundable.
3. Water and Sewer Account Deposit. After permit is granted, the applicant or new customer shall pay a water and sewer account deposit set by the Town Board of Trustees and on file with the Finance Officer to guarantee payment of water and sewer bills. Such deposit shall be returned to the depositor upon discontinuance of service and after all bills for water and sewer have been paid and/or when the depositor leaves Wolsey. This applies to all new customers after the effective date of this ordinance.
4. Water and Sewer Connection- Cost. After a permit is granted and appropriate fees are paid, the Town will, at their expense, provide for the extension of the Water system from the mains to the applicant's property line. The Town will provide the curb stop and saddle for the water connection. The Town Board of Trustees, Maintenance Person, shall supervise all stages of such extension and connection or any duly authorized representative thereof.

5. Connection Fee Required. A connection fee is required for each tap into the water system and each tap into the sewer system to be set by the Town Board of Trustees and on file with the Finance Officer. Said tap shall be made under the supervision of the Town of Wolsey. This fee is non-refundable.
6. Inspection of Premises. The Maintenance Person or duly authorized person(s) (any member of the Town Board of Trustees) shall have access at all reasonable hours upon reasonable notice to all premises which are serviced for the purpose of reading meters, installing or removing meters, or making repairs.
7. Rates. Water and sewer rates shall be established by resolution of the Town Board of Trustees and placed on file with the Finance Officer.

9-1-8 Monthly Billings. Monthly bills are categorized as follows:

- A. Utility Bills. Bills for garbage, sewer, water, or other utility services, which may be provided by the Town of Wolsey.
- B. Other Bills. Bills for the rental and purchase of property and equipment owned by the Town of Wolsey and for the cost of miscellaneous services, which may be provided by the Town of Wolsey.

All utility bills shall be due and payable on or before the twenty-fifth (25th) day of each month. After the twenty-fifth (25th) day of each month a late fee will be assessed to that particular account. Payments applied towards utility bills and other bills shall be applied in the following order: unpaid bills other than utility bills, unpaid fines, garbage, sewer, and water. An additional late charge set by the Town Board of Trustees and on file with the Finance Officer shall be assessed after the bill is two (2) weeks late.

9-1-9 Delinquent Bills, Notice to the Customer. If the bill remains unpaid on the twenty-fifth (25th) day of the current bill after it becomes due and payable, the customer shall then be sent a notice by certified mail stating the following:

- A. That the bill remains unpaid;
- B. That the customer may appear before the Town Board of Trustees at the next regularly scheduled meeting to show cause why the bill has not been paid;
- C. That as an alternative, the customer may reach an agreement with the Town President or the Finance Officer as to a payment plan before said regularly scheduled meeting;
- D. The cost of sending the notice via certified mail, and all other expenses

incurred during the collection process will be included in the customer's delinquent bill.

- 9-1-10 Notices shall be sent at least five (5) days prior to the hearing. If the building or part thereof receiving service is occupied by a renter and if the Town is aware that a landlord/tenant relationship exists, the notice shall be sent both to the owner and the renter. Proof of mailing shall constitute service upon the customer.
- 9-1-11 Notice Posted. If the customer fails to show at the regularly scheduled meeting, the Maintenance Person will post a notice on the customer's door within 24 hours of said meeting informing him/her that his/her water service will be discontinued if the bill remains unpaid within 48 hours of posting the notice.
- 9-1-12 Payment Plans. The Town President and Finance Officer may enter into agreements with customers as to a mutually satisfactory payment plan for "delinquent" bills. Failure by the customer to comply with the terms of an agreement and the utilities in question shall be terminated immediately without further notice.
- 9-1-13 Service Discontinuance. Should water service be discontinued either by the customer or the Town, the Maintenance Person will turn off the water at the curb stop. If the service is discontinued due to a delinquent outstanding bill by the tenant or resident, after two (2) months of failing to pay the bills the Town will charge a shut-off fee, which is determined by the Town Board of Trustees, and on file with the Town Finance Officer. Tenants and residents that are simply moving or need their service discontinued and who are not delinquent will not be assessed a fee.
- 9-1-14 Continued Service While Resident Out of Town or Not Using the Water Service. Any customer planning to be gone or is just not using the service at the current time will still be required to pay for the water and sewer service.
- 9-1-15 Reconnection Fee. Should termination of service be necessary, a reconnection fee set by the Town Board of Trustees and on file with the Finance Officer shall be paid in full along with payment in full of all utility bills before service can be resumed. The reconnection fee shall apply to customers who have had their service disconnected due to delinquent water/sewer bills.
- 9-1-16 Landlord Responsibility for Payments. Landlords shall be responsible for all utility payments on all of their rental property. Billings on rental property shall be billed directly to the property owner unless otherwise agreed upon by the Town.
- 9-1-17 User Responsible for Operation and Maintenance of Water and Sewer Lines. The Town shall be responsible for the maintenance and proper operation of the water

and sewer mains only. Any other water or sewer line attached to the mains shall be the exclusive responsibility of the property owner. In the event that a property owner must excavate to repair a line, it shall be his/her responsibility to fill such excavation to the satisfaction of the Town Board of Trustees.

9-1-18

Bankruptcy of the Customer. Notwithstanding any provision in Title 9 of this ordinance, the Town of Wolsey may not alter, refuse, or disconnect service to, or discriminate against the trustee or a debtor in bankruptcy, solely on the basis that a debt owed by the debtor to such utility for service rendered before the order of relief is not paid when due. The Town may disconnect service if neither the trustee nor the debtor in bankruptcy, within twenty (20) days after the date of the bankruptcy court's order for relief, furnishes adequate assurances of payment, in the form of a deposit or other security, for service after such date. The amount of such deposit shall be determined by the Finance Officer. On request of a party in interest and after notice and a hearing, the court may order reasonable modification of the amount of the deposit or other security necessary to provide adequate assurance of payment.

Chapter 9-2: Sewer

1. Definitions.

- A. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade, expressed in milligrams per liter.
- B. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet to one and one half (1.5) meters outside the inner face of the inner wall.
- C. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called house connection.
- D. Town. Shall mean the Town of Wolsey, South Dakota
- E. Combined Sewer. A sewer intended to receive both wastewater and storm or surface water.
- F. Easement. An acquired legal right for the specific use of land owned by others.
- G. Floatable Oil. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free or floatable only if it is properly pretreated and the wastewater does not interfere with the collection system.
- H. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- I. Industrial Wastes. The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- J. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- K. pH. The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of .0000001.
- L. Properly Shredded Garbage. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (½) inch or one and twenty seven tenths (1.27) centimeters in any dimension.
- M. Public Sewer. A common sewer controlled by a governmental agency or public utility.
- N. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

- O. Sewage. The spent water of a community, the preferred term is wastewater.
- P. Sewer. A pipe or conduit that carries wastewater or drainage water.
- Q. Shall. Is mandatory.
- R. Slug. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period or duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during the normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- S. Storm Drain. A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- T. Superintendent. the superintendent of wastewater facilities of the Town of Wolsey, or his/her authorized deputy, agent, or representative.
- U. Suspended Solids. The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as non-filterable residue.
- V. Unpolluted Water. Is 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 to the sanitary sewers and wastewater treatment facilities provided.
- W. Wastewater. The spent of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from the residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.
- X. Wastewater Facilities. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- Y. Wastewater Treatment Works. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant.”
- Z. Watercourse. a natural or artificial channel for the passage of water either continuously or intermittently.
- AA. Hearing Board. The board appointed according to the provision of article VIII.
- BB. “May.” Is permissive (see “shall,” Section Q).
- CC. “Person.” Any individual, firm, company, association, society, corporation, or group.

- 2. Depositing of Objectionable Waste Prohibited. 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 Town of Wolsey, or in any area under the jurisdiction of said municipality, any human or animal excrement, garbage, or other

objectionable waste.

3. Discharge to Natural Outlets Prohibited. It shall be unlawful to discharge to any natural outlet within the Town of Wolsey, or in any area under the jurisdiction of said Town, any sewage or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
4. Cesspools, Privies, Septic Tanks Prohibited. 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 wastewater.
5. Use of Public Sewers Required. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the district and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the district, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this ordinance, within 90 days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.
6. Connection with Private System. Where a public sanitary or combined sewer is not available under the provisions of Section 9-2-5 the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the article.
7. Written Permit Required: Sewer. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Zoning Board Secretary. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Zoning Board Secretary. A permit and inspection fee shall be determined by the Town Board of Trustees, and on file with the Town Finance Officer. Said fee shall be paid to the Town at the time the application is filed.
8. Inspection of Installation. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Wolsey Maintenance Person. The Wolsey Maintenance Person shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Wolsey Maintenance Person when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Wolsey Maintenance Person.

9. Public Sewer Availability. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 9-2-9, 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, and such connection shall be paid by the owner of the property served for the connection from the street to the residence.
10. Maintenance. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.
11. Additional Requirements. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.
12. Regulations on Sewer Pipe Connections. Regulations on how pipes may be connected to the sewer in the Town of Wolsey:
 - 1) No pipe shall be allowed to connect with public sewers with a fall of less than two one-hundredths of a foot per foot, and when possible three one-hundredths of a foot per foot.
 - 2) Connections with the sewers must be of first class quality of six inch verified pipes, without reducers, laid to uniform grade with gasket joints in cement and in good unworkmanlike manner; pipes laid from outside track to inside of building shall be of good quality of a cast iron soil pipe four inches in diameter. No taps shall be allowed throughout the entire line, and the soil pipes shall be coated with an approval tar or an asphaltic preparation. No cellar drains shall be use in connection with the public sewer unless the same are properly trapped.
 - 3) No junction pipe shall be out or taken up for connection without a special permit and then only in presence of the Water and Sewer Superintendent.
 - 4) Changes of direction of pipes must be made by properly curved pipe, and not be edging or cutting. No storm water connections will be permitted in the system of sewers.
 - 5) Sewer pipe connections, both inside and outside of buildings, must be Y's and T's; clean outs to be placed at each change of direction of soil pipes inside of buildings.
 - 6) Accidents to sewers by caving, or in cleaning of private connections must be promptly reported to the Finance Officer's office.
 - 7) Entrance into manholes or the opening of same except by the Town employees or agents is strictly prohibited.
 - 8) Any defective or other work in connection with sewers, or appurtenances, disapproved by the Superintendent shall, upon written notice, be promptly remedied by the property owner at his/her expense.

- 9) The Water and Sewer Superintendent shall have access at all times to any building connected with any sewer property to examine the same.
 - 10) No steam exhaust, blow off, drip pipe, refrigerator, waste pipe or tank overflow shall connect with the sewer, soil or waste pipe, but shall be conducted to a properly trapped water supplied sink or tray.
 - 11) No one shall throw or deposit or cause to be thrown or deposited in any vessel or receptacle connected with the public sewers, garbage, hair, ashes, fruit or vegetables, peelings, refuse, rags, sticks, cinders or any other matter or thing whatever, except human excrement, urine, the necessary closet paper and liquid house slops.
13. Specifications. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the State of South Dakota. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 43,560 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
14. Contact with System. No unauthorized person(s) shall uncover, make any appurtenance thereof, without first obtaining a written permit from the Superintendent.
15. Classes. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make the application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee shall be set by the Town Board of Trustees, and on file with the Town Finance Officer.
16. Cost to the Owner. All costs and expenses incidental to the installation and connection of that building sewer permit shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The Town may, as a condition to issuance of the permit, require the applicant to file a corporate surety bond for a period of two (2) years.
17. Multiple Buildings. 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 Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single

connection aforementioned.

18. New and Existing Building Sewers. 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.
19. Physical Requirements. The size, slope, alignment, materials, or construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back-filling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town and the State of South Dakota. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.P. Manual of Practice No. 9 shall apply.
20. Height Requirements. Whenever possible, the 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 sewer carried by such building drain shall be lifted by an approved means and discharged to the building sewer, at the owners expense.
21. Inappropriate Connections. No person(s) shall make connection of roof downspouts, foundation drains, sump pumps (except during the months of November thru April) 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 unless such connection is approved by the Superintendent and/or the South Dakota Department of Water and Natural Resources for purposes of disposal of polluted surface drainage. Existing sump pump connections shall be re-directed so as to discharge outside the building. New sump pump connections into public sanitary sewer shall not be allowed, except during the months of November through April.
22. Adhesion to Codes. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, and the State of South Dakota, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight and verified by proper testing. The Superintendent before installation must approve any derivation from the prescribed procedures and materials.
23. Inspection and Connection. The applicant for the building sewer 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/her representative.

24. Excavations. All excavations from building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
25. Discharge of Unpolluted Waters. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except storm water runoff from the limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Superintendent and the South Dakota State Department of Water and Natural Resources.
26. Inappropriate Substances. No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:
- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - B. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the receiving waters receiving any discharge from the treatment works of the wastewater treatment plant.
 - C. Any waters or wastes having a pH of lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the waste water works.
 - D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the waste water facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Each user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the Wolsey Sanitary treatment works shall pay for such increased costs.

- 9-2-27 Limited Quantities. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, the sludge of any municipal

system, the waste water treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quality of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the waste water treatment process employed, capacity of the waste water treatment plant, degree of treatability of the waste in the waste water treatment plant, and other pertinent factors. The limitations of restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer that shall not be violated without approval of the Superintendent are as follows:

- A. Waste water having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- B. Waste water containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- C. Waste water from industrial plants containing floatable oils, fat, or grease.
- D. Any garbage that has not been properly shredded (see Chapter 9-2-1). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparations of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite waste water at the waste water treatment works exceeds the limits established by the Superintendent for such materials.
- F. Any waters or wastes containing odor-producing substances exceeding limits, which may be established by the Superintendent.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal Regulations.
- H. Quantities of flow, concentrations, or both which constitute a “slug” as defined herein.
- I. Waters or wastes containing substances which are not amenable to treatment or reduction by the waste water treatment processes employed or are amenable to treatment only to such degree that the waste water treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- J. Any waters or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

9-2-28

Actions to Delete Hazardous Materials. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this Section, and which in the judgement of the Superintendent may have a negative effect upon the waste water facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition of discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; and /or
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

When considering the above alternative, the Superintendent may give consideration to the economic impact of each alternative on the discharged. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

9-2-29

Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in this Article, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and the South Dakota Plumbing Code and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates, and the means of disposal, which are subject to review by the Superintendent. Any removal or hauling of the collected materials not performed by the owner(s) personnel must be performed by currently licensed waste disposal firms.

30.

Pretreatment Facilities. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, the owner(s) at his expense shall maintain them continuously in satisfactory and effective operation.

9-2-31

Necessary Components. When required by the Superintendent, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. 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 at his expense, and shall be maintained by him so as to be safe and accessible at all times.

9-2-32 Required Information. The Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- A. Wastewater discharge peak rate and volume over a specified time period.
- B. Chemical analyses of wastewater.
- C. Information on raw materials, processes, and products affecting wastewater volume and quality.
- D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- E. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- F. Details of wastewater pretreatment facilities.
- G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

33. Experimental Standards. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

34. Special Agreements. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment.

9-2-35 Destroying Property. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure appurtenance, or equipment, which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

9-2-36 Inspection Officials. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurements, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

- 9-2-37 Information Ascertain. The Superintendent or other duly authorized employee(s) are authorized to obtain information concerning industrial processes, which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to the competitors.
- 9-2-38 Safety of Officials. While performing the necessary work on private properties referred to in section 9-2-31 above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the municipal employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by the negligence or failure of the company to maintain safe conditions.
- 9-2-39 Entrance of Private Properties. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- 9-2-40 Arbitration. 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 by the Superintendent. The cost of the arbitration will be divided equally between the Town and the sewer user.
- 9-2-41 Members. One member of the board shall be a registered professional engineer, one member shall be a representative of industry or manufacturing enterprise, one member shall be a lawyer, and one member shall be elected at large for his interest in accomplishing the objectives of this ordinance.
- 9-2-42 Violations. Any person found to be violating any provision of this ordinance except sections 9-2-29 through 9-2-33 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

- 9-2-43 Continuing Violations. Any person who shall continue any violation beyond the time limit provided for this section, shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.
- 9-2-44 Penalties. Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.
- 9-2-45 Invalid Sections. 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.
- 9-2-46 Enforcement. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Chapter 9-3: Water

1. List of Water Users. The Water Superintendent (same as Sewer Superintendent or Finance Officer) shall prepare a list of water users, giving their name and whether residential or commercial service is provided. Such list shall be prima facie evidence of the liability of the names owner for the water charge.
2. Discontinuance of Service. Any user desiring discontinuance of water service shall notify the Water Superintendent or Finance Officer prior to the first day of any month and shall continue to be liable for the payment of the water charge until such notice.
3. Application for First Service Connections. Any party desiring water service from the water system of the Town of Wolsey, Beadle County, South Dakota, for premises not theretofore connected with the system shall apply for connection on a form provided by the Superintendent or Finance Officer. Such application shall contain an exact description of the premises to be served and state the uses, residential or commercial, to which the water is to be put and be filed with the Superintendent, and the applicant shall pay for a connection charge, as provided in 9-1-5.
4. Subsequent Application for Service. Any new occupant of the premises who desires water servicing for premises where a connection has been made shall make written application therefore as described in Chapter 9-1-2 hereof but no additional charge for such connection shall be required.
5. Premise to Have Separate Connection. Unless special permission is granted by the Water Superintendent, each premise shall have a separate service connection and where permission is granted for branch service system, each system must have its own separate curb cock.
6. Cost Borne by Consumer. The cost of the original installation of all plumbing between main and any service device maintained by the consumer, all extensions made to such plumbing, all repairs, and all extensions of service, or of water mains, to premises not theretofore connected with the system, shall be borne entirely by the consumer.

Such plumbing and service shall at all reasonable times be subject to inspection by duly authorized representative of the Town. Any repairs found to be necessary shall be made promptly.

7. Defective Service. All claims for defective service shall be made in writing and filed with the Finance Officer or Water Superintendent on or before the 10th day of the month next succeeding such defective service, or shall be deemed waived by

the claimant. If any such claim is so filed, the Water Superintendent shall investigate the facts alleged in such claim and determine the amount, if any, which should be refunded to such claimant by reason of defective service and report such determination to the Board of Trustees. If approved by the Board, such amount shall be allowed as a credit on the following bill or paid as other claims. No claim shall be made against the Town by reason of any fire or any injuries to the person or property of any consumer of water under the provisions hereof.

8. Consent to Regulations. Every person applying for water service from the water system and every owner of property for which such application is made, shall be deemed by such application to consent to all the rules, regulations and rates contained in the Ordinances of the Town, and to all modifications thereof, and to all new rules, regulations or rates duly adopted.
9. Water Connections. In installing water service, all taps shall be driven, street excavations made, curb cocks inserted, pipes installed from main to curb, and the curb cock installed in an iron box to which the service is to be connected, by a Town employee or by a plumber duly licensed. After Town inspection of the water system, piping from the main to the curb including curb stop shall be the property of the Town and maintained by it.
10. Water Service Pipes. The water service pipe from the street main to the water-distribution system for the building, shall be of brass, copper (type K or L), cast iron or plastic (as prescribed by Section 10.19 of the South Dakota Plumbing Code) and shall be laid seven feet below the established grade, or as low as the street mains.
11. Curb, Stop and Waste Cocks. There shall be a curb cock in every service line attached to the water main, the same to be placed as near as possible to the street side of the sidewalk if on a street, or within one foot of the alley line if the main is located in the alley. Curb cocks shall be supplied with strong and suitable "T" handles, and shall be enclosed in a substantial iron case covered with a tight fitting lid, with the letter "W" cast upon it. There shall be a valve in the pipe on the house side.
12. Water System Check Valves. Check valves are required on all water connections to steam boilers or other connections deemed by Water Superintendent to require one. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of fifty pounds per square inch. Approved duo checks shall be installed on existing system where work is to be done by state plumbing code, and consumers with wells shall provide cross connections protection to insure against contamination.
13. Rates for Water and Sewer Service. There shall hereafter be imposed a charge

against all water and sewer users based upon meter readings of the amount of water consumed as follows:

- a) A as set minimum monthly fee for all residential users.
- b) In addition to the minimum monthly fee, a usage fee, calculated at the rate of gallons of water used, will be set by the Town Board of Trustees and on file with the Town Finance Officer.
- c) All apartment units with individual meters are charged under the normal residential users as described above. Apartment complexes without individual meters for each unit will be charged a minimum monthly fee, which will be set by the Town Board of Trustees and on file with the Town Finance Officer, in addition to the normal usage fee.
- d) The public school located in Wolsey will be charged at the same rate as a residential household.

14. Billing and Payment. All accounts shall be carried in the name of the property owner who, personally, or by his authorized agent, shall apply for such service. The Finance Officer shall prepare duplicate monthly statements of the amount due under the terms of this Ordinance from each customer, and shall file one thereof in the office of the Finance Officer, and shall mail or deliver one thereof to the respective consumer. The amount shown on such statement shall be due and payable to the Finance Officer forthwith and if not paid on or before the twenty-fifth day of the month, a penalty charge shall be added. The penalty charge will be set by the Board of Trustees and on file with the Finance Officer.

15. Water Fund. There is hereby created a special fund to be known as the Water Fund, to be kept and maintained by the Town of Wolsey. Into said fund shall be paid all collections of water charges as provided in Chapter 9-3-14 hereof, and such other monies as from time to time be appropriated thereto. Out of said Fund shall be paid all costs of operation and maintenance of said Water System.

9-3-16 Collection Charges. Any amount due hereunder for water charges may be collected in an action brought for that purpose in the name of the Town against the water user and property owner or the Finance Officer may certify to the County Auditor the amount due from Water charges, including penalty, together with legal description of the premises served with a request that the County Auditor thereupon enter such amount with the tax levy on said premises, collectible with the taxes for the ensuing year. The property owner shall be liable for water service to the premises whether he/she is occupying the premises, or not, providing that nothing herein shall prevent the Water Superintendent from ordering discontinuance of service to any such premise until any such bill shall have been paid.

17. Water Superintendent. Unless some other agent or employee of the Town shall be designated as "Water Superintendent", the Sewer Superintendent shall act as such

Superintendent and if no such person is so designated then the Trustee shall act as such Superintendent and in such event any reference herein to Water Superintendent or Sewer Superintendent shall be deemed to refer to the Finance Officer.

18. Repair of Service. All corporation cocks and curb stops shall be of the kind and pattern prescribed by the Town Board of Trustees. All service pipes must be laid as much below the surface of the ground as the main pipes in the street and protected to prevent rupture from freezing. All service pipes leading from the main to any premises, or pipes leading from such service pipes to any part of the premises and up to the meters, shall be of not less than three-fourths (3/4) inch extra heavy copper or other suitable material approved by the Town Board of Trustees.
19. Water Pipes How Laid. All corporations stop and water cocks, lead goose necks, and all services and stop boxes shall be of the kind and pattern prescribed by the Board of Trustees. All service pipes must be laid as much below the surface of the ground as the main pipe in the street, and in all cases, protect so as to prevent rupture from freezing. All service pipes leading from the main to any part of the premises shall be of size set by the Board of Trustees on file with the Finance Officer. Before any pipes are attached to the main, or attached to any service pipes leading to any part of the premises where the water is to be used, the same shall be inspected by the Water and Sewer Superintendent, and he/she shall have the absolute right to refuse to allow any such pipes to be connected thereto, if he deems the same unfit for the use for which the same is to be put.
20. Owner Responsible for Pipes and Fixtures. All owners must at their own expense, keep their service pipe, from the point of connection with the Town water main, and all other apparatus, in good working order and properly protected from frost and other damage. No claim shall be made against the Town by reason of the breaking of any of the service pipes or apparatus, or for any other damage that may result from any shutting off or turning on of water, or from any variation in pressure. Water shall not be wasted or improperly used. No reduction will be made from rates because of leaking pipes or fixtures or for any other cause.
21. More Than One (1) Consumer from One (1) Service. Two (2) or more premises cannot be supplied from the same service pipe unless each premise has its own curb stop. Owners of buildings who lease or subdivide shall be responsible for all water used in said premises. If more than one (1) meter is placed upon one (1) service pipe, the piping must be arranged such that each meter can be set on separate pipe lines and shall be so placed that no one of them shall measure water which has passed through another meter.
22. Check Valves. Check valves are required on all water connections to steam boilers

or any other connection deemed by an authorized inspector to require one. Safety and release valves shall be placed on all boilers or other steam apparatus connections with the water system where the steam pressure may be raised in excess of fifty (50) pounds per square inch.

23. Installation of Water Meters. All water meters shall be the property of the Town of Wolsey. It shall be the duty of the Maintenance Person to install or have a plumber install water meters, at the Town's expense, on the premises supplied with water by the Town. Water meters shall be put in suitable places, safe from frost or other danger and accessible to the Maintenance Person for examination.
24. Damage to Meters. If any water meter owned by the Town of Wolsey shall be damaged while on the premise of a consumer, either by carelessness of the owner or occupant, the consumer must pay for the repairs to put said meter in good working condition or purchase a new meter.
25. Testing Meters. If a consumer doubts the accuracy of any meter, he/she may ask the Maintenance Person to have the meter tested by an outside agency. If the meter is more than five (5) percent fast, proper deductions will be made from the bill from the preceding period. If the water meter is more than five (5) percent slow, the proper amount will be added to the bill. The cost of testing the meter will be borne by the customer if the meter proves to be accurate, the cost of testing the meter shall be borne by the Town of Wolsey if the meter proves to be inaccurate. The fees for testing by an outside contractor will be determined by the contractor.
26. Water Shut Off - Repairs. The Town reserves the right to discontinue service to any or all customers of the water system without notice when necessary for repairs. No claim shall be made against the Town by reason of the breaking of any service pipe or apparatus, or for any other damage that may result from shutting off water for repairing or any other purpose, or for any variation in pressure or ram of water from mains.
27. Water Rationing. The Town has the authority to impose water rationing in case of a water shortage or repairs to the water system, on a basis to be determined by resolution of the Town Board of Trustees. Notice of water ration given to the public by publication of restriction in the official newspaper or if possible by radio or TV announcement at least twenty-four (24) hours in advance before the effective date of such restriction, or by posting a sign stating such at the Wolsey Post Office; and it shall be unlawful for any person, firm, or corporation, to use Town water in the manner or at the times restricted by such resolution.
28. Use Without Meter Unlawful. It shall be unlawful for any person to use water from any premises without the consent of the owner or to use water from the Town waterworks except through a meter regularly installed under the provisions of the

ordinance. It shall be unlawful to turn the water on or off at any curb stop or street valve or tamper with any water service connection without the permission of the Town Board of Trustees or its designated representative.

29. Cutoffs. All stop boxes and cutoffs for controlling the supply of water to consumers shall be placed ten (10) feet from the property line nearest to the main where the tap is to be made with the top of the stop box even with the grade of sidewalk or parking. However, this rule shall not apply where a valve in the street, which is covered by a manhole, controls the water supply. All such cutoffs are under the control of the Town. The user or owner of the premises supplied with water shall be responsible for any damage to the curb-box.
30. Meter Required. All places supplied with water shall be metered by a meter furnished by the Town and of a type approved by the Board of Trustees under the direction of the Board of Trustees of the Town of Wolsey or its employees. All meters shall be tested before installation and be installed under the direction of the Board of Trustees of the Town of Wolsey or its employees. The owner of the premises where the meter is to be installed shall pay a deposit, which will be on file with the Finance Officer, plus costs of the installing thereof which deposit shall be made in advance of installation and to indemnify the Town against any damage to or loss of such meter and to insure the payment of all water rent and any other charge occasioned by such water service.
31. Placing of Meters and Cutoff Valves. All meters shall be suitably placed on a service pipe with a compression stop and waste on the inlet side and next to the meter so as to be easily accessible and, whenever possible, not to exceed two (2) feet from the wall or place where the service pipe enters the building or structure. The meter shall be kept free from all obstructions so that the same may be easily read and inspected and shall be protected from freezing or other damage. The cutoff valve shall have a handle or wrench attaching thereto for the purpose of turning same and must be kept accessible at all times. One (1) inch and larger meters shall have cutoff valves on both inlet and outlet side. Meters of two (2) inch size or larger shall have a tee with one (1) inch opening inserted between meter and stop valve on outlet side of meter.
32. Meters Failing to Register. In cases where water meters fail to register the amount of water passing through them by being stopped up or from any cause whatever, the quantity used shall be determined and the charge made based upon the average amount used during two (2) or more preceding periods of similar length.
33. Boxes for Meters. All meters located outside of cellars must be placed in boxes. All such outside meter boxes must be constructed of brick, stone, cement or other material other than wood, and be not less than three (3) feet long and two and one-half (2 ½) feet wide, inside measurement, and must be provided with two (2) close-

fitting covers so arranged as to provide a dead air space between each cover, and with steps to enable one to descend into the box. The top of the meter box shall be at grade.

34. Breaking Seals. No person shall break any seal upon any meter, valve, private fire hydrant or other fixtures that may be sealed by the direction of the board of Trustees or its employees. Provided that the seals on private fire hydrants and private fire protection valves may be broken in case of fire and when so broken shall be reported to the Board of Trustees within twenty-four (24) hours.
35. Pipes Inspected Before Covered. No water pipes laid underground shall be covered and the trenches filled until after the water has been turned into such pipes and the said pipes shall have been tested by the Board of Trustees or its employees and found to be water tight and below frost line, except when otherwise specially permitted by the Board of Trustees or its employees.
36. Water Shutoff- Expense. When the water has been shut off on account of nonpayment of bills or for violation of any of the rules and regulations of the Town, it will not be turned on again until all the arrears are paid together with an additional fee as stated in 9-1-13 and 9-1-15 for shutting off and turning back on. If any person from whose premises the water has been shut off for any of the reasons herein provided shall turn the water on or cause the same to be turned on without authority from the Board of Trustees or its employees, he/she shall be deemed guilty of a misdemeanor.
37. Town not Liable. All persons using water from the Waterworks System for any purpose whatever shall do so at their own risk, and the Town of Wolsey, will not, nor will the President of the Board of Trustees or the Board of Trustees, or other officers in charge of the waterworks system, in any case, be liable or responsible for damages growing out of the overflow or stoppage of water, or any insufficient supply of the same.
38. Use of Water during Fires. During the time of fires, the use of water for lawn purposes is prohibited, and any person violating this section is guilty of a misdemeanor.
39. Drilling of Wells.
 - A) Drilling prohibited generally. It shall be unlawful for any person to drill a water well for the purposes of extracting water.
 - B) Drilling in case of extraordinary or emergency circumstances. In a case of extraordinary circumstances or an emergency making it necessary for such a well to be drilled, and prior to the commencement of drilling, a person may make application to the Town for a drilling permit. The Town Board of

Trustees shall hold a hearing on such application and may, after hearing and upon appropriate findings, authorize the issuance of such a permit. Upon application and hearing, the applicant shall be required to show:

- a. That there exists an urgent necessity for the drilling of such well;
- b. That it is impracticable or impossible to obtain the necessary water from other sources and the reasons that the same is impracticable or impossible;
- c. That the applicant will establish and institute such safety standards as shall be desirable and necessary to prevent injury to the health, safety and well-being of the residents, citizens and inhabitants of the Town, and the specific safety standards which the applicant proposes;
- d. That the proposed well will not constitute a breach or violation of the terms and provisions of any subdivision restrictions or restrictive land covenants that may be in force and effect; and
- e. That the proposed well will not represent a potential hazard to residential subdivisions or properties in residential use, either adjoining or abutting the proposed drilling site.

At the time of hearing, the Town Board of Trustees may inquire into such circumstances and conditions which it may find to exist which either justify the issuance of a permit hereunder or which necessities the denial of such a permit upon a determination of the likely impact of such drilling on the health, safety and well-being of the residents, citizens and inhabitants of the Town.

C) Drilling for Town Services Purposes. Nothing herein shall prevent the drilling of necessary wells by the Town or by contractors authorized by the Town as to such drilling for the purposes of providing necessary Town services, or by any lawfully created and existing municipal utility district or other body politic which may be created from time to time and be changed with the function of providing Town service or services customarily provided by a Town.

40. Validity of Ordinances. That if any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this Ordinance. And the Town Board of the Town of Wolsey, South Dakota hereby declares it would have enacted such remaining portions, despite such invalidity.

41. Penalty: Water. A person who violates this Ordinance is guilty of a separate offense for each day or part of day the violation is committed, continues, or permitted. Each offense, upon conviction, is punishable by a fine set by the Town Board of Trustees and on file with the Finance Officer.

Chapter 9-4: Electricity

1. National Electrical Code. There is hereby adopted by the Town of Wolsey for the purpose of establishing rules and regulations governing electrical work as defined in the Code, including permits and penalties, that certain electrical code known as the “National Electrical Code,” 1973 edition, as amended, as adopted by the National Fire Protection Association, and the whole thereof, and also the Rules of the South Dakota State Electrical Board, effective July 1, 1974, as amended, of which not less than one (1) copy of said Code and Rules shall be filed in the office of the Finance Officer of Wolsey, and said National Electrical Code and Rules of the South Dakota Department of Commerce and Consumer Affairs, Division of Professional and Occupational Licensing Office of South Dakota State Electrical Board, effective July 1, 1974, as amended, are hereby adopted and incorporated as fully as if set out at length herein; and from the date which this ordinance shall take effect, the provisions thereof shall be controlling in the corporate limits of the Town of Wolsey.

- 9-4-2 Inspection. The administration, enforcement, and inspection of all electrical equipment and installations in the Town of Wolsey shall be made by the State Electrical Board and inspectors appointed by them.

- 9-4-3 License Required.
 - A. Electrician’s License. No person, firm, or corporation shall be permitted to engage in the business of installing any electrical wiring or construct or install electrical apparatus or machinery in any structure upon any premises within the limits of Wolsey, South Dakota, except as provided specifically herein without first securing a license as Master Electrician (electrical contractor) or Journeyman Electrician, as defined by State Statute. The license shall be issued in the name of the individual or the firm. The electrician’s license shall be posted ma conspicuous place in the business of the licensee. No electrician’s license shall be transferable.
 - B. Supervision of Work. No individual, firm, partnership, or corporation shall engage in the business of performing electrical work specified as set forth in State Statute unless the electrical work of such business is under the direct supervision of a licensed electrical contractor.

Chapter 9-5: Establishment of Drain Fields.

1. Regulations. Be it ordained by the Town Board of Trustees of the Town of Wolsey, South Dakota that it shall be unlawful for any person, firms, or corporations to establish new drain fields within the Town limits of the Town of Wolsey, South Dakota.

TITLE 10: STREETS, SIDEWALKS AND PUBLIC PLACES

- Chapter 10-1 Names of Streets and Avenues
- Chapter 10-2 Sidewalks and Curbs
- Chapter 10-3 Use of Streets and Public Places
- Chapter 10-4 Signs, Posts, and Awnings
- Chapter 10-5 Snow Removal
- Chapter 10-6 Trees in Public Places
- Chapter 10-7 Municipal Trees

Chapter 10-1: Names of Streets and Avenues

- 10-1-1 Plats Part of Ordinance. Those plats indicating the names of streets and avenues of Wolsey, South Dakota, now on file in the office of the Register of Deeds of Beadle County, South Dakota, are hereby incorporated as a part of this ordinance.

- 10-1-2 Official Map. The official map of the Town of Wolsey shall be that maintained in the office of the Register of Deeds of Beadle County, South Dakota and at the office of the Town Finance Officer

- 3. Names of the Streets and Avenues. The official names of the streets and avenues in Town of Wolsey shall be those as shown on the official map of maps maintained in the office of Register of Deeds of Beadle County, South Dakota and at the office of the Town Finance Officer.

Chapter 10-2: Sidewalks and Curbs

1. Building and Repairs. It shall be the duty of the owner of any lot or lots within the Town of Wolsey, when requested to do so in writing by the Town Board of Trustees, to build and maintain in good repair, a sidewalk in front of his/her premises.
2. Materials. All public sidewalks and curbs hereafter constructed in the Town of Wolsey shall be of cement, unless permission is obtained from the Town Board of Trustees to use other material. Such permission shall be given in the form of a resolution.
3. Town May Construct Sidewalks. In addition to the penalty provided for any violation of any of the provisions of this chapter, the Town Board of Trustees may, if the lot owner fails or refuses to build any sidewalks when requested under the provisions of this chapter, cause such sidewalks to be constructed and the costs of the same to be levied against the abutting real estate and collected in the manner provided by law for collecting special assessments or as prescribed by in SDCL 9-46.
4. Width of Sidewalks. In residential districts, the lot line begins 13' from the curbside. The distance from the gutter to the sidewalk is 7'. The width of the concrete sidewalk shall be 5'. The width of sidewalks in the business district shall be 8' which starts at the curb side. The cement depth of the sidewalk shall be 3.5" except where the sidewalk acts as a driveway in which case it shall be 5.5".
5. Cleaning Sidewalks. It shall be the duty of the occupant or the owner of any lot or parcel of land in the Town of Wolsey, abutting on any alley or sidewalk, to keep such sidewalk or alley or to the center thereof free from all filth, unwholesome substance or matter, manure, straw, brush, snow, or rubbish of any sort.
6. Supervision of Sidewalk and Curb Construction. The building and construction of all sidewalks and curbing within the limits of the streets and alleys of the Town of Wolsey, South Dakota, shall be done under the direct approval of the Town and all sidewalks and curbs shall be constructed on the grades as determined by the Town.
7. Specifications. The construction of all sidewalks and curbing, whether to be done by direct contract with the Town of Wolsey, or by contract with abutting property owners, shall be done strictly in accordance with the specifications for sidewalks and curbing adopted by the Town Board and on file in the office of the Town Finance Officer and any such work not done in accordance with these requirements may be condemned by the Town Board.

8. Permit Required. Before any sidewalk or curb is constructed within the limits of the streets and alleys in the Town of Wolsey by any contract or individual for the owner of abutting property, said contractor or person must first secure a permit from the Town Finance Officer.

9. Design of Sidewalks. No sidewalk shall be built less than four feet wide, pitched more or less than one inch to the street, and beginning more or less than five feet from the lot line.

- 10-2-10 Property Owner Responsible for Sidewalk and Curb Repair. It shall be the duty of the person in possession of any lot, parcel or plot of ground abutting upon any sidewalk or curb to keep such sidewalk and curb in good repair as provided by SDCL 9-46-2.

- 10-2-11 Openings in Sidewalks, Permit. No permanent opening shall be made in any sidewalk in the Town of Wolsey unless the same is covered with suitable iron covers, iron grating, or glass set in iron or cement; set level with the surface of the sidewalk; and so constructed as not to endanger any pedestrian passing over same.

Chapter 10-3: Use of Streets and Public Places

1. Materials in Streets, Permits. The Town President 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 the building to be constructed or repaired for a space of time not exceeding three (3) consecutive months, but such permission shall not allow obstruction of more than one-third (1/3) of any driveway, sidewalk, street, road, or alley. At the expiration of such permit, the Town President may, for good cause, renew the same for a like or shorter period of time.

Any person depositing and keeping any building materials on such sidewalk, street, road, or alley shall keep one (1) or more light, lanterns, flares, or flashing lights so placed that such material may be easily seen by persons passing along such sidewalk, street, road, or alley and shall keep such material adequately protected and guarded so as to prevent personal injury there from

2. Cleaning Streets or the Sidewalk of Rubbish. Every person to whom permission is granted to place and keep building materials in the sidewalk, street, road, or alley shall cause all such rubbish resulting there from to be removed from such sidewalk, street, road or alley at the time permitted in the permit, unless the permit shall be, for good cause, extended by the Town President.

- 10-3-3 Crowds on Streets. It shall be unlawful for persons to gather in crowds or groups or for any person to stand on any public street or sidewalk in the Town of Wolsey in such a manner so as to obstruct the free use and passage thereon, or to annoy other persons passing along the same; and the County Deputy or other law enforcement official is hereby authorized to disperse any such crowd or group, or to cause the removal of any person violating the provision of this ordinance.

4. Duty of Police in Dispersing Crowds. The Beadle County Sheriff or any policeman or other proper official of the Town of Wolsey is hereby authorized and directed to disperse any crowd or group of persons gathered on any street, road, alley, sidewalk, or other public ground or to remove any person standing on the same when such person or persons obstruct free passage thereon or annoy others; and such officer may summarily arrest such person or persons; proper complaint shall be entered against the person arrested within twenty-four (24) hours after arrest.

5. Building in Street. No person shall erect or maintain any building in such position that the same shall stand in whole or in part upon any public street, road, alley, or sidewalk in this Town, or be so constructed that any part of the building shall project into or over such street, road, alley, or sidewalk; provided that jutting windows, brick, cornices, and other projection from the buildings above the first story may extend over the adjoining street, road, alley, or sidewalk, not exceeding

eighteen (18) inches; and no person shall construct any step area or other appurtenance to any building so extending more than thirty (30) inches, nor shall any person erect in any public street, road, alley, or sidewalk any flight or stairs leading to the second or any higher story of any building.

6. Obstruction on Streets. No person shall place, leave, or keep on any public street, road, alley, sidewalk, or other public ground in the Town any automobile, cart, truck, sleigh, snowmobile, or other vehicle, except when the same shall be in actual use; nor shall any person place, leave or keep on any public street, road, alley, sidewalk, or other public ground in this Town, any other article, substance, or material which may obstruct the free use of said street, road, alley, sidewalk or public ground except as hereinafter provided.
7. Eaves Pipes. No person shall place or maintain any pipes leading from the eaves of any building in the Town of Wolsey in such a position that the water discharged thereby will flow upon or over any public sidewalk.
8. Goods on Sidewalks. Any person may place above three (3') feet of the sidewalk in front of his/her premises, for a period not exceeding ten (10) hours, goods or merchandise which he or she may be receiving or delivering or may, display on or over the sidewalk in front of and within two (2') feet of the buildings used by him or her as a place of business, and goods or merchandise for sale or exhibition. Under no circumstances shall any of the above articles be left upon the sidewalk in the nighttime or in such a way as to obstruct the sidewalk.
- 10-3-9 Bicycles on Sidewalks and Streets. No person shall block a sidewalk or street with a bicycle either by parking it or riding it.
- 10-3-10 Main Street Parking. Agricultural equipment and vehicles of over 4,000 pounds per axle actual weight are prohibited from parking on Main Street between Beadle 2nd Avenue West and 3rd Avenue East.
11. Excavations Near Streets. Any person or persons who shall make, or cause to be made, any excavations adjacent to any street, alley, sidewalk, or public path or roadway in the Town of Wolsey shall securely guard the same so as to prevent any person, persons, or animals from falling therein or receiving injury there from.
12. Hindering Street Improvement. No person shall hinder or obstruct any construction company hired by the Town or any employee of the Town of Wolsey in lawfully making any improvements or repairs on any public street, road, alley, or public grounds.
- 10-3-13 Injuring Sidewalks, Streets, Etc. No person, without proper authority, shall tear up, break, or injure any pavement, crosswalk, sidewalk, or other improvement in any

street, road, alley, or public grounds in said Town.

- 10-3-14 Livestock in Streets. No person shall allow any horse, mule, cow, hog, or livestock under his/her care or control to be loose on the streets or alleys of the Town of Wolsey except when being driven through such streets and in the charge of one (1) or more competent drivers.
15. Duty of Police in Abating Nuisances. The Beadle County Sheriff or other policeman is authorized and required to abate and remove any obstruction upon any street, road, alley, sidewalk, or other public ground. This he/she may do forthwith or on such notice as he/she may deem proper, unless the Town President or Town Board otherwise direct.
16. Dead or Diseased Tree Removal on Private Property. The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The Director of Public Works will notify, in writing, the occupants of the premises or the owner of such trees. Said owner shall remove the dead or diseased trees, at his or her expense, within sixty days after being served the notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees at the expense of the occupant or owner.

Chapter 10-4: Signs, Posts, and Awnings

- 10-4-1 Signs. No person shall place, hang, or maintain on or over any sidewalk in the Town of Wolsey any sign, which shall extend more than six (6) feet from the building to which it is attached or belongs, or be less than seven (7) feet above the sidewalk unless he/she obtains special permission from the Town Board of Trustees.
2. Posts and Awnings in the Street. No person shall set any post or other obstruction in the street, road, or alley, in this Town, for the purpose of fastening thereto any awning or shed in or over any street, alley or sidewalk, in this Town, nor drop or allow any awning to hang lower than seven (7) feet above the surface of the sidewalk, unless the owner of the property obtains special permission to do so from the Town Board of Trustees. The property owner shall be responsible for any bodily injuries or property damage arising out of the construction or placement of such obstructions.
3. Telephone and Electric Poles. It shall be unlawful for any person, company, or corporation to erect or maintain any poles for the purpose of stringing any telephone or electric wires in or on the main streets in the Town of Wolsey without written permission from the Town Board of Trustees.
4. Flags. Flags may be placed in the outer edge of the sidewalk during the daytime on State or National holidays or when authorized by a proclamation of the Town President, provided, they are attached to staffs securely fastened to the sidewalk and standing in an upright position.
5. Utility Poles. All telegraph and telephone poles and other utility poles shall be set inside and next to the property line.
6. Sign Permits. Any person desiring to erect or maintain a sign extending more than three (3') feet over a sidewalk must make written application for permit to the Town Board of Trustees.

Chapter 10-5: Snow Removal

1. Duty of Owner or Occupant. It shall be the duty of the owner or occupant or person in possession or in charge of any lot, parcel, or plot of ground fronting or abutting upon any sidewalk to keep said property free and clear from snow and ice.
2. Town May Remove Snow. In case the owner of any premises mentioned in the preceding section shall fail or refuse to remove any snow as provided in the previous section, the Maintenance Person may cause said snow to be removed; and the expense of removing the same shall be collected in such a manner as authorized by law.
3. Cost Assessed. The Street Superintendent shall cause an account to be kept against each lot for the removal of snow from the sidewalks. The hourly fee to be assessed by the Street Superintendent for snow removal will be on file with the Town Finance Officer. Said lot owner owing money will be billed and the same shall be certified to the Finance Officer on or before the 15th of May of each year.
4. Recovery by Town. In lieu of spreading the cost of such snow removal as a special assessment against said property in the discretion of the Board, said amount may be recovered in a civil action against the owner or occupant of said property.
5. Vehicles Hindering Snow Removal. Any vehicle hindering snow removal shall be subject to fine and towing charges.
6. Penalty: Snow Removal. Any person whose duty it shall be to remove snow as set forth in Section 10-5-1, and who fails to remove such snow within the time therein set forth, shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer. Said property owner shall also be liable to the municipality for any damage caused by neglect to keep such sidewalk clear and free of snow and ice as provided in this chapter.

Chapter 10-6: Trees in Public Places

1. Trimming Trees. The person or persons owning or occupying any private premises abutting any street, road, alley or sidewalk shall keep all trees standing on such premises so trimmed that no bough or branch thereof shall hang lower than ten (10) feet above the surface of the street, road, alley, or sidewalk.
2. Planting Trees. All trees hereafter planted along the streets in Wolsey shall be planted ten (10') feet from the lot line of the abutting lot. Trees may not be planted under any power lines, wires, or cables.
3. Care of Property Adjoining Streets. Persons owning or occupying lots or parcels of land within the Town of Wolsey may plant shade or ornamental trees, except evergreens, within the limits of the street adjoining such premises and may make and keep in order lawns and grass plots between the sidewalk and curbing, provided such trees hereinafter planted shall be at least ten (10') feet from any corner of a street intersection, Any trees or shrubs heretofore planted within the limits of any street which shall be deemed a menace to safety may be removed by the Town President.
4. Tree and Grass Plants. It shall be lawful for persons owning or occupying lots or parcels of land in Wolsey to embellish the same by planting trees within the limits of the streets adjoining said premises provided, that such trees are planted between the sidewalk and the gutter, and not within five (5') feet of the line of the street; and also to make and keep in order lawns and grass plants between the sidewalk and the curbing.
5. Dead or Diseased Trees. It shall be the duty of the owner, occupant, or person in charge of any lot or lots in Wolsey to remove any dead or diseased trees from such lot or lots excluding the area between the sidewalk and the curbing, which will be the responsibility of Wolsey.
6. Injury to Trees, Lawn, Etc. No person, other than the owner or his/her authorized agent, shall injure or cause to be injured any trees, shrubs, grass, or lawn growing on any public or private ground within the Town of Wolsey, except as herein before authorized.

Chapter 10-7: Municipal Trees.

1. Authority and Jurisdiction. The Town Board of Trustees shall have the authority and jurisdiction of regulating and planting, maintenance, and removal of trees on streets and other publicly owned property to ensure the public safety and to preserve the aesthetics of such public sites. The Town Board of Trustees shall have the authority to determine the type and kind of trees to be planted upon municipal streets or in parks, and the Board of Trustees may assist in the dissemination of news and information regarding the selection, planting, and maintenance of trees within the corporate limits or within the area over which the Town has jurisdiction, whether the same be on public or private property, and to make recommendations from time to time as to desirable statutes concerning the tree program and activities for the Town.
2. Permission to Plant and Maintain. No person shall plant, spray, fertilize, preserve, prune, remove, cut above ground, or otherwise disturb any tree on any street or municipal owned property without first receiving permission from the Town Board of Trustees.
- 10-7-3 Duties of Property Owners. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, signs, or obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection, except where such services are provided for by utility firms. The minimum clearance of any overhanging portion thereof shall be ten (10') feet whenever practicable, and twelve (12') feet over all streets except truck thoroughfares where the clearances shall be from fourteen (14') to sixteen (16') feet, unless otherwise determined by the Town Board of Trustees.
4. Abuse of Trees. Unless otherwise specifically authorized by the Town Board of Trustees, no person shall intentionally damage, cut, carve, transplant, or remove any tree, attach any rope, wire, nails, advertising posters, or other contrivance to any tree, allow any gaseous liquid or solid substance which is harmful to such tree to come in contact with such tree or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.
5. Permission to Deposit Materials. No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing therein, except by permission of the Town Board of Trustees.
6. Permission to Excavate. All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work shall

be guarded with a good substantial fence, frame, or box, and all building material, dirt, or other debris shall be kept outside such barrier. No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten (10) feet from any public tree without first obtaining permission from the Town Board of Trustees.

7. Removal of Hazards. Where any trees branches or hedges protrude or overhang on any thoroughfare within the Town so as to be determined as in violation with this Chapter or affecting motor vehicle traffic and good maintenance practices, notification shall be given by the Town Board of Trustees to the property owner to remove such obstructions or undesirable branches or hedges within seventy-two (72) hours after receipt of notice. If not completed within that time, the Town Board of Trustees shall take immediate action to have such items removed with all costs assessed to the property owner. (SDCL 9-38-2)
8. Trimming Trees. The person or persons owning or occupying any private premises abutting any street, road, alley or sidewalk shall keep all trees standing on such premises so trimmed that no bough or branch thereof shall hang lower than ten (10) feet above the surface of the street, road, alley, or sidewalk
9. Penalty: Municipal Trees. Any person violating any provisions of this Title shall be punishable by a fine by a fee set by the Board of Trustees and on file with the Town Finance Officer.

TITLE 11: TRAFFIC CODE

Chapter 11-1 General Provisions

Chapter 11-2 Motorcycles

Chapter 11-3 Snowmobiles

Chapter 11-4 School Buses

Chapter 11-5 Pedestrians

Chapter 11-1: General Provisions

Definitions.

- A. Emergency Vehicles. Fire Department Vehicles police vehicles, ambulance or any vehicle authorized by the Beadle County Sheriff to be used for emergency conditions.
- B. Crosswalk. That portion of a roadway ordinarily included within the prolongation of curb and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.
- C. Department. The Beadle County Sheriff's Department or the official designated law enforcement department.
- D. Intersection. The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two (2) or more streets or highways which join one another at an angle whether or not such street or highway crosses the other, but such area, in the case of the point where an alley and a street meet within the Town, shall not be deemed an intersection.
- E. Laned Street. A street, the roadway of which is divided into two (2) or more marked lanes for vehicular traffic.
- F. Official Traffic Signals. All signals, not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction for the purpose of directing, warning, or regulating traffic.
- G. Official Traffic Signs. All signs and markings, other than signals, not inconsistent with this title, placed or erected by a public body or official having jurisdiction for the purpose of guiding, directing, warning, or regulating traffic.
- H. Operator or Driver. Any person who drives or who is in actual physical control of a vehicle upon a street, highway or who is exercising control over or steering a vehicle.
- I. Parking. Stopping or leaving stand any vehicle, whether attended or unattended
- J. Pedestrian. Any person afoot
- K. Private Road or Driveway. Every road or driveway not open to the use of the public for purposes of vehicular travel.
- L. Right-of-Way. The privilege of the immediate use of the street or highway
- M. Roadway. The portion of a street or highway between the regularly established curb lines or that part devoted to vehicular traffic
- N. Sidewalk. That portion of a street between the curb lines and the adjacent property lines.
- O. Street or Highway. Every way set apart for public travel, except foot paths.
- P. Traffic. Pedestrians, ridden animals, herded animals, and vehicles while using any street for purposes of travel.

- Q. Vehicles or Machines. Trailers, Semi-Trailers, Truck Trailers, Road Tractors and Motorcycles, Bicycles, propelled by Motor or Steam or Muscular Power and used upon the Public Streets, and on alleys or public grounds of the Town of Wolsey for the transportation of persons and property or both;
- R. Smearing. To turn or curve or corner at a high rate of acceleration to cause a spinning of the wheels or squealing of the tires.
- S. Spinning. To start from a stop or coasting or a slow rate, with a burst of speed to cause the wheels to spin or the tires to squeal;
- T. Business District. The term “business district” as used in this title, shall include the territory contiguous to a highway when fifty percent or more of the frontage thereon for a distance of three feet or more is occupied by buildings in use for business;
- U. Residential District. The term “residential district” as used in this title, shall include the territory contiguous to a highway not comprising a business district when the frontage of such highway for a distance of three hundred feet or more is mainly occupied by dwellings and buildings in use for business.

Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails, or tracks. This term includes equestrian led horses, bicycles, and everything on wheels or runners, except baby carriages.

- 11-1-1 Observance of Rules and Regulations. The owner, operator, driver, or person in charge of any vehicle used, propelled, or driven upon the streets of the Town of Wolsey shall conform to and observe the following rules and regulations of the State of South Dakota. Any person riding a bicycle or an animal upon a roadway and every person driving any animal shall be subject to the provisions of this title applicable to the operator of any vehicle.
- 2. Police. The Beadle County Sheriff’s Office is hereby empowered to make and enforce all regulations necessary to make effective the provisions of this chapter and to make the temporary regulations to cover emergencies, or special conditions, provided any such regulations are not inconsistent with the provisions of this chapter. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of a law enforcement officer.
- 3. Driver’s Permit Required. It shall be unlawful for any person, except those expressly exempted by Statutes of the State of South Dakota, to drive any motor vehicle upon any of the streets, highways, or alleys within the Town of Wolsey without first having secured and having in his/her possession an operator’s permit or license so to do as provided by Statutes of the State of South Dakota, provided however, that a nonresident who is at least sixteen (16) years of age and who has in his/her immediate possession a valid operator’s license issued to him in his/her home state or county may operate a motor vehicle in the Town of Wolsey.

4. Diving on Sidewalks. The operator of a vehicle shall not drive on or within any sidewalk area, except at a permanent or temporary driveway.
5. Exemptions. All emergency vehicles such as police cars, fire vehicles, ambulances, etc., are exempted from all the provisions of this chapter if an emergency or special occasion arises.
- 11-1-6 Drive on Right Side of Street. Upon all streets of a sufficient width, the driver of a 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 and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing set forth in Section 11-1-32 of this chapter.
- 11-1-7 Approach of Emergency Vehicle. Upon the approach of any Police or Fire Department giving audible signal by bell, siren, or exhaust whistle, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right hand edge or curb of the street, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed.
8. Fire Apparatus. It shall be unlawful for the operator of any vehicle to follow closer than two hundred (200') feet any fire vehicle traveling in response to a fire or an alarm, or to drive into or park within four hundred (400') feet of where the fire apparatus has stopped in answer to the fire/alarm
9. Driving Through Procession. No person shall drive a vehicle, except fire apparatus, police, patrol, or ambulance, through a procession, except with the permission of the Town President.
10. Right-of-Way, Fire Department, Etc. The police, fire department, fire patrol, and ambulance shall have the right-of-way in any street during a fire, the repair wagon or repair motor vehicle of any electric light and power company shall have the same right.
11. Right-of-Way, Left Turn. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required, may make such left turn. The drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.
12. Right-of-Way at Intersection. The right-of-way rule as between vehicles at intersections is hereby declared as follows:

- A. The operator of a vehicle approaching an intersection shall yield the right-of-way to a vehicle, which has entered the intersection.
 - B. When two (2) vehicles approach an intersection at approximately the same time, operator of the vehicle at the left shall yield the right-of-way to the vehicle on the right.
 - C. The operator of any vehicle traveling at an unlawful speed shall forfeit any right-of-way, which he may otherwise have hereunder.
13. Turning Left. The driver of a vehicle turning to the left on an intersection, street, or avenue shall not turn until past the center of such intersection, at all times keeping to the right of the center of the square formed by the intersecting streets or avenues.
 14. Turning. The driver of a vehicle about to turn shall give a timely signal by extending the hand and/or automatic signal indicating the direction he/she is about to turn.
 15. Turning Around in Midblock. The operator of a vehicle shall not turn such vehicle so as to proceed the opposite direction except at an intersection or turn such vehicle so as to park on the opposite side of the street.
 16. Brakes, Horns, and Lights. Every vehicle operated upon the public streets and alleys of the Town of Wolsey shall be provided with adequate brakes, suitable horn, and shall during the period of from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise display at least two (2) lighted lamps on the front and at least two (2) lighted red lamp on the rear of such vehicle, motorcycle or bicycle are required to display but one (1) lighted lamp on the front of such vehicle.
 17. Mufflers. No person shall drive a motor vehicle in the Town of Wolsey unless such vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. It shall be unlawful to use a “muffler-cut-out” on any vehicle upon any street within the Town of Wolsey.
 18. License. No person shall operate or drive a vehicle within the corporate limits of the Town of Wolsey unless such vehicle shall have displayed the licenses, or numbers assigned to that vehicle by the Secretary of State as provided by law.
 - 11-1-19 Stop Required Before Entering From Alley, Building or Private Road. The driver of a vehicle emerging from an alley, building, private road, or driveway within a business or residential district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road, or driveway or, in the event there is no sidewalk area, shall stop at

the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

- 11-1-20 Stopping. All vehicles shall come to a full stop when entering a through street from an alley or private driveway or upon a sign, notifying driver of vehicles to come to a full stop.
- 11-1-21 Action Required at Yield Sign. The driver of a vehicle approaching a sign authorized by the Town Board bearing the word “Yield” or “Yield Right-of-Way” shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions or shall stop if necessary and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or approaching on another highway so closely as to constitute an’ immediate hazard. Said driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding.
- 11-1-22 Obedience to Traffic Signs and Signals. It shall be unlawful for any person to disobey the instructions of any official traffic sign or signal upon the street placed by the Town Board, unless otherwise directed by a police officer.
- 11-1-23 Backing Around Corners or Into Intersection Prohibited. It shall be unlawful for the operator of any vehicle to back such vehicle around a corner at an intersection or into an intersection of public streets.
- 11-1-24 Loading and Unloading at Curb. A vehicle shall remain backed to the curb long enough to load or unload.
- 11-1-25 Reckless Driving. Any person who drives any vehicle upon a street, avenue, or alley carelessly and heedlessly in disregard of the rights or safety of others or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving.
- 11-1-26 Careless Driving. Any person who drives any vehicle upon a street, highway or alley within the Town of Wolsey carelessly and without due caution, at a speed or in a manner so as to endanger any person or property, is guilty of careless driving.
- 11-1-27 Exhibition Driving. Any person who drives any vehicle within the Town of Wolsey in such a manner that creates or causes unnecessary engine noise, 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 away, shall be guilty of exhibition driving._

- 11-1-28 Racing Prohibited. It shall be unlawful for the operator or driver of any vehicle to race with any other vehicle on said streets or thoroughfares of the Town of Wolsey, or to engage in any contest of speed with any other vehicle, or the driver thereof, on said streets and thoroughfares.
- 11-1-29 Vehicles Two Abreast. Vehicles shall not stand or travel two (2) or more abreast on any street.
- 11-1-30 Moving Slowly. Persons driving vehicles slowly shall keep as near as possible to the curb on the right, allowing more swiftly moving vehicles free passage to the left.
- 11-1-31 Meeting Vehicles. Every person driving a vehicle meeting another shall pass on the right.
- 11-1-32 Overtaking Vehicles. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left and shall not cut in front of the latter until safely clear of the overtaken vehicle. The driver of any vehicle shall not pass unless the left hand side of the street is clear, to insure safety to both vehicles. No person shall overtake and pass another upon a street intersection. The driver of a vehicle overtaking another must maintain the legal speed limit of the Town when overtaking and passing another vehicle.
- 11-1-33 Turning Right. A person driving a vehicle turning into another street on the right shall turn the corner as near to the right hand curb as possible and keep to the right hand of the square formed by such intersecting streets or avenues.
- 11-1-34 Street Closing. The Town Board of Trustees reserves the right to close any street to all traffic and/or to all truck and heavy equipment traffic as the Board of Trustees feels necessary to maintain the condition of the street. It is unlawful for the operator of any truck to travel, park or unload on any road in the Town of Wolsey except Railroad Avenue and Main St. Both of these streets shall be used as the primary truck route. A truck for purposes of this Ordinance is any motor vehicle with either three or more axles or five tons or more gross weight.
- 11-1-35 Allowable Vehicles. Vehicles and trucks that may be allowed are school buses, any mass transportation vehicles, or other vehicles and trucks as prescribed by the Town Board.
- 11-1-36 Truck Routes. All truck class, including semi-tractors, vehicles entering or passing through the Town of Wolsey must use Truck Routes. "NO TRUCKS" signs are posted at both ends of restricted use streets and must be adhered to. Violators will be subject to a fine, determined by the Wolsey Town Board of Trustees.

37. Parking Trucks. It shall be unlawful to park any truck or motor vehicle measuring more than seventeen feet overall from front to rear or more than seven feet in width upon Main Street, and in determining the length or width or any such truck or vehicle the contents thereof or any trailer attached thereto is deemed part of said vehicle.
38. Town Board of Trustees. It shall be the duty of the Town Board of Trustees to have placed conspicuously on each main street where the rate of speed changes, signs of sufficient size to be easily readable by any person using the street.
39. Costs of Prosecution. In all cases of conviction, the cost of prosecution shall be taxed against the defendant.
40. Driving on Right Side of the Street. Upon all streets of sufficient width, the driver of a 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 and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing set forth in Section 11-1-32 of this chapter.
41. Following too Closely. The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard to the speed of such vehicles and the traffic upon the condition of the streets or highways.
42. Riding on Outside of Vehicle. No person driving a vehicle shall allow any person to ride upon the running board or fenders or any outside of such vehicle he/she is driving while the same is in motion.
43. Signals. Any stop or turn shall be signaled by either means of hand and arm or by a signal lamp or standard approved mechanical signaling device.
- A. At any intersection where there is displayed an official traffic sign displayed there words "No U-Turn" it shall be unlawful for the operator of any vehicle to turn such vehicle at the intersection in a complete circle or so as to proceed in the opposite direction;
- B. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway, or turn a vehicle to enter a private road or driveway otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner herein provided in the event any other traffic may be affected by such movements;

- C. A signal of intention to turn right or left when required shall be given continuously during no less than the last 100 feet traveled by the vehicle before turning;
- D. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

11-1-44 Method of Giving Hand and Arm Signals. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- 1) Left Turn-Hand and arm extended horizontally.
- 2) Right Turn- Hand and arm extended upward.
- 3) Stop/decrease speed- Hand and arm extended downward.

11-1-45 Driving While Intoxicated. It shall be unlawful for any person to drive or operate, or attempt to drive or operate any motor vehicle upon any of the public streets, alleys or public grounds of the Town of Wolsey, while such person is in an intoxicated or drunken condition, or under the influence of intoxication liquor.

11-1-46 Speed Restrictions. It shall be unlawful for any person to drive a vehicle on a street or highway at a speed that is greater than is reasonable and prudent. Unless otherwise posted, no person shall drive a motor vehicle at a speed in excess of twenty miles (20) per hour within or while passing through the Town of Wolsey, except on Old Highway 281, where the speed is posted at twenty-five (25) miles per hour.

- A. The Board - is authorized and empowered to determine and establish upon any street or highway within the Town or any part thereof, restrictive speed zones if it is deemed necessary for the safety and well-being of the pedestrians and vehicle operators.

11-1-47 Slow Driving. No person shall drive any vehicle at any unnecessarily slow rate of speed so as to hinder and retard the traffic.

11-1-48 Parking. No vehicle shall be parked on any street or avenue of the Town of Wolsey, except at the curb, with the right front wheel touching the curb, and the right rear wheel approximately six (6') feet from such curb, provided that no vehicle be parked along the curb within ten (10') feet of either side of the front door of the Fire Hall.

11-1-49 Parking and Stopping Prohibited in Certain Places. It shall be unlawful for the operator of a vehicle to stop, stand, or park such vehicle on any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer:

- A. Within an intersection;
- B. On a crosswalk;
- C. In front of a private driveway;
- D. On a sidewalk;
- E. Against direction of traffic on Main Street; and
- F. In such a manner or under such conditions as leaves available less than ten (10') feet of the width of the roadway for free movement of vehicular traffic, except that this provision shall not apply to the operator of a vehicle stopped momentarily during the actual loading or unloading of passengers or materials if such stopping does not actually impede traffic.

11-1-50 Parking and Double Parking. It shall be unlawful for the operator of any vehicle to stop, stand, or park such vehicle on the roadway side of any other vehicle stopped or parked at the edge or curb of a street except when temporarily engaged in the loading or unloading of passengers or materials.

11-1-51 Stopping. No driver shall stop a vehicle with its left side to the curb, except in an emergency or to allow another vehicle or pedestrian to cross his/her path, stop in the street without warning, except near the right hand curb thereof and, so as not to obstruct a crossing.

11-1-52 Parking. It shall be unlawful for any person to park any vehicle upon the paved or improved or main traveled portion of any street, alley, or highway, or in the center of any street, alley, or highway, or to park at the curb that is painted yellow or otherwise clearly marked with signs of "No Parking", or within ten (10') feet of any intersection, or within fifteen (15') feet in either direction of a fire hydrant or fire station, or in front of a private driveway or public alley. No vehicle of more than eighteen (18') feet in length or seven (7') feet in width shall be parked upon any street, which has been designated for diagonal parking. No vehicle shall back to the curb, or stop, stand, or park such vehicle on the roadway side of any other vehicle stopped or parked at the edge of the curb except where it is necessary in order to load or unload goods or merchandise, and then only for such length of time as may be necessary to load or unload. Also no vehicle shall park in any public alley except only to unload or load merchandise then only for such length of time as may be necessary to load or unload. No vehicle shall be parked or left standing on any crosswalk except momentarily for the purpose of taking on or letting off passengers. Only diagonal parking shall be allowed on Main Street from 1st Street West to Railroad. Parallel parking shall be optional on all other streets within the Town of Wolsey depending on the width and amount of traffic upon such street.

11-1-53 Clinging to Moving Vehicles. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle to cling to

or attach himself/herself or his/her vehicle to any other moving vehicle or streetcar upon any road.

54. Accident Report. The driver of any vehicle involved in an accident resulting in injury or death to any person or involving damage to any property shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible, but shall then forthwith return to and in every event shall remain at the scene of the accident until the operator has provided his/her name, address, and registration number of the vehicle he is driving upon request and, if available, exhibit his/her operator's or chauffeur's license to an official officer of a law enforcement department, In any accident involving personal injury or death or damage to the property of another, he shall immediately, by the quickest means of communication, give notice of such accident to the law enforcement department

55. Tractors Prohibited. No person shall, without written consent, run any tractor or any other vehicle with iron or steel lugs over or upon any street or alley of the Town of Wolsey that has been oiled or hard-surfaced; nor any rubber tired vehicle unless the rims thereof shall be protected by inflated rubber tires or that said streets or alleys must be planked before being run over. Any person violating any of the provisions of this ordinance shall be punishable by a fine by a fee set by the Board of Trustees and on file with the Town Finance Officer.

11-1-56 Penalty: Traffic Code. Any person or persons using, operating, or driving any vehicle, who shall violate any of the provisions of this ordinance shall be punishable by a fine by a fee set by the Board of Trustees and on file with the Town Finance Officer.

Chapter 11-2: Motorcycles

- 11-2-1 Definition. The term “motorcycle” as used in this ordinance shall include 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.
- 11-2-2 License-Permit. No person shall operate a motorcycle on the public streets of Wolsey 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 motorcycle.
- 11-2-3 Passenger. It shall be unlawful for an operator or driver of a motorcycle while operating on the public streets of this Town to carry any other person thereon, except on a seat securely fastened to the motorcycle 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 that is required for the operator of a motorcycle.
- 11-2-4 Operation in Parks. 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.
- 11-2-5 Parades. This chapter shall not apply to vehicles used for special occasions such as a Town authorized display, parade, exhibition, and similar uses.

Chapter 11-3 Snowmobiles

1. Snowmobile Route. No person shall operate a snowmobile upon any street, alley, sidewalk, highway, or public property within the Town of Wolsey, except as to allow such person to exit out of the Town and return to his/her place of residence or to the storage place of such snowmobile by the most direct or feasible route and under such terms and conditions as hereinafter provided. Town Streets are to be used by snowmobiles only to exit or enter the Town of Wolsey by the nearest route to or from the Town Limits.
2. Permitted Operations. Snowmobiles may be used for emergencies within the Town only when Town streets are impassable. Snowmobiles shall not be permitted to operate on the sidewalks.
3. Flagging. All snowmobiles shall exhibit a red or orange flag or cloth not less than twelve (12") inches square and hung or suspended five (5') feet above ground level so that the entire area thereof is visible from all directions while on any road, street, or alley.
4. Safety Equipment and Inspection. All snowmobiles operated within the Town shall be equipped with and have in operation at all times mufflers, brakes, and at least one (1) headlight and one (1) taillight. No snowmobile shall be driven on the roadway, street, or alley when said snowmobile is unsafe as to endanger any person or property. The Town Board of Trustees may at any time upon reasonable cause to believe the snowmobile is unsafe or not equipped as required by this ordinance, require the driver of such vehicle to stop and submit such vehicle to an inspection and test with reference thereto as may be appropriate. No person shall operate any vehicle which has been found unsafe except to return such snowmobile to his/her residence, place of business, or to a garage until said vehicle has been placed in proper repair.
5. Hours of Permitted Operation. No snowmobile shall be operated within the Town between the hours of 10:00 p.m. and 7:00 a.m., except that at driver may drive during this restricted time when he/she is coming into the Town to his/her residence or when he/she is leaving the Town to go to his/her residence or when he/she is driving from work to his/her residence, preceding slowly.
6. Rules of the Road. Every operator of a snowmobile shall observe all of the rules of the road pertaining to vehicles and in addition shall yield right-of-way to motor vehicles. It shall be unlawful to drive or operate a snowmobile upon any sidewalk.
7. Access and Exit Routes and Other Regulations for Small Recreational Vehicles.

A. Owners of three-wheelers and recreational vehicles generally known as off-

road vehicles are to use the shortest route when leaving or entering the Town.

- B. These vehicles shall be operated only during the hours from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.
- C. Operators of all such vehicles shall be in possession of a valid driver's license and shall meet all other requirements of State traffic laws.

- 8. Speeding and Reckless Driving Prohibited. No person shall operate a snowmobile in a reckless way so as to endanger the person or property of another or in a manner, which disturbs the peace by loud or unusual noises, or by destroying or attempting to destroy or injure any property belonging to another.
- 9. Operator License Requirement. No person shall operate a snowmobile on the streets or alleys within the corporate limits without a valid South Dakota Driver's License or permit as prescribed by South Dakota Law, and then, only in the same manner and for the same purposes which said permit authorizes.
- 10. Operation within Town Park or Cemetery. No person shall operate a snowmobile within the area known as Wolsey Park, or the Wolsey Cemetery, except for exiting or returning to or from the Town Limits.
- 11. Lights Required During Darkness. No person shall operate a snowmobile on the alleys or streets within the corporate limits, during hours of darkness, without a lighted headlamp and tail lamp.
- 12. Drive on Right Side of Street. Every person operating a snowmobile on the alleys or streets within the corporate limits shall operate same upon the right half of the street in single file, except when overtaking and passing another vehicle.
- 13. Sidewalks. No person shall operate a snowmobile on or within any sidewalk or boulevard area, except as a permanent or temporary driveway.
- 14. Operating on Railroad Right of Way. No person shall operate a snowmobile on a railroad right-of-way within the Town of Wolsey, without a permit from the Railroad Company.
- 15. Operating on Private Property. No person shall operate a snowmobile on private property, other than that of the snowmobile owner or operator, without the expressed permission of the owner.
- 16. License Requirements. No person shall operate a snowmobile on the streets or alleys within the corporate limits without a valid South Dakota license displayed on said snowmobile.
- 17. License as Evidence. In any proceedings for violations of this Ordinance relating

to operation of a snowmobile, the license displayed on a snowmobile shall constitute in evidence, a prima facie presumption that the owner of such snowmobile was the person who was operating at the time when such violation occurred.

11-3-18 Penalty: Snowmobiles. Any operator of a snowmobile within the corporate limits that violates any provision of this Ordinance, shall be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.

Chapter 11-4: School Buses

- 11-4-1 Signal Lights Regulation. Every vehicle owned or operated by or for a school district, used for transportation of school children, shall bear upon the front and rear thereof plainly visible signs containing the words “School Bus” in letters not less than eight (8”) inches in height. Every such vehicle shall be equipped with alternately flashing red signal lights on the front and rear thereof in accordance with the standards and regulations adopted by the State Board of Education of South Dakota. The operator of such vehicle shall cause such alternately flashing red lights to be lighted whenever such bus is stopped upon any road within the Town of Wolsey for the purpose of receiving or discharging school children.
2. On Meeting Bus. The operator of a motor vehicle upon the roads and streets of the Town of Wolsey upon meeting or overtaking from either direction any vehicle used and designated as a school bus as provided above, which is stopped upon the street or road for the purpose of receiving or discharging any school children shall stop before reaching such school bus when there is in operation on such school bus a visible signal as specified in the preceding section and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed, or the visible signals are no longer actuated.
- 11-4-3 Penalty: School Buses. Any person who violates any of the provisions of this ordinance shall be guilty of violation of this ordinance and, upon conviction thereof, be punishable by a fine set by the Board of Trustees and on file with the Town Finance Officer.

Chapter 11-5: Pedestrians

11-5-1 Pedestrian's Right-of-Way.

- A. The operator of any vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk or at the end of a block, except at intersections where the movement of traffic is being regulated by police officers or traffic control signals.
- B. Whenever any vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross a roadway, it shall be unlawful for the operator of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.

11-5-2 Pedestrian's Responsibility. Pedestrians when crossing the street shall not carelessly or maliciously interfere with the passage of vehicles.

TITLE 12: PROPERTY MAINTENANCE

- Chapter 12-1 Purpose
- Chapter 12-2 Definitions
- Chapter 12-3 Maintenance
- Chapter 12-4 Sanitation of Premises and Building Required
- Chapter 12-5 Enforcement and Administration of Provisions
- Chapter 12-6 Right of Entry
- Chapter 12-7 Notice to Abate
- Chapter 12-8 Moving a building to outside the Town Limits

Chapter 12-1: Purpose

1. Purpose. The purpose of this chapter is to protect, promote, and enhance the welfare, safety, health, and property of the general public by prohibiting the keeping or maintaining of properties at variance and inferior to the level of maintenance of surrounding properties.

Chapter 12-2: Definitions

12-2-1 Definitions. The following words have the following meanings:

- A. “Premises” means a lot or parcel of land, improved or unimproved, parking areas thereon, walkways and sidewalks.

Chapter 12-3: Maintenance

- 12-3-1 Inferior Maintenance Variance Unlawful. It is unlawful for any person owning, leasing, occupying, or having charge or possession of any buildings or premises in the Town to keep or maintain such building or premises in a manner that is at variance with and inferior to the level of maintenance of surrounding properties.
- 12-3-2 Conditions Constituting a Public Nuisance. A premises is maintained or kept in a manner which is a variance with and inferior to the level of maintenance of surrounding properties and is declared to constitute a public nuisance where there exists upon any building or premises any of the following conditions:
- A. Overgrown vegetation of uncut lawns, which is unsightly and/or is likely to harbor rats or vermin;
 - B. Dead, decayed, or diseased trees, weeds or other vegetation;
 - C. Lumber, junk, trash, tires, debris, or salvage materials maintain upon any premises, which is visible from a pubic street, alley, or adjoining premises.
 - D. Abandoned, wrecked, dismantled, or inoperative trailers, campers, boats, or motor vehicles, which are accumulated or stored on premises.
 - E. Building exteriors, walls, fences, driveways, or walkways, which are cracked, broke, defective or deteriorated, in disrepair, or defaced;
 - F. Any like and similar condition or conditions.

Chapter 12-4: Sanitation of Premises and Buildings Required

12-4-1 Sanitation of Premises. It is unlawful to permit by act or omission the following specific acts, conditions and things, which are also declared to the public nuisances:

- A. Failing, refusing, or neglecting to keep the sidewalk in front of a house, place of business, or premises a clean and safe condition;
- B. Maintaining upon a premises any unsightly, partly complete, or partly destroyed buildings, structures, or improvements in the Town which may endanger or injure neighboring properties or the public health, safety, or general welfare;
- C. Maintaining upon such premises or upon the sidewalk abutting or adjoining such lot, parcel, tract or piece of land, loose earth, mounds of soil, fill material, asphalt, concrete rubble or waste material of any kind (all such materials shall hereinafter be referred to as "waste materials"), except for waste materials used for construction of landscaping upon the premises in which case it shall be the duty of the owner, lessee, occupant, or persons in possession of premises wherein the waste materials exist, to maintain weed control during construction and to level or remove waste materials after construction is completed, or in any event, within eight months from the time of placement of waste materials upon premises.

For sites where filling, grading, or excavation activities have or will span more than one year it shall be the duty of the owner, lessee, occupant, or person in possession of the premises to level or remove the waste materials from the premises at least once a year during the months of either June, July, or August for the purpose of maintaining weed and rodent control.

Chapter 12-5: Enforcement and Administration of Provisions

12-5-1 Enforcement. The Town President is authorized and directed to administer and enforce all of the provisions of the Premises Maintenance Ordinances and may also be referred to in such instances as the Street Official. The Town of Wolsey will take action against any taxpayer who owns any lot within the Town Limits of the Town of Wolsey that is not kept mowed and kept clean and causes a health problem to the residents of the Town. The taxpayer of said lot will receive one written notice of the unacceptable lot. If the taxpayer fails to clean up the lot within two weeks after the notice is sent, the name of the taxpayer may be published in the Town's official newspaper. After publication, any expense incurred to clean up or mow said lot, will be added on the taxpayer's taxes for that year.

Chapter 12-6: Right of Entry

12-6-1 Right of Entry.

- A. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the street official has reasonable cause to believe that there exists upon any premises any condition which is prohibited under this chapter, the street official may enter such premises at all reasonable times to inspect the premises.

Chapter 12-7: Notice to Abate

- 12-7-1 Issuance. Whenever the Town Board of Trustees is notified that any condition or conditions prohibited in this chapter exist on any premises located within the Town, the street official shall by certified mail, shall give, or cause to be given, notice to abate the unlawful condition or conditions existing on the premises to the owner of the premises and the person creating, permitting, or maintaining such nuisance within seven (7) days after the receipt of the notice said person or such person's agent or return of the notice to the street official.
- 12-7-2 Nuisance Abatement by Town. In the event a person shall fail to abate the nuisances created, permitted, or maintained within the seven (7) days following the receipt of the notice or return of said notice to the street official, the street official shall cause the nuisance to be abated.
- 12-7-3 Appeal from Decision of Street Official. The person affected may appeal to the Town Board of Trustees the decision of the street official. Such appeal must be in writing and submitted to the Finance Officer within six (6) days after receipt of the notice to abate or return of the notice of the street official. The Town Board of Trustees at a special meeting or regular meeting shall determine whether the street official shall proceed in accordance with the notice to abate or as modified by the Town Board of Trustees. The person affected shall be given notice of said meeting either orally or in writing.
- 12-7-4 Preparation of Expense Statement. After the street official abates the nuisance, the street official shall prepare a statement of expenses incurred by the Town in abating the nuisance.
- 12-7-5 Notice of Assessment. Within ten (10) days after the preparation of the statement described in the above section, the Finance Officer shall send by certified mail a copy of the statement to the owner of the premises and the person who created, permitted, or maintained the nuisance to such person or persons' last known address.
- 12-7-6 Hearing on Statement. The owner or any person affected shall have the right to appeal to the Town Board of Trustees concerning the proposed assessment. Such appeal shall be in writing, shall state objections pertaining to the proposed assessment and shall be filed within ten (10) days after receipt of notice or return of the notice to the Finance Officer. The objections shall be presented to the Town Board of Trustees at their next regular meeting. The Town shall determine by resolution the assessment and shall proceed to place a lien against the property until the assessment is made.

TITLE 13: MODULAR MANUFACTURED AND MOBILE HOME PROVISIONS

Chapter 13-1 Modular Manufactured Homes and Standards

Chapter 13-2 Mobile Homes Types

Chapter 13-3 Installation Standards

Chapter 13-4 Moving a Mobile Home

Chapter 13-1: Modular Manufactured Homes and Standards

13-1-1 Definitions of Modular Home Regulations. Modular shall meet or exceed all of the following requirements otherwise the home will not be allowed in the Town limits:

- A. Modular homes shall meet or exceed the Uniform Building Codes.
- B. Modular homes will includes all off-site constructed homes, which may be transported to the site in one or more sections.
- C. Modular homes shall have more than 1,000 square feet in ranch style and 850 square feet split and be placed on a permanent foundation. The foundation shall be to a depth below the frost line.
- D. Modular homes shall have a minimum of a 3 1/2 roof pitch.

Chapter 13-2: Mobile Home Types and Standards.

13-2-1 Type I Manufactured Home. Type I manufactured homes shall meet or exceed the following requirements otherwise the home will not be allowed in the Town limits:

- A. Have more than 1,100 square feet of occupied space in a double-section or larger multi-section unit.
- B. Have been constructed within the last ten (10) years.
- C. Be placed on a permanent foundation. The foundation shall be to a depth below the frost line.
- D. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Chapter 13-3.
- 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 1 ½ feet.
- G. Have a siding material of a type customarily used on site-constructed residences.
- H. Have roofing material of a type customarily used on site-constructed residences.

13-2-2 Type II Manufactured Homes. Type II manufactured homes shall meet or exceed the following requirements otherwise the home will not be allowed in the Town limits:

- A. Have more than 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 Chapter 13-3.
- C. Be anchored to the ground, in accordance with manufacturers specifications, or as prescribed by the BNSI/NFPA 5018 standards.
- D. Have siding material of a type customarily used on site-constructed residences.
- E. Have roofing material of a type customarily used on site-constructed residences.
- F. The age of the manufactured home may not exceed ten (10) years from the date of manufacture.
- G. Be placed onto a support system, in accordance with approved installation standards, as specified in Chapter 13-3.

13-2-3 Type III Manufactured Homes. Type III manufactured homes shall meet or exceed the following requirements otherwise the home will not be allowed in the Town limits:

- A. Have more than 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 Chapter 13-3.
- C. Be anchored to the ground, in accordance with manufacturer's specifications or as prescribed by the ANSI/NFPA 501A standards.
- D. The age of the home may not exceed ten (10) years from the date of manufacture.

Chapter 13-3: Installation Standards.

- 13-3-1 Permanent Perimeter Enclosures. Permanent Perimeter Enclosures will be required of all types of manufactured homes (Type I, II, III). Those manufactured homes designated in Chapter 13 as requiring permanent perimeter enclosure must have footings and crawl space or basement walls. The space between the floor joints or the home shall be completely enclosed with the permanent perimeter enclosure (except for required openings)
- 13-3-2 Foundation Siding/Skirting. All manufactured homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home.
- 13-3-3 Support Systems.
- 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 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 system regulations in the ANSI/NFPA 501A 1977 installation standards.
4. Structural Alterations. Due to its integral design, the Town Board of Trustees must approve any structure alteration or modification of a manufactured or mobile home after it is placed on the site.
5. Parking of Trailer Houses. Wherever in the Town Limits such trailers are parked the person owning the property on which said trailers are parked shall be held responsible for the observation of the Town Health Regulations. Any person or persons violating the above ordinance shall, upon conviction, be punished by a fine.

Chapter 13-4: Moving a Mobile Home.

13-4-1 Time Period. If a mobile home is moved from its current lot within the Town of Wolsey, the owner has 24-hours to place another mobile home on said lot. If 24-hours elapses without the placement of a new mobile home, then the lot will be deemed not viable for a mobile home.

TITLE 14: REPEALING CLAUSE AND SCOPE OF REVISION, PENALTIES, AND GENERAL PROVISION

Chapter 14-1: Repealing Clause and Scope of Revision

Chapter 14-2: Drug-Free Workplace

Chapter 14-1: Repealing Clause and Scope of Revision, Penalties, and General Provisions.

- 14-1-1 Conflicting Ordinances Repealed. All ordinances and part of ordinances in conflict with the provisions of this Ordinance or relating to the subject matter of this Ordinance and not reenacted as part of this Ordinance, except as stated in this Title, are hereby repealed, provided, however, that nothing herein shall be construed as repealing any special ordinances, appropriation ordinances, levying ordinances, ordinances establishing maximum rates and charges for electric energy, franchise ordinances, or other special ordinances of like character, or those ordinances requiring special method of enactment.
- 14-1-2 Penalties, General. Except in cases where a different penalty is imposed by this Ordinance or by some existing provision of law, every violation of any of the provisions of this Ordinance shall be punishable by fine set by the Board of Trustees and on file with the Town Finance Officer.
- 14-1-3 General Provisions- Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, such portion shall be deemed a separate, distinct and independent proviso, and such holding shall not affect the validity of the remaining portions thereof.

Chapter 14-2: Drug-Free Workplace Policy.

14-2-1 Objective.

- A. To provide the Town of Wolsey, South Dakota, employees with a safe drug-free workplace and promote employee health.
- B. To comply with the Drug-Free Workplace Act of 1988 (P.L. 100-690 Section 5157).

14-2-2 Definitions.

1. The term “drug free workplace” shall have the same meaning as defined in P.L. 100-690 Section 5157.
2. The term “employee” means an employee of the Town and as applicable shall have the meaning as defined in P.L. 100-690 Section 5157 (2).
3. The term “controlled substance” means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812).
4. The term “conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
5. The term “criminal drug statute” means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

14-2-3 Content.

- A. All employees of the Town are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance while on the job or on Town property.
- B. Violation of “A” above shall result in disciplinary action against the employee up to and including discharge.
- C. All employees shall be notified by a Published Statement of the provisions of “A” and “B” above and each employee shall receive a copy of this Policy.
- D. That as a condition of employment with the Town, the employee will:
 1. Abide by the terms of this Policy Statement.
 2. Notify the Town of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such convictions.

- E. The Town will notify the federal contracting agency with which the Town has entered into a contract for the procurement of any property or service within ten (10) days after receiving notice under Section D (2) from an employee or otherwise receiving actual notice of such conviction.

- F. Within thirty (30) days after receiving notice under Section D (2) of a conviction, the Town will impose the following sanctions or remedial measures on any employee who is convicted of drug abuse violations occurring in the workplace:
 - 1. Taking appropriate personnel action against such employee, up to and including termination.

 - 2. Requiring such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health law enforcement, or other appropriate agency.

- G. The Town will make a good faith effort to maintain a drug-free workplace through implementation of Sections A through F of this Policy.

14-2-4

Responsibility. The Town President is responsible for administering this policy.