

TITLE IX: GENERAL REGULATIONS

Chapter

90. STREETS AND SIDEWALKS

91. ANIMALS

92. PARKS AND PUBLIC PLACES

93. ABANDONED VEHICLES

94. FIRE PREVENTION; FIREWORKS

95. HEALTH AND SANITATION; NUISANCES

CHAPTER 90: STREETS AND SIDEWALKS

Section

Street Use Regulations

- 90.001 Installation of signs and signals
- 90.002 Placement of poles for stringing wires
- 90.003 Guarding of excavations
- 90.004 Unlawful activities

Street Names and Numbers

- 90.020 Generally
- 90.021 Letters and numbers; size; options for obtaining
- 90.022 Posting

Street Grades

- 90.035 Initial point for computing grades
- 90.036 Grade lines
- 90.037 Slope of sidewalk
- 90.038 Centerlines of streets
- 90.039 Street grade list

Street Trees

- 90.050 Definitions
- 90.051 City Tree Board
- 90.052 Species to be planted
- 90.053 Spacing
- 90.054 Distance from curb and sidewalk
- 90.055 Distance from street corners and fireplugs
- 90.056 Utilities
- 90.057 Public tree care
- 90.058 Tree topping
- 90.059 Pruning; corner clearance
- 90.060 Dead and diseased tree removal on private property
- 90.061 Removal of stumps

Gregory - General Regulations

- 90.062 Interference with City Tree Board
- 90.063 Injuring trees prohibited
- 90.064 Arborists license and bond
- 90.065 Review by City Council

Excavations

- 90.075 Bond required
- 90.076 Supervision of city authorities
- 90.077 Facilitation of public travel and drainage
- 90.078 Night visibility requirements
- 90.079 Delay of work prohibited
- 90.080 Cleanup and repair
- 90.081 Restoration of settled excavation

Sidewalks

- 90.095 Grade, material and foundation
- 90.096 Distance from lot lines
- 90.097 Sale of wares
- 90.098 Snow removal
- 90.099 Excavations

- 90.999 Penalty

STREET USE REGULATIONS**§ 90.001 INSTALLATION OF SIGNS AND SIGNALS.**

The city is authorized to install such mechanical or other traffic signs or signals as may be reasonably appropriate to designate arterial or stop streets, to guard against dangerous intersections, and to provide for the safety or stop zones in the vicinity of schools and churches within the city, or quiet signs in the vicinity of the hospital and rest home.

(Prior Code, § 12.04.010)

§ 90.002 PLACEMENT OF POLES FOR STRINGING WIRES.

All persons, firms and corporations, whether by themselves or by their agents, and whether acting under an existing franchise or one hereafter granted, unless otherwise provided, shall set all poles used for stringing wires, whether for telephone or electric purposes, in the alleys of the city, and in such a manner as not to unreasonably interfere with the passage of the public in and through such alleys. (Prior Code, § 12.04.020) Penalty, see § 90.999

§ 90.003 GUARDING OF EXCAVATIONS.

Excavations along any city street, alley or sidewalk must be securely guarded to prevent injury to passersby. (Prior Code, § 12.04.030) Penalty, see § 90.999

§ 90.004 UNLAWFUL ACTIVITIES.

(A) Unlawful snow removal activities:

- (1) Pushing or piling snow from any private premises onto any public street, public right-of-way or alley of the city;
- (2) Pushing or piling snow from one private premises onto another private premises; and
- (3) The fine for each unlawful snow removal activity shall be \$25 for each separate offense, in addition to paying the cost of removing the snow to correct the unlawful snow removal situation. (Ord. 149, passed - -)

(B) It is unlawful to drain water from any private premises into or upon any of the public streets or alleys, except for such surface waters as naturally drain therein.

(C) It is unlawful to wash cars or vehicles of any nature upon any of the public streets or alleys within the city which are surfaced with concrete or bituminous materials.

(D) It is unlawful for any person to place or maintain any approach to a private driveway within the corporate limits of the city which obstructs the proper drainage or proper maintenance of any of the city streets.

(E) It is unlawful to use the sidewalks, parkways or streets within the city for the purpose of displaying or storing farm implements, motor vehicles or other bulky goods; but upon special occasions, the Mayor may temporarily permit such use thereof.

Gregory - General Regulations

(F) It is unlawful to place in the street or in the parking space between the curb and the property line, within the corporate limits of the city, any gasoline pump or other device serving the same purpose.

(G) It is unlawful to obstruct any of the streets or alleys of the city, or in any way interfere with the public use thereof.

(H) It is unlawful for any person to in any way interfere with, damage, mutilate or deface any of the underground cables or any wiring, lamp posts or other materials used in the public lighting system of the city.

(I) It is unlawful to hinder or obstruct any city employee in lawfully making improvements in any street, road or alley of the city.

(J) It is unlawful for any person without proper authority to dig up, break or injure any public crosswalk, sidewalk, street or alley.

(K) It is unlawful for persons to gather in crowds or mobs or for any person to so stand upon any city street or sidewalk in such a manner as to obstruct free passage thereon.
(Prior Code, § 12.04.040) (Ord. 116, passed - -1993) Penalty, see § 90.999

STREET NAMES AND NUMBERS**§ 90.020 GENERALLY.**

All streets and the intersections thereof, and all business and dwelling houses respectively in the city, shall be named and numbered with lettering and numbers of a uniform size. All names of streets and numbers of the intersections thereof and all numbers for business and dwelling houses shall conform to the system of streets with the names and numbers thereon as shown by the official plan of the city.

(Prior Code, § 12.08.010) Penalty, see § 90.999

§ 90.021 LETTERS AND NUMBERS; SIZE; OPTIONS FOR OBTAINING.

The letters and numbers for the purpose of such naming and numbering shall consist of 3-inch aluminum letters and figures to be provided by the city at cost, provided that it is optional with the property owners as to whether they shall obtain their numbers from the city, so long as the size and kind specified in this chapter are used.

(Prior Code, § 12.08.020)

§ 90.022 POSTING.

It shall be the duty of the Street Commissioner to see to the posting of street names and numbers, and the duty of the property owners to see to the posting of numbers on their business and dwelling houses. All street names and numbers of business and dwelling houses must be posted in a convenient and conspicuous place and in such a position as to be easily seen from the street.
(Prior Code, § 12.08.030)

STREET GRADES

§ 90.035 INITIAL POINT FOR COMPUTING GRADES.

The top of the stone foundation at the southeast corner of the brick bank building on the southwest corner of Sixth and Main Streets, being the northeast corner of Block 61, shall be taken as the bench or the initial point from which all grades within the city are computed, the assumed datum being 100 feet below bench mark.
(Prior Code, § 12.12.010)

§ 90.036 GRADE LINES.

The grade line from one corner of a block or part of a block at which grade is established in this chapter shall be a uniform slope ascending or descending to the next corner of the same block.
(Prior Code, § 12.12.020)

§ 90.037 SLOPE OF SIDEWALK.

The slope of the sidewalk shall be $\frac{1}{4}$ of an inch to 1 foot descending from the lot line to the curbline.
(Prior Code, § 12.12.030)

§ 90.038 CENTERLINES OF STREETS.

The grade along the centerline of Main Street between Fourth Street and Eighth Street shall be 2 inches below a straight line drawn from the curbline to one side of the street to the curbline on the opposite side; on all other streets within the city the centerline shall be 4 inches below.
(Prior Code, § 12.12.040)

§ 90.039 STREET GRADE LIST.

The elevation above datum at the corners of the different blocks, lots and alleys shall be as indicated in this chart in feet and decimals of a foot.

Block 79 SE Corner	101.0
Block 79 SW Corner	102.0
Eighth and Church Streets SW Corner	93.2
Eighth and Church Streets NE Corner	93.4
Eighth and Church Streets NW Corner	93.2
Eighth and Church Streets SE Corner	93.4
Eighth and Logan Streets SE Corner	97.3
Eighth and Logan Streets SW Corner	97.0
Eighth and Logan Streets NE Corner	98.0
Eighth and Logan Streets NW Corner	98.4
Eighth and Main Streets SW Corner	94.8
Eighth and Main Streets NW Corner	95.0
Eighth and Main Streets NE Corner	95.4
Eighth and Main Streets SE Corner	95.0
Eighth and Rice Streets NW Corner	100.0
Eighth and Rice Streets SW Corner	100.0
Eighth and Rice Streets SE Corner	99.8
Eighth and Rice Streets NE Corner	99.8
Eighth Street and Spencer Avenue NW Corner	96.5
Eighth Street and Felton Avenue SW Corner	99.0
Eighth Street and Park Avenue NE Corner	91.0
Eighth Street and Park Avenue NW Corner	91.0
Eighth Street and Park Avenue SW Corner	91.2

Streets and Sidewalks

Eighth Street and Park Avenue SE Corner	91.5
Eighth Street and Felton Avenue NW Corner	99.7
Eighth Street and Felton Avenue NE Corner	101.0
Eighth Street and Spencer Avenue SE Corner	96.0
Eighth Street and Rosebud Avenue SE Corner	97.0
Eighth Street and Rosebud Avenue SW Corner	96.0
Eighth Street and Rosebud Avenue NW Corner	95.8
Eighth Street and Rosebud Avenue NE Corner	97.0
Eighth Street and Spencer Avenue SW Corner	96.0
Eighth Street and Felton Avenue SE Corner	101.0
Eighth Street and Whittecar Avenue SE Corner	92.5
Eighth Street and Whittecar Avenue SW Corner	92.5
Eighth Street and Whittecar Avenue NW Corner	92.0
Eighth Street and Whittecar Avenue NE Corner	92.2
Eighth Street and Spencer Avenue NE Corner	96.8
Eleventh and Church Streets NW Corner	96.8
Eleventh and Church Streets SW Corner	96.0
Eleventh and Church Streets SE Corner	97.4
Eleventh and Church Streets NE Corner	97.4
Eleventh and Logan Streets SW Corner	102.0
Eleventh and Logan Streets NE Corner	103.5
Eleventh and Logan Streets SE Corner	103.0
Eleventh and Logan Streets NW Corner	103.2
Eleventh and Main Streets SE Corner	98.7
Eleventh and Main Streets SW Corner	98.4
Eleventh and Main Streets NW Corner	98.5
Eleventh and Main Streets NE Corner	98.7

Gregory - General Regulations

Eleventh and Rice Streets NE Corner	101.0
Eleventh and Rice Streets NW Corner	103.5
Eleventh and Rice Streets SW Corner	103.5
Eleventh and Rice Streets SE Corner	101.8
Eleventh Street and Rosebud Avenue SW Corner	99.7
Eleventh Street and Spencer Avenue NE Corner	101.2
Eleventh Street and Spencer Avenue NW Corner	101.0
Eleventh Street and Spencer Avenue SW Corner	101.0
Eleventh Street and Rosebud Avenue NW Corner	99.7
Eleventh Street and Park Avenue SE Corner	101.0
Eleventh Street and Park Avenue SW Corner	100.6
Eleventh Street and Park Avenue NW Corner	102.0
Eleventh Street and Felton Avenue NE Corner	103.0
Eleventh Street and Felton Avenue NW Corner	103.0
Eleventh Street and Felton Avenue SW Corner	102.4
Eleventh Street and Felton Avenue SE Corner	102.5
Eleventh Street and Spencer Avenue SE Corner	101.0
Eleventh Street and Rosebud Avenue NE Corner	100.0
Eleventh Street and Park Avenue NE Corner	101.3
Eleventh Street and Whittecar Avenue SE Corner	95.0
Eleventh Street and Whittecar Avenue NE Corner	95.2
Eleventh Street and Whittecar Avenue NW Corner	98.5
Eleventh Street and Whittecar Avenue SW Corner	98.0
Eleventh Street and Rosebud Avenue SE Corner	100.0
Fifth and Church Streets SW Corner	108.5
Fifth and Church Streets SE Corner	107.0
Fifth and Church Streets NE Corner	105.8

Streets and Sidewalks

Fifth and Church Streets NW Corner	108.0
Fifth and Logan Streets SW Corner	113.5
Fifth and Logan Streets NE Corner	108.5
Fifth and Logan Streets NW Corner	108.0
Fifth and Logan Streets SE Corner	110.5
Fifth and Main Streets SE Corner	101.0
Fifth and Main Streets SW Corner	101.6
Fifth and Main Streets NW Corner	100.8
Fifth and Main Streets NE Corner	100.5
Fifth and Rice Streets SW Corner	101.0
Fifth and Rice Streets NW Corner	102.0
Fifth and Rice Streets NE Corner	103.0
Fifth and Rice Streets SE Corner	101.0
Fifth Street and Spencer Avenue SE Corner	94.0
Fifth Street and Spencer Avenue SW Corner	96.6
Fifth Street and Spencer Avenue NW Corner	94.5
Fifth Street and Park Avenue SE Corner	107.0
Fifth Street and Park Avenue SW Corner	107.5
Fifth Street and Park Avenue NW Corner	107.6
Fifth Street and Rosebud Avenue SE Corner	102.0
Fifth Street and Whittecar Avenue NE Corner	103.4
Fifth Street and Park Avenue NE Corner	107.0
Fifth Street and Felton Avenue SE Corner	92.8
Fifth Street and Felton Avenue SW Corner	92.0
Fifth Street and Felton Avenue NW Corner	92.3
Fifth Street and Rosebud Avenue SW Corner	101.8

Gregory - General Regulations

Fifth Street and Rosebud Avenue NW Corner	100.0
Fifth Street and Rosebud Avenue NE Corner	101.0
Fifth Street and Whittecar Avenue NW Corner	104.0
Fifth Street and Whittecar Avenue SW Corner	104.0
Fifth Street and Whittecar Avenue SE Corner	104.7
Fifth Street and Spencer Avenue NE Corner	93.2
Fifth Street and Felton Avenue NE Corner	93.3
First and Main Streets SW Corner	
First and Main Streets SE Corner	
First and Main Streets NE Corner	98.5
First and Main Streets NW Corner	98.5
First Street and Spencer Avenue NW Corner	100.3
First Street and Felton Avenue NE Corner	95.0
First Street and Felton Avenue NW Corner	95.0
First Street and Felton Avenue SW Corner	
First Street and Spencer Avenue SW Corner	
First Street and Spencer Avenue SE Corner	
First Street and Spencer Avenue NE Corner	100.0
First Street and Rosebud Avenue SE Corner	
First Street and Rosebud Avenue NE Corner	101.0
First Street and Rosebud Avenue NW Corner	101.0
First Street and Rosebud Avenue SW Corner	
First Street and Felton Avenue SE Corner	
Fourteenth and Main Streets NE Corner	112.0
Fourteenth and Main Streets SW Corner	110.0
Fourteenth and Main Streets SE Corner	110.0

Streets and Sidewalks

Fourteenth and Main Streets NW Corner	110.0
Fourteenth Street and Felton Avenue NE Corner	107.3
Fourteenth Street and Rosebud Avenue SE Corner	110.0
Fourteenth Street and Felton Avenue NW Corner	107.0
Fourteenth Street and Felton Avenue SW Corner	107.0
Fourteenth Street and Rosebud Avenue SW Corner	111.0
Fourteenth Street and Rosebud Avenue NW Corner	111.0
Fourteenth Street and Spencer Avenue SE Corner	98.0
Fourteenth Street and Spencer Avenue SW Corner	98.0
Fourteenth Street and Rosebud Avenue NE Corner	110.0
Fourteenth Street and Spencer Avenue NE Corner	97.0
Fourteenth Street and Spencer Avenue NW Corner	97.8
Fourteenth Street and Felton Avenue SE Corner	107.0
Fourth and Church Streets NE Corner	107.5
Fourth and Church Streets SW Corner	107.0
Fourth and Church Streets NW Corner	106.0
Fourth and Church Streets SE Corner	107.0
Fourth and Main Streets SW Corner	108.0
Fourth and Main Streets NW Corner	106.0
Fourth and Main Streets SE Corner	106.9
Fourth and Main Streets NE Corner	106.0
Fourth Street and Spencer Avenue NE Corner	93.0
Fourth Street and Rosebud Avenue SE Corner	101.0
Fourth Street and Rosebud Avenue SW Corner	102.0
Fourth Street and Whittecar Avenue NW Corner	103.3
Fourth Street and Rosebud Avenue NW Corner	101.0

Gregory - General Regulations

Fourth Street and Spencer Avenue NW Corner	95.0
Fourth Street and Spencer Avenue SW Corner	92.0
Fourth Street and Spencer Avenue SE Corner	93.0
Fourth Street and Felton Avenue NE Corner	91.5
Fourth Street and Park Avenue SE Corner	104.3
Fourth Street and Park Avenue SW Corner	107.0
Fourth Street and Park Avenue NW Corner	107.3
Fourth Street and Park Avenue NE Corner	105.8
Fourth Street and Whittecar Avenue SW Corner	103.0
Fourth Street and Whittecar Avenue SE Corner	103.8
Fourth Street and Rosebud Avenue NE Corner	100.0
Fourth Street and Felton Avenue NW Corner	91.3
Fourth Street and Felton Avenue SW Corner	92.0
Fourth Street and Felton Avenue SE Corner	91.8
Fourth Street and Whittecar Avenue NE Corner	103.3
Nepper and Main Streets SE Corner	103.0
Nepper and Main Streets NE Corner	105.0
Nepper and Main Streets SW Corner	100.0
Nepper and Main Streets NW Corner	101.0
Nepper and Rosebud Streets NE Corner	115.0
Nepper and Rosebud Streets SW Corner	112.0
Nepper and Rosebud Streets SE Corner	116.0
Nepper and Rosebud Streets NW Corner	113.0
Ninth and Church Streets NW Corner	92.2
Ninth and Church Streets SW Corner	92.2
Ninth and Church Streets SE Corner	92.4

Streets and Sidewalks

Ninth and Church Streets NE Corner	92.4
Ninth and Logan Streets SW Corner	102.0
Ninth and Logan Streets NW Corner	100.0
Ninth and Logan Streets NE Corner	103.0
Ninth and Logan Streets SE Corner	102.0
Ninth and Main Streets SE Corner	93.6
Ninth and Main Streets NE Corner	93.6
Ninth and Main Streets NW Corner	93.3
Ninth and Main Streets SW Corner	93.3
Ninth and Rice Streets NW Corner	97.5
Ninth and Rice Streets SW Corner	97.0
Ninth and Rice Streets SE Corner	97.0
Ninth and Rice Streets NE Corner	97.5
Ninth Street and Spencer Avenue SE Corner	97.5
Ninth Street and Whittecar Avenue NE Corner	90.7
Ninth Street and Felton Avenue SE Corner	101.5
Ninth Street and Felton Avenue NW Corner	100.7
Ninth Street and Felton Avenue NE Corner	100.4
Ninth Street and Whittecar Avenue NW Corner	90.5
Ninth Street and Whittecar Avenue SW Corner	91.0
Ninth Street and Park Avenue SE Corner	90.0
Ninth Street and Rosebud Avenue NE Corner	95.8
Ninth Street and Rosebud Avenue NW Corner	94.6
Ninth Street and Rosebud Avenue SW Corner	94.5
Ninth Street and Rosebud Avenue SE Corner	95.8
Ninth Street and Park Avenue SW Corner	89.5

Gregory - General Regulations

Ninth Street and Park Avenue NW Corner	90.0
Ninth Street and Park Avenue NE Corner	90.5
Ninth Street and Spencer Avenue SW Corner	97.5
Ninth Street and Spencer Avenue NW Corner	97.3
Ninth Street and Whittecar Avenue SE Corner	91.3
Ninth Street and Spencer Avenue NE Corner	98.0
Ninth Street and Felton Avenue SW Corner	100.6
Second and Church Streets NW Corner	104.0
Second and Church Streets NE Corner	104.0
Second and Church Streets SE Corner	103.5
Second and Church Streets SW Corner	103.8
Second and Main Streets SW Corner	104.5
Second and Main Streets NW Corner	106.5
Second and Main Streets NE Corner	106.5
Second and Main Streets SE Corner	104.3
Second Street and Felton Avenue SE Corner	96.0
Second Street and Felton Avenue SW Corner	96.0
Second Street and Felton Avenue NW Corner	93.8
Second Street and Felton Avenue NE Corner	93.3
Second Street and Spencer Avenue SE Corner	101.0
Second Street and Rosebud Avenue NE Corner	102.5
Second Street and Rosebud Avenue NW Corner	103.0
Second Street and Rosebud Avenue SW Corner	103.0
Second Street and Spencer Avenue NE Corner	97.0
Second Street and Spencer Avenue NW Corner	98.0
Second Street and Spencer Avenue SW Corner	101.0

Streets and Sidewalks

Second Street and Rosebud Avenue SE Corner	102.7
Seventh and Church Streets SE Corner	95.0
Seventh and Church Streets SW Corner	95.0
Seventh and Church Streets NW Corner	94.5
Seventh and Church Streets NE Corner	94.0
Seventh and Logan Streets SW Corner	106.0
Seventh and Logan Streets NW Corner	96.0
Seventh and Logan Streets NE Corner	94.7
Seventh and Logan Streets SE Corner	103.7
Seventh and Main Streets SE Corner	99.0
Seventh and Main Streets NE Corner	99.0
Seventh and Main Streets NW Corner	99.5
Seventh and Main Streets SW Corner	99.2
Seventh and Rice Streets SW Corner	101.0
Seventh and Rice Streets NW Corner	101.0
Seventh and Rice Streets NE Corner	105.0
Seventh and Rice Streets SE Corner	105.7
Seventh Street and Spencer Avenue NE Corner	95.0
Seventh Street and Spencer Avenue NW Corner	95.5
Seventh Street and Whittecar Avenue SE Corner	94.0
Seventh Street and Spencer Avenue SE Corner	94.7
Seventh Street and Whittecar Avenue SW Corner	94.0
Seventh Street and Rosebud Avenue NE Corner	96.3
Seventh Street and Rosebud Avenue NW Corner	97.0
Seventh Street and Rosebud Avenue SW Corner	98.0
Seventh Street and Park Avenue NE Corner	108.0

Gregory - General Regulations

Seventh Street and Park Avenue NW Corner	108.2
Seventh Street and Park Avenue SW Corner	107.0
Seventh Street and Park Avenue SE Corner	108.0
Seventh Street and Rosebud Avenue SE Corner	98.0
Seventh Street and Whittecar Avenue NW Corner	103.5
Seventh Street and Whittecar Avenue NE Corner	103.5
Seventh Street and Spencer Avenue SW Corner	97.0
Seventh Street and Felton Avenue SE Corner	98.0
Seventh Street and Felton Avenue SW Corner	97.0
Seventh Street and Felton Avenue NW Corner	97.2
Seventh Street and Felton Avenue NE Corner	100.3
Sixth and Church Streets SW Corner	103.0
Sixth and Church Streets SE Corner	101.4
Sixth and Church Streets NW Corner	103.0
Sixth and Church Streets NE Corner	102.2
Sixth and Logan Streets NW Corner	101.0
Sixth and Logan Streets SW Corner	105.0
Sixth and Logan Streets SE Corner	106.0
Sixth and Logan Streets NE Corner	106.5
Sixth and Main Streets NW Corner	98.3
Sixth and Main Streets SW Corner	99.3
Sixth and Main Streets NE Corner	98.0
Sixth and Main Streets SE Corner	98.3
Sixth and Rice Streets NE Corner	105.0
Sixth and Rice Streets SW Corner	102.8
Sixth and Rice Streets SE Corner	106.0

Streets and Sidewalks

Sixth and Rice Streets NW Corner	103.0
Sixth Street and Whittecar Avenue NW Corner	102.7
Sixth Street and Whittecar Avenue SW Corner	103.0
Sixth Street and Whittecar Avenue SE Corner	102.4
Sixth Street and Rosebud Avenue NE Corner	96.8
Sixth Street and Spencer Avenue NE Corner	94.0
Sixth Street and Park Avenue NE Corner	107.0
Sixth Street and Park Avenue NW Corner	99.0
Sixth Street and Park Avenue SW Corner	
Sixth Street and Park Avenue SE Corner	106.0
Sixth Street and Spencer Avenue NW Corner	96.0
Sixth Street and Spencer Avenue SW Corner	95.0
Sixth Street and Rosebud Avenue NW Corner	97.0
Sixth Street and Whittecar Avenue NE Corner	102.0
Sixth Street and Rosebud Avenue SW Corner	97.0
Sixth Street and Felton Avenue SE Corner	94.0
Sixth Street and Rosebud Avenue SE Corner	96.0
Sixth Street and Felton Avenue NE Corner	95.0
Sixth Street and Felton Avenue NW Corner	93.3
Sixth Street and Felton Avenue SW Corner	93.0
Sixth Street and Spencer Avenue SE Corner	94.2
South Boundary Gregory Heights Addition and Rice Street E. Corner	98.4
South Boundary Gregory Heights Addition and Logan Street W. Corner	100.5
South Boundary Gregory Heights Addition and Logan Street E. Corner	100.0

Gregory - General Regulations

South Boundary Gregory Heights Addition and Rice Street W. Corner	98.2
Tenth and Church Streets SW Corner	95.7
Tenth and Church Streets SW Corner	95.4
Tenth and Church Streets SE Corner	95.7
Tenth and Church Streets NW Corner	95.4
Tenth and Logan Streets NE Corner	102.5
Tenth and Logan Streets SE Corner	102.0
Tenth and Logan Streets NW Corner	102.0
Tenth and Logan Streets SW Corner	101.0
Tenth and Main Streets SW Corner	96.2
Tenth and Main Streets NW Corner	96.0
Tenth and Main Streets NE Comer	97.0
Tenth and Main Streets SE Corner	97.0
Tenth and Rice Streets SE Corner	100.6
Tenth and Rice Streets NW Corner	103.0
Tenth and Rice Streets SW Corner	100.0
Tenth and Rice Streets NE Corner	101.7
Tenth Street and Felton Avenue SW Corner	101.9
Tenth Street and Spencer Avenue NW Corner	97.3
Tenth Street and Felton Avenue SE Corner	101.4
Tenth Street and Felton Avenue NE Corner	101.7
Tenth Street and Felton Avenue NW Corner	101.7
Tenth Street and Spencer Avenue SW Corner	97.0
Tenth Street and Spencer Avenue SE Corner	97.0
Tenth Street and Whittecar Avenue NE Corner	94.4

Streets and Sidewalks

Tenth Street and Whittecar Avenue NW Corner	94.0
Tenth Street and Whittecar Avenue SW Corner	94.0
Tenth Street and Whittecar Avenue SE Corner	94.4
Tenth Street and Park Avenue SE Corner	92.2
Tenth Street and Rosebud Avenue SE Corner	98.3
Tenth Street and Rosebud Avenue SW Corner	94.6
Tenth Street and Rosebud Avenue NW Corner	98.0
Tenth Street and Rosebud Avenue NE Corner	98.3
Tenth Street and Park Avenue SW Corner	92.5
Tenth Street and Spencer Avenue NE Corner	97.5
Tenth Street and Park Avenue NW Corner	93.5
Tenth Street and Park Avenue NE Corner	93.0
Third and Church Streets NW Corner	105.5
Third and Church Streets SW Corner	106.5
Third and Church Streets SE Corner	106.0
Third and Church Streets NE Corner	106.0
Third and Main Streets NE Corner	108.0
Third and Main Streets SW Corner	107.5
Third and Main Streets NW Corner	107.0
Third and Main Streets SE Corner	107.5
Third Street and Felton Avenue SE Corner	92.6
Third Street and Spencer Avenue NW Corner	100.0
Third Street and Spencer Avenue SW Corner	103.0
Third Street and Spencer Avenue SE Corner	98.0
Third Street and Spencer Avenue NE Corner	
Third Street and Park Avenue NE Corner	103.6

Gregory - General Regulations

Third Street and Rosebud Avenue SE Corner	103.0
Third Street and Rosebud Avenue SW Corner	104.0
Third Street and Rosebud Avenue NE Corner	103.0
Third Street and Felton Avenue SW Corner	94.8
Third Street and Felton Avenue NW Corner	91.2
Third Street and Park Avenue SE Corner	103.4
Third Street and Park Avenue SW Corner	104.8
Third Street and Park Avenue NW Corner	103.8
Third Street and Felton Avenue NE Corner	91.2
Third Street and Whittecar Avenue NE Corner	102.8
Third Street and Whittecar Avenue NW Corner	102.0
Third Street and Whittecar Avenue SW Corner	101.5
Third Street and Whittecar Avenue SE Corner	102.5
Third Street and Rosebud Avenue NW Corner	104.0
Thirteenth and Main Streets NE Corner	107.0
Thirteenth and Main Streets SW Corner	104.0
Thirteenth and Main Streets SE Corner	107.0
Thirteenth and Main Streets NW Corner	105.0
Thirteenth Street and Rosebud Avenue NE Corner	108.3
Thirteenth Street and Rosebud Avenue NW Corner	108.4
Thirteenth Street and Rosebud Avenue SW Corner	108.0
Thirteenth Street and Felton Avenue NE Corner	106.0
Thirteenth Street and Spencer Avenue SE Corner	95.2
Thirteenth Street and Spencer Avenue SW Corner	98.0
Thirteenth Street and Spencer Avenue NW Corner	97.3
Thirteenth Street and Spencer Avenue NE Corner	97.0

Streets and Sidewalks

Thirteenth Street and Felton Avenue NW Corner	106.3
Thirteenth Street and Felton Avenue SW Corner	106.0
Thirteenth Street and Rosebud Avenue SE Corner	107.0
Thirteenth Street and Felton Avenue SE Corner	105.8
Twelfth and Main Streets NE Corner	103.0
Twelfth and Main Streets NW Corner	102.8
Twelfth and Main Streets SW Corner	102.8
Twelfth and Main Streets SE Corner	103.0
Twelfth Street and Spencer Avenue NE Corner	101.4
Twelfth Street and Spencer Avenue NW Corner	105.0
Twelfth Street and Spencer Avenue SW Corner	104.7
Twelfth Street and Spencer Avenue SE Corner	104.0
Twelfth Street and Felton Avenue NE Corner	105.0
Twelfth Street and Felton Avenue NW Corner	105.0
Twelfth Street and Felton Avenue SW Corner	104.7
Twelfth Street and Felton Avenue SE Corner	104.0
Twelfth Street and Rosebud Avenue SE Corner	103.4
Twelfth Street and Rosebud Avenue SW Corner	104.0
Twelfth Street and Rosebud Avenue NW Corner	103.8
Twelfth Street and Rosebud Avenue NE Corner	104.0
Von Seggern and Rosebud Streets SE Corner	111.5
Von Seggern and Rosebud Streets NW Corner	108.5
Von Seggern and Rosebud Streets NE Corner	106.3
Von Seggern and Rosebud Streets SW Corner	112.7
Von Seggern and Main Streets NE Corner	107.5
Von Seggern and Main Streets NW Corner	100.5

Gregory - General Regulations

Von Seggern and Main Streets SW Corner	106.0
Von Seggern and Main Streets SE Corner	109.0
Von Seggern's First Addition NE Corner Block 5	119.0
Von Seggern's First Addition NE Corner Block 4	100.0
Von Seggern's First Addition SE Corner Block 6	99.0
Von Seggern's First Addition SW Corner Block 5	101.0
Von Seggern's First Addition NW Corner Block 2	94.0
Von Seggern's First Addition SW Corner Block 2	93.3
Von Seggern's First Addition NW Corner Block 7	95.0
Von Seggern's First Addition SW Corner Block 7	92.0
Von Seggern's First Addition SE Corner Block 4	116.0
Von Seggern's First Addition SE Corner Block 7	90.0
Von Seggern's First Addition NW Corner Block 5	111.0
Von Seggern's First Addition SW Corner Block 6	91.0
Von Seggern's First Addition SW Corner Block 1	93.5

(Prior Code, Appendix B)

STREET TREES

§ 90.050 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARK TREES. Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

STREET TREES. Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.

(Prior Code, § 12.16.010) (Ord. 71, passed - -1983)

§ 90.051 CITY TREE BOARD.

(A) *Creation; composition.* There is created and established a City Tree Board which shall consist of 5 members, citizens and residents of this city, who shall be appointed by the Mayor with the approval of the Council.

(Prior Code, § 12.16.020) (Ord. 71, passed - -1983)

(B) *Term of office.* The term of the 5 persons to be appointed by the Mayor shall be 3 years, except that the term of 2 of the members appointed to the first Board shall be only for 1 year and the term of 2 members of the first Board shall be for 2 years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

(Prior Code, § 12.16.030) (Ord. 71, passed - -1983)

(C) *Compensation.* Members of the Board shall serve without compensation.

(Prior Code, § 12.16.040) (Ord. 71, passed - -1983)

(D) *Duties and responsibilities.* It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon its acceptance and approval shall constitute the official comprehensive city tree plan for the city. The Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

(Prior Code, § 12.16.050) (Ord. 71, passed - -1983)

(E) *Operation.* The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(Prior Code, § 12.16.060) (Ord. 71, passed - -1983)

§ 90.052 SPECIES TO BE PLANTED.

The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees without written permission of the City Tree Board:

<i>SMALL TREES</i>	<i>MEDIUM TREES</i>	<i>LARGE TREES</i>
Apricot	Ash, green	Maple, silver
Crabapple (flowering)	Hackberry	Maple, sugar
Golden rain tree	Honey locust (thornless)	Oak, bur

<i>SMALL TREES</i>	<i>MEDIUM TREES</i>	<i>LARGE TREES</i>
Hawthorne	Linden or basswood	Sycamore
Pear, Bradford	Mulberry, red	Cottonwood (cottonless)
Redbud	Oak, English	
Soapberry	Oak, red	
Lilac, Japanese tree	Pagodatree, Japanese	
Peach (flowering)	Pecan	
Plum, purpleleaf	Birch, river	
Serviceberry	Osage orange, thornless	
	Persimmon	
	Poplar, white	
	Sassafras	

(Prior Code, § 12.16.070) (Ord. 71, passed - -1983) Penalty, see § 90.999

§ 90.053 SPACING.

The spacing of street trees will be in accordance with the 3 species size classes listed in § 90.052, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect. (Prior Code, § 12.16.080) (Ord. 71, passed - -1983) Penalty, see § 90.999

§ 90.054 DISTANCE FROM CURB AND SIDEWALK.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the 3 species size classes listed in § 90.052, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet. (Prior Code, § 12.16.090) (Ord. 71, passed - -1983) Penalty, see § 90.999

§ 90.055 DISTANCE FROM STREET CORNERS AND FIREPLUGS.

No street tree shall be planted closer than 35 feet from any street corner, measured from the point of interest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet from any fireplug. (Prior Code, § 12.16.100) (Ord. 71, passed - -1983) Penalty, see § 90.999

§ 90.056 UTILITIES.

No street trees other than those species listed as small trees in § 90.052 may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

(Prior Code, § 12.16.110) (Ord. 71, passed - -1983) Penalty, see § 90.999

§ 90.057 PUBLIC TREE CARE.

(A) The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the line of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(B) The City Tree Board may remove, or cause to order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pests. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of the trees is in accordance with §§ 90.052 through 90.056.

(Prior Code, § 12.16.120) (Ord. 71, passed - -1983)

§ 90.058 TREE TOPPING.

(A) *TOPPING* is defined as the severe cutting back of limbs to stubs larger than 3 inches in diameter within the tree's crown to such a degree so as to remove their normal canopy and disfigure the tree.

(B) It is unlawful as a normal practice for any person, firm or city department to top any street tree, park tree or other tree on public property.

(C) Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the City Tree Board.

(Prior Code, § 12.16.130) (Ord. 71, passed - -1983) Penalty, see § 90.999

§ 90.059 PRUNING; CORNER CLEARANCE.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the view of any street intersection and so that there shall be a clear space of 8 feet above the surface of the street or sidewalk. The owners shall remove all dead,

diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic-control device or sign.

(Prior Code, § 12.16.140) (Ord. 71, passed - -1983) Penalty, see § 90.999

§ 90.060 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city when the trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of the trees. Removal shall be done by the owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with the provisions, the city shall have the authority to remove the trees and charge the cost of removal on the owners' property tax notice.

(Prior Code, § 12.16.150) (Ord. 71, passed - -1983)

§ 90.061 REMOVAL OF STUMPS.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Prior Code, § 12.16.160) (Ord. 71, passed - -1983) Penalty, see § 90.999

§ 90.062 INTERFERENCE WITH CITY TREE BOARD.

It is unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds, as authorized in this chapter.

(Prior Code, § 12.16.170) (Ord. 71, passed - -1983) Penalty, see § 90.999

§ 90.063 INJURING TREES PROHIBITED.

It is unlawful for any person to injure in any manner or destroy trees growing on public grounds or public streets or rights-of-way, or to allow animals which he or she may own to injure or destroy the trees.

(Prior Code, § 12.16.180) Penalty, see § 90.999

§ 90.064 ARBORISTS LICENSE AND BOND.

(A) It is unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be \$25 annually in advance: provided, however, that no license shall be required of any public service company or city employee doing the work in the pursuit of their public service endeavors.

(B) Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(Prior Code, § 12.16.190) (Ord. 71, passed - -1983) Penalty, see § 90.999

§ 90.065 REVIEW BY CITY COUNCIL.

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision.

(Prior Code, § 12.16.200) (Ord. 71, passed - -1983)

EXCAVATIONS

§ 90.075 BOND REQUIRED.

(A) There shall be no excavation of any kind in any of the city streets which are paved with concrete or asphalt material, unless the person or persons desiring to make such excavation pay an amount equal to \$5 per square foot of the size of the excavation before any excavation begins. Failure to pay the required amount before excavation starts shall result in a \$200 fine.

(Prior Code, § 12.24.010) (Am. Ord. 154, passed 5-15-2000) Penalty, see § 90.999

§ 90.076 SUPERVISION OF CITY AUTHORITIES.

All excavations made in the area over which paving is shortly to be made or has been made, shall be made and filled under the supervision of city authorities, and the fill of the excavation shall be made in a manner as to give sound footing to the paving.

(Prior Code, § 12.24.020) Penalty, see § 90.999

§ 90.077 FACILITATION OF PUBLIC TRAVEL AND DRAINAGE.

Trenches in public streets or alleys shall be excavated so as to impede the public travel as little as possible. The crossing of gutters and highways shall be left in a shape as to admit the easy escape of water during storms. Planks are to be provided where sidewalks or crossings are open so as to facilitate easy crossing.

(Prior Code, § 12.24.030) Penalty, see § 90.999

§ 90.078 NIGHT VISIBILITY REQUIREMENTS.

An unfinished excavation shall be shown by red lights or torches of some kind during the night.

(Prior Code, § 12.24.040) Penalty, see § 90.999

§ 90.079 DELAY OF WORK PROHIBITED.

Work on excavating in the public streets shall not be delayed.

(Prior Code, § 12.24.050) Penalty, see § 90.999

§ 90.080 CLEANUP AND REPAIR.

(A) It shall be the duty of any party making an excavation in any paved street or alley to immediately, upon the completion of the work of the excavation, cause the excavation area to be cleaned up and repaired.

(B) Dirt and material from the excavation is to be removed and replaced with gravel. The gravel is to be mechanically packed every 24 inches and left flush with the paved surface area.

(Prior Code, § 12.24.060) (Am. Ord. 171, passed 5-19-2003) Penalty, see § 90.999

§ 90.081 RESTORATION OF SETTLED EXCAVATION.

In the event of an excavation settling within 12 months after being refilled, the Water and Street Commissioners shall report the same to the City Council and the City Council shall have the right to demand and require the restoration of the settled street, area or sidewalk by the party who made the excavation, or by the city itself at the party's expense.

(Prior Code, § 12.24.070)

SIDEWALKS

§ 90.095 GRADE, MATERIAL AND FOUNDATION.

All sidewalks built within the city shall be built on an established grade and shall be of cement, of the proper width, and with a proper concrete foundation.

(Prior Code, § 12.20.010) Penalty, see § 90.999

§ 90.096 DISTANCE FROM LOT LINES.

(A) All sidewalks built in the business district of Main Street shall be built abutting the lot lines and shall be at least 12 feet in width.

(B) All sidewalks built along all streets except those of the business district shall be built 4 feet from the lot lines and shall be 4 feet in width, and there shall be a park area of 24 feet on the outside of the sidewalk to the curb line.

(Prior Code, § 12.20.020) (Am. Ord. 182, passed 7-5-2005) Penalty, see § 90.999

§ 90.097 SALE OF WARES.

No person or persons shall place wares exposed for sale upon sidewalks of the city except in the business district of Main Street where the wares may be displayed on that 3 feet of the walk next to the buildings.

(Prior Code, § 12.20.030) Penalty, see § 90.999

§ 90.098 SNOW REMOVAL.

It shall be the duty of every occupant of every premises within the incorporated city which abuts any public sidewalk, or the owner of the premises so abutting if same is not occupied, to remove the snow from the sidewalk as adjoins the premises within 24 hours after any snowfall.

(Prior Code, § 12.20.040) Penalty, see § 90.999

§ 90.099 EXCAVATIONS.

Persons in the process of excavating near or beneath public sidewalks are subject to the same regulations in doing such excavating as they would be were they excavating in the city streets, and shall take reasonable precautions for the public safety during the day and night, and shall not permit such excavations to disrupt travel over said sidewalks for an unreasonable period of time.

(Prior Code, § 12.20.050) Penalty, see § 90.999

§ 90.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating any provision of §§ 90.050 *et seq.*, except § 90.063, shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$100.
(Prior Code, § 12.16.210) (Ord. 71, passed - -1983)

CHAPTER 91: ANIMALS

Section

General Provisions

- 91.01 Definitions
- 91.02 License fees
- 91.03 Conditions for a dog license
- 91.04 Rabies vaccinations; out-of-state animals
- 91.05 Certificates and tags
- 91.06 Quarantine
- 91.07 Disturbance of peace by animals
- 91.08 Female dogs in heat
- 91.09 Running at large prohibited
- 91.10 Right of entry in pursuit
- 91.11 Impoundment; disposition; charges and fees
- 91.12 Releasing sheltered animals
- 91.13 Vicious, dangerous, endangered and exotic animals

Livestock

- 91.25 Keeping; when permitted
- 91.26 Premises to be kept sanitary
- 91.27 Running at large prohibited

GENERAL PROVISIONS

§ 91.01 DEFINITIONS.

Words, when used in this chapter, unless the context otherwise plainly refers, shall have the meaning indicated:

AT LARGE. Off or outside of the premises belonging to the owner or keeper of the dog and not under the control of such owner, possessor or keeper, or immediate family, by means of a leash, cord or chain not to exceed 10 feet in length, provided that an unleashed dog off the owner's premises shall not be deemed at large if he or she is under the immediate control of the owner or his or her agent.

DOG. Any member of the canine family, both male and female.

LEASH. A cord, thong or chain not more than 10 feet in length by which a dog is controlled by the person accompanying it.

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.

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 or she shall have control, or in which any dog shall be situated with the consent of the owner of the vehicle.

QUALIFIED PERSON. Any person granted a permit by the Governing Body of the city to vaccinate animals against rabies.

VACCINATION. The injection by a veterinarian or other qualified person of vaccine approved by, and administered in accordance with, the provisions of this chapter and the resolutions of the Governing Body of the city.

VETERINARIAN. Any licensed practitioner of veterinary medicine licensed to practice such profession in the state.

(Prior Code, § 6.08.010) (Ord. 111, passed - -1993)

Cross-reference:

For definition of vicious, dangerous, endangered and exotic animals, see § 91.13

§ 91.02 LICENSE FEES.

There is imposed upon each dog and cat more than 6 months old, kept within the city limits, a yearly license fee of \$10 for each dog or cat. The license fee is due and shall be paid on or before May 1 of each year.

(Prior Code, § 6.08.020) (Ord. 111, passed - -1993)

§ 91.03 CONDITIONS FOR A DOG LICENSE.

As a condition to the issuance of a dog license, the person making such application shall furnish a certificate from a licensed veterinarian that the dog sought to be licensed has been vaccinated for and made immune to rabies within the previous year.

(Prior Code, § 6.08.030) (Ord. 111, passed - -1993)

§ 91.04 RABIES VACCINATIONS; OUT-OF-STATE ANIMALS.

(A) *Rabies vaccinations.* On or before May 1 of each year, every owner shall have his or her dog or cat vaccinated against rabies, except that in all cases where an animal shall have been properly vaccinated with the type of vaccine known as the modified live virus of chick embryo origin or other type of vaccination having a longer immunization period and approved by resolution of the Governing Body of the city, the vaccination required by this section need not be repeated during the time for which the dog is effectively immunized as determined by the veterinarian or other qualified person granting a permit under this chapter.

(B) *Out-of-state animals.* Any owner who has had his or her dog vaccinated against rabies in another state or municipality by the proper authority therein shall not be required to have the dog revaccinated during their current year when brought into this municipality, provided that the requirements of the state or municipality under which the vaccination was made were of a standard which is equal or greater than those required by this chapter, and further provided that the dog wears a tag affixed to his or her collar or harness bearing the date of the vaccination.
(Prior Code, § 6.08.040) (Ord. 111, passed - -1993) Penalty, see § 10.99

§ 91.05 CERTIFICATES AND TAGS.

(A) A veterinarian or qualified person who vaccinates the dog shall issue to the owner thereof a vaccination certificate. The vaccination certificate shall be prepared and issued in triplicate: 1 copy is to be retained by the issuing veterinarian or other qualified person, a second shall be given to the City Finance Office and the third may be kept by the dog's owner. Each certificate shall bear the name and address of the veterinarian or other qualified person who issued it and a statement containing the description and the kind and name of the dog immunized, the type of vaccine used, the date of the vaccination, the date on which the period of effective immunization will expire and the serial number.

(B) The veterinarian or qualified person shall also furnish each owner with a metal tag bearing the certificate number and the year of vaccination. The tag shall be affixed by the owner of the dog to the collar or harness of the dog for which the certificate was issued. No one except the owner or his or her duly authorized agent shall remove the collar with the attached tag from the dog.
(Prior Code, § 6.08.050) (Ord. 111, passed - -1993)

§ 91.06 QUARANTINE.

(A) Whenever the Governing Body of the city or the Health Officer thereof has reason to believe that there is danger that rabies may spread within the municipality, the Board shall publish a notice requiring owners of dogs, and other specified animals in the area designated, to confine the animals for a period as may be necessary to prevent the spread of rabies. The Board of Health, or Health Officer appointed by the Governing Body of the city, or the Governing Body, shall have the authority to

quarantine for a period not to exceed 90 days, any animal bitten by another animal known or suspected to have rabies, and to quarantine for a period not to exceed 15 days, any animal which has bitten a human being or which exhibits symptoms of rabies.

(B) Whenever a dog dies with rabies or is destroyed because of its having been suspected of being rabid, the owner thereof, whether the dog has been previously quarantined or not, shall at his or her own expense, send the head of the dog to a proper laboratory for examination.

(C) Any confinement imposed shall be by a chain, and not a rope, of sufficient strength to hold such an animal. Under these circumstances, any animal not confined is declared to be a nuisance. (Prior Code, § 6.08.060) (Ord. 111, passed - -1993) Penalty, see § 10.99

§ 91.07 DISTURBANCE OF PEACE BY ANIMALS.

(A) The owner of an animal shall not allow the animal to disturb the peace and quiet of the neighborhood, also construed to mean the city. Upon complaint, the owner will be notified by a law enforcement officer and the owner shall abate the nuisance. If the owner fails to abate the nuisance, the owner will be in violation of this section each day that the condition is allowed to exist remains uncorrected.

(B) Regardless of whether a complaint is made, if an animal can be heard at the edge of the property line, or if on public property can be heard from 50 feet away, a law enforcement officer shall be authorized to notify the owner to abate the nuisance or be in violation of this section.

(C) Any law enforcement officer shall be authorized to remove and impound any animal which is disturbing the peace when the owner cannot be located. A notice advising the owner of the impoundment shall be left on the premises. (Prior Code, § 6.08.070) (Ord. 111, passed - -1993; Am. Ord. 188, passed 11-7-2005) Penalty, see § 10.99

§ 91.08 FEMALE DOGS IN HEAT.

All female dogs kept within the city during periods of heat shall be confined to the premises of the owner, or if taken from such premises, shall be kept upon a leash. (Prior Code, § 6.08.080) (Ord. 111, passed - -1993) Penalty, see § 10.99

§ 91.09 RUNNING AT LARGE PROHIBITED.

(A) No owner of any animal held as a domestic pet in the city shall permit the animal to run or be at large at any time. Any such animal found at large may be impounded. Upon impounding, the owner of the animal may at any time within 4 working days after the same shall have been impounded, reclaim

the animal by paying the expense of keeping such animal. No animal shall be released to its owner or any other person unless such person shall provide proof of vaccination. If any animal so impounded shall not be reclaimed within 4 working days and all reasonable efforts to locate the owner have failed, the city is authorized to destroy, sell or otherwise dispose of the animal.

(B) Any owner allowing their animal to run at large shall be guilty of a misdemeanor.

(C) For the purpose of this chapter, an animal shall be deemed **AT LARGE** if it is off the owner's property and is neither leashed nor restrained by a kennel.

(Prior Code, § 6.08.090) (Ord. 111, passed - -1993; Am. Ord. 188, passed 11-7-2005) Penalty, see § 10.99

§ 91.10 RIGHT OF ENTRY IN PURSUIT.

(A) When in immediate pursuit of any dog found to be at large in the city, a city police officer or other person designated by the Governing Body to apprehend offending dogs, may enter upon the premises of the owner of the offending dog for the purpose of apprehending such dog, provided that, for purposes of this section, the word premises shall not be construed to include the inside of any dwelling or any other building.

(B) Any Animal Control Officer appointed by the Chief of Police shall be defined as an agent of the city, or as an enforcing officer, both of which shall have power under this title. The Chief of Police may choose himself or herself when filling this post.

(Prior Code, § 6.08.100) (Ord. 111, passed - -1993)

§ 91.11 IMPOUNDMENT; DISPOSITION; CHARGES AND FEES.

(A) *Impoundment of dogs.*

(1) Any dog found in the city in violation of any of the provisions of this chapter shall be impounded by any police officer of the city or by any person appointed by the Governing Body of the city as its agent and employee for that purpose and placed in the city animal pound or other suitable place provided by the city for that purpose. The Chief of Police or any officer of the Police Department or the Animal Control Officer appointed by the Governing Body shall, within 24 hours following the impounding of such dog, notify the owner of the animal's having been impounded and of its confinement in the custody of the city. If the owner of the animal is unknown, the police officer shall post written notice in the City Finance Office, describing the animal and stating a time and place where the animal was apprehended, and how the same may be recovered by the owner.

(2) Unless the dog is recovered and all charges paid for its upkeep by the owner or person having charge thereof, and unless the dog is registered and licensed as provided by this code, it shall be destroyed or disposed of in the most humane manner possible after the expiration of 4 days from the time

when notice is posted stating that the dog was apprehended and impounded; provided, however, that any dog which has been diagnosed by a licensed veterinarian to be suffering from rabies or any dangerous contagious disease, the animal shall be immediately destroyed.

(3) The Chief of Police or any Animal Control Officer appointed by the Governing Body shall collect a sum to be determined by the City Council for each dog impounded and the additional sum per day, for keeping any dog which has been apprehended or impounded, and the officer shall not release any dog until the charges have been paid, and until the dog has been duly registered and licensed, if need be, as provided by this title.

(Prior Code, § 6.08.110)

(B) *Impoundment of cats.*

(1) *Authority to catch and impound.* The city police officer or an Animal Control Officer of the city is authorized, upon complaint of a resident of said city, to catch upon the property of the complainant, such cats as may be causing a nuisance thereon and impound the cats in a suitable place for the care of the animal.

(2) *Impoundment, notice and disposal authority for identified cats.* Upon impoundment of a cat with identification, the Animal Control Officer shall, within 24 hours of the impoundment, notify the owner of the cat's impoundment, how the cat may be recovered, and that it must be picked up within 4 days or the cat will be disposed of or destroyed in the most humane way possible.

(3) *Impoundment notice and disposal authority for unclaimed cats.* Upon impoundment of a cat without identification, the Animal Control Officer shall post a written notice at the city finance office describing the cat and stating the approximate time and place where the cat was apprehended, and how the same may be recovered by owner. Unless recovered by the owner, the cat may be sold or destroyed in the most humane manner possible after the expiration of 4 days from the time when notice of apprehension and impoundment was given or posted.

(4) *Fees for keeping impounded cats.* The Chief of Police or any Animal Control Officer appointed by the Governing Body shall collect a sum to be determined by the City Council for each cat impounded and the additional sum per day, for keeping any cat which has been apprehended or impounded, and the officer shall not release any cat until such charges have been paid, and until the cat has been duly registered and licensed.

(5) *Cats with contagious diseases.* Any cat which has been diagnosed by a licensed veterinarian to be suffering from rabies or a dangerous contagious disease shall not be released, but may be destroyed forthwith or otherwise held or disposed of according to the recommendation of the veterinarian.

(Prior Code, § 6.08.120)

(Ord. 111, passed - -1993)

§ 91.12 RELEASING SHELTERED ANIMALS.

No person shall unlawfully release, or assist in releasing, any dog, cat or other animal from the city impoundment facility. A violation of this section shall be punishable by a maximum fine of \$100. (Prior Code, § 6.08.130) (Ord. 111, passed - -1993)

§ 91.13 VICIOUS, DANGEROUS, ENDANGERED, AND EXOTIC ANIMALS.

(A) *Generally.* No person shall keep or have under their control any vicious, dangerous, or endangered animal.

(B) *Permit.* Any person intending to keep or have under his or her control an exotic animal shall first obtain a permit from the city. The permit shall be issued only after the City Council member determines the animal does not constitute a danger to human life or property if it escapes from secure quarters, and does not pose a health risk to humans or to other animals.

(C) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS ANIMAL.

(a) Any mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which because of its size, nature, or other characteristics (such as being poisonous or carnivorous) would constitute a danger to human life or property if it escaped from secure quarters; or

(b) Any domestic mammal, reptile or fowl which because of its size or vicious propensity or other characteristics would constitute a danger to human life or property if it escaped from secure quarters.

ENDANGERED ANIMAL. Any animal classified by the appropriate federal authority as a threatened or endangered species.

EXOTIC ANIMAL. Any animal, excluding domesticated dogs and cats, which is not classified as vicious or dangerous, is generally considered a house pet, and may or may not be classified as domesticated. Examples include, but are not limited to birds, potbellied pigs, nonpoisonous snakes, and ferrets.

VICIOUS ANIMAL. Any animal which:

(a) According to records of the appropriate authority, has inflicted serious injury on a human being on public or private property;

(b) According to records of appropriate authority, has killed or seriously injured a domestic animal while off the owner's property;

(c) Is kept or possessed primarily or in part for the purpose of fighting, or any animal trained for fighting;

(d) Chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack; or

(e) Has a known propensity, tendency, or disposition to attack, to cause injury, or to otherwise threaten the safety of human beings or animals.

(D) *Exemption for provoked animals.* No animal shall be declared vicious if the threat, injury or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing or assaulting the animal, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal or was committing or attempting to commit a crime.

(E) *Destruction or removal of animal after attack.* Any animal involved in an unprovoked attack which results in serious injury to any human, shall be impounded. If the animal cannot reasonably be captured, any law enforcement officer is authorized to destroy the animal to prevent further endangerment to human life. Any animal impounded for an unprovoked attack which results in injury to any human, shall be destroyed, or at the discretion of the City Council, may be placed at a home outside of the city. No vicious or dangerous animal shall be returned to reside in the city.

(Ord. 188, passed 11-7-2005) Penalty, see § 10.99

LIVESTOCK

§ 91.25 KEEPING; WHEN PERMITTED.

(A) No person shall be permitted to keep livestock of any kind within the corporate limits of the city except when the livestock is temporarily kept in connection with the buying or selling of the same at a licensed sales pavilion or livestock auction.

(B) Horses may be kept within the corporate limits of the city if they are kept at least 300 feet from any dwelling house, excluding the dwelling house of the owner of the horses.

(Prior Code, § 6.04.010) (Ord. 122, passed - -1993; Am. Ord. 193, passed 10-16-2006) Penalty, see § 10.99

§ 91.26 PREMISES TO BE KEPT SANITARY.

Any person who under the provisions of this chapter is permitted to keep livestock within the corporate city, shall keep the premises on which the livestock is situated in a sanitary and healthful condition, and control noxious odors, flies and other pests thereon.

(Prior Code, § 6.04.020) Penalty, see § 10.99

§ 91.27 RUNNING AT LARGE PROHIBITED.

Anyone having livestock within the corporate limits of the city shall keep the same from running at large and shall be subjected to a \$25 fine for each animal that is allowed to run at large.

(Prior Code, § 6.04.030) (Am. Ord. 193, passed 10-16-2006)

CHAPTER 92: PARKS AND PUBLIC PLACES

Section

City Park

- 92.01 Definition
- 92.02 Hours; exceptions
- 92.03 Enforcement

Sales Pavilion

- 92.20 Possible location
 - 92.21 Sanitary condition required
 - 92.22 Inspection; violation
-
- 92.99 Penalty

CITY PARK

§ 92.01 DEFINITION.

The area defined in this chapter and commonly referred to as the city park shall be all the city-owned land in the area bounded on the south by Eleventh Street, on the west by Highway 47, on the east by Church Street and on the north by Fourteenth Street.

(Prior Code, § 12.28.010) (Ord. 74A, passed - -1984)

§ 92.02 HOURS; EXCEPTIONS.

The city park shall be closed at 11:00 p.m. and opened at 6:00 a.m. Monday through Sunday except for approved activities that run past the 11:00 p.m. closing deadline or start before the 6:00 a.m. opening time. Approved activities include all regularly scheduled, organized baseball and softball games and any other activities so approved by the City Council. As soon as any approved activity, running over the closing deadline, is finished, the park will be closed.

(Prior Code, § 12.28.020) (Ord. 74A, passed - -1984) Penalty, see § 92.99

§ 92.03 ENFORCEMENT.

The Police Department shall have the responsibility to open and close the city park entrances and to enforce this chapter.

(Prior Code, § 12.28.030) (Ord. 74A, passed - -1984)

SALES PAVILION**§ 92.20 POSSIBLE LOCATION.**

Block 82 of the city may be used for the establishment and maintenance of a sales pavilion within the city.

(Prior Code, § 12.32.010)

§ 92.21 SANITARY CONDITION REQUIRED.

In case the block is used as a sales pavilion, the same shall be kept in a clean and sanitary condition, and all refuse and manure accumulations therein shall be promptly removed.

(Prior Code, § 12.32.020)

§ 92.22 INSPECTION; VIOLATION.

The President of the Board of Health, Chief of Police or Mayor is authorized and directed to visit the sales pavilion, and if it is found that it is in an unclean or unsanitary condition, he or she shall notify the owner or person maintaining the same, and such owner or person maintaining the same shall cause the same to be cleaned within 24 hours, and in case the owner or person maintaining the same fails so to do, he or she shall be guilty of a misdemeanor.

(Prior Code, § 12.32.030)

§ 92.99 PENALTY.

All persons found in violation of §§ 92.01 through 92.03 shall be fined a minimum amount of \$25.

(Prior Code, § 12.28.040) (Ord. 74A, passed - -1984)

CHAPTER 93: ABANDONED VEHICLES

Section

General Provisions

- 93.01 Definitions
- 93.02 Storing, parking or leaving; declaration of nuisance; exceptions

Abandoned, Wrecked, Dismantled or Inoperable Motor Vehicles on Public Property

- 93.20 Prohibition
- 93.21 Removal
- 93.22 Notice to owner
- 93.23 Sale of unclaimed motor vehicle
- 93.24 Notice of sale
- 93.25 Lien for costs
- 93.26 Title may vest in city; when
- 93.27 Citation

Abandoned, Wrecked, Dismantled or Inoperable Motor Vehicles on Private Property

- 93.40 Duty of private property owners
 - 93.41 Notice to remove
 - 93.42 Responsibility for removal
 - 93.43 Notice procedure
 - 93.44 Content of notice
 - 93.45 Racing vehicles or antique vehicles
 - 93.46 Removal
 - 93.47 Notice to owner
 - 93.48 Contents of notice
 - 93.49 Sale of unclaimed motor vehicles
 - 93.50 Notice of sale
 - 93.51 Title may vest in city; when
-
- 93.99 Penalty

GENERAL PROVISIONS**§ 93.01 DEFINITIONS.**

For the purposes of this chapter, the following terms, phrases words and their derivations shall have the meaning given herein:

ABANDONED MOTOR VEHICLE. Any motor vehicle, as defined in this section, which is left unattended on any public street, alley, public place or parking lot within the city for a longer period than 24 hours without notifying the Chief of Police and making arrangements for the parking of such motor vehicle.

ANTIQUE/COLLECTIBLE VEHICLE. Any motor vehicle having special value because of its age or characteristics and does not meet the junked motor vehicle definition.

CITY. The City of Gregory.

INOPERABLE VEHICLE. Any motor vehicle, as herein defined, which has not physically moved 25 feet in a 6-month period, or which is not in operating condition due to damage or removal or inoperability of 1 or more tires and wheels, damage or removal or inoperability of the engine or other essential parts required for the 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.

JUNKED MOTOR VEHICLE. Any motor vehicle which does not have lawfully affixed thereto a valid state license plate or plates, or the condition of which is wrecked, dismantled, partially dismantled, inoperable or discarded.

MOTOR VEHICLE. 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, including 3-wheel or all-terrain vehicles, motor scooters, snowmobiles, trucks, tractors, go-carts, golf carts, campers, trailers, boats, jet skis and farm equipment.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PROPERTY. Any real property within the city which is privately owned and which is not public property as defined in this section.

PUBLIC PROPERTY. 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.

(Ord. 179, passed 2-27-2004)

§ 93.02 STORING, PARKING OR LEAVING; DECLARATION OF NUISANCE; EXCEPTIONS.

The presence of an abandoned, wrecked, dismantled, inoperable, junked or partially dismantled motor vehicle or parts thereof on private or public property is a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any motor vehicle enclosed within a building on private property or to any motor vehicle in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city. A motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, covered by an appropriate fence or building to screen it from view during non-racing seasons, may be kept on private property. A motor vehicle in operating condition retained by the owner for antique collection purposes, covered by an appropriate fence or building to screen it from view may be kept on private property. All other motor vehicles must be in an appropriate enclosed building or fenced area with the vehicles out of public view.

(Ord. 179, passed 2-27-2004) Penalty, see § 93.99

***ABANDONED, WRECKED, DISMANTLED, OR INOPERABLE
MOTOR VEHICLES ON PUBLIC PROPERTY*****§ 93.20 PROHIBITION.**

No person shall park, store, leave or permit the parking, storing or leaving of any abandoned, wrecked, dismantled, inoperable, junked or partially dismantled motor vehicle of any kind, whether attended or not, upon any public property or right-of-way within the city.

(Ord. 179, passed 2-27-2004) Penalty, see § 93.99

§ 93.21 REMOVAL.

Whenever any police officer finds an abandoned motor vehicle or an unattended motor vehicle which is in a wrecked, dismantled, inoperable, junked or partially dismantled condition on public property within the city, he or she shall place on the vehicle a notice to remove in 24 hours or the vehicle will be towed. If the vehicle is not removed within the 24 hour time limit, the police officers are authorized to provide for the removal of the motor vehicle to a garage or place of safety as designated by the city. A motor may be removed at any time under the direction of the Police Department.

(Ord. 179, passed 2-27-2004) Penalty, see § 93.99

§ 93.22 NOTICE TO OWNER.

(A) It is the duty of the Police Department to notify, by certified mail or by personal delivery, the registered owner, if known, and if encumbered, the lien holder, of the removal and storage of any motor vehicle under the provisions of this chapter and where such motor vehicle has been stored. If the owner or his or her address is unknown, a notice of removal and storage shall be given by the county. If the owner, for whatever reason is not contacted after reasonable efforts have been made to contact him or her, a notice of removal and storage shall be given by 1 publication in a newspaper of general circulation in the county.

(B) The notice shall set forth the date and place of the taking, the year, the make, model and serial number of the abandoned or wrecked motor vehicle and the place where the vehicle is being held, and shall inform the owner and any lien holders of their right to reclaim their vehicles.

(Ord. 179, passed 2-27-2004)

§ 93.23 SALE OF UNCLAIMED MOTOR VEHICLE.

If, after 60 days from the date of mailing or publishing notice of removal and storage provided for by this chapter, the motor vehicle shall remain unclaimed, the motor vehicle may be sold by the Police Department at public auction upon notice of sale to be published in a newspaper of general circulation in the county not less than once a week for 2 consecutive weeks. The removal agency shall have the rights and obligations conferred upon it by SDCL Ch. 32-36 in regard to titling or disposition of the unclaimed, abandoned or inoperable vehicle, except that, if not otherwise provided by state law, it shall have a possession lien upon any vehicle removed under the provisions of this section for the costs or reasonable charges in taking custody of and storing the vehicles.

(Ord. 179, passed 2-27-2004)

§ 93.24 NOTICE OF SALE.

The notice of sale provided for by this chapter shall contain a description of the removed and stored motor vehicle, including the year, make, model, serial number, color, license number, if any; a statement that the motor vehicle was found abandoned, the date thereof, and the place, date and time at which such motor vehicle shall be sold, which date shall not be sooner than 1 week following the date of the last publication of notice.

(Ord. 179, passed 2-27-2004)

§ 93.25 LIEN FOR COSTS.

The city shall have a possessor lien upon any motor vehicle removed under the provisions of this chapter for the costs in taking custody, including towing and storing, of the motor vehicle.

(Ord. 179, passed 2-27-2004)

§ 93.26 TITLE MAY VEST IN CITY; WHEN.

If, after 60 days from the date of mailing or publishing the notice of removal and storage provided for by this chapter, the motor vehicle shall remain unclaimed, the title to the motor vehicle may be disposed of as set out above. The proceeds of any such disposal shall first be applied to the costs incurred in the enforcement of this chapter with the balance to be deposited to the general fund of the city. The removal agency shall have the rights and obligations conferred upon it by SDCL Ch. 32-36 in regard to titling or disposition of such unclaimed, abandoned or inoperative vehicle, except that, if not otherwise provided by state law, it shall have a possession lien upon any vehicle removed under provision of this section for the costs for reasonable charges in taking custody of, including towing and storing such vehicle.

(Ord. 179, passed 2-27-2004)

§ 93.27 CITATION.

If a vehicle as described above is located upon public property and the police officer gives notice of removal within 24 hours and the vehicle is not removed, the police officer shall then arrange for immediate removal of the vehicle and issue a citation to the owner, lessee, or person having possession of the motor vehicle.

(Ord. 179, passed 2-27-2004)

***ABANDONED, WRECKED, DISMANTLED OR INOPERABLE
MOTOR VEHICLES ON PRIVATE PROPERTY***

§ 93.40 DUTY OF PRIVATE PROPERTY OWNERS.

No person owning, in charge of or in control of any real property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any wrecked, dismantled, inoperable, junked or partially dismantled motor vehicle of any kind to remain on such property longer than 5 years.

(Ord. 179, passed 2-27-2004) Penalty, see § 93.99

§ 93.41 NOTICE TO REMOVE.

Whenever it comes to the attention of the Police Department or the Code Enforcement Officer that any person has a wrecked, dismantled, inoperable, junked, or partially dismantled motor vehicle on his or her property, a notice in writing shall be served upon such person requesting the removal of the motor vehicle within 5 days or the notice may be served by certified mailing requesting the removal of the

motor vehicle within 7 days. After notice to remove is given and the vehicle is not moved within the allotted day period, the city may remove the vehicle and the owner, tenant, occupant, lessee or possessor shall be responsible for the towing charges and storage costs that might be incurred by the city.
(Ord. 179, passed 2-27-2004)

§ 93.42 RESPONSIBILITY FOR REMOVAL.

Upon proper notice, the owner, lessee or possessor of the wrecked, dismantled, inoperable, junked or partially dismantled motor vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal.
(Ord. 179, passed 2-27-2004)

§ 93.43 NOTICE PROCEDURE.

The Police Department or the Code Enforcement Officer shall give notice of removal to the owner or occupant of the private property where it is located. It shall constitute sufficient notice when a copy of same is sent by certified mail or personally delivered to the owner or occupant of the private property at his or her last known address.
(Ord. 179, passed 2-27-2004)

§ 93.44 CONTENT OF NOTICE.

The notice shall contain the request for removal within 7 days after the mailing of the notice by certified mail or within 5 days if the notice is served personally upon the owner or occupant of the private property, and the notice shall advise that failure to comply with the notice to remove shall be a violation of this chapter.
(Ord. 179, passed 2-27-2004)

§ 93.45 RACING VEHICLES OR ANTIQUE VEHICLES.

No owner or occupant of private property shall have a motor vehicle specifically adopted or designed for operation on the drag strips or raceways or a motor vehicle retained on private property for antique collection purposes unless the race cars or antique vehicles are either parked inside of a building or shall be parked behind a fence shielding from public view.
(Ord. 179, passed 2-27-2004) Penalty, see § 93.99

§ 93.46 REMOVAL.

If the vehicle is not removed within the period of time allotted in the notice described above; then the police officers are authorized to provide for the removal of the motor vehicle to a garage or place of safety as designated by the city.

(Ord. 179, passed 2-27-2004)

§ 93.47 NOTICE TO OWNER.

After the removal of the vehicle to a garage or place of safety as designated by the city, it shall be the duty of the Police Department or the Code Enforcement Officer to notify, by certified mail or by personal delivery, the registered owner, if known, and if encumbered, the lien holder, of the removal and storage of any motor vehicle under the provisions of this chapter and where the motor vehicle has been stored. If the owner or his or her mailing address is unknown, a notice of removal and storage shall be given by 1 publication in a newspaper of general circulation in the county. If the owner, for whatever reason, is not contacted after reasonable efforts have been made to contact him or her, a notice of removal and storage shall be given by 1 publication in a newspaper of general circulation in the county.

(Ord. 179, passed 2-27-2004)

§ 93.48 CONTENTS OF NOTICE.

The notice shall set forth the date and place of the taking, the year, the make, model and serial number of the abandoned or wrecked motor vehicle and the place where the vehicle is being held, and shall inform the owner and any lien holders of their rights to reclaim the vehicle.

(Ord. 179, passed 2-27-2004)

§ 93.49 SALE OF UNCLAIMED MOTOR VEHICLES.

If, after 30 days from the date of mailing or publishing a notice of removal and storage provided by this chapter, the motor vehicle shall remain unclaimed, the motor vehicle may be sold by the Police Department at public auction upon notice to be published in a newspaper of general circulation in the county not less than once a week for 2 consecutive weeks.

(Ord. 179, passed 2-27-2004)

§ 93.50 NOTICE OF SALE.

The notice of sale provided for by this chapter shall contain a description of the removed and stored motor vehicle, including the year, make, model, serial number, color, license number, if any; a statement that the motor vehicle was removed from private property and is wrecked, dismantled, or inoperative, the date of the removal thereof, and the place, date and time at which the motor vehicle shall be sold, which date shall not be sooner than 1 week following the date of the last publication of notice. (Ord. 179, passed 2-27-2004)

§ 93.51 TITLE MAY VEST IN CITY; WHEN.

If, after 30 days from the date of mailing or publishing the notice of removal and storage provided for by this chapter, the motor vehicle shall remain unclaimed, the title to the motor vehicle shall be vested in the city and such motor vehicle may be disposed of in any manner as may be provided by the City Council. The proceeds of any disposal shall first be applied to the costs incurred in the enforcement of this chapter with the balance to be deposited to the general fund of the city. The removal agency shall have the rights and obligations conferred upon it by SDCL Ch. 32-36 in regard to inoperative vehicle, except that, if not otherwise provided by state law, it shall have a possession lien upon any vehicle removed under provision of this section for the costs for reasonable charges in taking custody of, including towing and storing such vehicle. (Ord. 179, passed 2-27-2004)

§ 93.99 PENALTY.

Any person violating any of the provisions of this chapter shall be guilty of municipal ordinance violation punishable by a fine not to exceed \$200 and each and every day that the violation continues shall constitute a separate offense. (Ord. 179, passed 2-27-2004)

CHAPTER 94: FIRE PREVENTION; FIREWORKS

Section

Fire Prevention Regulations

- 94.01 Fire limits
- 94.02 Outdoor burning
- 94.03 Construction of chimneys; inspection
- 94.04 Buildings

Fireworks

- 94.20 Definition
 - 94.21 Discharge
 - 94.22 Applicability of provisions
 - 94.23 Emergency ban by the City Council
-
- 94.99 Penalty

FIRE PREVENTION REGULATIONS

§ 94.01 FIRE LIMITS.

The fire limits of the city are defined as follows: all of Block 46 except the east 70 feet of Lots 4, 5 and 6; all of Block 52; all of Block 53; all of Block 61 except the east 60 feet of Lots 7-8, the west 80 feet of Lots 7-8, the north 15 feet of the east 35 feet of Lot 9, the east 35 feet of Lot 10, the south 10 feet of the east 35 feet of Lot 9, the west 105 feet of Lots 9-10, Lot 11, 12, Lots 13, 14, the south 10 feet of Lot 15; east ½ of Block 66; west ½ of Block 67; west ½ of Block 74; east ½ of Block 75; east ½ of Block 80; all of Block 81 except Lots 1-2; all of Block 88; east ½ of Block 89; all commercial property bordering Highway 18 and going back 300 feet from the curblines of Highway 18 unless stopped by residential property lines. Starting at the west city limits with its intersection with Highway 18 and ending with the intersection of Highway 18 and the part of south ½ northeast ¼ of highway less Lot H-3.

(Prior Code, § 8.14.010) (Ord. 98, passed - -1992)

§ 94.02 OUTDOOR BURNING.

(A) The outside burning of trash within the fire limits of the city, defined in § 94.01, is unlawful.

(B) It is unlawful for the owner or tenant of any premises within the corporate limits of the city to permit any burning of leaves, branches or garbage upon the premises under the control of the owners or tenants.

(C) Burning of small accumulations of trash, paper or rubbish is not prohibited by division (B) of this section so long as the burning is done near the rear lot lines of premises under the control of an owner or tenant and so long as the burning is done in safely constructed containers of not more than 50-gallon capacity; said containers are to be sturdily constructed and screened so as to restrict the escape of ashes and sparks.

(D) It is unlawful for any person to make or cause to be made any fire outside of the building owned or occupied by them, when the same may endanger the property of others or their safety, and the Fire Chief or Chief of Police shall have the power to suppress the same.

(Prior Code, § 8.14.020) Penalty, see § 94.99

§ 94.03 CONSTRUCTION OF CHIMNEYS; INSPECTION.

It is unlawful to construct chimneys on any building within the city of anything other than durable and fireproof materials, and the construction of the same shall be subject to the inspection and approval of city authorities.

(Prior Code, § 8.14.030) Penalty, see § 94.99

§ 94.04 BUILDINGS.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL-TYPE BUILDING. Any building or structure used or designed for making profits or mass appeal of people.

RESIDENTIAL-TYPE BUILDING. Any building or structure used as a personal residence being occupied by a single person or a family.

(B) Within the limits of the fire district of the city, no person shall erect or establish or cause to be established, by removal or otherwise, any commercial use type building or addition to commercial building unless the commercial building or addition to building is made of materials that will have a 1-hour fire rating as stated in the Uniform Builders Code Book.

(C) All residential use type buildings located in the fire limits shall have a minimum of 10 feet in distance between all other buildings or structures.

(Prior Code, § 8.14.040) (Ord. 98, passed - -1992) Penalty, see § 94.99

FIREWORKS

§ 94.20 DEFINITION.

For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

FIREWORKS. Includes firecrackers, torpedoes, skyrockets, aerial bombs, roman candles, sparkers and all kinds of fireworks whatsoever, as the term is commonly understood, but it shall not be held to include caps and cap pistols.

(Prior Code, § 8.18.010)

§ 94.21 DISCHARGE.

(A) It shall be lawful to sell and/or discharge legal fireworks within the corporate limits of the city only from June 27 through July 5 of each calendar year and it shall be lawful to sell and/or discharge legal fireworks only between the hours of 12:00 p.m. (noon) and 11:00 p.m.

(B) It shall be unlawful to discharge fireworks within the corporate limits of the city in such a way as to intentionally injure/wound persons or damage/destroy property.

(C) It shall be unlawful to discharge fireworks within the corporate limits of the city that create an unreasonable amount of noise over an extended period of time.

(D) It shall be unlawful to discharge fireworks within the corporate limits of the city in such a way as to cause an unreasonable amount of noise over an extended period of time.

(E) It shall be unlawful for fireworks to be discharged within the corporate limits of the city from any public rights-of-way, streets, alleys or public grounds without prior written approval from the city.

(Prior Code, § 8.18.020) (Am. Ord. 191, passed 10-16-2006) Penalty, see § 94.99

§ 94.22 APPLICABILITY OF PROVISIONS.

This subchapter shall have no application to the selling of fireworks to the city or to any of the civic organizations within the city, nor shall it apply to displays of fireworks sponsored by the city or civic organizations within the city.

(Prior Code, § 8.18.030)

§ 94.23 EMERGENCY BAN BY THE CITY COUNCIL.

In times of dry environmental conditions or similar disaster situations, the City Council may ban the sale and/or discharge of all fireworks by resolution.

(Ord. 191, passed 10-16-2006)

§ 94.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) Any person that violates the restrictions set forth in §§ 94.20 *et seq.* will be subjected to a \$25 fine for each violation and/or all of the fireworks in the person's possession will be confiscated.

(2) When violations of §§ 94.20 *et seq.* have transpired on private property and the individual violators cannot be identified, the property's owner(s) or the property's tenant(s) can be held responsible and fined \$25 for each violation if the property's owner(s) or the property's tenant(s) knew of or should have known of the violations, but failed to report said violations to the city or its law enforcement personal.

(Ord. 191, passed 10-16-2006)

CHAPTER 95: HEALTH AND SANITATION; NUISANCES

Section

General Provisions

95.01 Nuisances defined

Weeds

95.20 Duty of property owner or occupant to keep weeds and other growths under control

95.21 Notice to destroy weeds and other growths; contents and procedures

95.22 Authority of city to destroy weeds or other growths upon failure or refusal of owner or occupant; charge against the property

95.23 Costs assessed

95.24 Recovery by city

GENERAL PROVISIONS

§ 95.01 NUISANCES DEFINED.

(A) No person shall create, commit, maintain, or permit to be created, committed or maintained, any nuisance as defined in this chapter, within the city limits.

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

(1) *Garbage and refuse.* Depositing, maintaining or permitting to be maintained or to accumulate upon any public or private property, any household wastewater, sewage, garbage, tin cans, offal or excrement, any decaying fruit, vegetables, fish, meat or bones, or any foul, putrid or obnoxious liquid substance;

(2) *Impure water.* Any well or other supply of water used for drinking or household purposes which is polluted or which is so constructed or situated that it may become polluted;

Gregory - General Regulations

(3) *Undressed hides.* Undressed hides kept longer than 24 hours, except at the place where they are to be manufactured, or in a storeroom, or basement whose construction is approved by the Health Department;

(4) *Manure.* The accumulation of manure, unless it be in a properly constructed flyproof pit, bin or box;

(5) *Breeding places for flies.* The accumulation of manure, garbage or anything whatever in which flies breed;

(6) *Stagnant water.* Any excavation in which stagnant water is permitted to collect;

(7) *Weeds.* Permitting weeds to grow to maturity on any private property, including vacant lots;

(8) *Dead animals.* For the owner of a dead animal to permit it to remain undisposed of longer than 24 hours after its death;

(9) *Privies and cesspools.* Erecting or maintaining any privy or cesspool, except such sanitary privies and cesspools, the plans of which are approved by the State Health Department;

(10) *Garbage handled improperly.* Throwing or letting fall on or permitting to remain on any street, alley or public ground any manure, garbage, rubbish, filth, fuel or wood while engaged in handling or removing any such substance;

(11) *Rodents.* Accumulation of junk, old iron, automobiles or parts thereof, or anything whatever in which rodents may live, breed or accumulate. **JUNK** is defined to mean old ferrous or nonferrous metals, old cordage, ropes, fabrics, old rubber or old bottles or other glass, bones, wastepaper and other waste or materials which may be prepared to use again in some other form, but **JUNK** shall not include objects accumulated by a person as by-products, waste or scraps from the operation of his or her own business, or materials or objects held and used by a manufacturer as an integral part of his or her own manufacturing process;

(12) *Bonfires in public places.* Burning, causing or permitting to be burned in any street, alley or public ground any dirt, filth, manure, garbage, sweeping, leaves, ashes, paper, rubbish or material of any kind;

(13) *Parking livestock trucks or trailers in residential districts.* Parking or permitting livestock trucks or trailers to remain on any street, area or public ground in a residential district where such truck or trailer gives off an offensive odor or is contaminated with manure or other filth.

(Prior Code, § 8.04.010) (Ord. 119, passed - -1993)

(C) It shall be unlawful to operate a dynamic braking device (commonly referred to as a Jacobs brake) on any motor vehicle. This device converts the internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

(Ord. 144, passed 7-21-1997)

Penalty, see § 10.99

WEEDS

§ 95.20 DUTY OF PROPERTY OWNER OR OCCUPANT TO KEEP WEEDS AND OTHER GROWTHS UNDER CONTROL.

No owner of any lot or property within the city limits, or any agent of such owner or occupant of such property, shall permit thereon or upon any sidewalk abutting the same or any abutting city right-of-way, commonly known as the City Boulevard, any weeds or grass growing to a height of greater than 8 inches. This section does not prohibit the cultivation of crops.

(Prior Code, § 8.08.010) (Ord. 120, passed - -1993; Am. Ord. 199, passed - -) Penalty, see § 10.99

§ 95.21 NOTICE TO DESTROY WEEDS AND OTHER GROWTHS; CONTENTS AND PROCEDURES.

(A) The City Administrator is hereby authorized and empowered at the beginning of, or during, the growing season to notify in writing, or by public notice, each owner, occupant, or person in charge of any such lot, place or area, to cut, destroy or remove any such weeds, grass or deleterious or unhealthful growths or other noxious matter found growing, lying or located on such property or upon the sidewalk abutting the same or the city's right-of-way abutting the same. Such notice shall be served to the owner, agent, or occupant at his or her last known address, or by 1 publication in the official newspaper, and shall notify the owner, agent or occupant to cut, destroy, or remove any such weeds, grass or deleterious or unhealthful matter within 5 days after the service of such notice or publication in the official newspaper.

(B) Only 1 notice will be served or published for each growing season.

(Prior Code, § 8.08.020) (Ord. 120, passed - -1993; Am. Ord. 199, passed - -)

§ 95.22 AUTHORITY OF CITY TO DESTROY WEEDS OR OTHER GROWTHS UPON FAILURE OR REFUSAL OF OWNER OR OCCUPANT; CHARGE AGAINST THE PROPERTY.

Upon failure, neglect or refusal of any owner, agent or occupant so notified to comply with the notice within 5 days thereof, the City Administrator is hereby authorized and empowered to provide for the cutting, destroying or removal of the weeds, grass or deleterious, unhealthful growths or other noxious matter to defray the cost of the destruction and the administrative costs by special assessment special assessment against the property provided in this chapter.

(Prior Code, § 8.08.030) (Ord. 120, passed - -1993; Am. Ord. 199, passed - -)

§ 95.23 COSTS ASSESSED.

The City Finance Officer shall cause an account to be kept against each lot for the destruction of noxious weeds upon the lot as provided in this chapter and shall thereupon certify the account showing the amount, the description of the property and the owner thereof to the City Council, which shall thereupon add the assessment to the county or general assessment against the property and shall certify the special assessment, together with the regular assessment to the County Auditor, to be collected as municipal taxes for general purposes. The assessment shall be subject to review and equalization the same as assessments or taxes for general purposes.

(Prior Code, § 8.08.040) (Ord. 120, passed - -1993; Am. Ord. 199, passed - -)

§ 95.24 RECOVERY BY CITY.

In lieu of assessing the cost of the destruction of the noxious weeds and other deleterious matter against the property in the discretion of the City Council, the amount may be recovered in a civil action against the owner of the property.

(Prior Code, § 8.08.050) (Ord. 120, passed - -1993)