

# CHAPTER 8: HEALTH, SAFETY AND SANITATION

## ~~AUTOMOBILE TRAILER AND TOURIST CAMPS~~

~~**Section 8-101.** Definitions. Whenever used in this ordinance, unless a different meaning appears from the context:~~

- ~~(1) An "Automobile Trailer", "Trailer Coach", or "Trailer" means any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade (or use as a selling or advertising device), and so designed that it is or may be mounted on wheels and used as a conveyance on highways or town streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.~~
- ~~(2) A "Trailer Camp" means any park, trailer park, trailer court, court, camp site, lot, parcel, or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach or trailer coaches and upon which any trailer coach or trailer coaches are parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the trailer camp and its facilities or not. "Trailer Camp" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.~~
- ~~(3) A "Tourist Camp" means any park, tourist park, tourist court, camp, court, site, lot, parcel, or tract of land upon which one or more camp cottages or cabins are located and maintained for the accommodation of transients by the day, week, or month, whether a charge is made or not.~~
- ~~(4) A "Unit" means a section of ground in a trailer camp of not less than 800 square feet of unoccupied space in an area designated as the location for only one automobile and one trailer.~~
- ~~(5) A "Cabin Plot" means a section of ground not less than 30 feet by 40 feet in area, upon which only one camp cottage or cabin is located.~~
- ~~(6) The word "person" shall be construed to include persons, partnership, firm, company, corporation, tenant, owner, lessee, or licensee, their agents, heirs or assigns.~~

~~**Section 8-102.** Enforcement. It is hereby made the duty of the Board of Trustees of the Town of Tabor to enforce all provisions of this ordinance as prescribed herein or such provisions as may hereafter be enacted, and for the purpose of securing such enforcement, any of the above members of the board, or their duly authorized representatives, shall have the right and are hereby empowered to enter upon any premises on which any automobile trailers or camp cottages or cabins are located, or are about to be located, and inspect the same and all accommodations connected therewith at any reasonable time. The board is further empowered to issue orders granting, renewing, and revoking such permits and licenses as are provided for in accordance with the provisions of this ordinance.~~

~~**Section 8-103.** Location Outside Camps:~~

- ~~(1) It shall be unlawful, within the limits of the Town of Tabor, for any person to park any trailer on any street, alley, or highway, or other public place, or on any tract of land owned by any person, occupied or unoccupied, within the Town of Tabor, except as provided in this ordinance.~~

- (2) Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
- (3) No person shall park or occupy any trailer on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling either of which is situated outside an approved trailer camp; except, the parking of only one unoccupied trailer in an accessory private garage building, or in a rear yard in any district, is permitted providing no living quarters shall be maintained or any business practiced in said trailer while such trailer is so parked or stored.

**Section 8-104.** Permanent Occupancy. Automobile trailers shall not be used as a permanent place of abode or as a permanent dwelling or for indefinite periods of time; Provided, that any such trailer properly connected with the town water supply and sanitary sewer systems, and constructed and located in compliance with all requirements of the building, plumbing, sanitary, health, zoning and electrical ordinances of the Town of Tabor.

**Section 8-105.** License for Trailer, or Tourist Camp; Application Therefore and Issuance Thereof.

- (1) It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned or controlled by him, a trailer camp or tourist camp or combination of the two within the limits of the Town of Tabor, without having first secured a license therefore and for each of them from the Board of Trustees, granted and existing in compliance with the terms of this ordinance. Such license shall expire one year from the date of issuance but may be renewed under the provisions of this ordinance for additional periods of one year.
- (2) The application for such license or the renewal thereof shall be filed with the town clerk and shall be accompanied by a fee of Five Dollars (\$5) for each unit and cabin plot in the existing or proposed camp and a license bond in the sum of One Thousand Dollars (\$1,000) to guarantee compliance with the terms of this ordinance. The application for a license or a renewal thereof shall be made on printed forms furnished by the board and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person, that the applicant is authorized by him to construct or maintain the trailer or tourist camp and make the application), and such a legal description of the premises upon which the trailer or tourist camp is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by four copies of the camp plan showing the following, either existing or as proposed:
- (a) The extent and area used for camp purposes;
  - (b) Roadways and driveways;
  - (c) Location of sites or units for trailer coaches or cabins;
  - (d) Location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used, by occupants of units or cabins (in cases where cabins do not have all such facilities in proper conformance with town building, plumbing and other ordinances);
  - (e) Method and plan of sewage disposal;
  - (f) Method and plan of garbage removal;
  - (g) Plan for water supply;

(h) Plan for electrical lighting of units and cabins.

(3) Before such license may be issued, there must be a favorable recommendation by a majority of the trustees, and the premises must be inspected and approved by each of the members of the board, or their duly authorized representatives, as complying with all the provisions of this ordinance and all other applicable ordinances of the Town of Tabor.

(4) Licenses issued under the terms of this ordinance convey no right to erect any building, to do any plumbing work or to do any electrical work.

#### **Section 8-106. Camp Plan.**

(1) Every trailer or tourist camp shall be located on a well drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.

(2) Units and cabin plots shall be clearly designated and the camp so arranged that all units and cabin plots shall face or abut on a driveway of not less than sixteen feet in width, giving easy access from all units to a public street. Such driveway shall be paved and maintained in good condition, having natural drainage into a town street catch basin, be well lighted at night, and shall not be obstructed.

(3) No camp cottage or cabin shall be less than 280 square feet nor less than 14 feet wide at its narrowest point, and not less than 8 feet high from floor to ceiling and shall not have less than 27 squares feet of ventilating openings, and all windows must be fully screened. If the floor be of wood, it shall be raised not less than 12 inches above the ground level.

(4) The camp shall be so laid out that no unit or cabin shall be located farther than 200 feet from the toilets and service buildings provided for herein, and walkways to such buildings shall be paved and well lighted at night.

(5) Every trailer unit shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of not less than 30 Amperes capacity, and a heavy duty outlet receptacle.

#### **Section 8-107. Water Supply.**

(1) An adequate supply of pure water, furnished through a pipe distribution system connected directly with the town water main, with supply faucets located not more than 200 feet from any trailer or cabin shall be furnished for drinking and domestic purposes.

(2) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room or water closet compartment.

(3) An abundant supply of hot water shall be provided at all times for bathing, washing and laundry facilities.

#### **Section 8-108. Service Building.**

(1) Every trailer or tourist camp shall have erected thereon, at a distance not greater than 200 feet from any unit or cabin it is designed to serve, a suitable building for housing toilets, showers, and laundry facilities as required by this ordinance, such building to be known as the Service Building.

(2) There shall be provided separate toilet rooms for each sex. Flush toilets provided with an adequate water supply shall be enclosed in separate compartments and shall be provided for each sex in the ratio of one toilet for each eight units or cabins or fraction thereof. Every male toilet room shall have one urinal for each sixteen units or cabins, but in no case shall any male toilet be without one urinal. Toilet rooms shall contain lavatories with hot and cold water in the ratio of one lavatory to every two or less water closets.

**Section 8-109. Waste and Garbage Disposal.**

(1) All waste from showers, toilets, laundries, faucets and lavatories shall be wasted into a sewer system extended from and connected with the town sewer system.

(2) All sanitary facilities in any trailer which are not connected with the town sewer system by means of rigid pipe connections shall be sealed and their use is hereby declared unlawful.

(3) Each faucet site shall be equipped with facilities for drainage of waste and excess water into the sewer. In no case shall any waste water be thrown or discharged upon the surface of the ground or disposed of by means other than as herein provided.

(4) Every unit shall be provided with a substantial fly tight metal garbage depository from which the contents shall be removed by the town garbage collection service.

Section 8-110. Limitation on Number of Occupants. No trailer or cabin may be inhabited by a greater number of occupants than that for which it was designed.

**Section 8-111. Management.**

(1) In every trailer or tourist camp there shall be an office building in which shall be located the office of the person in charge of said camp. A copy of the camp license and of this ordinance shall be posted therein and the camp register shall at all times be kept in said office.

(2) It is hereby made the duty of the attendant or person in charge, together with the licensee to:

(a) Keep at all times a register of all guests (which shall be open at all times to inspection by State and Federal officers and officers of the Town of Tabor) showing for all guests:

(1) Names and addresses.

(2) Dates of entrance and departure.

(3) License numbers of all trailers and towing or other automobiles.

(b) Maintain the camp in a clean, orderly and sanitary condition at all times.

(c) See that the provisions of this ordinance are complied with and enforced and report promptly to the proper authorities any violations of this ordinance or any other violations of law which may come to his attention.

(d) Prohibit the lighting of open fires on the premises.

(e) Prohibit the use of any trailer or cabin by a greater number of occupants than that which it is designed to accommodate.



~~**Section 8-112.** Applicability of Plumbing, Electrical and Building Ordinances. All plumbing, electrical, building and other work on or at any camp licensed under this ordinance shall be in accordance with the ordinances of the Town of Tabor regulating such work unless said ordinances are specifically made inapplicable under the terms of this ordinance.~~

~~**Section 8-113.** Revocation and Suspension:~~

~~(1) The Board of Trustees is hereby authorized to revoke any license issued pursuant to the terms of this ordinance if after due investigation they determine that the holder thereof has violated any of the provisions of this ordinance or that any trailer, trailer camp, or tourist camp is being maintained in an unsanitary or unsafe manner or is a nuisance.~~

~~**Section 8-114.** Penalties for Violation of Ordinance. Any person found guilty of violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall be fined not less than \$5 and not more than \$500 and every day such violation exists shall constitute a separate offense and be punishable as such hereunder.~~

## **AN ORDINANCE REGULATING TRAILERS AND TRAILER PARKS**

### **ARTICLE I. MOBILE HOME PARKS**

**Section 8-201.** Definitions. As used in this article the following terms shall have the meanings ascribed to them:

- (a) Mobile home park shall mean any area, tract, site or plot of land whereupon a minimum of five (5) mobile homes as herein defined are placed, located or maintained or intended to be placed, located or maintained or intended to be placed, located or maintained, for dwelling purposes on a permanent or semi-permanent basis.
- (b) Licensee shall mean any person, firm, trust, partnership or corporation licensed to operate and maintain a mobile home park under the provisions of this article.
- (c) Manager or operator shall mean any person named in the license who is in charge of the daily operation and maintenance of the mobile home park.
- (d) Independent mobile home shall mean a mobile home which has a flush toilet and a bath or shower.
- (e) Dependent mobile home shall mean a mobile home which does not have a flush toilet and a bath or shower.
- (f) Mobile home is a detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels, on a flatbed, on another trailer or in another manner, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location of jacks or other temporary or permanent foundations, connection to utilities, and the like. A travel trailer is not to be considered as a mobile home.
- (g) Double-wide mobile home shall mean all mobile homes with a width greater than fourteen (14) feet.
- (h) Travel trailer shall mean a mobile home not exceeding eight (8) feet in width and not more than thirty-three (33) feet in length, designed and furnished for non-permanent occupancy and transportation, on wheels, by a standard automobile.

**Section 8-202.** Location. Mobile home parks shall be considered a conditional use. Said mobile home parks may be located in any zoning district in the town, provided that the Board of the Trustees of the Town shall not approve the same if in their opinion such park would be in a with flood plain or due to low elevation, or location to business district and other housing.

**Section 8-203.** License Required. It shall be unlawful for any person to maintain or operate within the city limits of the Town of Tabor, any mobile home park without a license therefore. All mobile home parks in existence upon the effective date of this article shall within thirty (30) days thereafter obtain such a license. The license period shall be from the 1st day of October to the 30th day of September annually and all licenses shall expire on the 31st day of December annually.

**Section 8-204.** License Fee. The basic annual license fee for each mobile home park shall be ten dollars (\$10.00) plus a space fee for five dollars (\$5.00) for each mobile home space, occupied or unoccupied. The fee for transfer of this license as provided in this article shall be ten dollars (\$10.00).

**Section 8-205.** Application for license.

(a) Application for license for a mobile home park shall be filed with the finance officer, reviewed by the plan commission, and issued by the board of city commissioners. All applications, plans, maps, designs, specifications, and drawings must be submitted in triplicate, however, license renewals shall not require resubmission of said plans unless changes have occurred after the initial filing as required be section 205 (d).

(b) The application for an initial mobile home park license shall be in writing, signed by the owner, and shall include the following:

- (1) The name and address of the applicant and or the manager or operator, if different than the applicant.
- (2) The location and legal description of the mobile home park.
- (3) A complete plan of the mobile home park in conformity with all of the requirements for such as contained in this article.
- (4) Plan and specifications of all buildings, improvements and other facilities such as electrical wiring, water service pipes, sanitary sewer pipes, storm sewer drainage, gas service pipes, roads and sidewalks constructed or to be constructed within the mobile home park.
- (5) Such further information as may be required or requested by the city manager to enable him to determine if a proposed mobile home park plan will comply with all requirements of this article.

(c) Before any application required by this section may be approved for a mobile home park, the mayor shall investigate and inspect the applications, the proposed plan and the specifications. If the plans and specifications for the proposed mobile home park are in compliance with all provisions of this ordinance and all applicable ordinances and statutes, the application shall be referred by the mayor to the town board of trustees for review. Following a review by the town board of trustees, the said trustees shall either approve or deny a license at its discretion.

(d) No changes may be made in a mobile home park without filing for an adjustment to the original plan, in the same manner required of the original plan.

(e) Upon application for a transfer of the license, the board of town trustees may authorize a transfer to any mobile home park in compliance with all provisions of this article.

**Section 8-206.** Design requirements. A mobile home park shall conform to the following requirements:

(a) A park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water. The park may not be built on a flood plain of up to a fifty (50) year frequency.

(b) Mobile home spaces shall be provided consisting of a minimum of two thousand two hundred (2,200) square feet for each space, except for those mobile home parks constructed prior to operative date of this article, which may have a minimum of one thousand five hundred (1,500) square feet per space. All spaces must be clearly defined and marked. Mobile home spaces for doublewide mobile homes shall have a minimum size of three thousand (3,000) square feet, and must be clearly defined and marked.

(c) Mobile homes shall be placed on each space so that there shall be at least a fifteen (15) foot clearance between mobile homes. No mobile homes shall be located closer than ten (10) feet from any building or ten (10) feet from the end of another mobile home within the park, of four (4) feet from any person's line bounding the park.

(d) All mobile homes shall abut upon a driveway of not less than thirty (30) feet in width which shall have unobstructed access to a public street of highway; all driveways shall be all-weather surfaced with asphalt, portland cement, or concrete, well marked with daytime and lighted at night as required by the director of municipal services. An alley may not serve as the principal driveway of a mobile home park. One off-street parking space must be available at each mobile home space, or if contiguous to a fifty (50) foot street have parallel parking available.

(e) Walkways not less than two (2) feet wide shall be provided from the mobile home spaces to any service buildings. The walkway shall be of concrete construction, except for those walkways constructed prior to operative date of this article, which must be all-weather surfaced. All walkways must be well marked in daytime and lighted at night as directed by the director of municipal services.

(f) Underground utilities shall be required in all mobile home parks, except for those mobile home park constructed prior to operative date of this article.

(g) An electrical outlet supplying at least two hundred twenty (220) volts and one hundred (100) amperes shall be provided for each mobile home space, except for those spaces constructed prior to July, 1985, which may have sixty (60) amperes.

(h) Each mobile home space shall be provided with an untrapped sewer at least three (3) inches in diameter, which shall be connected to receive waste from the shower, bath tub, flush toilet, lavatory and kitchen sink of the mobile home, each of which shall be trapped. The sewer in each space shall be connected to discharge the mobile home waste into a public sewer system in compliance with all applicable ordinances.

(i) Each mobile home space shall have municipal water and sanitary sewer services in compliance with the State of South Dakota Plumbing Code.

(j) It shall be the duty of the park owner, his agent, or caretaker, to ensure that all mobile homes parked after October 1, 1992, shall be tied down or anchored with tie-down anchors or hurricane straps and/or cables, in accordance with specifications required and provided by the city.

(k) All mobile homes shall be skirted on all sides between the mobile home floor and ground level, within thirty (30) days of occupancy. Mobile homes shall be skirted with concrete or metal. Persons wanting to use prefabricated factory-designed plastic or polystyrene mobile home skirting must obtain written approval from the chief building inspector before installing the material.

(1) No open fires will be permitted within the mobile home park.

(m) Tightly covered garbage cans shall be provided in quantities adequate to comply with city ordinances to permit disposal of all garbage and rubbish. Garbage cans shall be located no more than two hundred (200) feet from any mobile home space. The cans must be kept in sanitary condition at all times. One or more central collection points may be used.

(n) Each mobile home park shall provide a separate grassed ground and equipped recreation area of not less than two hundred (200) square feet per mobile home space. This section may be waived if the mobile home park is within four hundred (400) feet of an existing park or playground.

(o) No owner or person in charge of any dog, cat or other pet shall be permitted to let it run at large or commit any nuisance within the limits of the mobile home park, if pets are allowed by the owner.

(p) All mobile home spaces must be within four hundred (400) feet of an existing fire hydrant, and all parks shall have adequate fire protection in full compliance with city ordinances and the National Fire Code.

**Section 8-207.** Location and size. Mobile home parks may be located in any place in the town as long as they are located in area that are in accord and satisfy the rest of this ordinance. The minimum size for mobile home parks shall be five (5) mobile home spaces located on a minimum site of one-fourth of an acre except for those mobile home parks constructed prior to the operative date of this article.

**Section 8-208.** Revocation of license.

(a) The town mayor shall inspect each mobile home park at least once a year for the renewal of the license and to determine that it is in compliance with this article.

(b) The town trustees may revoke any license to maintain and operate a park when the licensee has been found by it to have violated any provision of this article. Notification of listed violations must be given in writing to the licensee by the city mayor. A period of ninety (90) days will be allowed from the date of notification for the licensee to make necessary corrections, after which the town trustees may act to revoke the mobile home park license.

**Section 8-209.** Supervision. A responsible attendant or caretaker, owner or operator, shall be responsible at all times to keep the mobile home park, its facilities and grounds, in a clean, orderly and sanitary condition.

**Section 8-210.** Existing licensed parks. Mobile homes located as of July 1, 1992, shall not be required to meet the space, parking, and recreational area requirements of this article but shall meet all other requirements by January 1, 1992 provided, however, that all trailers that do not meet the requirements of this article in every detail shall not be permitted to expand in any degree, whatsoever except that said expansion shall meet all requirements of this article.

**Section 8-211.** Travel trailers. Travel trailers may be parked as unoccupied units in a yard or garage within the Town of Tabor, South Dakota, as long as the same as parked for no longer than two (2) weeks at a time. Travel trailers may not be parked as occupied units in a yard or garage anyplace within the Town of Tabor except in the duly located and licensed trailer park.

**Section 8-212.** Sewer use charge for travel trailers or recreational vehicles in mobile home parks.

(a) Definitions. As used in this Section:

(1) "Travel Trailer" or "Recreational Vehicle" shall mean a camper trailer, mobile home, trailer coach, or any structure designed and constructed in such manner as will permit occupancy for transient dwelling purposes as living quarters or for the conduct of any business, profession, occupation or trade, designed so that it may be used as a conveyance on highways or city streets, propelled either by its own power or other power-driven vehicle to which it may be attached.

(b) City sewer use required for travel trailers or recreational vehicles in mobile home parks. Every travel trailer or recreational vehicle situated for a period of more than forty-eight (48) hours within the Town of Tabor in a mobile home park as established under this Article shall be connected to the City sewer system. Each independent travel trailer or recreational vehicle space in the mobile home park shall provide a suitable sewer connection in compliance with the state and local plumbing laws and regulations. The sewer connection shall be provided with suitable fittings, so that a watertight and gastight connection can be made between the travel trailer or recreational vehicle drain and the sewer connection. Such individual sewer connection shall be so constructed that it can be closed when not linked to a travel trailer or recreational vehicle and shall be capped so as to prevent any escape of odor.

(c) Sewer use charge. Every travel trailer or recreational vehicle within a mobile home park required to be connected to the City sewer system under this Ordinance shall be subject to a minimum charge of \$6.00 per week for City sewer service. This sewer use fee shall be billed to the mobile home park owner.

(d) Penalty. Any person violating any of the provisions of this Ordinance or failing to comply with any of the provisions herein shall, upon conviction, be punished by a fine not exceeding two hundred dollars (\$200.00).

**Section 8-213.** All mobile homes licensed parks, modular homes. All mobile home homes of every type and description shall be located in licensed mobile home parks. However, the board of town trustees may, at its discretion, permit mobile homes that are, in the opinion of the board of town trustees, sufficiently different in structural details to qualify as modular house or manufactured homes to be located outside of licensed mobile home parks provided, however, that said special exceptions shall be decided on a case by case basis only and in no case shall be used for commercial or industrial purposes.

**Section 8-214.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 8-215.** The invalidity of any section, cause, 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.

## REGULATING AND PROHIBITING CERAIN USES OF SOUND TRUCKS

### Section 8-301. Definitions.

- (1) "Person". The word "person" as used herein shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, club, partnership, society or any other form of association or organization.
- (2) "Sound truck". The words "sound truck" as used herein shall mean any motor vehicle, or horse-drawn vehicle, having mounted thereon, or attached thereto, any sound amplifying equipment.
- (3) "Sound amplifying equipment". The words "sound amplifying equipment" as used herein shall mean any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

### Section 8-302. Non-Commercial Use of Sound Trucks.

- (1) Registration required. No person shall use, or cause to be used, a sound truck with its sound amplifying equipment in operation for non-commercial purposes in the Town of Tabor before filing a registration statement with the town clerk in writing. This registration statement shall be filed in duplicate and shall state the following:
- (a) Name and home address of the applicant.
  - (b) Address of place of business of applicant.
  - (c) License number and motor number of the sound truck to be used by applicant. (d) Name and address of person who owns the sound truck.
  - (e) Name and address of person having direct charge of sound truck.
  - (f) Names and addresses of all persons who will use or operate the sound truck.
  - (g) The purpose for which the sound truck will be used.
  - (h) A general statement as to the section or sections of the town in which the sound truck will be used.
  - (i) The proposed hours of operation of the sound truck.
  - (j) The number of days of proposed operation of the sound truck.
  - (k) A general description of the sound amplifying equipment which is to be used.



(l) The maximum sound producing power of the sound amplifying equipment to be used in or on the sound truck. State the following:-

(1) The wattage to be used.-

(2) The volume in decibels of the sound which will be produced.-

(3) The approximate maximum distance for which sound will be thrown from the sound truck.-

(2) Registration and identification. The town clerk shall return to each applicant under Section 8-301 of this ordinance one copy of said registration statement duly certified by the town clerk as a correct copy of said application. Said certified copy of the application shall be in the possession of any person operating the sound truck at all times while the sound truck's sound amplifying equipment is in operation and said copy shall be promptly displayed and shown to any policeman of the Town of Tabor upon request.-

(3) Regulation for use. Non-commercial use of sound trucks in the Town of Tabor with sound amplifying equipment in operation shall be subject to the following regulations:-

(a) The only sounds permitted are music or human speech.-

(b) Operations are permitted for four (4) hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four (4) hours of operation shall be between the hours of 11:30 A.M. and 1:30 P.M. and between the hours of 4:30 P.M. and 6:30 P.M.-

(c) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is stopped or impeded by traffic. Where stopped by traffic the said sound amplifying equipment shall not be operated for longer than one minute at each such stop.-

(d) Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches or courthouses.-

(e) The human speech and music amplified shall not be profane, lewd, indecent, or slanderous.

(f) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound truck and so that said volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.-

**Section 8-303.** Commercial Advertising by Sound Truck Prohibited. No person, shall operate, or cause to be operated, any sound truck for commercial sound advertising purposes in the Town of Tabor with sound amplifying equipment in operation.-

**Section 8-304.** Penalties. Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$500.00, or by imprisonment for not more than 30 days, or by both said fine and said imprisonment.-

## REGULATION OF SEWER USE

Section 8-401. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (1) "Biochemical oxygen demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter.
- (2) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- (3) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- (4) "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- (5) "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- (6) "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. All wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- (7) "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- (8) "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- (9) "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (10) "May" is permissive (see "shall," (18)).
- (11) "Person" shall mean any individual, firm, company, association, society, corporation or group.
- (12) "pH" shall mean 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  $10^{-7}$ .
- (13) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.
- (14) "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.
- (15) "Sanitary sewer" shall mean 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.
- (16) "Sewage" is the spent water of a community. The preferred term is "wastewater," (24).

(17) "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

(18) "Shall" is mandatory (see "may," (10)).

(19) "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

(20) "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

(21) "Superintendent" shall mean the (Town Maintenance Engineer, and/or of wastewater treatment works, and/or of water pollution control) of the City of Tabor of Bon Homme County, South Dakota, or his authorized deputy, agent, or representative.

(22) "Suspended solids" shall mean 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 nonfilterable residue.

(23) "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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(24) "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

(25) "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

(26) "Wastewater treatment works" shall mean 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."

(27) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

(28) "Hearing board" shall mean that board appointed according to provision of Section 8-408. (This section to be included only if option article entitled "hearing boards" is made a part of the ordinance.)

#### Section 8-402. Use of public sewers required.

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Tabor of Bon Homme County, South Dakota, or in any area under the jurisdiction of said Tabor, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the City of Tabor of Bon Homme County, South Dakota, or in any area under the jurisdiction of said Tabor, any sewage or other polluted waters, except where suitable treatments has been provided in accordance with subsequent provisions of this ordinance.

(c) 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.

(d) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within Tabor 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 or combined sewer of Tabor is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within thirty (30) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

**Section 8-403. Private Wastewater Disposal.**

(a) Where a public sanitary sewer is not available under the provisions of Section 8- 402 (d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

(b) Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Town Maintenance Engineer. The application for such permit shall be made on a form furnished by Tabor, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Town Maintenance Engineer. A permit and inspection fee of Thirty-five Dollars (\$35.00) shall be paid to Tabor at the time the application is filed.

(c) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Town Maintenance Engineer. The Town Maintenance Engineer shall be allowed to inspect the work at any state of construction, and, in any event, the applicant for the permit shall notify the Town Maintenance Engineer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within Forty-eight (48) hours of the notice by the Town Maintenance Engineer.

(d) 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 Twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 8-403 (d), 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.

(f) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to Tabor.

(g) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

**Section 8-404. Sanitary Sewers, Building Sewers and Connection.**

(a) No unauthorized person(s) shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Town Maintenance Engineer.

(b) 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 application on a special form furnished by Tabor. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town Maintenance Engineer. A permit and inspection fee of Thirty-five Dollars (\$35.00) for a residential or commercial building sewer permit and One Hundred dollars (\$100.00) for an industrial building sewer permit shall be paid to Tabor at the time the application is filed.

(c) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify Tabor from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) 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 Tabor does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection afore mentioned.

(e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Town Maintenance Engineer to meet all requirements of this ordinance.

(f) The size, slope, alignment, materials of construction of all sanitary sewers including building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of Tabor. 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.F. Manual of Practice No. 9 shall apply.

(g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(h) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other soubrette 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 Town Maintenance Engineer for purposes of disposal of polluted surface drainage.

(i) 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 regulation of Tabor, 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 gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Town Maintenance Engineer before installation.

(j) The applicant for the building sewer permit shall notify the Town Maintenance Engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Town Maintenance Engineer or his representative.

(k) All excavations for 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 Tabor.

#### **Section 8-405. Use of the Public Sewers**

(a) No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the Town Maintenance Engineer.

(b) Stormwater other than that exempted under Section 8-405 (a) and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved the Town Maintenance Engineer and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Town Maintenance Engineer, to a storm sewer, combined sewer, or natural outlet.

(c) No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, 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 the receiving waters of the wastewater treatment plan.

(3) Any waters or wastes having a pH lower than (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

(4) 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 wastewater facilities such as, but not limited to, ashes, cinders, and, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cup, milk containers, etc. wither whole or ground by garbage grinders.

(d) 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, wastewater 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 Town Maintenance Engineer 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 Town Maintenance Engineer will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, material of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plan, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Town Maintenance Engineer are as follows:

(1) Wastewater having a temperature higher than 150 Fahrenheit (65 Celsius).

(2) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.

(3) Wastewater from industrial plants containing floatable oils, fat, or grease.

(4) Any garbage that has not been properly shredded (see Section 8-401 (m)). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(5) 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 wastewater at the wastewater treatment works exceeds the limits established by the Town Maintenance Engineer for such materials.

(6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Town Maintenance Engineer.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town Maintenance Engineer in compliance with applicable state or federal regulations.

(8) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

(9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(10) Any water 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.

(e) 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 Section 8-405 (d),

and which in the judgment of the Town Maintenance Engineer, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town Maintenance Engineer may:

- (1) Reject the wastes,
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (3) Require control over the quantities and rates of discharge, and/or
- (4) Require payment to cover the added cost of handling the treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 8-405 (j). When considering the above alternative the Town Maintenance Engineer shall give consideration to the economic impact of each alternative on the discharger. If the Town Maintenance Engineer 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 Town Maintenance Engineer.

(f) Grease, oil and sand interceptors shall be provided when, in the opinion of the Town Maintenance Engineer, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 8-405(d)(3), or any flammable wastes, sand, and 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 Town Maintenance Engineer, 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 means of disposal which are subject to review by the Town Maintenance Engineer. Any removal and hauling of the collected material not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

(g) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

(h) When required by the Town Maintenance Engineer, 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 Town Maintenance Engineer. 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.

(i) The Town Maintenance Engineer may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- (1) Wastewaters discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw materials, processes, and products affecting wastewater volume and quality.

(4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

(5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.

(6) Details of wastewater pretreatment facilities.

(7) Details of systems to prevent and control the losses of material through spills to the municipal sewer.

(j) 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 for 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 Town Maintenance Engineer.

(k) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by Tabor for treatment.

#### **Section 8-406.**

(a) 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.

#### **Section 8-407. Powers and Authority of Inspectors**

(a) The Town Maintenance Engineer and other duly authorized employees of Tabor bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

(b) The Town Maintenance Engineer or other duly authorized employees 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 may establish that the revelation to the public of the information in question might result in an advantage to competitors.

(c) While performing the necessary work on private properties referred to in Section 8-407(a), above, the Town Maintenance Engineer or duly authorized employees of Tabor 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 Tabor employees, and Tabor shall indemnify the company against loss or damage to its property by Tabor 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 negligence or failure of the company to maintain safe conditions as required in Section 8-405(h).

(d) The Town Maintenance Engineer and other duly authorize employees of Tabor bearing proper credentials and identification shall be permitted to enter all private properties through which Tabor

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.

#### **Section 8-408. Hearing Board**

(a) A Hearing Board shall be appointed as needed for arbitration of differences between the Town Maintenance Engineer and sewer users on matters concerning interpretation and execution of the provisions of this ordinance by the Town Maintenance Engineer. The cost of the arbitration will be divided equally between the (municipality) and the sewer user.

(b) One member of the board shall be a registered professional engineer; one member shall be a practicing sanitary engineer; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large for his interest in accomplishing the objectives of this ordinance.

#### **Section 8-409. Wastewater Facilities Replacement Fund.**

A reserve fund called the Wastewater Facilities Replacement Fund is hereby established within the wastewater utility fund for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories, and appurtenances during the useful life (20 years) of the wastewater treatment facilities necessary to maintain the capacity and performance for which such facilities are designed and constructed (see Appendix A).

#### **Section 8-410. Penalties.**

(a) Any person found to be violating any provision of this ordinance except Section 8-406 shall be served by Tabor 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.

(b) Any person who shall continue any violation beyond the time limit provided for in Section 8-409(a), shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding One Hundred Dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this ordinance shall become liable to Tabor for any expense, loss, or damage occasioned Tabor by reason of such violation.

#### **Section 8-411. Validity.**

(a) All ordinances, or parts of ordinances in conflict herewith are hereby repealed.

(b) 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.

## Appendix A

The reserve fund called the Wastewater Facilities Replacement Fund established within the wastewater utility fund as an interest-bearing account shall be funded by a deposit of \$3,540.00 per year obtained from the wastewater utility fund at the end of each fiscal year. Until such fund reaches \$40,000.00 at which time such costs included in the monthly sewer cost shall be deducted until the fund is reduced below the said \$40,000.00, at which time the cost shall be collected until the said fund again reaches the total sum of \$40,000.00.

### **SEWER USE CHARGES**

**Section 8-501.** Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (1) "Biochemical oxygen demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter.
- (2) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- (3) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- (4) "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- (5) "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- (6) "Engineer" shall mean a Registered Engineer authorized to practice engineering and registered in the State of South Dakota.
- (7) "Floatable oil" is 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 of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- (8) "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- (9) "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- (10) "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (11) "May" is permissive (see "shall," (20)).

(12) "Person" shall mean any individual, firm, company, association, society, corporation or group.

(13) "pH" shall mean 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  $10^{-7}$ .

(14) "p.p.m." parts per million equivalent to (Mg/1) milligrams per liter.

(15) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

(16) "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.

(17) "Sanitary sewer" shall mean 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.

(18) "Sewage" is the spent water of a community. The preferred term is "wastewater," (27).

(19) "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

(20) "Shall" is mandatory (see "may," (11)).

(21) "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

(22) "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

(23) "Superintendent" shall mean the (Town Maintenance Engineer, and/or of wastewater treatment works, and/or of water pollution control) of the City of Tabor of Bon Homme County, South Dakota, or his authorized deputy, agent, or representative.

(24) "Suspended solids (SS)" shall mean 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 nonfilterable residue.

(25) "Town" shall mean the Town of Tabor, South Dakota in Bon Homme County.

(26) "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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.



(27) "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

(28) "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

(29) "Wastewater treatment works" shall mean 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."

(30) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

### **Section 8-502. Purpose.**

(a) The purpose of this Ordinance shall be to repeal previous reate structures and to establish methods and procedures to establish rate schedules which generate sufficient revenue to pay all costs for the operation, maintenance and debt retirement of the complete wastewater collection and treatment facilities.

(b) The costs shall be distributed to all users of the wastewater system in proportion to each user's contribution to the total loading of the treatment facility. Factors such as strength (BOD) and (SS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance cost to each class of user.

### **Section 8-503. Repeal of all Ordinance in Conflict.**

All ordinance in conflict with this ordinance of the Town of Tabor, Bon Homme County, South Dakota, are hereby repealed.

### **Section 8-504. Determining the Total Annual Cost of Operation and Maintenance**

(a) The Town of Tabor shall determine the total annual costs of operation and maintenance of the wastewater collection and treatment facility which are necessary to maintain the capacity and performance during the service life of the complete facility.

(b) The total annual cost of operation and maintenance shall include by not limited to labor, repairs, equipment replacement, maintenance, power, sampling, laboratory tests, reasonable contingency fund, billing, and debt retirement.

(c) The Town of Tabor shall review the total annual cost of operation and maintenance as well as each user's or class of user's proportionate share of the annual cost not less often than once every two years and will revise the system as necessary to assure equity of the user rates and surcharges, and that there is sufficient funds to adequately operate and maintain the complete facility.

(d) If a significant user, such as an industry, is added to or dropped from or alters his wastewater discharge, the Town of Tabor shall review the total annual costs and his percentage of contribution to them and revise the rates accordingly.

**Section 8-505.** Determining each User's Wastewater Contribution Percentage.

(a) The Town of Tabor shall determine each user's or class of user's average daily volume of wastewater. The user's volume of wastewater shall then be divided by the total volume of wastewater to determine each user's volume contribution percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow

(b) The Town of Tabor or its Engineer shall determine each user's or class of user's average daily poundage of (BOD). The user's average (BOD) shall be divided by the total (BOD) of the system to determine each user's (BOD) contribution percentage.

(c) The Town of Tabor or its Engineer shall determine each user's or class of user's average daily poundage of (SS). The user's average (SS) shall be divided by the total (SS) of the system to determine each user's (SS) contribution percentage

(d) Each user's or class of user's volume contribution percentage, (BOD) contribution percentage, and (SS) contribution percentage shall be multiplied by the annual operation and maintenance costs for the complete wastewater facility's total volume flow, (BOD), and (SS) respectively.

**Section 8-506.** Determining a Surcharge System for Users with Excess BOD and SS.

The Town of Tabor or its Engineer will determine the average (BOD) and (SS) for the average residential user. The Town of Tabor shall assess a surcharge rate for all non-residential users discharging wastewater with (BOD) and (SS) strengths greater than the average residential user. Such users or class of users will be assessed a surcharge sufficient to cover the costs of treating such users above normal strength wastewater. Normal strength wastes are considered to be 200 p.p.m. (BOD) and 250 p.p.m. (SS). The surcharge rate structure for such above normal strength wastewater discharges is attached (Appendix A).

**Section 8-507.** Determining each User's Wastewater Service Charge and Payment.

(a) Each user's or class of user's wastewater treatment cost contributions as determined in Section 8-505 and 8-506 shall be added together to determine such user's annual wastewater service charge. Residential users may be considered to be one class of user and an equitable service charge by be determined for each other class of user based upon an estimate of the total wastewater contribution by this class of user. The Town of Tabor may classify industrial, commercial, and other non-residential establishments as a residential user, provided that the wastewater from these establishments are equivalent to the wastes from the average residential user with respect to volume, (SS), and (BOD). Each user's wastewater treatment cost contribution will be assessed in accordance with the attached rate schedule (Appendix B).

(b) The Town of Tabor shall submit an annual statement to the user for the user's annual wastewater service charge or one-half of the user's annual wastewater service charge may be included with the monthly wastewater utility billing, Should any user fail to pay the user wastewater service charge within three months of the due date, the Town of Tabor may by giving a thirty (30) day notice in writing sent to the user at his last known P.O. address stating all water and sewer services will be disconnected if payment is not paid in full by the end of the thirty (30) day period.

**Section 8-508.** Validity.

(a) All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(b) 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.

## Appendix A

(a) Surcharge Rate Structure for above normal strength wastes.

(b) This Appendix A is attached to the original ordinance, updated Sewer Use charges shall be attached as enacted.

(c) The Town of Tabor, State of South Dakota or Engineer, will determine the average (SS) and (BOD) daily loading for the average residential user or in lieu of such a determination will consider the average residential strength wastewater to be 200 mg/l (BOD) and 250 mg/l (SS). The Town of Tabor or Engineer will assess a surcharge rate for all classes of users discharging wastewater with (BOD) and (SS) strengths greater than the average residential user. The surcharge will be sufficient to cover the costs of treating such class of users above normal strength wastewater.

## Appendix B

- (1) Declaration of Public Interest in Adequate Sewer Rates and Charges. The Town of Tabor has reviewed the current sewer service rates and charges and finds that the current rates are not at the required standard level otherwise established by the State, and as a result of these substandard rates, the Town of Tabor would be prevented from receiving any state or federal financial grants or assistance for potential municipal sewer improvements or projects.
- (2) The rates and charges are hereby amended, revised, and established for sewer rates, services, users' fees, or assessments for sewer disposal service(s) supplied within the City Limits of the Town of Tabor, South Dakota, and that such rates shall be as follows commencing July 1, 2017 (and reflected initially upon the August 1, 2017 billings), and it is hereby that the following rates shall increase by \$4.00 increments every two (2) years hereafter for six years (July 1, 2019, 2021, & 2023).

The following sewer rates and charge shall apply to all uses and classifications of the City's sanitary sewer system (Residential Class 1 (R-1), Residential Class 2 (R-2), Non-Residential Class 1 (N-R-1), and Non-Residential Class 2 (N-R-2)), except as may otherwise be required by the provisions of Ordinance 8-501 et.al.:

- a. The charge shall be a monthly charge. The sewer rate and charge for usage shall be \$25.00 per month.
- b. The monthly sewer charge describe above shall be based on a per residential or commercial unit and not per meter basis, such that if there is more than one user per (i.e., rental property, mobile home park, etc.), the charge shall be computed on a per unit or per user basis, and not on a per meter basis. No unit shall pay less than the monthly charge.
- c. Sewer charges shall be billed and due and payable with and as described for water bills, including late fees and interest on unpaid bills.

## RESTAURANTS

Section 8-601. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

- (1) Restaurant shall mean and include any restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, drug store and soda fountain serving food, and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere.
- (2) Food shall mean and include all articles used for food, drink, confectionery or condiment, whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof.
- (3) Itinerant restaurant shall mean one operating for a temporary period in connection with a fair, carnival, circus, public exhibition, or other similar gathering.
- (4) Employee shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.
- (5) Utensils shall mean and include any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation or serving.
- (6) Health officer shall mean the Director of Public Health of the Town of Tabor or an authorized representative chosen by the Board of Trustees of the Town of Tabor.
- (7) Person shall mean and include any person, firm, partnership, corporation or association.

**Section 8-602.** Permits Required—Posting and Revocation. It shall be unlawful for any person to operate a restaurant in the Town of Tabor who does not possess an unrevoked permit from the health officer. Such permit shall be posted in a conspicuous place. Only persons who comply with the requirements of this ordinance shall be entitled to receive and retain such a permit. A person conducting an itinerant restaurant shall also be required to secure a permit.

Such a permit may be temporarily suspended by the health officer upon the violation by the holder of any of the terms of this ordinance, or revoked after an opportunity for a hearing by the health officer upon serious or repeated violation.

**Section 8-603.** Permit Fees. Every applicant for a permit to operate a restaurant or itinerant restaurant shall pay to the town treasurer a fee or fees for each such establishment in accordance with the following schedule:

Restaurants, annually ..... \$15.00

Applications made between January 1st and June 30th ..... 15.00

Applications made between July 1st and December 31st ..... 10.00

Itinerant Restaurants, daily or as provided:

Each days' operation ..... 5.00

Total fee not to exceed for any one continuous operation ..... 15.00

**Section 8-604.** Examination and Condemnation of Unwholesome or Adulterated Food or Drink. Samples of food, drink and other substances may be taken and examined by the health officer as often as may be necessary for the detection of unwholesomeness or adulteration. The health officer may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which is unwholesome or adulterated.

**Section 8-605.** Inspection of Restaurants. Prior to the issuance of a license authorized under this chapter, the town fire marshal and health officer shall inspect the premises to determine whether or not the applicant has complied with the state health and restaurant regulations and standards and town fire code.

**Section 8-606.** Access to Premises and Records. The person operating the restaurant shall upon request of the health officer permit access to all parts of the establishment and shall permit copying any or all records of food purchased.

**Section 8-607.** Suspension and Revocation. A license issued pursuant to this chapter shall be issued upon the condition that the licensee's state permit shall remain in good standing. In the event that the licensee's state license is suspended or revoked, the licensee's town license shall be automatically suspended or revoked by action of the Board of Trustees.

**Section 8-608.** Penalties. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one hundred dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

## LICENSING AND CONTROL OF ANIMALS

**Section 8-701.** Livestock not to run at large or be kept in certain areas of the city; exceptions.

(a) It shall be unlawful for any person to raise, keep or maintain, or permit to run at large, any swine or hog, horse, cow, mule, donkey, sheep or goat, chickens, ducks, geese, turkeys or poultry, or any wild animal or animals, within any area of the city which is platted into lots of an area of any size.

(b) Any animal described in subsection (a) suffered or permitted to be within the areas described in subsection (a) in violation of this section is hereby declared to be a nuisance and menace to public health and safety by reason of the density of the population of the area.

**Section 8-702.** Leading, riding or driving animals in parks. No person shall ride, drive or lead any horse, mule, cow or other animal in any public park.

**Section 8-703.** Disposition of dead animals.

(a) No dead animal of any kind shall be thrown into or upon the streets or alleys of the city, or left exposed by any person.

(b) No owner of any dead animal shall permit it to remain undisposed longer than twenty-four (24) hours after its death.

**Section 8-704.** Procedure for detention of dangerous animals.

(a) As used in this section, the following term shall have the meanings ascribed to them:

- (1) Animal shall mean and include a dog, a cat, or any other animal.
- (2) Owner shall mean any person who owns or harbors an animal.

(b) Any animal which shall bite a person is hereby declared a dangerous animal and a nuisance. If any person shall file a verified complaint in any court, stating that any person has been bitten by an animal, naming the owner as defendant, if he is known or can be learned from the city license records. A warrant shall issue to a police officer to take the animal into his possession and isolate it for a period of fifteen (15) days to ascertain if the animal has rabies, the cost of care thereof shall be at the expense of the owner. A copy of the warrant shall be delivered to the owner. However, with the approval of the court affixed to the warrant, the owner may be authorized to keep, or arrange for the care of, the animal under proper safeguards for a fifteen (15) day period, during which tests may be made as to the animal's condition.

(c) The court may fix a time of hearing of the complaint issued pursuant to subsection (b), and give notice to the owner thereof. At the hearing, the court may enter an order authorizing or confirming the acts of the officer and for such judgment as to the care and custody of the animal as may be proper to safeguard it, its owner and the public, and a judgment for the city for the costs of the animal's care against the owner.

**ARTICLE II. DOGS**

**DIVISION 1. GENERALLY**

**Section 8-705.** Applicability of article to other animals. The provisions of the following sections shall include cats and other domesticated animals so far as is applicable, but permitted animals other than dogs are not required to be licensed.

**Section 8-705A.**

(1) General Definitions. Words when used in this Chapter unless the text otherwise plainly refers, shall have the meaning indicated:

(a) At Large. Off or outside of the premises belonging to the owner or keeper of such dog and not under the control of such owner or keeper, or the agent or servant member of this immediate family, by means of a leash, cord or chain not to exceed ten (10) feet in length, provided that an unleashed dog off the owners premises shall not be deemed to be at large if he is under the immediate control of the owner or his agent and engaged in a course of training which require the animal to be unleashed.

(b) Dog. Any member of the canine family, both male and female.

(c) Leash. A cord, chain, device or physical restraint not more than ten (10) feet in length by which a dog is controlled by the person accompanying it sufficient to restrain dogs.

(d) Owner. A person owning, keeping or harboring a dog; the occupant of any premises to which a dog customarily returns is presumed to be the owner.



(e) Domestic Animal. Any of various animals (as the horse, sheep, dog, cat, goat) domesticated by man so as to live and breed in a tame condition.

(f) Cat. Any member of the feline family, both male and female. For the purposes of this Ordinance, "cat" is meant to include only common domesticated cats, and not any wild species of cat.

(g) Premises. The dwelling house and outbuildings and the lot or tract of land on which the same are situated and shall include an automobile or other vehicle in which the owner of the dog shall be an occupant or of which he shall have control, or in which any dog shall be situated with the consent of the owner of the vehicle.

(h) Vaccination. The injection by a veterinarian or other qualified person of a vaccine approved by, and administered in accordance with, the provisions of this Chapter and resolutions of the governing body of the City.

(i) Veterinarian. A licensed practitioner of veterinary medicine licensed to practice such profession in the state.

(2) Limit in number of dogs and cats. It shall be unlawful for any person or persons, or household, in the limits of the City of Tabor to own or possess more than four (4) dogs and four (4) adult cats. OF the four (4) dogs that can be owned or possessed, only three (3) of the dogs can weigh more than twenty-five pounds (25 lbs). It is the intent of this Ordinance to set an aggregate limit to the number of dogs that may be legally owned by one family, household, or co-habitants of any kind.

This Ordinance does not apply to litters of dog puppies or kittens from the time of their birth until they are eight weeks old.

**Section 8-706.** Dogs running at large prohibited; impoundment.

(a) It shall be unlawful for any owner of a dog to allow his dog to run at large at any time beyond the limits of the land of its owner, and upon the streets, sidewalks, or other public or private property. For the purpose of this section, a dog shall be considered not to be at large whenever the dog is under the immediate control of a person by means of a leash, chain, cord or rope of not more than ten (10) feet in length and of sufficient strength to control the dog.

(b) Any dog found at large in violation of subsection (a) shall be impounded in accordance with the provisions of this article and shall be subject to changes and provisions.

(c) Any owner found in violation of this section shall be fined in the amount of twenty-five dollars (\$25.00) for the first offense, fifty dollars (\$50.00) for the second offense and one hundred dollars (\$100.00) for each subsequent offense thereafter within any one (1) year period.

**Section 8-707.** Procedures when dog is suspected of having rabies. If a dog is believed to have rabies, or has been bitten by an animal which is believed to have rabies, proceedings may be taken as provided as to licensed dogs, unlicensed dogs shall be impounded and dealt with as provided; it shall be the duty of any physician or veterinarian to immediately notify the police department of any injury by dog or animal bite or of any animal suspected of having rabies. All expenses incurred by the city for the impoundment of the dog will be reimbursed to the city by the owner before the dog is released.

**Section 8-708.** Charges and fees imposed by this article to constitute obligation to the city.

The charges and license fees fixed by this article are declared to be an obligation due the city from the owner, keeper, person in charge or persons who harbor any dog and, if not paid within ten (10) days after the charges or fees are due, the board of trustees, after notice to the person of a special assessment lien or an action in court to collect or enforce the city's claim.

**Section 8-709.** Keeping vicious or dangerous dogs.

(a) It shall be unlawful for any person to keep or harbor within the city any vicious or dangerous dog.

(b) A vicious or dangerous dog shall be defined as a dog which without obvious or overt provocation bites, mauls or otherwise attacks or attempts to attack in such a manner as to cause bodily harm. Any person violating this section shall be fined in the amount of sixty dollars (\$60.00) and the animal shall be subject to these provisions. If the owner is unknown, the animal shall be immediately destroyed in a humane manner.

**Section 8-710.** Disturbance of peace by barking dogs, animal howling and noise.

The owner of a dog or any other animal shall not suffer or allow the animal to disturb the peace and quiet of the city, by allowing the animal to continuously bark or howl for a period of more than fifteen minutes per twenty-four hour intervals. A violation of this section shall be punishable by a fine of twenty-five dollars (\$25.00) for the first offense, fifty dollars (\$50.00) for the second offense and one hundred dollars (\$100.00) for each violation thereof.

**DIVISION 2. LICENSES**

**Section 8-711.** Annual license fee required.

Each owner, keeper and person in charge of any dog shall, before the first day of January in each year, pay a license fee as established by resolution of the board of city trustees.

**Section 8-712.** When licensing not required.

No dog need be licensed pursuant to this division if the dog is under three (3) months of age and is kept on the property of the owner.

**Section 8-713.** Rabies vaccination prerequisite to license.

No license required by this division shall be issued for any dog unless it shall have been vaccinated by a licensed veterinarian with antirabic vaccine within three (3) months preceding the date on which the dog is licensed, or, in case of a permanent vaccine, at any time prior to the time of licensing. Vaccination with live embryonated egg vaccine within two (2) years shall be deemed vaccination sufficient to permit the issuance of the license required by this division, and a veterinarian's certificate to that effect shall be in compliance with this section.

**Section 8-714.** Issuance of license tag; to be worn by licensed dog.

The town clerk or his designee shall issue his receipt for the payment of the license fee imposed upon dogs by this division, and the finance officer or his designee shall issue to the person a certificate to the effect that the dog therein described has been duly registered and shall also deliver to such a person a metal tag, which certificate and tag shall bear the registry number of the dog together with the year in which the certificate and tag was issued, and the tag shall be securely fastened upon the collar of the dog so registered.

**Section 8-715.** Kennel licenses.

- (a) Any person desiring to operate a kennel and pay a kennel fee therefore in lieu of the license fee required for dogs imposed by this division may make application for a kennel license, the fee for which shall be established by the board of city trustees by resolution.
- (b) The application for a kennel license shall state the place where the kennel will be operated, and the animals must be kept in a substantial enclosure thereon and kept therein at all times, except when the same may be on a leash in the custody of the owner or his agent.
- (c) If dogs are kept as prescribed in this section, they need not be separately licensed, but the kennel fee shall cover all of the dogs while so confined.
- (d) The definition of a kennel shall be an enclosed place wherein more than two dogs are kept.
- (e) Nothing in this section shall be construed to allow the establishment of a kennel in conflict with the provisions of any other ordinance of the town.

**DIVISION 3. IMPOUNDMENT**

**Section 8-716.** Duty to impound unlicensed or unvaccinated dogs.

It shall be the duty of each police officer, animal control officer, or other person designated by the city manager, to apprehend any dog not licensed or not vaccinated as required by this chapter and to impound the dog at a city pound or other suitable place designated by the city manager.

**Section 8-717.** Register of impounded dogs; licensed dogs to be separated from unlicensed dogs.

The person designated to be in charge of the pound shall while receiving any dogs make a registry, entering the breed, color and sex of such dog, whether the dog is licensed, and the date and place the dog was apprehended. If the dog is licensed, he shall enter the name and address of the owner and the number of the license tax. Licensed dogs shall be separated from unlicensed dogs.

**Section 8-718.** Notice of impoundment.

The animal control officer or other designated person shall at his earliest convenience, notify the owner of any licensed dog of the impoundment. In the event of unlicensed dogs or other animals impounded, the animal control officer or other designated person shall post a written notice at a conspicuous place in the Bon Homme County Courthouse or have published in a local newspaper the information required.

**Section 8-719.** Impoundment and maintenance charges.

The board of city trustees shall by resolution establish charges for the improvement and maintenance of animals which charges must be paid to the finance officer prior to recovery of the animal.

**Section 8-720.** Unlicensed dogs to be vaccinated.

An unlicensed dog impounded pursuant to this division must be licensed before it may be released to its owner.

(a) Upon release of an unlicensed dog to its owner, a thirty dollar (\$30.00) deposit shall be left by the owner with the finance officer or his designee. Such deposit, less the licensing fees provided, shall be returned to the owner upon proof of the required vaccination provided for.

(b) Any person who purchases a dog from the city pound shall be required to abide by the same procedures as provided in subsection (a) of this section.

**Section 8-721.** Time for keeping dogs impounded.

Licensed dogs impounded pursuant to this division shall be kept for at least three (3) days and unlicensed dogs or other animals impounded pursuant to this division shall be kept for one (1) day after giving or posting of the notice required by this division, and at the expiration of which time the dog shall be destroyed in some humane manner.

**Section 8-722.** Certain animals not to be released.

Any dog or other animal which appears to be suffering from rabies or any other infectious or dangerous disease shall not be released, but may be forthwith destroyed.

**Section 8-723.** Donation of dogs to medical and similar institutions.

Whenever any hospital or reputable institution of learning shall apply to the person in charge of the pound for permission to use any dog impounded pursuant to this division, remaining unclaimed, for research purposes in the study of the prevention of the disease or the betterment of mankind, the person in charge of the pound may surrender to the hospital or institution the unclaimed dogs, upon reasonable terms.

## **ANTI-LITTER**

**Section 8-801.** Short Title. This ordinance shall be known and may be cited as the "Tabor Anti-Litter Ordinance".

**Section 8-802.** Definitions. For the purposes of this ordinance the following terms, phrases, word 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 used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Town" is the Town of Tabor.

(2) "Commercial Handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

(a) Which advertises for sale any merchandise, product, commodity, or thing; or

(b) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(c) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the

terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; Provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this state, or under any ordinance of this town; or

(d) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

(3) "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(4) "Litter" is "garbage", "refuse", and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

(5) "Newspaper" is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, ad sold to the public.

(6) "Non-Commercial Handbill" is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

(7) "Park" is a park, reservation, playground, beach, recreation center or any other public area in the town, owned or used by the town and devoted to active or passive recreation.

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

(9) "Private Premises" is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

(10) "Public Place" is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

(11) "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animal, abandoned automobiles, and solid market and industrial wastes.

(12) "Rubbish" is nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(13) "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

**Section 8-803.** Litter in Public Places. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the town except in public receptacles, in authorized private receptacles for collection, or in official town dumps.

**Section 8-804.** Placement of Litter in Receptacles so as to Prevent Scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

**Section 8-805.** Sweeping Litter Into Gutters Prohibited. No person shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

**Section 8-806.** Merchants Duty to Keep Sidewalks Free of Litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the town shall keep the sidewalk in front of their business premises free of litter.

**Section 8-807.** Litter Thrown by Persons in Vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the town, or upon private property.

**Section 8-808.** Truck Loads Causing Litter. No person shall drive or move any truck or other vehicle within the town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the town, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

**Section 8-809.** Litter in Parks. No person shall throw or deposit litter in any park within the town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

**Section 8-810.** Litter in Lakes and Fountains. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the town.

**Section 8-811.** Throwing or Distributing Commercial Handbills in Public Places. No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the town. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the town for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

**Section 8-812.** Placing Commercial and Non-Commercial Handbills on Vehicles. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle. Provided, however, that it shall



not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a non-commercial handbill to any occupant of a vehicle who is will to accept it.

**Section 8-813.** Depositing Commercial and Non-Commercial Handbills on Uninhabited or Vacant Premises. No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

**Section 8-814.** Prohibiting Distribution of Handbills Where Properly Posted. No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof a sign baring the words: "No Trespassing", "No Peddlers or Agents", "No Advertisement", or any similar notice, indicating in any matter that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

**Section 8-815.** Distributing Commercial and Non-Commercial Handbills at Inhabited Private Premises. No person shall throw, deposit or distribute any commercial or non commercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted, as provided in this ordinance, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.

(1) Exemption for Mail and Newspapers. The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

**Section 8-816.** Dropping Litter From Aircraft. No person in an aircraft shall throw out, drop or deposit within the town any litter, handbill or any other object.

**Section 8-817.** Posting Notices Prohibited. No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law

**Section 8-818.** Litter on Occupied Private Property. No person shall throw or deposit litter on any occupied private property within the town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

**Section 8-819.** Owner to Maintain Premises Free of Litter. The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

**Section 8-820.** Litter on Vacant Lots. No person shall throw or deposit litter on any open or vacant private property within the town whether owned by such person or not.

**Section 8-821.** Penalties. Any person 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 \$50. Each

day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

## **COLLECTION, REMOVAL, AND DISPOSAL OF GARBAGE AND RUBBISH BY COMMERCIAL SOLID WASTE HAULERS**

**Section 8-901.** Definitions. Terms used in this chapter unless the context otherwise plainly requires, shall mean:

- (a) Garbage. Includes, but is not restricted to every accumulation of animal, vegetable, or other mineral:
  - (1) Resulting from the preparation and consumption of edible food stuffs; or
  - (2) Resulting from decay, dealing in, or storage of meats, fish, fowl, fruits, or vegetables, including the cans, containers, or wrappers or waste along with such materials; or
  - (3) Such industrial, domestic, and organic solid waste or residue of animals sold for meat; or .
  - (4) Fruit, vegetable, and animal matter from kitchens, dining rooms, markets, fruit establishments, or any other place using, dealing in, or handling meats, fish, fowl, fruits, vegetables, or grains; or
  - (5) Offal, animal excreta, or the carcasses of animals, fish or fowl.
- (b) Occupant. The person who has the use of, or occupies, any building, whether a residence or commercial, or a part or portion thereof, whether the actual owner, tenant, or subtenant. In the case of vacant buildings, a residence or commercial, or any vacant portion of the buildings, the owner, agent, or other person having custody of said building shall have the responsibility of an occupant of said building.
- (c) Owner. The actual owner of the property, building, or site, or the agent of the owner in charge of said building, property, or site or the person whom any rental upon said building, property, or she is paid. In the case of property being leased under agreement which hold the lessee responsible for maintenance and repair, the lessee shall be, in. such cases, considered as the owner.
- (d) Refuse, Garbage, rubbish, and rubble, incinerator ash, incinerator residues, street cleanings, market and industrial solid waste, and sewage waste in dry or semi-dry form.
- (e) Residential Occupant. A residential occupant shall include a dwelling house and a place of human habitation and shall be any household established in a building whether or not it is a single-family dwelling, Each residential occupant, including multiple family dwellings of three (3) or more units, shall be liable for solid waste collection pursuant to this definition,
- (f) Rubbish. Includes, but is not restricted to, all non-putrescible waste or debris such as paper, cardboard, grass, tree or shrub trimmings., rugs, straw, clothing, wood, wood products, crockery, glass, rubber, metal, plastic, construction waste, and debris, tin cans, bedding, or litter of any kind.
- (g) Rubble. Stone, brick, rock, or similar organic material,

(h) Solid Waste Hauler. Any person, firm, or corporation who collects garbage, rubbish, rubble, and refuse within the geographical limits of the municipality or from a central collection point and transports such a disposal site.

(i) Truck. Any truck, trailer, semi-trailer, conveyance, or other vehicle which has been designed and manufactured specifically for the purpose of collecting garbage, rubbish, rubble, and refuse, or to haul or transport garbage, rubbish, rubble, and refuse upon public highways or thoroughfares.

(j) Yard Waste. Leaves, grass clippings, plant or garden residue, or similar organic matter.

**Section 8-902.** System For Garbage Collection And Disposal. The Board of Trustees for the Town of Tabor shall have the power and duty to provide for the removal of garbage and rubbish as provided for in this Title.

**Section 8-903.** Accumulation of Refuse Prohibited. No person, owner, agent, or occupant of any premises in the Town of Tabor, whether vacant or improved, shall allow any accumulation of garbage, rubbish, rubble or refuse to remain thereon for longer than two (2) weeks if such garbage, rubbish, rubble or refuse is within four hundred (400) feet of any dwelling house or commercial building, nor for more than four (4) weeks if beyond said distance, nor for any period of time if the same is found by the city to constitute a public or private nuisance,

**Section 8-904.** Refuse Removal. All garbage, rubbish, rubble, and refuse created, produced, or accumulated in or about any premises in the City limits of the Town of Tabor shall be removed from the premises at least once every two weeks, The city may require more frequent removal if necessary for certain premises,

All owners or occupants any premises in the Town of Tabor may contract privately with a solid waste hauler for the removal of garbage, rubbish, rubble, and refuse from their premises in compliance with the terms of this chapter. The rate to be charged to the occupant for garbage, rubbish, rubble, and refuse shall be as established by the solid waste hauler. All billing will be done directly by the solid waste hauler for the service.

**Section 8-905.** Burying of Refuse, No person, owner, agent, or occupant of any premises in the Town of Tabor shall keep, place, or deposit garbage, rubbish, rubble or refuse at any public or private grounds or premises within the Town of Tabor, except in containers or receptacles for collection upon premises owned, occupied, or under possession or control of such person, provided, however, that the Town of Tabor Board of Trustees may designate certain areas, locations, or containers for the deposit of garbage, rubbish, rubble, refuse or yard waste composting,

**Section 8-906.** Collection Vehicles. Trucks of any solid waste hauler used for collecting garbage and rubbish within the Town of Tabor shall have a watertight metal tank and shall be covered so that not more than one-half (1/2) of any truck can be uncovered at any one time. The cover shall be fully closed while the truck is traveling between place of collection and place of transfer disposal. At all times, the trucks shall obey all weight limits imposed on them by state law while driving on city streets, including any seasonal load limits. All solid waste haulers collecting garbage shall clean and disinfect all equipment as needed to prevent health hazards.

**Section 8-907.** License Required for Solid Waste Hauler.

(a) It shall be unlawful for any solid waste hauler to collect and dispose any garbage and rubbish from within the City limits of the Town of Tabor without a license for the same. The Board of Trustees for the Town of Tabor is hereby empowered to issue licenses to any person, firm, or corporation who is a solid

waste hauler. A solid waste hauler duly licensed under this ordinance shall have the power to remove and dispose of garbage and rubbish found in the Town of Tabor at the solid waste hauler's expense under the rules and regulations as may be adopted by the Tabor Town Board of Trustees.

(b) The Tabor Town Board of Trustees shall have the right to make inspections from time to time of the collection and disposal process of the solid waste hauler and to set up what rules and regulations they think are necessary to achieve sanitary and desirable process. The solid waste hauler shall furnish his own equipment to carry on his duties.

(c) Any solid waste hauler issued a license under this ordinance shall fully comply with all Federal, State, County and City ordinances, statutes, laws, and regulations in support thereof.

**Section 8-908. License Fee and Term.**

(a) The license fee for each solid waste hauler shall be \$5.00 per year. The license period shall be from the 1st day July to the 30th day of June annually. All solid waste haulers currently collecting, removing and disposing of garbage from within the City limits of the Town of Tabor shall, within 30 days after the effective date of this ordinance, obtain such a license.

(b) The Tabor Town Board of Trustees may determine the number of licenses to be issued. The license may contain the conditions under which the licensee is to operate. All licenses issued under this section are non transferable, except by written permission of the Tabor Town Board of Trustees.

**Section 8-909. Application for License.** Application by a solid waste hauler for a license to collect, remove or dispose of garbage and rubbish from within the City limits of the Town of Tabor shall be filed with the City finance Officer and reviewed and issued by the Tabor Town Board of Trustees. The license application by a solid waste hauler shall be in writing, signed by the applicant and shall include the following:

(1) The name and address of the applicant and/or the manager or operator if different than the applicant;

(2) The name and business address of the solid waste hauler, if different than above;

(3) The proposed garbage collection and removal times, the estimated number of garbage collection sites and customers, by the solid waste hauler within the Town of Tabor;

(4) Such other and further information as may be required or requested by the Tabor Town Board of Trustees to ensure the solid waste hauler's compliance with this ordinance.

License renewals shall not require resubmission of the information contained in the original application by the solid waste hauler unless changes have occurred after the initial filing of the original application. Following a review by the Tabor Town Board of Trustees, the board shall at its discretion approve or deny any license to a solid waste hauler.

**Section 8-910. Transport to Southern Missouri Recycling & Waste Management Landfill:** Any solid waste hauler issued a license by the Town of Tabor under this ordinance shall transport all garbage and rubbish collected from any premises in the City limits of the Town of Tabor to Southern Missouri Recycling & Waste Management landfill located in Charles Mix County. The solid waste hauler shall collect from the owners or occupants of any premises in the Town of Tabor, all items that are accepted at the above listed landfill with the solid waste hauler assuming all costs for disposal. The solid waste hauler shall comply with all terms and conditions of this landfill. The solid waste hauler shall submit copies of weigh slips or other documentation

showing to the City Finance Office each month proof of delivery to the Southern Missouri Recycling and Waste Management Landfill.

**Section 8-911.** Penalty. Any person violating any of the provisions of this Ordinance or failing to comply with any of the provisions herein shall, upon conviction, be punished by a fine not exceeding two hundred dollars (\$200.00).

## **ANIMALS AND FOWL RUNNING AT LARGE**

Section 8-1001. Definition of Terms. As used in this ordinance.

(1) "Animal" shall mean any and all types of animals both domesticated and wild, male and female, singular and plural.

(2) "Fowl" shall refer to any and all types of ducks, geese, turkeys, pheasants, guinea, pigeons, and chickens, domesticated and wild, male and female, singular and plural.

(3) "At Large" shall mean off the premises of the owner or custodian of the animal or fowl, and not under the immediate control of the owner or custodian.

**Section 8-1002.** Animals and Fowl Not to be Permitted at Large. No person owning or having in his custody animals shall permit the same to go at large to the injury or annoyance of others, nor shall such animals be permitted at large upon the streets or other public ways of the town. No person shall any ducks, geese, chickens, or other domestic fowls to run at large in the City. No person shall enclose or house any ducks, geese chickens, or other domestic fowls in any house, pen, coup, enclosure or other building situated within the City limits of the Town of Tabor. Such action is declared to be a nuisance and dangerous to the public health and safety; provided, however, that no livestock shall be permitted, whether at large or otherwise, to be within the town limits of the Tabor of Tabor.

**Section 8-1003.** Property Owner May Impound. Any person finding any animal or fowl upon his property to his injury or annoyance may take up same and remove it to any private or other animal shelter that will take possession of it. If no such shelter is available, he may hold the animal or fowl in his own possession, and as soon as possible notify the town marshal of this custody, giving a description of the animal or fowl and the name of the owner if known.

**Section 8-1004.** Penalties. Any person found guilty of violating any of the provisions of this ordinance shall be guilty of a misdemeanor and subject to a fine not exceeding \$50.

**Section 8-1005.** Disposition of Unredeemed Animals. Any animal or fowl not redeemed within 72 hours will be disposed of.

## **OPEN FIRES AND BURNING OF TRASH, REFUSE, LEAVES OR OTHER COMBUSTIBLE MATERIALS AND RECREATIONAL FIRES AND FIRE PITS**

**Section 8-1101.** That open fires and the burning of refuse, garbage, leaves and other combustible materials are hereby prohibited within the corporate limits of the Town of Tabor, South Dakota.



**Section 8-1102.** That the Board of Trustees be and they are hereby authorized and empowered to permit burning days once in the spring and one in the fall upon application to the Town Board of Trustees for a permit for persons within the territorial limits of the Town of Tabor to burn leaves or other refuse during certain periods to be selected by the Town Board of Trustees.

**Section 8-1103.** No person shall haul any refuse, leaves or garbage or burn the same at any public dumping grounds owned by the Town of Tabor at any time and the burning at the said Town refuse site will be accomplished only by proper municipal authority.

**Section 8-1104.** Any person, firm or corporation violating any provision of this ordinance shall be fined not less than \$50 nor more than \$100 for each offense; a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

**Section 8-1105. Recreational Fires and Fire Pits**

(a) Definitions. As used in this Section:

(1) The term "recreational fire" as referred to in this section is the burning of natural firewood or commercial logs, for pleasure, religious, ceremonial, cooking or similar purposes. Gas and charcoal grills are not deemed recreational fires and are not subject to this provision. Unless meeting the requirements of this Ordinance, bonfires shall not be deemed recreational fires and are expressly prohibited.

(2) The term "fire pit" as used in this ordinance includes either a below ground pit or a portable device, constructed of steel, brick, or masonry, such as commercial fire kettle or similar commercial devices intended to contain and control outdoor wood fires, and includes any outdoor fireplace or fire-walled device which because of its structure will contain the fire.

(b) Recreational Fires and Fire Pits Permitted. Recreational fires and fire pits are permitted within the corporate limits of the Town of Tabor under the following conditions:

(1) All recreational fires and fire pits must be conducted on private property and shall not be conducted on alleys, streets or boulevards.

(2) All below ground fire pits shall be at least four inches in depth and shall be surrounded on the outside, above ground, by a noncombustible material such as steel, brick, or masonry. Portable fire pits, constructed of steel, brick, or masonry, shall be used in accordance with the manufacturer's specifications and these regulations. All portable freestanding fire pits shall have a fire screen which encloses the open fire designed to control sparks from leaving the immediate fire area.

(3) Fire pit location. Recreational fires in commercial freestanding fire kettles or similar commercial devices shall not be conducted within ten feet of any structure or combustible material, such as houses, garages, sheds, decks, wood piles and wooden fences. Recreational fires in below ground commercial open fire rings or constructed fire pits shall not be conducted within twenty feet of any structure or combustible material such as houses, garages, sheds, decks, wood piles and wooden fences.

(4) Container capacity. The fuel load capacity of the fire pit container shall exceed three feet in diameter or two feet in height.



(5) Fuel type. Only natural firewood or commercial logs may be burned in a fire pit. Burning of treated lumber, pallets, scrap wood, tree trimmings, leaves, yard waste, paper, cardboard, garbage and similar items is not permitted. Liquid accelerants shall not be used in any fire pit.

(6) Attendance. A fire pit fire shall be constantly attended and supervised by an adult until the fire has been completely extinguished.

(7) Fire-extinguishing equipment. A portable fire extinguisher or other approved extinguishing equipment, such as a garden hose, sand, or dirt, shall be readily available to extinguish a fire pit fire.

(c) Discontinuance. Recreational burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances similar to high wind and drought conditions make such fires hazardous shall be prohibited. Police and fire department officers are authorized to require that a recreational fire be immediately extinguished and discontinued if it is determined that the fire is not in compliance with this article, or the smoke is offensive to nearby neighbors, or the burning is determined to constitute a hazardous condition.

(d) Exception for Municipal Park Campground Campfires. Recreational campfires at approved municipal park campgrounds are permitted and are therefore exempt from the requirements of this Section, provided such campfires are kindled in and confined to fire rings provided for such purpose and provided only natural firewood or commercial logs are burned. A campfire shall be constantly attended and supervised by an adult until the fire has been completely extinguished. Liquid accelerants shall not be used and suitable extinguishing material or water shall be available to extinguish the campfire.

## **ABANDONED, JUNKED, DISMANTLED, OR INOPERATIVE MOTOR VEHICLES**

### **Section 8-1201.** Declaration of Public Interest in Disposal.

Abandoned, inoperable or junked motor vehicles and parts thereof constitute a hazard to the health and welfare of the people of the city in that such vehicles and parts thereof can harbor noxious diseases, furnish shelter and breeding places for vermin and present physical danger to the safety and well-being of children and other citizens. Abandoned, inoperable or junked motor vehicles and parts thereof also constitute a blight on the landscape of the city and, therefore, are a detriment to the environment. The indiscriminate abandonment and retirement of motor vehicles and parts thereof constitutes a waste of valuable sources of useful metal. It is therefore in the public interest that the present accumulation of abandoned, inoperable or junked motor vehicles and parts thereof be eliminated; that future abandonment or junking of motor vehicles and parts thereof be discouraged; that the expansion of existing scrap recycling facilities be developed; and that other acceptable and economically useful methods for the disposal of abandoned, inoperable or junked motor vehicles and parts thereof be developed.

### **Section 8-1202.** Definitions.

(1) "Abandoned motor vehicle" means any motor vehicle that is left unattended on any public street, alley, public place or parking lot within the city longer than forty-eight (48) hours without notifying the Town of Tabor or the Bon Homme County sheriff's department and making arrangements for the parking of such motor vehicle on public property, or that is in an inoperable or unusable condition, or that is not currently licensed and is left on private property for more than ten (10) days.

(2) "City" means the town of Tabor.

(3) "Inoperable vehicle" means any motor vehicle, as herein defined, which has not physically moved twenty-five feet in a two-month period or which is not in operating condition due to damage or removal of inoperability of one or more tires and wheels, damage or removal or inoperability of the engine or other essential parts required for operation of the vehicle, or which does not have lawfully affixed thereto a valid state license plate or which constitutes an immediate health, safety, fire or traffic hazard.

(4) "Junked motor vehicle" means any motor vehicle the condition of which is substantially wrecked, dismantled, inoperative, unlicensed or in need of repairs exceeding or equaling 50 percent of the fair market value of the vehicle, or discarded.

(5) "Motor vehicle" means any vehicle which is designed to travel along, or on the ground or water and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, trailers, boats and farm equipment.

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

(7) "Private property" means any real property within the city, which is privately owned, and which is not public property as defined in this section.

(8) "Public property" means any street, alley or highway, or boulevard which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and also means any other publicly owned property or facility.

**Section 8-1203.** Storing parking or leaving dismantled or other such motor vehicles prohibited and declared nuisance.

No person shall park, store or leave, or permit the parking, storing or leaving of any motor vehicle that is abandoned, inoperable or junked as defined in this article, whether attended or not, upon any public property within the city for a period of time longer than forty-eight (48) hours or on any private property for a period of time longer than ten (10) days. The presence of an abandoned, inoperable or junked motor vehicle or parts thereof on private or public property is prohibited and hereby declared a public nuisance, which may be abated as such in accordance with the provisions of this ordinance. This section shall not apply to any motor vehicle that is:

(1) Totally enclosed within a building, or behind a solid fenced or screened enclosure approved by the city, the same being no less than eight (8) feet high on private property or leased public property; or

(2) On the premises of a business enterprise lawfully licensed by the State of South Dakota for sales, use, or excise tax purposes and properly operated in the appropriate business zone, pursuant to the zoning laws of the city, if any, and stored within a building, or behind a solid fenced or screened enclosure approved by the city, the same being no less than eight (8) feet high; or,

(3) In an appropriate storage place or depository maintained in a lawful place and manner by the city; or

(4) Designed for operation on a drag strip or raceway provided that such vehicle is properly stored during non-racing seasons.

**Section 8-1204.** Responsibility for removal.

The owner of the abandoned, inoperable or junked motor vehicle or the parts thereof and the owner or occupant of the private property on which the abandoned, inoperable or junked motor vehicle or the parts thereof are located shall be responsible for its removal.

**Section 8-1205.** Enforcement.

1. Administrative proceedings.

(a) If a nuisance exists, a notice of violation shall be issued to the offender, to the concerned property owner and to the person in possession of the property whereon the offense was committed, directing abatement.

(b) Notice may be, served upon the offender, the concerned property owner and the person in possession of the property whereon the offense was committed by personal service, by registered mail, or by posting notice in a conspicuous place within the City limits of the Town of Tabor, South Dakota, and by publication for a period of one week in the legal newspaper of the Town of Tabor.

(c) Within 7 days after completion of the notice hereinabove mentioned in sub-paragraph b, an appeal may be filed by the offender, the concerned property owner or the person in possession of the property whereon the offense was committed with the City Council. Within 15 days after filing, appeal shall be heard before the City Council. All persons who fail to protest shall be deemed to have waived all objections.

(d) Abatement shall be accomplished within 7 days after notification of the decision of the City Council, unless the offender, concerned property owner or the person in possession of the property whereon the offense was committed can show cause why more time is needed. Notification of the City Council shall be mailed by registered or certified mail.

(e) If the abatement is not completed within the time hereinabove mentioned in subparagraph d, the City shall abate the nuisance and file an account with the City Council, which account shall specify the sum expended in abating said nuisance.

(f) At least seven (7) days after filing of the account hereinabove mentioned in subparagraph e, the City Council shall hold a hearing. Notice announcing the time of the City Council meeting shall be mailed by registered or certified mail to the concerned property owner, to the person in possession and to the offender at least seven (7) days prior to said hearing.

(g) The City Council shall hear the matter and if the account is accepted, the amount thereof shall become a lien upon the motor vehicle removed under the provisions of this Ordinance and upon the real property whereon the offense was committed.

**Section 8-1206.** Penalties; prohibition not stayed by notice requirements.

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00) per day for each day the violation remains thereafter and the cost of removal and disposal of the motor vehicle or the parts thereof. A violation of this Ordinance is not stayed by or conditioned on the notice requirements.

## REGULATING BICYCLES

Section 8-1301. Bicycle Riding. It shall be unlawful for any person to operate or ride a bicycle on any public sidewalk within the limits of the town of Tabor.

## DUMPING OF WASTE MATERIAL AT THE TOWN OF TABOR DUMP SITE AND TO PROHIBIT THE DISPOSAL AND DUMPING OF HOUSEHOLD GARBAGE

**Section 8-1401.** That is shall be unlawful for any person, corporation, co-partnership, resident or non-resident of the Town of Tabor, or any person, to dump or dispose of waste or leave household garbage at the Tabor dump.

**Section 8-1402.** That the only materials to be dumped at the Tabor dump site are to include iron, steel, tin, wood, tree cuttings, stumps and other material not classified as garbage but classified, generally, as rubble.

**Section 8-1403.** No person, firm, corporation, co-partnership, either a resident or non-resident of the Town of Tabor, shall at any time, under any conditions, permit the dumping, wasting, disposal of, or leaving of any food remnants, household garbage, industrial wastes, manufacturing waste, packing house waste, dead animals or anything of such nature at the Tabor dump site, and such dumping, wasting or disposal shall be unlawful.

**Section 8-1404.** Penalties. Any person who shall dump in violation of this ordinance any material at the Tabor dump site shall be fined not more than \$100 and imprisoned in the County Jail not more than thirty (30) days, or both such fin and imprisonment.