

CHAPTER 10: STREETS AND PARKWAYS

PARADES

Section 10-101. Definitions.

- (1) "Town Marshal" is the town marshal of the Town of Tabor.
- (2) "Town" is the Town of Tabor.
- (3) "Parade" is any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park, or other public place in the town.
- ~~(4) "Parade permit" is a permit as required by this ordinance.~~
- (5) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

~~Section 10-102. Permit Required. No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the town marshal.~~

Section 10-103. Exceptions. This ordinance shall not apply

- (1) Funeral processions;
- (2) Students participating in supervised school activities;
- (3) A governmental agency acting within the scope of its functions.

Section 10-104. Penalty. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding \$100.00 or be imprisoned for a period not exceeding 30 days or be both so fined and imprisoned.

~~BUILDING MOVING~~

Section 10-201. Definitions. For the purposes of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "Building" is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. A structure of the following dimensions shall not fall within this definition:
- (2) "Town" is the Town of Tabor.

(3) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

Section 10-202. Permit Required. No person shall move any building over, along or across any highway, street or alley in the Town of Tabor without first obtaining a permit from the town clerk.

Section 10-203. Application. A person seeking issuance of a permit hereunder shall file an application for such permit with the town clerk.

(1) Form. The application shall be made in writing, upon forms provided by the town clerk and shall be filed in the office of the clerk.

(2) Contents. The application shall set forth:

(a) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;

(b) A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the town;

(c) A legal description of the lot to which it is proposed such building be removed, giving lot, block and tract number, if located in the town;

(d) The portion of the lot to be occupied by the building when moved;

(e) The highways, streets and alleys over, along or across which the building is proposed to be moved;

(f) Proposed moving date and hours;

(g) Any additional information which the town clerk shall find necessary to a fair determination of whether a permit should issue.

Section 10-204. Clean-up. Every person who shall move a building, after securing a permit as required by this chapter, shall cause such area vacated by the removal of such building to be made free of any debris, refuse, or litter, and such foundation shall be made safe and secure so as not to be a public nuisance or danger.

UNIFORM CULVERTS

Section 10-301. Uniform Culverts.

(1) All property owners within the limits of the Town of Tabor, South Dakota, who construct or maintain a private drive or driveway abutting on or intersecting with any public street shall provide for adequate drainage by installing a culvert as herein after specified across said drive or driveway.

(2) All culverts which are placed pursuant to this ordinance shall be made of galvanized steel of the full circle, arch or pipe arch type, with either riveted or bolted lap-joint, lock-seam or welded seam construction and the corrugations of such culvert shall not, in any case, be less than two and one-half (2 1/2) inches center to center. The corrugations shall have a depth of not less than one-half (1/2) inch.

The culverts may be made of reinforced concrete of not less than four (4) inches thickness said concrete shall consist of not less than one (1) part of Portland Cement, (type 4), to four (4) parts sand and gravel mixed.

(3) The diameter or cross section of all culverts placed in drain ways or ditches along public streets, pursuant to this ordinance, shall be of adequate diameter to effectively permit the free flow of all water; the size of the culvert installed or to be installed pursuant to this ordinance shall be as directed by the Board of Trustees and in no case shall the diameter of any such steel culvert be less than fourteen (14) inches inside diameter or if the culvert be of concrete construction, then the culvert shall not be less than fourteen (14) inches in cross section, said cross section measurement is to be taken at the distance between the medium points of two of the parallel sides.

(4) It shall be the duty of the Board of Trustees to notify all property owners to install such culverts in existing driveways. All culverts shall be placed at the property owners expense within a time designated by said Board of Trustees, which time, in any case, shall not be longer than ninety (90) days after notice to the property owner. All property owners who shall hereafter construct any such drive or driveway which abuts or intersects with any public street shall first apply to the Board of Trustees for a permit to construct such drive or driveway and the Board of Trustees shall determine the diameter of the culvert to be installed in such drive or driveway and shall issue its permit specifying the size of culvert to be installed.

(5) The building and construction of all such drives or driveways abutting on or intersecting with the public streets and providing for the drainage of run-off water, shall be done under the supervision of the street commissioner or any person appointed by the Board of Trustees for such supervision, who shall act in accordance with instructions from the Town Board of Trustees.

(6) The Board of Trustees shall prescribe the diameter or cross section as the case may be of the culverts and may establish different size culverts in different localities within the town and shall determine the manner in which the same shall be placed to correspond with the established grade of the drainways or ditches and in accordance with such plans, specifications and directions as the Board of Trustees shall determine in the resolution directing the repair of construction of the same.

(7) Any person violating the provisions of the preceding sections by refusing to install a culvert as required by this ordinance and as directed by the Board of Trustees shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars (\$100) for each violation. Each violation shall be deemed to have taken place when work as directed in the notice shall not be performed by the expiration of the time designated in said notice.

(8) The Board of Trustees may grant exceptions in the case of driveways which are existing or which may be constructed which driveways adequately provide for the drainage of water along the public streets of the Town of Tabor. All such exceptions shall be upon the unanimous approval of the Town Board of Trustees.

SNOW REMOVAL

Section 10-401. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance;

- (1) "Street" or "highway" means 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.
- (2) "Roadway" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
- (3) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- (4) "Business day" is any day not a Sunday or a national holiday.
- (5) "Business hours" are the hours between 8:00 A.M. and 5:00 P.M. on any business day.

Section 10-402. Snow and Ice to be Removed from Sidewalks by Private Persons.

(1) Every person, partnership, corporation, joint-stock company, or syndicate in charge or control of any building or lot of land within the town fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path of at least 36 inches in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.

(a) Except as provided in subsection (2) hereof, snow and ice shall be so removed from sidewalks in all business districts within the town by eight (8) business hours after the cessation of any fall of snow, sleet, or freezing rain or by the beginning of business hours of the next business day following such fall, whichever period is shorter.

(b) Except as provided in subsection (2) hereof, snow and ice shall be so removed from all other sidewalks within the town on the same day of the cessation of any fall of snow, sleet, or freezing rain or within the first eight (8) hours of daylight after the cessation of any such fall, whichever period is longer.

(2) However, in the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person or entity charged with its removal shall, within the time mentioned in subsection (1) hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause a path in said sidewalk of at least 36 inches in width to be thoroughly cleaned.

Section 10-403. Depositing of Snow and Ice Restricted. No person, partnership, corporation, joint-stock company, or syndicate shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, or loading and unloading areas of a public transportation system, except that snow and ice may be windrowed on public roadways incident to the cleaning thereof or windrowed on curbs incident to the cleaning of sidewalks in business districts.

Section 10-404. Violations; Work Done, Liability Therefore; Penalty

(1) In the event of the failure of any person, partnership, corporation, joint-stock company, or syndicate to clear away or treat with abrasives and subsequently clear away any snow and ice from

any sidewalk as hereinbefore provided, or cause this to be done, the Board of Trustees shall, as soon as practicable after such failure, cause such work to be done.

(2) The Board of Trustees shall ascertain and keep a record of the exact cost of all work they cause to be done in accordance with this section an account of each act or omission of each person, partnership, corporation, joint-stock company, or syndicate; and they shall identify these persons or entities with particularity.

(3) Each person, partnership, corporation, joint-stock company, or syndicate whose act or omission makes it necessary that the Board of Trustees cause work to be done in accordance with this section shall be liable to the town for the cost of such work. It shall be the duty of the Board of Trustees to sue for these costs and penalties, and it shall be the duty of the town attorney to assist in the bringing of these suits.

Section 10-405. Penalties. Any person, partnership, corporation, joint-stock company, or syndicate who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Fifty Dollars or be imprisoned for a period not exceeding thirty days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

Section 10-406. Separability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 10-407. Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.