

TITLE I: GENERAL PROVISIONS

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CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

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§ 10.01 TITLE OF CODE.

All ordinances of a permanent and general nature, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the “Gregory Code of Ordinances,” for which designation “code of ordinances,” or “codified ordinances” may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.

§ 10.02 RULES OF INTERPRETATION.

(A) *Generally.* Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

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(B) *Specific rules of interpretation.* The construction of all ordinances shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(1) *Acts by assistants.* When a statute, code provisions or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, that requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(2) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(3) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited. General terms descriptive of an officer, act, proceeding, or thing shall have reference to a municipality concerned or affected.
(SDCL § 9-1-1)

§ 10.03 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.04 DEFINITIONS.

For the purpose of this code of ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

COMPUTATION OF TIME. The time in which any act provided by this code or other ordinance is to be done is computed by excluding the first day and including the last, unless the last is a holiday and then it also is excluded. Fractions of a day are to be disregarded in computations which include more than 1 day, and involve no questions of priority.

COUNTY. Gregory County, South Dakota.
(SDCL § 9-1-1)

ELECTOR(S) or QUALIFIED ELECTOR(S). Voter(s).
(SDCL § 9-1-1)

GOVERNING BODY. The board of trustees, the board of commissioners, or the common council, as the case may be, of a municipality concerned or affected.
(SDCL § 9-1-1)

LOT. Includes *PARCEL* or *TRACT OF LAND*.
(SDCL § 9-1-1)

MONTH. A calendar month.

MUNICIPALITY or **MUNICIPAL CORPORATION.** All cities and towns organized under the laws of this state but shall not include any other political subdivisions.
(SDCL § 9-1-1)

ORDINANCE. A permanent legislative act within the limits of its powers of the governing body of a municipality.
(SDCL § 9-19-1)

OWNER. As used in this code relating to local improvements, the grantee in the last deed of conveyance of any lot or parcel of land recorded in the office of the Register of Deeds of the county or counties in which the municipality is located, or his or her heirs or successors.
(SDCL § 9-1-1)

PUBLICATION. Any requirement for publication shall mean publication in the official newspaper of the municipality concerned or affected, if any; but if none, then, in a legal newspaper published in such municipality, if any; but if none, then, in any legal newspaper which serves such municipality, except as provided by SDCL § 9-13-13. Personal service either within or without the state upon the person affected thereby by delivery of a copy of a notice required to be published shall be equivalent to the required publication.
(SDCL § 9-1-1)

RESOLUTION. Any determination that, decision, or direction of the governing body of a municipality of a temporary or special character for the purpose of initiating effecting, or carrying out its administrative duties and functions.
(SDCL § 9-19-1)

SDCL. South Dakota Codified Laws.

STREET. *STREET* includes *AVENUE*.
(SDCL § 9-1-1)

YEAR. A calendar year.

§ 10.05 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.06 REFERENCE TO OTHER SECTIONS.

Whenever in a section reference is made to another section hereof, that reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.07 REFERENCES TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this local government exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.08 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.09 POWERS TO ENACT, AMEND OR REPEAL ORDINANCES AND RESOLUTIONS; GENERALLY.

Every municipality may enact, make, amend, revise, or repeal all such ordinances, resolutions, and regulations as may be proper and necessary to carry into effect the powers granted thereto.

§ 10.10 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.11 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.12 REPEAL OR MODIFICATION OF AN ORDINANCE.

(A) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(B) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§ 10.13 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to this indication as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.14 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

§ 10.99 GENERAL PENALTY.

In all cases where anyone is convicted of violating any provision of this code and where no specific penalty is provided, then the person shall be subject to imprisonment for not to exceed 30 days or a fine of not to exceed \$200 or by both such fine and imprisonment.

(Prior Code, § 1.20.010) (Ord. 107, passed - -1993)

Statutory reference:

Maximum penalty, see SDCL § 9-19-3

CHAPTER 11: CITY STANDARDS

Section

- 11.01 City seal
- 11.02 City boundaries
- 11.03 Wards

§ 11.01 CITY SEAL.

The seal of the city shall be circular in form, consisting of 2 circular impressions, one within the other, and far enough apart that the words “City of Gregory” may be plainly and legibly enclosed in the upper half, and the words “South Dakota” plainly and legibly enclosed in the lower half. In the center shall be the words “Corporate Seal.”

(Prior Code, § 1.08.010)

§ 11.02 CITY BOUNDARIES.

(A) *City limits.* The city shall include all that territory included in Section 12, Township 97, Range 73 of Gregory County, South Dakota; all of that territory which lies within the northeast quarter of Section 13, Township 97, Range 73 of the same county and state; all that territory included within the north $\frac{1}{2}$ of the northwest quarter of Section 13, Township 97, Range 73, of the same county and state; and that territory which is known as Outlot A situated in the southeast $\frac{1}{4}$ of the northeast quarter of Section 11, Township 97, Range 73 of the same county and state, consisting of 16.69 acres. The lot is described as follows: beginning from the northeast corner of the southwest $\frac{1}{4}$ of the northeast quarter of Section 11, Township 97, Range 73 of the lot extends 883 feet west, then 823.5 feet south, 883 feet east, then 823.5 feet north, back to the point of beginning.

(Prior Code, § 1.12.010)

(B) *Additions.*

(1) Wynia Addition: Outlot C-1 and part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12, Township 97 N, Range 73 W of the 5th P.M.

(2) Pleasant View Addition: A subdivision of Lot “C” located in the SE $\frac{1}{4}$ of Section 1, Township 97, Range 73 W of the 5th P.M.

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(3) Hills Second Addition:

(a) A subdivision of Lot "B," Hills First Addition and a portion of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 97 North, Range 73 W of the 5th P.M.

(b) All of that part of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 13, Township 97, Range 73, Gregory County, South Dakota, not already in the city limits: Starting at the SW corner of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 13, thence north along the west boundary of said quarter, 1,313 feet to the NW corner thereof; thence east along the south boundary of the right-of-way of U.S. Highway No. 18, 431.5 feet. Thence due south 121.2 feet along the west boundary of the First Addition to the town of Gregory, thence SW 459.7 feet to the west boundary of Von Seggern First Addition, thence due south 586 feet to the south line of Nepper Street, thence due east along the south line of Nepper Street 680 feet to the west boundary of Hills First Addition, thence due south along the boundary a distance of 391.45 feet to the south boundary of the N $\frac{1}{2}$ of the NW $\frac{1}{2}$ of aforesaid Section 13, thence west along the south boundary 1,534 feet to the point of beginning on the west boundary of Section 13.

(4) Parkside Acres: Lots 1 and 2 of Parkside Acres in the NE $\frac{1}{4}$ of Section 11, Township 97 N, W of the 5th P.M., Gregory County, South Dakota.

(5) Outlots C-2 and C-3: NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12, Township 97 N, Range 73 W of the 5th P.M., Gregory County, South Dakota.
(Prior Code, § 1.12.020)

§ 11.03 WARDS.

(A) *Wards described.* The city shall be divided into 3 voting wards:

(1) Ward I shall encompass all that part of the city south of Seventh Street as extended to the eastern boundary of the city limits, but east of Main Street as extended to the southern boundary of the city.

(2) Ward II shall encompass all that part of the city north of Seventh Street as extended but east of Main Street as extended.

(3) Ward III shall encompass all that part of the city west of Main Street as extended.
(Prior Code, § 1.16.010)

(B) *Polling places.* The polling places for each of the respective wards shall be designated by the City Council and publicized at least a week before any public election.
(Prior Code, § 1.16.020)