GROTON CITY ORDINANCES

Title 1: Administrative Code

Chapter 1-1 Appointive Officers
Chapter 1-2 Mayor & City Council
Chapter 1-3 Financial Regulations
Chapter 1-4 Police Department
Chapter 1-5 Municipal Sales Tax

Chapter 1-1 Appointive Officers

1-1-1 Appointive Officers, Method of Appointment. All appointive officers shall be appointed by the Mayor with the majority vote of the City Council at the first regular meeting in May, and shall hold office until their successor shall be appointed and qualified.

1-1-2 Appointive Officers, Salaries, Bonds. The following offices or positions of the city, as hereinafter created, are continued, and the amounts of salaries to and bonds to be furnished by them shall be fixed by resolution of the City Council and shall be adjusted as deemed necessary by resolution of the City Council of the City of Groton and said amounts shall be on file at the office of the Finance Officer: Attorney, and such other officers as may be prescribed by ordinance or state statute.

The salaries of such designated officers shall be paid monthly and that of the City Attorney shall be paid an hourly rate on a monthly basis.

1-1-3 Employees Other Than Appointive. In addition to appointive officers, the Mayor with the majority vote of the City Council shall hire such other personnel, professional and otherwise, required and necessary for municipal purposes. The compensation of such employees shall be fixed by resolution at any time regardless of the time when any city employee may have been hired.

The salaries of such employees shall be paid an hourly rate on a biweekly basis except that of the Finance Officer and police department who shall be paid semi-monthly.

1-1-4 Personnel Policies. Vacation, sick leave, and other employment policies in effect are on file in the office of the City Finance Officer.

Chapter 1-2 Mayor and City Council

1-2-1 Regular Meetings. The regular monthly meetings of the City Council shall be held at City Hall on the first Tuesday of each month at 7:00 p.m. and on the third Tuesday of each month at 7:00 p.m. except when Tuesday is a legal holiday, and in that case the meeting shall be held on another specified date. Meetings may be held on other specific dates as set by the Mayor with the majority vote of the City Council.

1-2-2 Special Meetings. Special meetings of the City Council may be held at any time on call of the Mayor, or in case of absence or inability to act, then by the president of the council; or if the Mayor and president of the Council refuse to act, then by four (4) of the aldermen.
It shall be the duty of the Finance Officer to contact the aldermen before the time specified for such meetings, and this may be done by telephone.

1-2-3 Adjournment of Meetings. Any regular or special meeting may be adjourned to meet at a later date to be fixed at the time of adjournment.

1-2-4 City Council. The City Council of the City of Groton shall consist of a Mayor and two (2) aldermen elected from and by electors of each ward of the City. The Mayor and City Council shall have such authority and perform such duties as are prescribed by the statutes of the State of South Dakota and city ordinances of the City of Groton.

1-2-5 City Attorney. The City Attorney shall attend council meetings and such other meetings as requested by the Mayor, draw ordinances and other documents which the Mayor or the City Council shall direct. The City Attorney shall offer professional legal advice on matters brought before the City Council. From time to time, the city attorney may be called upon to render extraordinary services to the City of Groton. This shall include but not be limited to representation of the City of Groton in courts or administrative hearings, providing legal services concerning major improvements or construction being done by the City of Groton, and any other task which takes an amount of time beyond the scope of his normal duties.

1-2-6 Committees. The Mayor may appoint such committees of the members of the City Council as he deems desirable to accomplish an efficient division of the work and duties to be performed by the council.

1-2-7 Boards and Commissions. The City Council shall have the authority to create such boards and commissions as are allowed under the statutes of the State of South Dakota as it may consider necessary and

desirable and shall make such bylaws, rules, and regulations as are necessary for the orderly transaction and conduct of its business of which a record shall be placed on file in the office of the city Finance Officer.

1-2-8 Salaries of Mayor, Council and Board or Commission Members. The salaries of the Mayor and City Council members shall be fixed by resolution and said amounts shall be placed on file in the office of the city Finance Officer. Compensation for board or commission members shall be fixed by resolution which shall be placed on file in the office of the city Finance Officer.

1-2-9 Restrictions on Lobbying. No Federal appropriated funds will be paid by, or on behalf of the City of Groton, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal contract, grant, loan, or cooperative agreement, the City shall complete and submit Standard Form-LLL, "Disclosure Form To Report Lobbying", in accordance with its instructions.

Chapter 1-3 Financial Regulations

1-3-1 Salaries. The salaries of the various officers shall be paid from such funds as may be from time to time designated by resolution of the City Council.

1-3-2 Waterworks Revenues. All revenues of the City of Groton received from the operation of the city waterworks shall be paid into the city treasury and shall be credited to the water fund.

1-3-3 Liquor Revenues. All revenues and lease fees of the City of Groton received from the operation of the city liquor licenses shall be paid into the city treasury and shall be credited to the liquor department of the general fund. Revenues from approved licenses for the sale of alcoholic beverages shall be credited to the general fund.

1-3-4 Markup Fees. All lessees under operation in the city for the sale of alcohol shall purchase all liquor according to the South Dakota Codified Laws Title 35 pertaining to Alcoholic Beverages. The city shall charge such lessee or licensee a markup fee of five percent above the cost for liquor and malt beverage. All markup fees established by the city shall be charged uniformly to all lessees and licensees.

1-3-5 Service Revenues. All revenues of the City of Groton received from the operation of municipal services including the airport, sewers, garbage collection, and electrical service shall be paid into the city treasury and shall be credited to such special funds as may be designated by resolution of the City Council.

1-3-6 Miscellaneous Revenue. All revenues of the City of Groton received from licenses, fines, and other fees shall be paid into the city treasury and credited to the general fund unless otherwise specifically provided by ordinance.

1-3-7 Purchasing Procedures.

A. Whenever any city department head or officer or other person desires to make any purchase of materials, supplies, equipment, printing or services on behalf of the city, he or she shall issue a purchase order therefore. It shall be the duty of the department head to pre-audit the purchase order prior to incurring the obligation and the pre-audit shall be directed toward the determination of funds available and appropriations unexpected or uncommitted in the fund or funds involved and toward the necessity for the purchase.

B. Any department head designated by the Mayor may approve and sign a purchase order if the amount shall be $2,500 or less, whereupon the purchase shall be fully authorized. In the event the amount involved shall be more than $2,500 and not exceeding the bid limit established by SDCL Chapter 5-18, the Mayor and department head must approve and sign the purchase order. Reasonable attempts shall be made by all department heads to obtain information quotations from all local suppliers for any item in excess of $2,500 but less than the bid limit established by SDCL Chapter 5-18, and for all repairs over $2,500.

C. In all respects, city purchasing procedures must comply with SDCL Chapter 5-18.

D. Departments heads authorized by the Mayor to approve and sign purchase orders shall also have authority to enter into contracts on behalf of

the city within the limits established in subsection B above provided that any necessary funding is available within the department's budget and the contract is first reviewed and approved by the city attorney.

E. If an individual department head enters into a contract or multiple contracts with a single vendor with an aggregate cost of more than $15,000.00 in a year, approval by the council will first be required for all contracts in excess of the $15,000.00 aggregate. Notwithstanding this sub-section, in the event of extenuating circumstances, a department head may enter in to contracts with a single vendor that exceeds $15,000.00 limit, provided that the requirement of the law on competitive bidding is satisfied. The extenuating circumstances shall be reported to the council at its next regular meeting.

1-3-8 Introduction and Adoption of Annual Municipal Appropriation Ordinance.

A. Pursuant to SDCL 9-21-34, the annual municipal budget ordinance shall be submitted to the City Council for first reading not later than the first regular meeting in November.

B. The second reading of the annual municipal budget ordinance shall be held at least five days after the first reading.

C. The annual municipal budget ordinance shall be published prior to December 31st following adoption.

Chapter 1-4 Police Department

1-4-1 Chief of Police. Under the direction of the Mayor and City Council, the chief of police is responsible for planning, organizing, and directing the functions of the police department. The chief of police determines policies to be followed by personnel in the department with respect to public relations, and enforcement of law and ordinances. The chief of police coordinates municipal law enforcement activities with those of other agencies, analyzes budgetary problems and submits an annual budget, administers personnel policies and training requirements, and makes recommendations on all appointments, promotions, discipline, and dismissals made in the department. The chief of police maintains a liaison with municipal officials, civic groups, and citizens on law enforcement concerns.

1-4-2 Code of Conduct. Each policeman, when on duty, shall follow the guidelines and regulations concerning law enforcement employees; wear the

insignia of his office on his outer garments in a conspicuous place, except when occasion may require that it not be exposed; and must be quiet, civil, and orderly in his on and off duty conduct and refrain from violent, profane, obscene and insolent language, and abstain from intoxicating liquor, insubordination and dereliction of duty; and it shall be the duty of the chief of police to make complaint to the Mayor or the City Council of any violation of this section immediately upon obtaining knowledge thereof. All law enforcement officers in the employ of the city shall be fully certified by the State of South Dakota.

1-4-3 Contract with Brown County. The City Council is authorized to contract with Brown County to care for either county or city prisoners, and such other terms as may be agreed upon between the City Council and the county commissioners of Brown County.

Chapter 1-5 Municipal Sales Tax

1-5-1 Purpose. The purpose of this ordinance is to provide additional needed revenue for the Municipality of Groton, Brown County, South Dakota, by imposing a municipal retail sales and use tax pursuant to the powers granted to the municipality by the State of South Dakota, by SDCL 10-52 entitled Uniform Municipal Non-Ad Valorem Tax Law, and acts amendatory thereto; and by imposing a municipal gross receipts tax pursuant to the powers granted to the municipality by the State of South Dakota, by SDCL 10-52A and acts amendatory thereto.

1-5-2 Effective Date and Enactment of Tax. From and after the first day of January, 2006, there is hereby imposed as a municipal retail occupational sales and service tax upon the privilege of engaging in business a tax measured by two percent (2%) on the gross receipts of all persons engaged in business within the jurisdiction of the Municipality of Groton, Brown County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-15 and acts amendatory thereto.

1-5-3 Use Tax. In addition, there is hereby imposed an excise tax on the privilege of use, storage, and consumption within the jurisdiction of the municipality of tangible personal property or services purchased from and after the first of January, 2006, at the same rate as the municipal sales and service tax upon all transactions or use, storage and consumption which are subject to the South Dakota Use Tax Act, SDCL 10-46, and acts amendatory thereto.

1-5-4 Gross Receipts Tax. In addition, there is hereby imposed a municipal gross receipts tax of One Percent (1%) upon the gross receipts from the sale of leases or rentals or hotel, motel, campsites or other lodging accommodating within the municipality for periods of less than twenty-eight (28) consecutive days, the sale of alcoholic beverages as defined in SDCL 35-1-1, or establishments where the public is invited to eat, dine or purchase and carry out prepared food for immediate consumption. The tax applies to the gross receipts of all persons engaged in business within the jurisdiction of the Municipality of Groton, Brown County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto.

1-5-5 Use of Gross Receipts Tax Revenue. Any revenues received under Section 4 of this ordinance may be used only for purpose of land acquisition, architectural fees, construction costs, payment for civic center, auditoriums or athletic facility buildings, including the maintenance, staffing and operations of such facilities, and the promotion and advertising of the municipality, its facilities, attractions and activities.

1-5-6 Collection. Such tax is levied pursuant to authorization granted by SDCL 10-52 and acts amendatory thereto, and SDCL 10-52A and acts amendatory thereto, and shall be collected by the South Dakota Department of Revenue and Regulation in accordance with the same rules and regulations applicable to the State Sales Tax and under such additional rules and regulations as the Secretary of Revenue and Regulation of the State of South Dakota shall lawfully prescribe.

1-5-7 Interpretation. It is declared to be the intention of this ordinance and the taxes levied hereunder that the same shall be interpreted and construed in the same manner as all sections of the South Dakota Occupational Sales and Service Act, SDCL 10-45 and acts amendatory thereto and the South Dakota Use Tax, SDCL 10-46 and acts amendatory hereto, and that this shall be considered a similar tax except for the rate thereof to that tax.

1-5-8 Penalty. Any person failing or refusing to make reports or payments prescribed by this ordinance and the rules and regulations relating to the ascertainment and collection of the tax herein levied shall be guilty of a misdemeanor and upon conviction shall be fined not more than $500 or imprisoned in the municipal jail for (30) days or both such fine and imprisonment. In addition, all such collection remedies authorized by SDCL 10-45, and acts amendatory thereto, and SDCL 10-46, and acts amendatory thereto are hereby authorized for the collection of these excise taxes by the Department of Revenue and Regulation.

1-5-9 Separability. If any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstances held invalid the constitutionality of the remainder of the ordinance and applicability thereof to other persons or circumstances shall not be affected thereby.

Title 2: Boundaries, Wards and Precincts

Chapter 2-1 Boundaries
Chapter 2-2 Wards and Precincts

Chapter 2-1 Boundaries

2-1-1 Boundaries. The corporate limits of the City of Groton are declared to be such as have been legally established and amended by law and ordinances of the city as shown on the official map on file in the office of the Finance Officer. Such map shall be incorporated in this ordinance by reference and adopted as the official map showing the boundaries and limits of the city.

Chapter 2-2 Wards and Precincts

2-2-1 Wards Boundaries. Ward Boundary maps will be adopted by City Council and available at City Hall.

2-2-2 Voting Precincts. The City Council may combine or separate said wards to establish voting precincts for the purpose of any particular election by resolution as provided by state law (SDCL 9-13-16).

Title 3: Fire Code

Chapter 3-1 Adoption of National Fire Code
Chapter 3-2 Care of Firefighting Equipment
Chapter 3-3 Hazardous Material and Petroleum Products

Chapter 3-1 Adoption of National Fire Code

3-1-1 Adoption of Fire Prevention Code. There is hereby adopted by the City of Groton, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Uniform Fire Code, sponsored by the Western Fire Chief's Assoc. and the International Conference of Building Officials, being particularly the most current edition thereof and the whole thereof save and

except such portions as are hereinafter deleted, modified, or amended. A copy of the codes is on file in the office of the Finance Officer of the City of Groton, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Groton.

3-1-2 Enforcement. The code hereby adopted shall be enforced by the Chief of Police.

3-1-3 Definition. Wherever the word "municipality" is used in the code hereby adopted, it shall be held to mean the City of Groton. The "fire department" shall refer to the volunteer fire department as established and operated as the Groton Area Fire Protection and Rescue District. Firemen or their officers are not employees or agents of the City of Groton. The chief of the department shall be elected and approved by the bylaws of the district and shall carry out the duties ascribed to him in those bylaws as well as the duties listed in the city codes and ordinances.

3-1-4 Modifications. The City Council shall have power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee, or their duly authorized agent, when there are practical difficulties in carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the City Council thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

3-1-5 Appeals. Whenever the Chief of Police shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the intent and true meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the City Council within thirty (30) days from the date of the decision of the appeal.

Chapter 3-2 Care of Firefighting Equipment

3-2-1 Hindering Firemen and Injuring Fire Apparatus. Any person who shall willfully hinder or delay any officer or fireman in the performance of his duties or shall willfully injure, deface or interfere with any fire apparatus shall upon conviction thereof be subject to the penalties established in this ordinance (11-1-1).

3-2-2 Driving Over Fire Hose. Any person who shall drive any vehicle over any unprotected fire hose when laid on a street or alley to be used at any fire, or during alarm of fire, or while at practice without the consent of the chief or such other person as may be in command, shall upon conviction thereof be subject to the penalties established in this ordinance (11-1-1).

Chapter 3-3 Hazardous Materials and Petroleum Products

3-3-1 Definitions. Terms used in this chapter unless the context otherwise plainly requires, shall mean:

A. Hazardous Material. Any substance or material in quantity or form which may be harmful or injurious to humans, domestic animals, wildlife, economic crops and vegetation, or property.

B. Hazardous Material Spill. Any release of a hazardous material or petroleum products in the environment whenever it shall pose an unreasonable risk to health, safety or environment.

C. Petroleum Product. Liquid petroleum fuels or lubricants.

3-3-2 Districts Which Allow Storage of Petroleum Products and Hazardous Materials. Bulk storage of petroleum products in tanks of over one thousand (1,000) gallon capacity held for resale purposes and within which hazardous materials are kept but beyond which such storage of petroleum products and hazardous materials are prohibited shall be limited to only those properties approved by the City Council and listed in the office of the City Finance Officer.

3-3-3 Reports of Spills. Petroleum products and hazardous materials shall be handled, transported, and stored in a safe manner. Any person in control of a hazardous material or petroleum product which is spilled shall immediately report the spill and all conditions or circumstances relevant thereto to the Chief of Police or Chief of the Fire Department. If the person in control of the hazard material or petroleum product is not immediately available or able to report the spill, then the person who either caused or is primarily involved in the spill shall report. This report requirement shall be in addition to any other federal or state report requirement.

3-3-4 Registration of Petroleum Storage Tanks. All stationary containers or tanks located within the City of Groton, or any storage facility actually used or intended to be used for the storage of any petroleum product shall be registered by filing with the City of Groton all necessary information upon forms supplied by the Finance Officer; provided, however, that only the following shall be exempt from this registration requirement:

A. All containers, tanks, or buildings already registered pursuant to the Federal "UST" Program.
B. All containers and tanks for the storage of petroleum products which are less than three hundred fifty (350) gallons in size unless the product is gasoline, which container or tank cannot exceed fifty-five (55) gallons in size.
C. All containers and tanks for the storage of petroleum products which are less than one thousand (1,000) gallons in size, where the container or tank is located on land zoned for agriculture and where the purpose of the storage is intended to be the noncommercial use of the product by the owner of the tank.

3-3-5 Registration of Hazardous Materials Storage Tanks; Contingency Plans. All stationary containers or tanks located within the City of Groton, or any storage facility actually used or intended to be used for the storage of any hazardous material shall be registered. Such registration shall be accomplished by filing a contingency plan at the office of the Finance Officer to be approved by the City Council for cleaning up and containing an accidental discharge. Proof of insurance coverage for damages and cleanup of an accidental discharge must be submitted to the City Council as part of the contingency plan.
Only the following shall be exempt from this registration requirement:
A. All containers, tank, and storage facilities located on land zoned as residential.
B. All containers, tanks, and storage facilities located on land zoned as agricultural as long as the volume of the storage is less than sixty (60) gallons liquid or five hundred (500) pounds solid weight.

3-3-6 Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the City Council or an authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which is prohibited under this chapter, the city's authorized representative may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the City by this chapter; providing that if such building or premises be occupied, he or she shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the authorized representative shall have recourse to every remedy provided by law to secure entry.
No owner or occupant or any other person having charge or care of any building or premises shall fail or neglect, after proper demand made as herein provided, to properly permit entry therein by an authorized

representative of the city for the purpose of inspection and examination pursuant to this chapter.

3-3-7 Conflict. In the event of any conflict between the provisions of this chapter and state and federal law, state and federal law shall prevail.

3-3-8 Appeals. Decisions made in enforcement of this chapter may be appealed to the City Council, which may grant a variance upon an application which demonstrates that an equivalent degree of environmental protection will be achieved under alternatives submitted by said applicant.

Title 4: Health Code

Chapter 4-1 Garbage and Refuse
Chapter 4-2 Weeds
Chapter 4-3 Dutch Elm Disease
Chapter 4-4 Miscellaneous Nuisances
Chapter 4-5 Nuisance Property
Chapter 4-6 Abandoned Property
Chapter 4-7 Rat Eradication
Chapter 4-8 Dangerous Buildings
Chapter 4-9 Cemetery Regulations
Chapter 4-10 No Tolerance Zones

Chapter 4-1 Garbage and Refuse

4-1-1 Definitions. Terms used in this chapter unless the context otherwise plainly requires, shall mean:
A. Garbage. Includes, but is not restricted to every accumulation of animal, vegetable, or other mineral:
1. resulting from the preparation and consumption of edible food stuffs; or
2. resulting from decay, dealing in, or storage of meats, fish, fowl, fruits, or vegetables, including the cans, containers, or wrappers or waste along with such materials; or
3. such industrial, domestic, and organic solid waste or residue of animals sold for meat; or
4. fruit, vegetable, and animal matter from kitchens, dining rooms, markets, fruit establishments, or any other place using, dealing in, or handling meats, fish, fowl, fruits, vegetables, or grains; or
5. offal, animal excreta, or the carcasses of animals, fish or fowl.

B. Hazardous and Toxic Wastes. The garbage, rubbish, rubble, and refuse that requires special handling to avoid damage to property or illness or injury to persons or animals.

C. Incineration. The processing and burning of garbage, rubbish, and refuse for the purpose of volume and weight reduction and all facilities designed and used for such purpose.

D. Occupant. The person who has the use of, or occupies, any building, whether a residence or commercial, or a part or portion thereof, whether the actual owner, tenant, or subtenant. In the case of vacant buildings, a residence or commercial, or any vacant portion of the buildings, the owner, agent, or other person having custody of said building shall have the responsibility of an occupant of said building.

E. Open Burning. Uncontrolled burning of waste in the open, in open containers, or in an open dump.

F. Owner. The actual owner of the property, building, or site, or the agent of the owner in charge of said building, property, or site or the person whom any rental upon said building, property, or site is paid. In the case of property being leased under agreement which hold the lessee responsible for maintenance and repair, the lessee shall be, in such cases, considered as the owner.

G. Refuse. Garbage, rubbish, and rubble, incinerator ash, incinerator residues, street cleanings, market and industrial solid waste, and sewage waste in dry or semi-dry form.

H. Residential Occupant. A residential occupant shall include a dwelling house and a place of human habitation and shall be any household established in a building whether or not it is a single-family dwelling. Each residential occupant, including multiple family dwellings of three (3) or more units, shall be liable for solid waste collection pursuant to this definition.

I. Rubbish. Includes, but is not restricted to, all non-putrescible waste or debris such as paper, cardboard, grass, tree or shrub trimmings, rugs, straw, clothing, wood, wood products, crockery, glass, rubber, metal, plastic, construction waste, and debris, tin cans, bedding, or litter of any kind.

J. Rubble. Stone, brick, rock, or similar organic material.

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

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

M. Yard Waste. Leaves, grass clippings, plant or garden residue, or similar organic matter.

4-1-2 Refuse Removal. All garbage, rubbish, rubble, and refuse created, produced, or accumulated in or about a dwelling house or place of human habitation in the City limits of the City of Groton shall be removed from the premises at least once each week. The city may require a greater number of collections per week.
The city shall contract for lowest bid to a solid waste hauler for a period of one to three (1-3) years. The city shall bill all residents on their monthly utility statements. No billing will be done by the private hauler for residential service. Commercial establishments shall contract privately for the removal of garbage, rubbish, rubble, and refuse from their premises in compliance with the terms of this chapter.
The rate to be charged to the residential occupant for garbage, rubbish, rubble, and refuse shall be as established by the City Council and on file in the office of the Finance Officer.
As per state law (SDCL 34A-6-29), garbage, rubbish, rubble, and refuse fees take precedence over all other utility charges.

4-1-3 Refuse Containers. Every owner, lessee, or occupant of any private dwelling house and every keeper of a hotel, restaurant, eating house, boarding house, or other building where meals are furnished and every other person having garbage, rubbish, rubble, or refuse in the City of Groton shall provide, and at all times, keep within said building or conveniently located near said building, suitable and sufficient watertight cans, each capable of holding the maximum allowed gallons per contract, rubbish, rubble or refuse, or a suitable container approved by the city and deposit in such container, and not elsewhere, all garbage, rubbish, rubble, or refuse accumulating on said premises. The containers shall be equipped with suitable bails or handles and shall have tightly fitted covers and shall not leak, nor permit the escape of odors. The weight of the garbage, rubbish, rubble or refuse shall not exceed carrier contract weight limit. Such containers shall be so located on the premises as to be readily accessible to the garbage, rubbish, rubble or refuse collector who is required to render pickup service; containers shall be made accessible to the collection service at the curb site of the nearest public traveled thoroughfare. Rubbish may also be disposed of in said containers provided the containers may be easily lifted, emptied, or hauled away, and they do not exceed the weight limit

established above. Garbage, rubbish, rubble, or refuse containers shall not be placed adjacent to the street for pickup service more than twenty-four (24) hours prior to pick up times; the containers shall be removed within twelve (12) hours after pickup.

4-1-4 Accumulation of Refuse Prohibited. No person, owner, agent, or occupant of any premises in the City of Groton, whether vacant or improved, shall allow any accumulation of garbage, rubbish, rubble or refuse to remain thereon for longer than two (2) weeks if such garbage, rubbish, rubble or refuse is within four hundred (400) feet of any dwelling house or commercial building, nor for more than four (4) weeks if beyond said distance, nor for any period of time if the same is found by the city to constitute a public or private nuisance.

4-1-5 Burying of Refuse. No person, owner, agent, or occupant of any premises in the City of Groton shall keep, place, or deposit garbage, rubbish, rubble or refuse at any public or private grounds or premises, except in containers or receptacles for collection upon premises owned, occupied, or under possession or control of such person, provided, however, that the City may designate certain areas, locations, or containers for the deposit of garbage, rubbish, rubble, refuse or yard waste composting.

4-1-6 Collection. Except for special haul service, no garbage, rubbish, rubble or refuse will be collected unless in standard containers or in securely tied bundles as defined herein. A bundle is a package containing rubbish only, not exceeding four (4) feet in its longest dimensions, securely tied with a cord or rope of sufficient strength to permit lifting and carrying of the full weight without spillage or leakage, which bundle shall be placed for collection immediately adjacent to the standard container.

4-1-7 Hours of Collections. A solid waste hauler shall not collect garbage, rubbish, rubble or refuse within a residential area between the hours of 7:00 p.m. one day and 8:00 a.m. the next day.

4-1-8 Collection Vehicles. All trucks collecting or transporting rubbish or mixed garbage and rubbish along or on a public highway shall be covered. The coverage shall be a clean tarpaulin securely tied down over the entire load, or such other cover as will prevent spilling. All trucks collecting or transporting rubbish mixed with garbage shall be of watertight construction.

Trucks transporting, but not collecting garbage unmixed with rubbish shall be equipped with watertight metal tanks and shall be covered by a suitable metal cover or covered by other satisfactory and acceptable methods

approved by the City of Groton. All persons transporting garbage shall clean and disinfect all equipment so used at least once weekly or as often as needed.

Trucks collecting garbage from residential occupants will have a watertight metal tank and shall be covered so that not more than one-half (1/2) of any truck can be uncovered at any one time. The cover shall be fully closed while the truck is traveling between place of collection and place of transfer disposal. At all times, the trucks shall obey all weight limits imposed on them by state law while driving on city streets, including any seasonal load limits. All persons collecting garbage shall clean and disinfect all equipment as needed to prevent health hazards.

4-1-9 Burning. There shall be no burning of garbage, rubbish, rubble or refuse within the city limits of the City of Groton. This section shall not apply to incinerators or fireplaces located within a building or to actions of the fire department in fire-fighting practice or ridding the city of a nuisance or hazard.

4-1-10 Composting. No yard waste may be composted, stockpiled, or allowed to accumulate for more than seven days from the date the foregoing is initially composted, stockpiled, or accumulated, provided, however, grass clippings may be spread upon gardens, around plants, shrubs, or trees to a depth of no more than six (6) inches.

4-1-11 Yard Waste Removal. The person, firm, corporation or business responsible for disposal of yard waste shall not place or leave on any public street, road, alley or sidewalk or other public ground in the City of Groton, any yard waste which may obstruct the free use of said street, road, alley, or sidewalk of public ground or which could obstruct storm water, gutters, or inlands. For a first violation of this ordinance, a fine of $25 shall be imposed; for a second violation a fine of $50 shall be imposed; for a third violation a fine of $100 shall be imposed; for a fourth violation of this ordinance a fine of up to $500 shall be imposed. The city finance office shall notify the violator of any such violation and the amount of fine to be imposed for that violation as described above, and if the violator remits payment for that fine directly to the City Finance Office, no further action will follow on that violation. If the violator refuses to remit payment for that amount demanded within 30 days from the date of the written notice, the case can then be prosecuted as a criminal offense.

4-1-12 Improper Yard Waste Disposal Prohibited. Every accumulation of yard waste which is deposited, kept, burned or transported at any place in the city in violation of the above provisions is hereby

declared to be a public nuisance because of the offensive odors produced thereby and said nuisance may be abated as set forth in this ordinance (4-3-4) and any person who maintains or permits the maintenance of such nuisance shall be guilty of a misdemeanor subject to the penalty established in this ordinance (11-1-1).

4-1-13 City Restricted Solid Waste Site. The City of Groton will operate a city restricted solid waste site at its discretion and as permitted by state law under SDCL 34A-6 and the Department of Environment and Natural Resources, and the regulations appertaining thereto for the following purposes and under the following conditions only but this section shall not supersede the provisions of state law in SDCL 34A-6 or the administrative regulations of the Department of Environment and Natural Resources which this ordinance is deemed to be in compliance with.

A. The city site will be open between the hours of the day and the days of the week as established by resolution of the Groton City Council, to be amended from time to time as the need exists, which resolution is on file at the City Finance Office;

B. The use of the city site is available to city residents and non-residents by first applying for a special permit at the city finance office for which there will be a fee of an amount established by the City Council by resolution which is on file at the City Finance Office;

C. The city site may be used only for purposes of depositing rubble as defined in 4-1-1J and shall not be used for depositing any other type or refuse including rubbish, garbage, solid waste, paper or cardboard, plastics, Styrofoam, foam rubber, packaging materials, gas or fuel tanks, treated wood, paint, or paint cans, sealants, adhesives, furniture, mattresses, carpet, lead acid batteries, waste motor oil, all motor vehicle tires, white good appliances containing freon, any chemicals or chemical containers, abandoned, wrecked, dismantled or junked vehicles with gas tanks, animal remains, or construction materials including but not limited to shingles, tar paper, painted, stained or varnished wood, siding, insulation, lathe and sheetrock;

D. All rubble deposited at the city restricted solid waste site shall be declared abandoned property upon depositing the same;

E. The City of Groton may appoint a site caretaker whose hours of work and amount of pay shall be set by resolution of the City Council to be kept on file at the City Finance Office;

F. It shall be unlawful for any person, firm, corporation, or business to do any of the following at the city's restricted solid waste site;
1. Dump, deposit, discard or leave any refuse as defined in 4-1-1G or 4-1-13C;
2. Disregard the site caretaker's directions;
3. Start or cause to be started any fire without proper authorization from the city;
4. Retrieve, take away or remove any rubble without written permission from the city;
5. Use the city site unless a resident of the City of Groton or a permit holder;
6. Use the city site on the days of the week or during the hours of the day that the city site is closed to public use except by special permission of the city.

Chapter 4-2 Weeds

4-2-1 Weeds - Duty of Owner. Permitting weeds to grow to maturity on any private property including vacant lots, is hereby declared to be a nuisance. No owner of any lot, place, or area within the City of Groton, or the agent of such owner or the occupant of such lot, place, or area, shall permit to grow, lie, or be located on such lot, place, or area or upon any sidewalk abutting the same, any weeds, grass, or deleterious or unhealthful growths or other noxious matter that may be growing, lying, or located thereon, and the growing of such weeds or other noxious or unhealthful vegetation is hereby declared to be a nuisance.

4-2-2 Notice to Destroy Weeds. The City Council shall notify, in writing, the owner, agent, or occupancy to cut, destroy or remove any such weeds, grass, deleterious or unhealthful growths, or other noxious matter found growing, lying, or located on such property or upon the sidewalk abutting same. Notice shall be certified mail addressed to said owner, agent, or occupant at his last known address.

4-2-3 Action Upon Noncompliance. Upon failure, neglect, or refusal of any owner, agent, or occupant so notified to comply with such notice within a period not less than two (2) days after personal receipt or ten (10) days after the mailing date thereof, the City Council may provide for the cutting, destroying, or removal of such weeds, grass, or deleterious matter or other noxious growths and defray the cost of the destruction thereof by special assessment against the property.

4-2-4 Costs Recovered. The Finance Officer shall cause an account to be kept against each lot for the destruction of noxious weeds upon said lot

as herein provided and shall after completion of the work, bill the owner of the property for such work and if not paid within thirty (30) days thereafter, the Finance Officer shall thereupon add such assessment to the general assessment against said property. The Finance Officer shall certify such special assessment together with the regular assessment to the county auditor to be collected as municipal taxes for general purposes.
Said assessment shall be subject to review and equalization the same as assessments or taxes for general purposes. In lieu of special assessment, the City Council may institute a civil action against the owner or occupant of such property to recover said account.

4-2-5 Penalty. Any person whose duty it is to destroy or remove such noxious weeds or unhealthful vegetation as set forth in the preceding sections or who fails to destroy same within the time hereinbefore set forth shall upon conviction thereof be subject to the penalties established in this ordinance (11-1-1), in addition to one other penalties as prescribed in this chapter.

Chapter 4-3 Dutch Elm Disease

4-3-1 City Forester. The City Council shall appoint a city forester whose duty it shall be to enforce the provisions of this chapter.

4-3-2 Dutch Elm Disease - Nuisance. Any living or standing elm tree or part thereof infected with the Dutch Elm Disease fungus, Ceratocystis Ulmi or which harbor the European Elm Bark Beetle, Scolytus Multitriatus (Eichb.) and/or the American Elm Bark Beetle. Hylurgopinus Rufipes (Marsh.) is hereby declared to be a public nuisance.
Any dead elm tree or part thereof including logs, branches, stumps, firewood, or other elm material from which the bark has not been removed and burned, or treated with an effective elm bark beetle destroying insecticide is hereby declared to be public nuisance.

4-3-3 Inspection. The city forester shall inspect or cause to be inspected all premises and places within the City of Groton at least once each year to determine whether any public nuisance as defined in section 4-3-2 exists thereon, and shall also inspect or cause to be inspected any elm tree reported or suspected to be infected with Dutch Elm Disease or any elm bark reported or suspected to be infected with either species of the above named bark beetles.

4-3-4 Abatement of Nuisances.
A. If the city forester shall determine upon inspection or examination that any public nuisance as herein defined exists in or upon a public street, alley,

park, or public place, including the terrace strip between the curb and lot line, within the City of Groton, said officer shall immediately cause it to be removed and burned or otherwise abate the same.

B. If upon inspection or examination it shall be determined with reasonable certainty that any public nuisance as herein defined exists in or upon private premises within the City of Groton, immediate written notice shall be served upon the owner of such property, if he can be found, or upon the occupant thereof, to abate such nuisance within fifteen (15) days of service of said notice. If said owner or occupant does not abate said nuisance within the time specified in such notice, the City Council shall cause it to be removed and burned or otherwise abate the same. No damage shall be awarded to the owner for destruction of any elm tree, elm wood, or any part thereof pursuant to this section. The tree is presumed to be diseased and subject to abatement unless said owner or occupant has shown that the tree is not so diseased by sending in specimens to the plant pathology department, SDSU, Brookings, and received a negative report thereon.

C. All abatements shall be made in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm Disease, or the insect pests or vectors known to carry such disease fungus.

4-3-5 Assessment of Cost Abatement and Spraying. The entire cost of any abatement of a public nuisance as herein defined on any public street, alley, park, or other public place including the terrace strip between curb and lot line shall be borne by the city.

The cost of removing elm trees infected with the Dutch Elm Disease fungus on private property shall be borne by the property owner. If said owner fails to abate such nuisance by the removal of said tree or trees within the fifteen (15) day notice period, said tree or trees shall be removed by the city and the cost of said removal either assessed against the property or recovered in a civil action against the owner.

4-3-6 Penalty. Any person who violates any provision established herein for the abatement of Dutch Elm Disease shall be subject to the penalties established in this ordinance (11-1-1).

Chapter 4-4 Miscellaneous Nuisances

4-4-1 Nuisances Defined and Prohibited. No person shall create, commit, maintain, or permit to be created, committed, or maintained any nuisance as defined herein.
Whatever is dangerous to human health, renders the ground, the water, the

air, or food a hazard or injurious to human health, including but not limited to the following specific acts, conditions, and things are, each and all of them, hereby declared to constitute nuisances:

A. Imperfect Plumbing. Any imperfect, leaking, unclean, or inoperable sink, water closet, urinal, or other plumbing fixture in any building, used or occupied by human beings.

B. 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.

C. Undressed Hides. Undressed hides kept longer than twenty-four (24) hours, except at the place where they are to be manufactured, or in a storeroom or basement whose construction has been approved by the state health department for the storage of undressed hides.

D. Manure. The accumulation of manure.

E. Breeding Place for Flies. The accumulation of manure, garbage, or anything in which flies breed.

F. Stagnant Water. Any excavation in which stagnant water is permitted to collect.

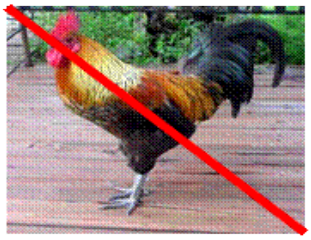
G. Poison Ivy. Permitting poison ivy to be or grow upon any private property nearer than fifteen (15) feet from the sidewalk or any public street.

H. Dead Animals. For the owner of a dead animal or fowl to permit it to remain undisposed of longer than twenty-four (24) hours after its death.

I. Farm and Other Live Animals. The keeping of live farm animals which are deemed to include horses, cattle, swine, sheep, and other animals that are normally raised or kept on farms, the keeping of live wild animals, and the keeping of any live animal in a manner so as to cause a public nuisance within the city limits, except this shall not apply to property which is within the municipal boundaries of the City of Groton and zoned "Ag" as defined by the Groton zoning map unless such keeping of animals within rural property is deemed to constitute a public nuisance.

1. Chickens may only be kept within areas of the city zoned to permit single family dwellings as outlined below. NO ROOSTERS ARE ALLOWED.





5 HENS ALLOWED ROOSTERS NOT ALLOWED

2. Up to 5 hens will be allowed on a residential lot. Residents may possess the same number of brooding chicks (not more than 6 weeks old) for the cyclical replacement of hens, but not for the purpose of sale or resale.

3. Roosters are prohibited.

4. Chicken breeding is prohibited. Cockerels (a young male chicken) must be culled from broods when identified.

5. A separate coop is required to house the chickens. The coop must have an exercise yard, run, or yard fencing sufficient to confine the chickens at all times.

6. Minimum Standards for Chicken Facilities:

a. Chicken facilities must be located in the rear or side yard. CHICKENS MAY NOT BE LOCATED IN THE FRONT YARD.

b. Any chicken-related structures (i.e., coop, cage, pen, etc.) must be setback from the property lines as required by the zoning district for structures on the real property. Such structures will still require a building permit as specified by Part 18 of the Planning and Zoning Ordinances.

c. Coop construction and materials must be adequate to prevent access by rodents.

d. Coops must be maintained in good repair.

e. Coops or cages housing chickens must be at least twenty (20) feet from the door or window of a neighbor's occupied structure.

f. Coops and manure storage must be at least twenty (20) feet from streams, tributaries, ditches, storm water management facilities, drop inlets, or other storm drainage areas that would allow fecal matter to enter any city storm drainage system or stream. Dumping chicken manure into the city's storm drainage system is prohibited.

g. Chickens must not be housed in a residential house or an attached or detached garage. Only chicks not more than 6 weeks old can be kept in the house or garage.

h. All chicken areas must be kept clean from filth, garbage, and any substances which attract rodents.

i. The coop and its surrounding area must be cleaned frequently enough to control odor. Manure and coop waste cannot accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.

j. Manure and coop waste that is not composted or immediately spread as fertilizer must be disposed of properly.

k. Chickens cannot become a nuisance to the occupants of adjacent property.

l. Slaughtering of chickens must be done inside or in a way that it is not visible to the public or neighbors. Dead chickens must be disposed of within 24 hours after death. Legal forms of chicken carcass disposal include burial and off-site incineration or rendering.

m. All grain and food stored for the chickens must be kept in a rodent proof container.

n. Visibility of chickens by the public or surrounding neighbors must be substantially obstructed by a fence, hedge, shrub, or other obstruction at a height of 5 feet above ground level.

7. City Impoundment:

Due to the risk of disease, the Groton Police Department cannot receive and hold (i.e., impound) chickens that come into the possession of the Police Officer. Therefore, the Police Officer is authorized to euthanize and properly dispose of any chickens found running at large or that come into the officer's possession.

8. Violations:

a. Any person violating the chicken ordinance may have his or her right to have chickens revoked and be found guilty of a Class 2 misdemeanor. The punishment for a Class 2 misdemeanor is a sentence of up to 30 days in the Brown County Jail, a fine of $500, or both.

b. Any person violating the chicken ordinance may be required to reimburse the City for its costs to enforce the ordinance.

c. All chickens of any person violating the chicken ordinance may be forfeited to the City where they would be euthanized by the Police Officer.

J. Polluting Bodies of Water. Throwing or leaving any dead animal or decayed animal or vegetable matter or other filth, whether solid or fluid, into any pool of water.

K. Privies or Cesspools. Erecting or maintaining any privy or cesspool unless such sanitary privies and cesspool are approved by the state health department.

L. Garbage Handling Properly. Throwing, letting fall, or permitting to remain on any street, alley, or public ground, or highway, any manure, garbage, rubbish, filth, fuel, or wood while engaged in handling or removing such substances.

M. Offensive Premises. Permitting any grocery store, shop, factory, warehouse, stable, barn, residence, or other place to become nauseous or offensive.

N. Parking Trucks or Trailers in Residential Districts. Parking or permitting a truck or trailer on any street, area, or public ground in a residential district when such truck or trailer gives off an offensive odor or is contaminated with manure or other filth or which when operating produces loud offensive noise.

O. Ice Boxes, Refrigerators, or Airtight Container. Keeping, leaving, or permitting to remain outside of any dwelling, building, or other structures or premises, in a place accessible to children, any discarded ice box, refrigerator, or other container which has an airtight door, lid, snap lock, or other locking device which may not be released from the inside, without first removing said door, lid, snap lock, or other locking device from said ice box, refrigerator, or container.

P. Smokestacks and Smoke Nuisances. The construction, use, or maintenance of any smokestack or chimney which emits sparks, cinders, or dense smoke which is dangerous to the health, comfort, or property of persons, or the value of property.

Q. Use of Sanitary Sewer. Permitting drainage water, blood, buttermilk, whey, by-products of milk, acids, which consume pipe, or any substance or

material which interferes with the normal flow of sewage or prevents, blocks, or stops the flow of sewage, to enter the sewer system.

R. Unconfined Refuse. The depositing, unloading, placing, storing, or otherwise piling of any dirt, straw, shavings, seeds, grain screenings, chaff, leaves, ashes, paper, or materials of any kind upon property without covering the same in order to prevent it from being moved and blown by wind onto property of another or onto any street, alley, or public property.

S. Dilapidated Buildings. A building or structure within the limits of the city which is so dilapidated, decayed, out of repair, unsafe, unsanitary, or utterly fails to provide the amenities essential to decent living such that it is unfit for human habitation and is likely to cause or is causing or aggravating sickness or disease so as to work an injury to the health, morals, safety, or general welfare of the community.

T. Any other matter, condition, thing, which may be dangerous to human health, renders the ground, the water, the air, food, or a given space injurious to human health, which is not specifically listed about but which the City Council, after notice to the offending party, with an opportunity to be heard by the offending party, declares to be a nuisance.

4-4-2 Nuisances, How Abated. A Police Officer shall give written notice by certified mail or personal service to any person creating, permitting, or maintaining any nuisance to abate such nuisances forthwith, and if such person shall neglect or refuse to do so within the period specified in the notice which shall not be less than two (2) days nor more than ten (10) days after the service of such notice, he shall be deemed guilty of violation of this ordinance. The Police Officer shall cause to be removed or abated any such nuisances upon the expiration of a reasonable time after the serving of such notice, and the city may recover the expenses so incurred from the person maintaining such nuisances by special assessment or with a civil suit instituted for such purpose.

Chapter 4-5 Nuisance Property

4-5-1 Nuisance Property Defined. Nuisance property as used herein means property on which is kept, stored, or accumulated any vehicle which is wrecked, dismantled, unlicensed, non-operating or junked, old vehicle bodies, old iron, old lumber, or any junk of like character which tends to be unsightly and lowers the value of adjacent real estate because of unsightliness, or is a public health hazard. Nuisance property is hereby declared to be a nuisance and may be abated as provided in section 4-4-2 of this ordinance, or as provided by SDCL 21-10-6.

4-5-2 Notification of Requirements to Abate Nuisance Property. Upon receiving a complaint of the presence of any material described in section 4-5-1, the City Council or chief of police shall notify the owner or person in charge of such property to remove the same within a period of not less than two (2) days nor more than ten (10) days as stated in the notice after the service of such notice. Such notice shall be given by certified mail addressed to said owner, agent, or occupant at his last known address or by personal service. Upon failure of such owner or person in charge to clean up such nuisance property, said nuisance shall be abated in the manner prescribed in section 4-4-2.

4-5-3 Unlawful to Accumulate Nuisance Property. It shall be unlawful for any person, firm, or corporation owning or in control of any real estate within the city to permit, allow, or accumulate any vehicle which is wrecked, dismantled, unlicensed, non-operation or junked, old vehicle bodies, old iron, old lumber, or junk of like character which tend to be unsightly, and lowers the value of adjacent real estate because of unsightliness, or to be a public health hazard, longer than ten (10) days after notification by the City Council or chief of police to remove such property and abate such nuisance, and each day such violation continues shall constitute a separate offense and be punishable as such.

4-5-4 Exceptions. This chapter shall not apply to any property kept within an enclosed building or on the premises of a junk dealer licensed by the city.

4-5-5 Penalty. Any person, firm, or corporation violating any of the provisions of this ordinance shall upon conviction be subject to the penalties established in this ordinance (11-1-1), and such penalty shall be in addition to any of the penalties prescribed by reason of abatement of said nuisance. The Finance Officer shall cause an account to be kept for a special assessment toward the abatement of nuisance property by the city, showing the assessed amount, the description of the property, and the owner thereof. The city may institute a civil action against the owner or occupant of such property to recover the cost of abatement, including court costs and attorney fees.

Chapter 4-6 Abandoned Property

4-6-1 Abandoned Property - Removal and Storage. Any automobile, vehicle, or other personal property which has been abandoned for sixty (60) days upon the streets, alleys, or other public places, shall be taken into possession by the city and shall be stored at such location as shall be designated by the City Council for a period of at least ninety (90) days

during which time the owner or owners may redeem such property upon paying the cost of removal and storage.

4-6-2 Sale of Unclaimed Abandoned Property. If such personal property be not reclaimed within the ninety (90) day period, the abandoned property may be sold by the city at public auction, at such location as may be determined by the City Council, after publishing at least ten (10) days prior to the date of such sale, a notice describing the property to be sold and the place of such sale.

4-6-3 Sale Proceeds to be Credited to the General Fund of the City. Immediately after such sale, the person making such sale shall file a report thereof with the Finance Officer and the proceeds of such sale shall be deposited with the Finance Officer of the City of Groton and credited to the general fund of the city.

Chapter 4-7 Rat Eradication

4-7-1 Definitions. Terms used in this chapter, unless the context otherwise plainly requires, shall mean:

A. Building. Any structure, either public or private, that is adapted for occupancy for residential or commercial purposes, including all principle or secondary structures such as sheds, barns, and other structures.

B. Rat Proofing. A form of rat proofing to prevent the ingress into residential or commercial buildings, from the exterior or from one business building to another. It consists essentially of the closing, with material impervious to rat gnawing, of all openings in the exterior walls, ground or first floors, basements, and foundations, that may be reached by rats from the ground by climbing or by burrowing.

C. Rat Harborage. Any conditions which provided shelter or protection for rats, thus favoring their multiplication and continuous existence in, under, or outside of a building of any kind.

D. Owner. The actual owner of the building, be it an individual, partnership, or corporation, the person having custody of said building, or the person to whom any rental upon said building is to be paid. In the case of buildings leased under agreement that the lessee is responsible for maintenance and repairs, the lessee will in such cases also be considered as the "owner" for the purposes of this ordinance.

E. Occupant. The individual, partnership or the corporation that has the use of or occupies any building, or a portion thereof, whether the actual

owner, tenant, or subtenant. In the case of a vacant building, or any vacant portion of a building, the owner, agent, or other person having custody of said building, shall have the responsibilities of an "occupant" of said building.

4-7-2 Rat Proofing Buildings. It is required that all buildings in the City of Groton shall be rat proof, free of rats, and maintained in a rat proof and rat free condition.

4-7-3 Notice to Owner. Upon receipt of written notice or order from the City Council, the owner of any building specified in said notice or order shall take immediate steps for rat proofing said building, and unless said work and improvements required for such rat proofing have been completed by the owner of said building in the time specified in the written notice or any extension that may have been granted by the City Council, then the owner shall be in violation of this ordinance.

4-7-4 Notice, Charge Against Owner. Whenever the City Council notifies the occupant of a building that there is evidence of rat infestation in that building, the occupant shall immediately institute appropriate steps for freeing the building of rats within ten (10) days after receipt of the written notice. If within ten (10) days the building is not free of rats, the city shall institute such action as is necessary and shall charge occupant for labor, material, and equipment necessary for the eradication measures carried out.

4-7-5 Maintaining Rat Proofing Condition. The occupants of all buildings are required to maintain the premises in a rat proof condition and to repair all breaks and leaks that may occur in the rat proofing.

4-7-6 Inspections. The City Council is empowered to have made unannounced inspections of both the interior and exterior of buildings within the City of Groton as in its opinion may be necessary to determine whether there has been a full compliance with this ordinance and to require full compliance with this ordinance. If at any time the City Council finds evidence of rat infestation or the existence of breaks or leaks in the rat proofing, or new openings through which rats may again enter said building, the City Council shall serve upon the owner or occupant of the building a notice to abate the conditions so found.

4-7-7 Installation of Floors. Whenever conditions inside or under buildings provide harborage for rats that the City Council deems it necessary to eliminate such harborage, the City Council may require the owner or occupant to install cement floors or basement or to replace wooden first floors or ground floors and to require the owner to correct any other interior

rat harborage as may be necessary in order to facilitate the eradication of rats in a reasonable length of time.

4-7-8 Removal of Rat Proofing. It shall be unlawful for the occupant, owner, contractor, public utility company, plumber, or any other person to remove the rat proofing from a building unless it is reinstalled in a satisfactory condition; and, in like manner, it shall be unlawful for any such person to make any new openings that are not sealed or closed against the entrance of rats.

4-7-9 Metal or Plastic Containers. Everywhere within the City of Groton, all garbage or other refuse shall be placed and stored in covered metal or plastic containers, compartments, or rooms in a rat proof building.

4-7-10 Dumping of Garbage and Rubbish Unlawful. It shall be unlawful for any person, firm, or corporation to place, leave, dump, or permit the accumulation of any garbage, rubbish, or trash in any building or upon any premises in said city so that the same shall or may provide food or harborage for rats.

4-7-11 Storage of Lumber and Other Material. It shall be unlawful for any person, firm, or corporation to permit to accumulate upon any real property whether improved or vacant, or upon any open lot or alley in the city, any wood, lumber, wood boxes, barrels, bricks, stones, or any other materials that may be permitted to remain thereupon for any longer than a temporary period reasonably required for the use of such materials in building or repairing of property, unless same shall be placed on open racks that are elevated not less than eighteen (18) inches above the ground, and evenly piled or stacked so that such material will not afford harborage for rats.

Chapter 4-8 Dangerous Buildings

4-8-1 Dangerous Buildings Defined. All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings."

A. Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

B. Those which, exclusive of the foundation, show thirty-three (33) percent or more of deterioration of the supporting member or members, or fifty (50) percent or more of deterioration of the non-supporting members or outside walls of covering.

C. Those which have improperly distributed loads upon the floors or roofs or which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

D. Those which have been damaged by fire, wind, or other natural deteriorating causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or future occupants.

E. Those which are so dilapidated, decayed, unsafe, insanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of its occupants or future occupants.

F. Those having light, air, and sanitation facilities which are inadequate or inoperable to protect the health, morals, safety, or general welfare of its occupants or future occupants.

G. Those having inadequate facilities for egress in case of fire or panic including those having insufficient stairways, elevators, fire escapes, or other means of escape.

H. Those which have parts thereof which are so attached that they may fall and injure members of the public or its occupants or future occupants.

I. Those which, because of their condition are unsafe, insanitary, or dangerous to the health, morals, safety, or general welfare of the people of this city.

J. Those buildings existing in violation of any provisions of the International Building Code adopted by this city, or any other provisions set forth in the ordinances of the City of Groton.

4-8-2 Standards for Repair, Vacation, or Demolition. The following standards shall be followed in substance by the building inspector and/or City Council in orderly repair, vacation, or demolition:
A. If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered repaired.

B. If the "dangerous building" is in such condition as to make it an immediate danger to the health, morals, safety, or general welfare of its occupants or future occupants, it shall be ordered vacated.

C. In any case where a "dangerous building" is fifty (50) percent or more damage, decayed, or deteriorated from its original construction, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of the City of Groton or the statutes of the State of South Dakota, it shall be demolished.

4-8-3 Dangerous Buildings - Nuisances. All "dangerous buildings" within the terms of section 4-8-1 of this ordinance are hereby declared to be public nuisance and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

4-8-4 Duties of Building Inspector. The City Council shall appoint a temporary or permanent building inspector. The designated building inspector shall:

A. Inspect or cause to be inspected at any time, all public buildings, schools, halls, churches, theaters, motels, tenements, commercial or manufacturing buildings for the purpose of determining whether any conditions exist which render such places a "dangerous building" within the terms of section 4-8-1 of this ordinance.

B. Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this ordinance.

C. Inspect any building, wall, or structure reported (as hereinafter provided for) by the Groton Area Fire Protection and Rescue District as probably existing in violation of the terms of this ordinance.

D. Notify, in writing, the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in said building as shown by the records on file at the Register of Deeds at the Brown County Courthouse, Aberdeen, South Dakota, of any building found by him to be a "dangerous building":
1. The owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this ordinance.
2. The occupant or lessee must vacate said building or may have it repaired in accordance with the terms of the notice and remain in possession;
3. The mortgagee, agent, or other persons having an interest in said building as shown by the records on file at the Brown County Courthouse, Aberdeen, South Dakota, may at his own risk, repair, vacate, or demolish

said building or have such work or act done; provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given reasonable time, not exceeding ninety (90) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

E. Set forth in the notice provided for in subsection D hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building" and an order requiring the same to be put into such condition as to comply with the terms of this ordinance within such length of time, not exceeding ninety (90) days as is reasonable.

F. Report to the City Council any noncompliance with the notice provided for in subsection D and E hereof.

G. Appear at all hearings conducted by the City Council and to testify as to the condition of "dangerous buildings."

H. Place a notice on all "dangerous building" reading as follows: "This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building and all other persons having an interest in said building as shown by the records on file at the Register of Deeds in the Brown County Courthouse, Aberdeen, South Dakota. It is unlawful to remove this notice until such notice is complied with."

4-8-5 Duties of City Council. The City Council shall:

A. Upon receipt of a report of the designated building inspector as provided for in section 4-8-4, subsection F hereof, give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the records on file at the Brown County Register of Deeds in the Brown County Courthouse, Aberdeen, South Dakota, to appear before the City Council on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for herein in section 4-8-4, subsection E.

B. Hold a hearing and hear such testimony as the designated building inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the records on file at the

Brown County Register of Deeds in the Brown County Courthouse, Aberdeen, South Dakota, shall offer relative to the "dangerous building."

C. Make written findings of fact from the testimony offered pursuant to subsection B as to whether or not the building in question is a "dangerous building" within the terms of section 4-8-1 hereof.

D. Issue an order based upon findings of fact made pursuant to subsection C commanding the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building to repair, vacate, or demolish any building found to be a " dangerous building" within the terms of this ordinance and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said "dangerous building" or any person not the owner of said building may demolish said "dangerous building" at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands.

E. If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection D hereof, within ninety (90) days, the City Council shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided for in section 4-8-2 of this ordinance, and shall with the assistance of the city attorney cause the cost of such repairs, vacation or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax roles as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner, which costs include attorney fees.

F. Report to the city attorney the names of all persons not complying with the order provided for herein.

4-8-6 Violations - Penalty for Disregarding Notices or Orders. The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate, or demolish said building given by the City Council and/or building inspector pursuant to this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred dollars ($500) for each offense for each and every day such failure to comply continues beyond the date fixed for compliance.

The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair said building in accordance with any notice given as provided for in this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding five hundred dollars ($500) for

each offense for each and every day such failure to comply continues beyond the date fixed for compliance.

Any person removing the notice provided for in section 4-8-4, subsection H hereof shall be guilty of a misdemeanor and upon conviction shall subject to the penalties established in this ordinance (11-1-1). The city attorney is hereby authorized to prosecute all persons failing to comply with the terms and notices provided for in this ordinance, appear at all hearings before the building inspector and/or City Council concerning "dangerous buildings", bring suit where appropriate to collect the costs in connection with the repair, vacation, or demolition of any " dangerous building," or to take any other such legal action as is necessary to carry out the terms and provisions of this ordinance.

4-8-7 Where Owner Absent from City. In cases where the owner, occupant, lessee, or mortgagee is absent from the city, all notices or orders provided for herein shall be sent by certified mail, return receipt, to the owner, occupant, mortgagee, lessee, and all other persons having an interest in said building as shown by the files and records at the Brown County Register of Deeds in the Brown County Courthouse, Aberdeen, South Dakota, to the last known address of each, and a copy of such notice has been posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service.
In all other cases, service of all notices or orders provided for herein can be served by a Police Officer for the City of Groton. Such police service shall be deemed adequate service.

4-8-8 Duties of Police Department. All employees of the police department shall make a report in writing to the building inspector or City Council of any buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this ordinance or to report any complaints received by the police department to the City Council or building inspector concerning any "dangerous buildings" within the City of Groton.

Chapter 4-9 Cemetery Regulations

4-9-1 Management. The Public Works Department shall be in control of managing the cemetery under the direction of the City Council.

4-9-2 Sale of Lots. Lots in the cemetery are sold subject to the rules adopted by the City Council and at a price fixed by the City Council adjusted from time to time, but no lot may be sold to a third party after it is sold to the original purchaser for more money than its original purchase price. No burial shall be permitted until the full purchase price for said lot is paid.

4-9-3 Grave Marking. The Public Works Department shall first mark out the boundary lines of said lot before digging commences. For this service there shall be a fee of $50.00 paid to the City and all costs in connection with the digging of a grave shall be the sole responsibility of the person or entity seeking the interment on said lot.

4-9-4 Vault Requirement. All casketed burials in the cemetery shall be made in a concrete box or vault which is impervious to the soil and animal intrusions.

4-9-5 Markers & Monuments. All markers or monuments shall be constructed of granite or cement supported by a granite or cement foundation. The placement of the markers or monuments must be marked by the Public Works Department. All lot owners or next of kin shall assume full, perpetual responsibility for the placement of the marker or monument and its maintenance.

4-9-6 Memorial Removal. The city shall not be responsible for articles placed on the lots and may remove, without notice, any article considered objectionable or detrimental to the aesthetic value, peace, or tranquility of the cemetery. Memorial Day wreathes and flowers may be placed on the graves/lots from May 20 to June 15. Memorials shall be moved next to the headstone after June 15 for ease of mowing. Memorials may be kept any place on the lot after June 15, if lot owners or next of kin keep the lot properly mowed and trimmed. Memorials shall be taken off the graves/lots September 7 each year by the owners or next of kin or it shall be removed by the City after that date. The memorials shall be discarded by the City.

4-9-7 Vehicle Operation. No driving of any vehicles shall be permitted in the city cemetery except upon driveways, except for work in connection with interment. The speed limit of ten miles per hour must be observed at all times by vehicles operating in the cemetery.

4-9-8 Vandalism Prohibited. No persons shall pick any flowers, break any trees, or shrubs or mar or deface any marker or monument within the cemetery unless he has permission of the Public Works Department or lot owner upon whose lot this conduct takes place.

4-9-9 Body Removal. No body shall be exhumed except by permission of the Department of Health or other proper public authorities with the consent in writing of the surviving husband or wife or next of kin of the person whose body is to be exhumed.

4-9-10 Perpetual Care Fund. There is hereby created a perpetual care fund which shall be permanently set aside in a trust fund and the income from said trust fund investment shall be used for the care and maintenance of said cemetery. Income from perpetual care investments shall be credited to the cemetery maintenance account as maintained within the municipal general fund. Income received from the sale of burial lots shall be credited to the cemetery maintenance account. The city may receive and take possession of any gifts, donations, devises, or legacies for such purpose of maintaining a perpetual care trust fund. The city may use the principle in said perpetual care trust fund for not only the care and maintenance of the cemetery but for purpose of acquisition of additional land to extend the boundaries of such cemetery or to acquire heavy machinery to maintain the cemetery including, but not limited to, opening, and closing graves. The principle utilized for these purposes in the perpetual care trust fund should not be drawn down below $25,000.00. The city may, but it is not required to, appropriate money from the general fund to be placed into the perpetual care trust fund from time to time, as needed. This section shall not subject the city to the provisions of Chapter 55-12 of SDCL.

4-9-11 Burial of Cremains. Cremains need to be buried at least 12 inches (with a recommendation of 18 inches) down from the top of the cremation container which is impervious to the soil and animal intrusions. The family will need to obtain a Human Remains Disposal Permit from the Brown County Courthouse, Register of Deeds in Aberdeen, SD or from an undertaker of their choice. There is a $50 burial marking fee assessed at the time of burial. The Public Works Department shall first mark out the boundary lines of said burial before digging commences. The area can be dug by the family or can be hired done.

Chapter 4-10 No Tolerance Zones.

4-10-1 No Tolerance Zones. The City Council may establish NO TOLERANCE ZONES in any building or vehicle under the ownership or direct control of the City of Groton. In such NO TOLERANCE ZONES, smoking, drinking of alcoholic beverages, use of illicit drugs, and the use of profanity is strictly prohibited. All such buildings or vehicles that are included in the NO TOLERANCE ZONES shall be marked in conspicuous places with signs indicating the buildings or vehicles in which the above prohibitions apply. Specially excluded from this Ordinance is any property owned by the City of Groton but leased to third persons and under their direct control.

Title 5: Licenses

Chapter 5-1 General Provisions
Chapter 5-2 Animals and Animal Control
Chapter 5-3 Junkyards and Wrecking Control

Chapter 5-1 General Provisions

5-1-1 License, Unlawful Without. It shall be unlawful for any person, persons, firm, or corporation to engage in any activity for which a license is required without first having obtained a license as hereinafter provided. The City Council may at any time expand the general provisions of this chapter by requiring any person, persons, firm, or corporation engaging in any trade, business, or occupation within the City of Groton which is not specified by this ordinance to obtain a license as deemed necessary.

5-1-2 Applications for License. Any person, persons, firm, or corporation requesting a license as herein provided, shall make written application to the City Council. The application shall state the name and address of the applicant, purpose of the activity, the length of time for which said license is requested, and the location at which said license will be used.

Except as otherwise provided, fees for all licenses shall be fixed by the City Council and filed with the finance office, and all license fees shall be paid in full at the time of application in such manner as approved by said council.

5-1-3 License Expiration. Any annual license granted under the provisions of this chapter shall expire on the 31st day of December next following the granting thereof, except as otherwise provided, and shall not be granted for any sum less than the annual rate, and there shall be no rebate on an early termination of the activity for which said license was issued.

5-1-4 Revocation. The City Council shall have the authority at any time after first giving notice and holding a public hearing on said matter, to suspend or revoke any license granted under the provisions of this chapter whenever the council shall be satisfied upon written complaint that the activity for which the license was issued, has been made or conducted in an improper or illegal manner, and in case of such revocation, the City Council may refund to the holder of such license such proportionate amount of money paid therefore as the council shall deem just. The licensee affected thereby has a right to appeal the decision of the City Council pursuant to section 5-1-8 of this ordinance.

5-1-5 Issuance of License. Except as otherwise provided all licenses shall be issued by the Finance Officer after the application has been approved by the City Council and the applicant shall have complied with all requirements for issuance of such license. Unless otherwise provided, all licenses shall be signed by the Finance Officer and shall have affixed thereto the official seal of the City of Groton.

5-1-6 Record of Licenses. The Finance Officer shall keep a record of all licenses issued by the city stating when, to whom, for what purpose, for what length of time, for what location the license was issued, and the amount of money paid for said license.

5-1-7 Approval of Bonds. Any bond, liability insurance, or deposit required shall be subject to the approval of the Finance Officer. If the Finance Officer deems the security inadequate, new, or additional security may be required; the license may be suspended pending the furnishing of such new or additional security, and if not furnished, the license may be revoked.

5-1-8 Appeal. Any person aggrieved by the action of the Finance Officer or the mayor in the denial of an application for permit or license, or through revocation of a license as provided in section 5-1-4 shall have the right of appeal to the City Council. Such appeal shall be taken by filing with the Finance Officer a written statement fully describing the grounds of the appeal within fourteen (14) days following the action complained of. The City Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant. The decision and order of the council on such appeal shall be final and conclusive unless within thirty (30) days thereafter, the person affected appeals to circuit court pursuant to SDCL 1-26.

Chapter 5-2 Animals and Animal Control

5-2-1 Cruelty to Animals. No person shall cruelly or immoderately beat, torture, or injure any domestic animal, overwork any working animal, or willfully maltreat or neglect in a cruel or inhumane manner any animal.

5-2-2 Birds. No person owning or having in his charge, control, or possession any pigeons, chickens or birds shall suffer, allow, or permit any of them to roam or fly at large within the city.

5-2-3 Dogs.

A. License. It shall be unlawful for any person or persons within the City of Groton to keep, maintain, or have custody or control of any dog without first having obtained a license to do so from the city Finance Officer as hereinafter provided and without having paid the license fee, therefore.

B. Application. Any person desiring to keep, maintain, or have custody or control of any dog, shall before the first day of January in each year make application to the city Finance Officer for a license to keep such dog; such application shall be in writing stating the name, sex, color, and other distinguishing characteristics of the dog and the name of the owner thereof, and that the dog has no vicious propensities so far as known to the applicant, which application shall be made on a printed blank furnished by the city Finance Officer and filed with the city Finance Officer. In addition, the applicant shall exhibit to the Finance Officer a certificate from a registered veterinarian showing that such dog has been inoculated against rabies and that such inoculation will be effective during the period for which the dog is licensed. Any dog licensed under six (6) months of age shall be inoculated upon reaching the age of six months.

C. Fee, Tag. The applicant shall at the time of making such application, pay to the city Finance Officer a license fee in the sum of five dollars ($5) for each neutered or sterilized male dog or spayed female dog, and a license fee in the sum of ten dollars ($10) for each unneutered or unsterilized male dog or unspayed female dog. It shall be the duty of the city Finance Officer at the time of the issuance of the license to furnish and deliver to said applicant a metallic dog tag upon which tag shall be stamped or engraved the registered number of the dog and the year when registered. It shall be the duty of the owner of the dog to place a collar around the neck of the dog or a harness on the dog on which shall be securely fastened a metallic dog tag so furnished by the city Finance Officer. In case of the loss of any tag so issued, the said city Finance Officer is authorized to issue a duplicate upon the payment of one dollar ($1) and upon proof that such tag has been lost. Any dog owner who fails to purchase a license for their dog shall be subject to fine as set in this ordinance (11-1-1).

D. Expiration. All dog licenses shall expire on the 31st day of December following the granting thereof, and shall be renewed by payment of the license fee as provided for in section 5-2-3 C prior to the expiration date; and if said license shall expire, then said applicant, in addition to payment of the regular dog license fee, shall pay an additional license fee of one dollar ($1) per day for the period of time from January 1st of each year up to the date of purchase, which date of purchase shall not extend beyond the 15th day of January of each year. Upon notification to a person of failure to

purchase a dog license as herein provided, said person shall have fifteen (15) days from the date of notification within which to purchase said dog license, pay the late filing fee of one dollar ($1) per day up to fifteen (15) days and to pay a ten-dollar ($10) penalty to the city Finance Officer. If said person shall fail to purchase said dog license upon notification as herein provided, a complaint may be made and filed for violating these ordinances.

E. Exceptions. The licensing provisions of this chapter shall not apply to dogs where the owners are nonresidents temporarily within the city, nor to "seeing-eye dogs" properly trained to assist blind persons when such dogs are actually kept for use by blind persons for the purpose of aiding them in going from place to place.

F. Dogs Muzzled. The mayor may, by proclamation, at any time, upon forty-eight (48) hours' notice published in the official newspaper of the City of Groton, order that all dogs in the city shall be muzzled in such a manner as to make it impossible for said dogs to bite any person, other dog, or other animal.

5-2-4 Dogs and Other Animals at Large.

A. It shall be unlawful for any person or persons to permit or suffer to run at large within the limits of the City of Groton any dog, cat, or other animal, whether licensed or unlicensed, and any Police Officer or person of proper authority is hereby authorized and empowered to impound any such dog or animal found running at large in violation of the provisions of this section and subject to fine as set in this ordinance (11-1-1).

B. Any animal shall be deemed running at large within the meaning of this section when such animal is not confined upon the premises of its owner or on a leash in the hands of some attendant, or unless such animal, if loose, is accompanied by its owner or attendant.

5-2-5 Animals Disturbing the Peace.

A. No person owning any dog, cat, or other animal, licensed or unlicensed, confined on the premises or otherwise, shall permit such animal to disturb the peace and quiet of the neighborhood by making loud and/or unusual noises.

B. Upon signed complaint at the police department that any person is keeping or harboring any dog, cat, or other animal which disturbs the peace as herein set forth, it shall be the duty of said police department to notify the owner of said animal in writing of said complaint, and after such owner has been given forty-eight (48) hours' notice of such habit, any Police Officer or person of proper authority is hereby authorized and empowered to go

upon the premises and impound such dog, cat, or other animal so disturbing the peace if said act continues.

C. In addition to the costs of impounding of such animal or other penalties prescribed, the owner thereof shall be subject to a fine not to exceed five hundred dollars ($500).

5-2-6 Vicious or Dangerous Animals. If any dog or cat or other animal is of a vicious disposition or has dangerous habits, the police shall attempt to notify in writing the owner of or keeper of such dog, cat, or other animal to confine such dog, cat, or other animal and thereafter the police are authorized, empowered, and directed to kill or cause to be killed such dog, cat, or other animal whether found running at large or upon the premises of the owner of such dog, cat, or other animal forthwith, and without impounding such animal for the immediate protection of the citizens of Groton.

5-2-7 Citizens May Impound Animals. The chief of police or other Police Officers may receive from any citizen and convey to the animal control shelter any animal found by said citizen running at large contrary to the provisions of this chapter, and in such case, the provision of this chapter shall apply the same as if said animal had been found and impounded by the chief of police or the officers.

5-2-8 Impoundment by Police. The chief of police is hereby authorized to employ, whenever he deems it necessary, a sufficient number of persons to capture and convey to the animal control shelter, and care for, kill, and dispose of in the manner provided for in this chapter, all dogs, cats, or other animals found running at large contrary to the provisions of this chapter. All dogs, cats, or other animals captured and conveyed to the animal control shelter as established by the city, shall be kept with humane treatment and supplied with sufficient food and water for a period of at least forty-eight (48) hours unless sooner reclaimed by the owner or keeper thereof as provided in this chapter.

5-2-9 Redemption of Animal from Shelter. When the owner or keeper of any dog, cat, or animal impounded shall desire to redeem any dog, cat, or animal at the animal control shelter, such dog or cat or animal may be released upon the payment to the person in charge of such animal control shelter, or to the Police Officer in charge, or to the city Finance Officer, the sum of fifty dollars ($50) for the dog, cat or animal impounded, plus the cost of keeping said dog, cat, or animal at the rate of ten dollars ($10) per day; and the person in charge of animal control shelter shall thereupon release such animal to the owner or keeper. All fees collected are to be remitted to

the city Finance Officer for deposit in the general fund as soon as reasonably possible after collection of the same.

5-2-10 Sale of Impounded Animals. It shall be the duty of the person in charge of the animal control shelter before destroying any dog, cat, or animal under the provisions of this chapter, to attempt to sell said dog, cat, or animal at a private sale to any person who is willing to pay a sufficient sum to reimburse the city for all expenses of keeping said animal and the fees provided herein.

5-2-11 Destruction of Unclaimed Animals. At the expiration of forty-eight (48) hours from the date of impounding a dog, cat, or animal, if the owner or keeper thereof shall fail or refuse to comply with the provisions of this chapter for the release of the same and after the provisions of section 5-2-10 fail, it shall be the duty of the person in charge of the animal control shelter or the chief of police to destroy such dog, cat, or animal and cause it to be removed and properly buried; provided that the owner of licensed animals shall have twenty-four (24) hours' notice in writing after the expiration of the forty-eight (48) hours, before the same shall be destroyed.

5-2-12 Quarantine. The owner of any animal which has contracted rabies, or which has been subjected to the same, or which is suspected of having rabies, or which shall have bitten any person, shall, upon the demand of the police department or the health department produce and surrender the animal to the department to be held in quarantine for observation for a period of not less than ten (10) days. If examination of any animal shall prove it to be infected with any rabies, such animal shall be disposed of as directed by an officer of such department or licensed veterinarian. The owner of any animal so quarantined shall pay all costs and expenses incurred by the city during the quarantine period for maintenance and examination of such animal including veterinarian expenses.

5-2-13 Removal of Excrement. It shall be unlawful for any person who possesses, harbors, or is in charge of any dog, cat, or animal not to immediately remove excrement deposited by said dog, cat, or animal upon a common thoroughfare, street, sidewalk, play area, park, or upon any other public property, or upon any private property when permission of the owner or tenant of said property has not been obtained, and such is hereby declared to be a public nuisance and prohibited.

5-2-14 Ignorance of the Law is No Excuse. In any proceeding for violation of the provisions of this chapter relating to dogs, cats, or other animals, the use of the words "permit or suffer" shall not be construed as

making ignorance a defense, and the knowledge or lack of knowledge of the person or persons committing the act of violating this chapter is immaterial.

5-2-15 Feral Cats.

A. Feral Cat means a cat that is born in the wild or is the offspring of an owned or feral cat and is not socialized or is a formally owned cat that has been abandoned and is no longer socialized.

B. Feral Cat Colony means a group of cats that congregate, more or less, together as a unit. Although not every cat in the feral colony may be feral, any non-feral cats that congregate with a colony shall be deemed to be part of it.

C. Harboring. The occupant of any premises on which an animal remains or to which it customarily returned daily for food and care for a period of ten (10) days is presumed to be harboring or keeping the animal within the meaning of this title.

The City of Groton or its designee, in order to encourage and stabilize the feral cat population within the City shall have, in addition to any other rights and powers provided pursuant to state statute, the right to trap in a humane manner and remove any feral cats that:

1. Have not been vaccinated against rabies or which are demonstrating signs of disease.
2. If a feral cat is demonstrating signs of having rabies, or has an illness or injury that presents an imminent danger to the public health or safety, or to its own person, the cat shall be humanely destroyed.
3. Are not sterilized.
4. Have bitten or injured a person or domestic pet.
5. Pose any other public health or public safety concerns.

No person within the City of Groton shall harbor, keep, or feed any stray animals, including dogs or cats. Animals known to be a stray, shall be immediately reported to the City Office or Groton Police Department.

Chapter 5-3 Junkyard and Wrecking Control

5-3-1 Definitions. The term "junk yard" is hereby defined to mean any business for the sale, purchase or storage of salvage material, goods, wares, or merchandise and secondhand goods, including motor vehicles and accessories for motor vehicles or a salvage or wrecking yard or store.

The term "junk dealer" shall mean any person, persons, firm, or corporation engaged in the above defined operation of a junk yard.

5-3-2 License Required. No person shall engage in business as a junk dealer or operate a junk yard within the City of Groton or within one (1) mile thereof without first having secured a license.

5-3-3 Revocation of License. The City Council shall have the right to revoke any license granted under this chapter if it determines upon investigation and after notice and public hearing that the licensee has violated any of the provisions of this chapter, provided that notice of the hearing shall be served upon the licensee named in the license at least five (5) days before the hearing, either by personal service of a copy of the notice or by mailing a copy of the same to the person at the address given in the application. Should any license granted under this chapter be revoked, no refund of the license fee shall be made.

5-3-4 Daily Record of Purchases. Every junk dealer shall keep a daily written record of all articles and quantities purchased by him setting forth the name, residence, age, and occupation of the person from whom each article or articles were purchased and the name of the employer of such person, the date and hour the purchase was made, the price paid, and such other information as the chief of police with the approval of the City Council shall require. Such record shall at all times be opened for the inspection of Police Officers or any officer of the law to make investigation and also for securing evidence in connection with any violation of law.

5-3-5 Junk Yard to be Fenced. If located inside or outside the city limits and within one (1) mile thereof, the entire business including buying, selling, and storing must be conducted within a fence obstructing view of the junk yard at least ten (10) feet high, and said business and fence must be located at least thirty (30) feet from any public highway leading into the city.

5-3-6 One Day Storage. No goods, material, wares, merchandise, motor vehicles, or accessories for motor vehicles or any salvage goods, wares, merchandise, or materials including used electrical and/or gas appliances of all descriptions shall be kept, stored, or placed for a longer period than one (1) day outside of such building or fence.

5-3-7 Penalty. Any person, firm, or corporation violating this ordinance shall be fined according to the penalties described in this ordinance (11-1-1). Every day of such violation shall constitute a separate and distinct violation.

5-3-8 Purchasing Junk from Minors. It shall be unlawful for any person or persons, firm, or corporation to purchase or receive from any person under the age of eighteen (18) years any article, goods, or things commonly known and classed as junk, any bottle, pipe or pipe fittings, lead, iron or brass, tools or implements, or any goods or wares of secondhand character, or any rubber, overshoes, boots, or rubber goods of any nature, either secondhand or new, without the written consent of such minor's parent or guardian, which writing shall be kept by such person or persons, firm, or corporation and be subject to the inspection of any Police Officer of the City of Groton.

Title 6: Offenses

Chapter 6-1 Offenses against Public Welfare
Chapter 6-2 Offenses as to Public Places
Chapter 6-3 Offenses as to Property
Chapter 6-4 Fireworks, Firearms, and Explosives
Chapter 6-5 Minors

Chapter 6-1 Offenses Against Public Welfare

6-1-1 Disturbing the Peace. No person shall disturb the peace of the city or any person by violent, tumultuous, or offensive conduct, or by loud or unusual noises or by profane, obscene, indecent, violent, or threatening language, or by assaulting, striking another person, or attempting to assault or strike another person, or inviting or defying another person to fight or quarrel, or by willfully and maliciously destroying or attempting to destroy or injure any property belonging to another, or by engaging in a fight with another.

6-1-2 False Emergency Alarms Prohibited. No person shall knowingly make or give any false alarms of fire or other emergency by calling or causing to be called the fire department, the police officers, or any authorized emergency vehicle.

6-1-3 Depositing Litter. It shall be unlawful for any person, firm, corporation, or business to dump, deposit, drop, throw, discard, leave, cause, or permit the leaving of litter upon any public or private property within the City of Groton or upon private property owned by the City of Groton except as allowed in 4-1-13. Litter includes, but is not limited to any garbage, trash, refuse, debris, rubbish, newspapers, magazines, glass, metal, plastic or paper containers or other packaging, construction material, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, or anything else of an unsightly or unsanitary nature.

Chapter 6-2 Offenses as to Public Places

6-2-1 Crowds Obstructing Streets. It shall be unlawful for persons to stand on any public street or sidewalk in such manner as to obstruct free passage thereon, or to annoy other persons passing along the same. Any Police Officer is authorized to disperse any crowd or group or to cause the removal of any person violating the provisions of this section, and to summarily arrest any person in case of refusal to obey any reasonable direction given by such officer for the purpose of clearing the way or preventing annoyance to any passerby on any public street or sidewalk.

6-2-2 Prohibiting Persons from Taking or Carrying Opened Containers of Alcohol in Public Places. No person shall take, carry, or have in his possession upon a street, alley, sidewalk, or public grounds of the city any opened can, bottle, or other container in which there shall be any quantity of beer or other alcoholic beverage unless allowed by a temporary permit issued in accordance with SDCL Title 35 as amended.

6-2-3 Goods on Sidewalk. No person shall place any goods or merchandise for sale or exhibition upon any sidewalk, except that such articles may be placed upon the outer side of the sidewalk for such time as may be necessary to load or unload the same, but on no instance shall any such article be left upon the sidewalk in the nighttime or in such as to obstruct the sidewalk.

Chapter 6-3 Offenses as to Property

6-3-1 Malicious Mischief. It shall be unlawful for any person to willfully or maliciously deface, injure, remove, or destroy any personal property, real property, building, or other thing within the City of Groton.

6-3-2 Injuring Signs. No person shall deface, remove, change, mar, or in any way interfere with or obliterate either wholly or in part any sign, signboard, or card placed, posted, extended, or erected by the city.

6-3-3 Disturbing Birds. It shall be unlawful for any person to willfully or maliciously kill or wound any bird or birds within the public parks or streets of the City of Groton, or to willfully or maliciously rob or destroy the nest of any bird located within the public parks or streets of the City of Groton.

6-3-4 Unauthorized Connection with Gas, Water, or Electrical Pipe or Wire. No person shall, without lawful authority, connect with any main service line, pipe, wire, or other device for the purpose of obtaining gas, water, or electrical current there from. No person shall, with intent to

defraud, interfere with any meter installed to register the full amount of gas, water, or electricity supplied to any customer.

6-3-5 Interference with City Property. No person shall climb or in any manner interfere with any building, water tower, or structure belonging to the city, without being authorized to do so by the city; and no person shall in any manner injure or deface any such structure.

Chapter 6-4 Fireworks, Firearms, Weapons and Explosives

6-4-1 Discharge of Weapons. It shall be unlawful for any person, except a police officer in the performance of an official act, to discharge or fire any gun, air rifle, sling shot, crossbow, bow and arrow, or other dangerous weapon within the city limits of the City of Groton.

6-4-2 Fireworks. It shall be unlawful for any person to sell, keep for sale, or offer for sale to any person in the City of Groton any firecrackers, Roman Candles, rockets, or other fireworks or explosives from which firecrackers, blank cartridges, or other fireworks may be made or manufactured.

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

No person shall discharge or shoot any fireworks or firecrackers of any kind, within the City of Groton. Public display of fireworks is permitted at any time with the written consent of the City Council.

Chapter 6-5 Minors

6-5-1 Curfew. It shall be unlawful for any boy or girl under the age of seventeen (17) years to be on the streets, alleys, or public grounds of the City of Groton between the hours of 11:00 p.m. and 6:00 a.m., on Sunday - Monday, Monday - Tuesday, Tuesday - Wednesday, Wednesday - Thursday, or Thursday - Friday; and between the hours of 12:30 a.m. and 6:00 a.m. on Friday - Saturday or Saturday - Sunday unless accompanied by some person of majority age having lawful custody or control over said minor or unless on some errand by permission or direction of his or her parents, guardian, or employer. He or she while on such errand shall not loiter on

the way or make any undue noise by shouting or yelling or otherwise disturbing the peace and quiet of the city.

6-5-2 Penalty. Any boy or girl who violates any of the provisions of section 6-5-1 shall be subject to arrest by any police officer or any citizen without process. Upon such arrest, he or she shall be taken and delivered into the hands of his or her parents or guardian. Upon a second or any subsequent arrest, such offender shall be taken by such police officer or person and presented to the circuit court of Brown County to be handled and punished as provided by law. Any parent or guardian or any person having lawful custody or control of any minor under the age of seventeen (17) years who shall allow, or permit said minor to violate the provisions of this chapter shall upon conviction thereof be subject to the penalties established in this ordinance (11-1-1).

Title 7: Flood Zone

Chapter 7-1 Flood Zone
Chapter 7-2 Flood Hazard Reduction

Chapter 7-1 Flood Zone

7-1-1 Definitions. Terms used in this chapter unless the context otherwise plainly requires, shall mean:

A. Appeal - a request for a review of the Finance Officer interpretation of any provisions of this ordinance or a request for a variance.

B. Area of Shallow Flooding – means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet low.

C. Area of Special Flood Hazard - the land in the flood-plain within a community subject to a one percent or greater chance of flooding in any given year.

D. Base Flood - the flood having a one percent chance of being equaled or exceeded in any given year.

E. Basement – any area of the building having its floor sub-grade (below ground level) on all sides.

F. Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment of materials located within the area of special flood hazard.

G. Existing Manufactured Home Park or Subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 1, 1990.

H. Expansion to Existing Manufactured Home Park or Subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

I. Flood or Flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from:
1) The overflow of inland or tidal waters and/or
2) The unusual and rapid accumulation or runoff of surface waters from any source.

J. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

K. Flood Insurance Study - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

L. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

M. Flood Zone Administrator – City Finance Officer

N. Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that

such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

O. Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

P. New Construction - structures for which the "start of construction" commenced on or after July 1, 1990.

Q. New Manufactured Home Park or Subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets) and completed after July 1, 1990.

R. Recreational vehicle - a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

S. Start of Construction - the date the building permit was issued for new construction or for substantial improvements, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

T. Structure - a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

U. Substantial Damage – damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

V. Substantial Improvement - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
1) before the improvement or repair is started, or
2) if the structure has been damaged and is being restored before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:
1) any project for improvement of the structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

W. Variance - a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

X. Violation – the failure of any structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without an elevation certificate, other certificates, or other evidence of compliance required in Section 60.3 (b)(5), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

7-1-2 Lands to Which Flood Zone Applies. This title shall apply to all areas of special flood hazard within the jurisdiction of the City of Groton identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study" for the City of Groton dated March 18, 2008, with an accompanying Flood Insurance Rate Map (FIRM) (Panel number 46013C D Firm), is hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study and FIRM are on file at the City Finance Office, 209 N Main, Groton, South Dakota.

7-1-3 Development Permit. A development permit shall be obtained before construction of development begins within any area of special flood hazard established in 7-1-2, application for a development permit shall be made on forms furnished by the Finance Officer and may include, but not be limited to:
Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

B. Elevation in relation to mean sea level to which any structure has been floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet floodproofing criteria in 7-2-5; and,

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

7-1-4 Application. In the interpretation and application of this title, all provisions shall be:
A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body;

C. Deemed neither to limit nor repeal any other powers granted under State statutes.

D. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Groton, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made thereunder.

E. The Finance Officer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. Duties of the Finance Officer shall include, but not be limited to:

1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

2. Review all development permits to determine that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required.

3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 7-2-7 A. are met.

4. When base flood elevation data has not been provided, the Finance Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any source and require that new construction, substantial improvements, or other development in Zone A are administered in accordance with 7-2-4, 7-2-5, & 7-2-6.

5. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

6. For all new or substantially improved floodproofed structures:

a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.

b. Maintain the floodproofing certificates required in 7-1-3 C.

7. Maintain for public inspection all records pertaining to the provisions of this ordinance.

8. Alteration of Watercourses:

a. Notify adjacent communities and the South Dakota Department of Environment and Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

9. Interpretation of FIRM Boundaries, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in 7-1-4 F.

10. Maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

F. The Groton City Council, as established by the City of Groton, shall hear, and decide appeals and requests for variances from the requirements of this ordinance.

1. The Groton City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Finance Officer in the enforcement or administration of this ordinance.

2. Those aggrieved by the decision of the Groton City Council, or any taxpayer, may appeal such decisions to the Brown County Circuit Court as provided in SDCL 1-26.

3. In passing upon such applications, the Groton City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
a. the danger that materials may be swept onto other lands to the injury of others;
b. the danger of life and property due to flooding or erosion damage;
c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
d. the importance of the services provided by the proposed facility to the community;
e. the necessity to the facility of a waterfront location, where applicable
f. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
g. the compatibility of the proposed use with the existing and anticipated development;
h. the relationship of the proposed use to the comprehensive plan and floodplain management program for hat area;

i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
j. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets, and bridges.

4. Upon consideration of these factors and the purposes of this ordinance, the Groton City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

7-1-5 Variances. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 7-1-4 F.3.a.-k. have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
Variances shall only be issued upon:

A. a showing of good and sufficient cause;

B. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

C. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in 7-1-4 F. 3. or conflict with existing local laws or ordinances.

Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be

commensurate with the increased risk from the reduced lowest floor elevation.

Chapter 7-2 Flood Hazard Reduction

7-2-1 Anchoring. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads. All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

A. over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side.

B. frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;

C. all components of the anchoring system be capable of carrying a force of 4,800 pounds; and

D. any additions to the manufactured home be similarly anchored.

7-2-2 Construction Materials and Methods. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage; using methods and practices that minimize flood damage; with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

7-2-3 Utilities. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

7-2-4 Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation unless the properties have received a Letter of Map Amendment or Letter of Map revision, and all FEMA regulations are complied with.

7-2-5 Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall: be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water; have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in 7-1-4 E.
6. Properties that have received a Letter of Map Amendment or Letter of Map Revision based upon fill must comply with all FEMA regulations.

7-2-6 Manufactured Homes. Manufactured homes shall be anchored in accordance with 7-2-1. All manufactured homes or those to be substantially improved shall conform to the following requirements:
A. Require that manufactured homes that are placed or substantially improved on a site,

1) outside of a manufactured home park or subdivision,

2) in a new manufactured home park or expansion to an existing manufactured home park or subdivision, or

3) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. Require that manufactured homes that are placed or substantially improved on sites in existing manufactured home parks or subdivision that are not subject to the provisions in (A) above be elevated so that either

1) the lowest floor of the manufactured home is at or above the base flood elevation, or

2) the manufactured home chassis is supported by reinforced piers or other foundation elements that are not less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

7-2-7 Floodway. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If 7-2-7 A. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of 7- 2.

7-2-8 Application of Building Codes to Foundation Drainage. Drain tile shall be installed around the inside and outside of all concrete, masonry, or wood foundations of structures that retain earth and enclose habitable or useable spaces located below grade. Drain tile shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system to include a sump tank. Washed pea rock shall extend at least 6 inches on both sides of the drain tile on both the inside and the outside of the foundation footing to include at least 6 inches of pea rock on the top and bottom of the drain tile. The drain tile or "form a drain" shall be of an approved quality constructed for drainage purposes of at least 2½ inches in diameter and properly laid and connected to the sump tank. The sump tank shall be at least 24 inches in diameter and shall extend at least 24 inches below the bottom of the basement floor and shall be capable of mechanical drainage to remove all accumulated water. The drainage system shall be constructed in such a way as to discharge into an approved storm sewer system or to daylight. Before any concrete basement floor is poured or the foundation backfilled, the drainage system shall be inspected by the appropriate city personnel.

Title 8: Utilities

Chapter 8-1 Utilities, General
Chapter 8-2 Adoption of State and National Plumbing Code
Chapter 8-3 Sewers
Chapter 8-4 Water
Chapter 8-5 Electricity

Chapter 8-1 Utilities, General

8-1-1 Customer Defined.

Residential Customer - One who lives in at least 75% of the location where utility service is provided or provides long-term living space for others (apartment houses).

General Service Customer - Any customer who is not a residential customer, such as operation of a business, care services, place of worship, storage structure, etc.

Electric Demand Customer - Any general service customer who uses 25 KW or over during any given monthly billing period.

8-1-2 Application. Any consumer desiring any utility service furnished by the city, including water, sewer, or electricity, shall make application for the same to the City Council. Such application shall contain the applicant's name, address, and the uses for which such service is desired. A separate application shall be made for each premises to be served. The applicant shall abide by the rules and regulations established by the city relative to utility service in effect at the time of such application and as revised from time to time in addition to conditions and agreements as the City Council shall deem advisable.

8-1-3 Deposit. Any applicant for City utility service shall make a cash deposit in an amount set by the City Council. The deposit is also an indemnity against theft, misplacement, or injury to city equipment. The deposit shall be returned when the consumer shall give due notice of discontinuing utility service and is free from indebtedness to the city.

8-1-4 Rates. Rates for the use of utilities furnished by the City shall be established by Ordinance by the Groton City Council.

1. Initial Hookup Fees:
Electric - $250.00
Water - $375.00
Wastewater - $375.00

2. Service Disconnection and Reconnection Fees:
Electric - $50.00
Water - $50.00
Disconnection or Reconnection must be done under the supervision of City personnel and have the fees paid before monthly charges are discontinued.

3. Penalties:
Ten percent (10%) of all utility charges (excluding sales tax) on all accounts paid after the 25th of the month following the billing date.

4. Water Rates:

The schedule of rates governing Residential or General Service Consumers of water in the City of Groton which follows is to be used for billing on a monthly basis throughout each year. Each water service is figured independently from any other water service at each customer's location.

a. Residential and General Service Water Customers

Meter Charge: $9.62 plus
Minimum charge: $23.65 per month which includes 0-2,000 gallons
Anything over 2,000 gallons $8.35 per 1,000 gallons

Plus, Water Surcharge: $11.50 per customer who receives or benefits from the new water tower (this surcharge is to be implemented whether or not the water is capped, to be removed in July of 2049)

Plus, Water Surcharge: $7.85 per customer who receives or benefits from the water system (this surcharge is to be implemented whether or not the water is capped, to be removed in July of 2051). Residents who qualify for Section 4c are not required to pay this surcharge.

b. Bulk water rate: $10.00 per 1000 gallons

c. Residential Low-Income Discount

A $9.62 per month discount will be allowed on the meter charge of residential consumers for a period of 12 months (from January to December) if the consumer provides proof that the family is eligible to receive low-income fuel assistance (LIEAP).

d. Residential or General Service consumers found to be using unmetered water furnished by the City of Groton water system shall be disconnected until a meter is installed by the property owner.

5. Sewer:
Sewer fees will be based on the average water usage during November, December, January, February, March and April. This charge will be discontinued only if the water line has been capped.

Minimum Bill - $20/month includes 1-2,000 gallons
Next 5,000 gallons - $3.25/1,000 gallons
Over 7,000 gallons - $2/1,000 gallons

6. Solid Waste:
$16.50 monthly
This charge will be discontinued only if the water line has been capped.

7. Electricity:
The schedule of rates governing consumers of electricity in the City of Groton which follows is to be used for billing on a monthly basis throughout each year. Each electric service is figured independently from any other electric service at each customer's location.

Schedule A - Load Management Participating Electric Residential Rate

- Base Bill - $25/month
- All kwh at $.107/kwh

Schedule B - Interruptible Power (Dual Heat & Heat Storage Units) Participating Electric Residential Rate

- Heat Meter - All kwh at $.055/kwh
- Minimum charge- $10.00/month- November-April

Schedule C - Geothermal/Heat Pump (with Minimum 10 KW Resistance Backup) Electric Heat Rate

- Heat Meter - All kwh at $.085/kwh
- Minimum charge- $10.00/month- November-April

Schedule D - Load Management Participating Single Phase General Services Electric Rate

- Base Bill - $35/month
- All kwh at $.107/kwh
- Any demand over 25KW will be charged $14/KW (highest 15-minute demand established in current month) and all kwh will be at $.085/kwh

Schedule E - Load Management Participating Three Phase General Services Electric Rate

- Base Bill - $70/month
- All kwh at $.107/kwh
- Any demand over 25KW will be charged $14/KW (highest 15-minute demand established in current month) and all kwh will be at $.085/kwh

Schedule F - Interruptible Power General Service Electric Rates

- Base Bill: $35/month for single phase service
- Base Bill: $70/month for three phase service
- All kwh at $.055/kwh

Schedule G - General Service Capacity Charge Rate

- Minimum Bill - $2
- All KVA at $.11/KVA

Schedule H - Load Management Nonparticipating Electric Customer Rate

- 150% of their Participating Rate Class Schedule

Schedule I - Load Management Controlled Electric Hot Water Heaters

- $2.00/month credit

Schedule J - Load Management Controlled Electric Air Conditioner (Not on Interruptible (Dual Heat) Power Rate

- $7/month credit on June, July, & August billings

Schedule K - Security Lights

- $10/month per unmetered light
- $3/month per metered light
- $20/month for 400-watt directional light
- Disconnection or Reconnection Fee - $50

Schedule L - Heat Storage Unit Payback

- Minimum Bill $25
- All kwh on HSU meters at $.01/kwh

8-1-5 Consumer's Bills. Utility bills become due and payable upon receipt. If not paid by the 25th of the month, they become delinquent. If the bill remains unpaid on the 25th day of the month in which it becomes due, the consumer is notified by mail that if the account is not paid in full ten (10) days from the date of notice, disconnection of service will be

effected without further notice, unless the consumer requests a hearing before the City Council to answer as to why the bill has not been paid. The City Council may at its discretion enter into agreements with consumers as to mutually satisfactory payment plans for delinquent bills. Should no payment plan be reached or the delinquent consumer fails to show cause why service should not be terminated, the City Council shall order that the service be terminated without further notice to the consumer. Termination of service may be accomplished at any time, day, or month of the year for cause as determined by the City Council.

8-1-6 Restoration of Service. All utilities disconnected for nonpayment must pay a reconnect fee as set by the City Council plus payment in full of the account before any utilities will be reconnected. Reconnections will be made only during business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday. Utilities voluntarily disconnected shall also require a reconnect fee as set by the City Council and on file in the office of the Finance Officer.

8-1-7 Owner, Lessee Liable. The owner of property, which is serviced by municipal utilities from the city, shall, as well as the lessee or occupant of the property, be liable to the city for the utility bills and any fees associated with consumer bills shall equally apply. These liabilities may be recovered in an action against such owner, lessee or occupant or against any or all of them, jointly or severally.

8-1-8 Tampering with City Equipment. Should the city discover damage to its equipment or an attempt to tamper with such equipment or an attempt to falsify the amount of water, sewer, or electric current used, or the amount due the city for utility service, the city may serve notice upon the consumer of a hearing that is to be held where the consumer may show cause why service should not be discontinued. This notice shall state the reason for the hearing and the time and place it is to be held. Should the City Council find that a violation of this section has occurred and that there is no justification for said violation, the City Council may order immediate termination of service and service shall be reinstated only upon conditions established by the City Council.

8-1-9 User Responsible for Operation and Maintenance of Water and Sewer Lines. Each occupied residence must have a usable water and sewer service. The City of Groton shall be responsible for the maintenance and proper operation of the water and sewer mains only. Any other water or sewer line, including the corporation valves attached to the mains, shall be the exclusive responsibility of the property owner. All owners must, at their own expense, keep their service pipe, from the point of connection to the main, and all other equipment in good working order and properly protected

from frost and other damage. The water superintendent may determine if corporation valves, which are no longer working properly need, to be replaced. Thirty (30) days after written notice from the water superintendent, if the shut-off valve has not been replaced, the water superintendent shall cause such repairs to be made and the cost of these repairs shall be assessed against the property. In the event that a property owner must excavate to repair a line, it shall be his responsibility to fill in such excavation to the satisfaction of the city. It shall be the responsibility of the city to replace the pavement displaced by such excavation at the cost of the property owner.

8-1-10 City Not Liable for Damage. No claim shall be made against the city by reason of the breaking of any service pipe or equipment, or for any other damage that may result from shutting off water for repairing or any other purpose, or for any variation in pressure, or ram of water from mains, and no reduction will be made from regular rates because of leaking pipes or fixtures. The city shall not be liable for damage or injury to person or property whether caused by fire, interruption of service, downed lines, blackouts, brownouts, discontinuance of service, or other utility-related problems which shall arise from mechanical breakdowns, electricity supply reductions, and act of God, or other cause beyond the control of the city.

8-1-11 Bankruptcy of Consumer. Notwithstanding any provision in Title 8 of this ordinance, the City of Groton may not alter, refuse, or disconnect service to, or discriminate against, the trustee or a debtor in bankruptcy solely on the basis that a debt is owed by the debtor to the city for service rendered before the bankruptcy petition is filed. The City of Groton may disconnect service if neither the trustee or the debtor in bankruptcy, within twenty (20) days after the date of the bankruptcy petition is filed, furnishes adequate assurance of payment, in the form of a deposit or other security, for service after such date. The amount of such deposit shall be determined by the city Finance Officer. On request of a party in interest and after notice and a hearing, the court may order reasonable modification of the amount of the deposit or other security necessary to provide adequate assurance of payment.

8-1-12 Powers and Authority of Inspectors. Superintendents and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties upon reasonable notice for the purposes of inspection, observation, measurement, sampling, and testing pertinent to utility service to the community system in accordance with the provisions of this title.

8-1-13 Utilities to Nonresidents. The City may provide utilities and a delivery system to areas outside of the city limits to include both residential or general service use provided that the City complies with all state laws and regulations in doing so. All nonresident users of the City's utilities and delivery systems shall agree in writing to be bound by all of the above ordinance in Title 8-1.

8-1-14 Regulation the Installation of Utility Wires, Cables, Lines, Pipes, Conduits, and of the Like. All utility wires cables, lines, pipes, conduits, and the like installed in the city shall be regulated pursuant to the national electric code or the national plumbing code adopted in the below ordinances but, at all times, the forgoing utilities shall be buried underground at a minimum level of 18 inches below the surface level unless approved to be placed on elevated posts. Such installation shall first be approved by the City Coordinator and information provided to the City Coordinator that allows for the creation of or adding to a diagram, map, or plat of existing buried utilities on the City of Groton. No person shall be allowed to remove the buried utilities approved by the City coordinator unless first approved by the City Coordinator and appropriate changes made upon the diagrams, maps, or plats of the buried utilities on file at the city Coordinator's office in reference to buried utilities in the City. Any installer of utilities or the property owner to which utilities are supplied shall make application to the City Coordinator to gain a variance to these requirements which permission shall first be submitted in writing and obtained in writing from the City Coordinator. Any violation of this ordinance shall carry with it the assumption of all responsibility and risk for failure to meet the requirements hereof, i.e. damage to the utilities by third parties including the city officers, agents, and employees.

Chapter 8-2 Adoption of State & National Codes

8-2-1 Adoption of Plumbing Codes. There is hereby adopted by the City Council for the purpose of establishing rules and regulations governing plumbing as defined in this code including permits and penalties. The plumbing codes known as "The State Plumbing Code" as adopted by the South Dakota Plumbing Commission and "The National Plumbing Code" as adopted by the American Standards Association, being particularly the most recent editions thereof. And the whole thereof, excepting such portions as are hereinafter deleted, nullified, or amended. Each code is hereby adopted and incorporated as fully as if set out at length herein and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling pertaining to plumbing, as defined in this code, within the corporate limits of the City of Groton, but in the event provisions of the

National Plumbing Code are in conflict with provisions of the State Plumbing Code, provisions of the State Plumbing Code shall prevail.

8-2-2 Adoption of Electrical Code. There is hereby adopted by the City of Groton for the purpose of establishing rules and regulations to govern the use of electricity for light, heat, power, radio, and for other purposes that certain electrical code known as the National Electrical Code, recommended by the National Board of Fire Protection Assoc., being particularly the most current edition thereof and the whole thereof, save and except such portions as are hereafter deleted, modified, or amended. The same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provision thereof shall be controlling within the corporate limits of the City of Groton.

8-2-3 Enforcement. The administration and enforcement of this ordinance shall be the duty of the City Council who is hereby authorized to take such actions as may be reasonably necessary to enforce the purposes of the state and national codes. Such persons may be appointed and authorized as assistants or agents of such administrative authority as may be necessary to carry out the provisions of the codes.

8-2-4 Repeal and Interpretation. All ordinances or parts of ordinances in conflict with the provisions of the State Plumbing Code are hereby repealed, and in the event any ordinance or part of ordinance of the City of Groton is inconsistent in any manner with the provisions of said State Plumbing Code, then in that case the provisions of the State Plumbing Code shall govern.

Chapter 8-3 Sewers

8-3-1 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

Biochemical Oxygen Demand. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standards of laboratory procedures in five (5) days at twenty (20) degrees Centigrade, expressed in milligrams per liter.

Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from the soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building

sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

Combined Sewer. A sewer intended to receive both wastewater and storm or surface water.
Easement. An acquired legal right for the specific use of land owned by others.

Floatable Oil. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Industrial Wastes. The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary waste.

May. Whenever the word "may" appears, it is permissive.

Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Person. Any individual, firm, company, association, society, corporation, or group.

pH. The logarithm of the reciprocal of the hydrogenion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogenion concentration of 10-7.

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

Public Sewer. A common sewer controlled by a governmental agency or public utility.

Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

Sewage. The spent water of a community. The preferred term is "wastewater."

Sewer. A pipe or conduit that carries wastewater or drainage water.

Shall. Whenever the word "shall" appears, it is mandatory.

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

Storm Drain or Storm Sewer. A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Superintendent. The superintendent of wastewater facilities, and/or superintendent of public works of the City of Groton, or his authorized deputy, agent, or representative.
Suspended Solids. Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

Unpolluted Water. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

Wastewater. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

Wastewater Facilities. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and disposes of the effluent.

Wastewater Treatment Works. An arrangement of devices and structures for treatment wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

8-3-2 Use of Public Sewers Required.

A. It shall be unlawful for any person to place, deposit, or permit to be placed or deposited in any unsanitary manner on public or private property within the City of Groton, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the City of Groton, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

D. The owner of a house or building, used for human occupancy, employment, or recreation, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within one hundred twenty (120) days after date of official notice to do so, provided that the public sewer is within two hundred (200) feet of the property line.

E. The procedure for determining equitable sewer charges to be levied on all users which discharge wastewater to the city wastewater system is established by ordinance and kept on file in the office of the Finance Officer.

8-3-3 Private Wastewater Disposal.

A. Where a public sanitary sewer is not available under the provisions the building sewer shall be connected to a private wastewater disposal system complying with the provisions.

B. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the

superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee of twenty-five ($25) dollars shall be paid to the city at the time the application is filed.

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

D. The type, capacity, location, and layout of a private wastewater disposal system shall comply with all the recommendations of the department of public health of the State of South Dakota. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 43,560 square feet (1 acre). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

F. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city. The city may notify the owner upon receipt of a complaint and the owner must comply within forty-eight (48) hours.

G. No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the health officer.

8-3-4 Sanitary Sewers, Building Sewers, and Connections.

A. No unauthorized person shall uncover, make any connections with or open into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

B. There shall be two (2) classes of building sewer permits: (1) for residential and commercial service; and (2) for service to establishments

producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee for a residential, commercial or industrial building sewer permit shall be paid to the city at the time the application is filed. The amount of the fee shall be set by resolution of the City Council, which is on file at the finance office.

C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

F. The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be use in excavating, placing of the pipe, jointing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or applicable rules and regulations of the city and the State of South Dakota. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in the appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

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

H. No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a

building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the superintendent and the South Dakota State Department of Health for purposes of disposal of polluted surface drainage.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, and the State of South Dakota, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

J. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the superintendent or his representative.

K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

8-3-5 Use of Public Sewers.

A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the superintendent and the South Dakota State Department of Health.

B. Stormwater other than that exempted and all other unpolluted drainage shall be discharged to such sewers as specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the South Dakota Department of Health. Unpolluted industrial cooling water or process waters may be discharged, on approval of the superintendent, to a storm sewer or natural outlet.

C. No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:

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

2. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard or adverse effect on the waters receiving any discharge from the treatment works.

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

3. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentration or quantities which will not harm either the sewers, the sludge of any municipal system, or the wastewater treatment process or equipment, nor have an adverse effect on the receiving stream, nor otherwise endanger lives, limb, public property, or constitute a nuisance. The superintendent may set limitations lower than the limitations established in the regulations below, if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the superintendent are as follows:

1. Wastewater having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees Celsius).

2. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.

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

4. Any garbage that has not been properly shredded (see section 8-3-1, definitions). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the superintendent for such materials.

6. Any waters or wastes containing odor- producing substances exceeding limits which may be established by the superintendent.

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

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

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

10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

E. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in of this chapter, and which in the judgment of the superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers;

3. Require control over the quantities and rates of discharge and/or;

4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this chapter. If the superintendent permits the pretreatment or equalization of waste flow, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and the South Dakota State Department of Health.

F. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in section 8-3-5(E) (3), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and the South Dakota State Plumbing Code, and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates and means of disposal which are subject to review by the superintendent. Any removal and hauling of the collected materials not performed by owner personnel must be performed by currently licensed waste disposal firms.

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

H. When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The structures shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

I. The superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

1. Wastewater's discharge peak rate and volume over a specified time period.

2. Chemical analyses of wastewaters.

3. Information on raw materials, processes, and products affecting wastewater volume and quality.

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

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

6. Details of wastewater pretreatment facilities.

7. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

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

K. No statement contained in this section (8-3-5) shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment.

8-3-6 Destruction of Property. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

8-3-7 Powers and Authority of Inspectors.

A. The superintendent and other duly authorized employees of the city

bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.

B. The superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage of competitors.

C. While performing the necessary work on private properties, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by the city employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required.

D. The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

8-3-8 Penalties.

A. Any person found to be violating any provision of this chapter shall be served by the city with written notice stating the nature of the violation and providing notice to the offender to permanently cease all violations within twenty-four (24) hours.

B. Any person who shall continue any violation beyond twenty-four (24) hours shall upon conviction thereof be subject to the penalties provided in this ordinance (11-1-1).

C. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violations, including attorney fees incurred to enforce these provisions.

Chapter 8-4 Water

8-4-1 Permit. Any person desiring water service from the city shall make application to the city Finance Officer and shall furnish a hookup fee in an amount set by the City Council with that application as evidence that he or she will comply with all ordinances pertaining to such service. Upon the filing of the application and the payment of the permit fee and deposit, a permit shall be issued authorizing the connection to be made at the place provided for therein. No tap shall be made until a permit is issued therefore.

8-4-2 Authorization Required to Tap Mains. No person shall be permitted to tap the distribution pipes or insert stop cocks or ferrules therein unless authorized by the water superintendent. No plumber or any other person shall make any attachment to any old pipe or water fixture on premises from which water has been off unless the city has reissued a permit for the same. Nor shall any plumber or other person make any alteration in any pipe or water fixture attached to the water works distributing pipes to conduct water into adjoining premises or into stables, baths, water closets, wash basins, cisterns, fountains, or for any other purpose whatever without application having first been made and written permit obtained. The plumber shall close the stop cock at the sidewalk at the completion of any job of plumbing work and return his permit.

8-4-3 Lead-Free Pipes. No person shall be permitted to connect to the city's water main, except existing connections, unless the consumer provides, at his own expense, copper pipe or pex tubing comparable to copper tube size, fitting and joints from the city's water main to the consumer's curb stop if it is an existing structure to which the after service is provided. If the consumer's existing water line connection needs to be repaired or replaced, and thus excavation conducted to expose the water line connection, then at that time, a lead-free pipe must be exposed or a copper pipe or pex tubing comparable to copper tube size must be installed. All new or existing dwellings, business structures or improvements shall meet the appropriate federal and state statutory requirements for lead-free pipes, fittings and joints in its water distribution system, otherwise the city will not provide water service to that new or existing dwelling, business structure or improvement. The city assumes no liability for providing water service to consumers owning existing structures that may have lead pipes, fittings or joints, since all consumers in the city have been notified in writing

of the potential for lead contamination in their water at their tap caused by their continued use of lead pipes, fittings and joints.

8-4-4 Plumber to Report. All plumbers shall make full return of the ordinary and special uses to which water is designated to be supplied under any permit granted by the city with a description of all the apparatus and arrangements for using the water in every case. The return is to be made by the plumber who obtained the permit, within forty-eight (48) hours after the completion of said work and filed with the Finance Officer. The plumber's return shall also state the name of the street in which the pipe has been tapped and whether the service pipe enters on the north, south, east, or west side of the street, exact location of the stop cock and any other particulars that the case may call for. For any misrepresentation or omission in the statement of work done or apparatus set, through which there may be water used, the license of plumber may be revoked if it appears to be willful.

8-4-5 Inspections. The water superintendent or such person as he may direct shall be authorized to enter and have free access at all reasonable hours to premises to ascertain the location and condition of all hydrants, pipes, or other fixtures attached to the water works; and in case he finds water is wasted on account of negligence or for want of repairs and if such waste is not immediately remedied, the water leading to such premises shall be turned off. It shall also be the duty of said officer in case he discovers any defect in a private pipe in the street to give notice in writing to be left at the premises, and if necessary repairs are not made within forty-eight (48) hours thereafter, the water shall be shut off and shall not be turned on again until the repairs have been made and a reconnection fee has been paid to the Finance Officer.

8-4-6 Meter Required. All places supplied with water shall be metered by a meter of a type approved by the City Council installed at the cost of the owner or user. All meters shall be tested before installation.

8-4-7 Meter Sealed. Upon the installation of meters, they shall be sealed both at register box and couplings, with a form of seal designated by the City Council, and these seals must not be broken except upon its authority. Any person violating this provision shall upon conviction thereof be subject to the penalties provided in this ordinance (11-1-1).

8-4-8 Repair and Return of Meters. The city will make all necessary repairs to meters and all repairs to the meters shall be made at the expense of the owner of the premises or user and may be charged against the rental account of such owner or user and become payable as water rent.

8-4-9 Replacing of Meters. The water superintendent shall determine if water meters which are no longer working properly need to be replaced. The city shall provide a new replacement meter and install said meter at the owner or user's expense. Any additional repairs needed on the property owner's pipes or property to install such meter will also be at the expense of the property owner. With a new replacement meter, the city shall install a dual check valve approved by the American Water and Wastewater Association at the property owner's expense.
Any new or replacement encasement for underground meters must be of metal, concrete, or poly-vinylchoride (PVC) with an outside dial for guaranteed accessibility to city employees.
Fifteen (15) days after written notice from the water superintendent, if the meter has not been replaced, the water rates for the household or business shall be charged at $50 for that month and the water service to the property will be disconnected.

8-4-10 Meter Reading. All water meters shall be read by a person designated by the City Council and at all times meters must be accessible to reading. All meters will be read on or about the first (1st) day of each month. After the reading of the meters, the readings shall be delivered to the city Finance Officer, who shall compute and prepare consumer's bills, a copy of which shall be mailed to the consumer. If the bill is not paid in full by the _25_ of the month, a ten (10) percent penalty shall be computed and added to the consumer's bill.

8-4-11 Testing Meters. If the consumer doubts accuracy of any meter, he may have the meter tested by the city. If the meter is more than three (3) percent fast, proper deductions will be made from the bill for the preceding period. If the meter is more than three (3) percent slow, the proper amount will be added to the bill. If after testing the meter is shown to be accurate, a minimum twenty dollars ($20) service charge will be paid by the property owner.

8-4-12 Water - Restrictions. The city may limit or prohibit temporarily the use of water from the city distribution system for any purpose, except domestic purposes within the dwellings of consumers or in business establishments, during emergencies, in the event of plant breakdown, prolonged drought or shortage of water supply for any reason in order to maintain maximum fire protection efficiency. The Mayor shall authorize the imposition of these restrictions. The city will attempt to notify affected utility customers if time permits of any such limitation. Any person violating the terms of such prohibition or restriction after such notice shall upon conviction thereof be subject to the penalties provided in this ordinance (11-

1-1). Water service to the premises involved may be discontinued entirely during emergency.

8-4-13 Penalty. Any person violating any of the provisions of this chapter shall, in addition to the ordinary penalties prescribed for violation of this ordinance, be subject to having water service turned off to the premises of such consumer, and service shall not be restored until there has been full compliance of this chapter and the payment of such fees for restoring service as may be provided by this chapter.

Chapter 8-5 Electricity

8-5-1 Collection of Bills. All electric meters shall be read on or about the first (1st) day of each month. After the reading of the meters, the readings shall be delivered to the city Finance Officer, who shall compute and prepare consumer's bills, a copy of which shall be mailed to the consumer. If the bill is not paid in full by the
_25_ of the month, a ten (10) percent penalty shall be computed and added to the consumer's bill.

8-5-2 Restoration of Services. All utilities disconnected for nonpayment will require a reconnect fee as set by the City Council plus payment in full before any utility will be reconnected. Reconnections will be made only during business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday. Utilities voluntarily disconnected shall also require a reconnect fee as set by the City Council and on file in the office of the Finance Officer.

8-5-3 Inspection of Premises. The electric superintendent and others duly authorized shall have access at all reasonable hours upon reasonable notice to all premises which are serviced for the purpose of reading meters, installing or removing meters, making repairs, or for inspecting load management equipment.

8-5-4 Meter and Meter Sockets. The consumer shall cause to be installed a meter socket or sockets which shall have a South Dakota State affidavit filed with the electric superintendent and the proper state agencies and shall be sealed by the electric superintendent. Any new meter installation shall be outside the consumer's premises. These approved meter sockets shall be installed by the consumer on all new construction, and all repair wiring which may cause change in meter connections as well as on the existing connections as may be deemed necessary by the electric superintendent. The electric superintendent may require the meter socket and meter to be moved due to remodeling of the structure. Any expenses due to this required move shall be the responsibility of the consumer. The

city shall attach and place at such meter socket an approved meter or meters to any premises or building in which electrical lights, power, or heat is used.

8-5-5 Load Management System. There is hereby established a load management system for all residential and general service electrical consumers:

A. Installation of Load Receivers. The city shall install in each home or general service building to which it distributes electric power a load control receiver. The receivers shall be connected to all electric water heaters, central air conditioners, 220-volt window air conditioners, and any electrical heating device situated on the consumer's premises. Any consumer wishing to be excluded from the load management system may petition the city for exemption. If the city grants such an exemption, the consumer will receive electrical current from the city at the following rate:

All kilowatt hours at one hundred fifty (150) percent of the city's current rate for electricity metered into participating consumer service.
The cost of the receiver and of the installation shall be the obligation of the city. The city, through its employees and agents, shall have the right to enter upon the consumer's premises upon reasonable notice to the consumer, for the purpose of installing, maintaining, relocating, repairing, and removing said receivers. The receivers shall be considered personal property and shall remain the property of the city after installation on the consumer's premises.

B. Duties of Consumer. It shall be the duty of the consumer to allow the city employees and agents access to their premises, upon reasonable notice for the purpose of installing, maintaining, relocating, repairing, and removing said receivers. The consumer shall not tamper with or alter said receivers. The consumer or his agent who desires to utilize electric power for space heating, the heating of water, or air conditioning with a central air conditioner or a 220-volt window air conditioning unit must provide a written notification to the electric superintendent. In the event that any consumer shall violate any duties or conditions of this chapter, he shall be placed on a special electrical rate until the violation is corrected and for a six (6) month period after said violation has been corrected. That rate is as follows: All kilowatt hours at one hundred fifty (150) percent of the city's current rate for electricity metered into participating consumer service.

C. Powers of City. The city is hereby granted the power to interrupt the flow of electrical energy delivered by the city to those units on the load management system. The interruption of electrical energy may occur at any

time and for an indeterminate period and there may be no advance notice or warning given to the consumer as to the time of the interruption or the length thereof.

D. Interruptible Power (Dual Fuel) Heating Systems. The consumer who elects to be part of the dual fuel heating system will enter into a contract with the City of Groton for off-peak power for electric space heating for a minimum period of time of at least one year. The consumer shall agree to provide at his own expense, a supplemental form of heating, independent of the primary electrical heating system. The electrical heating system will be the consumer's primary and ordinary mode of heating for seventy-five (75) percent or more of the living space with the supplemental form of heating to be used only during those times that the electrical energy to this primary system has been interrupted as hereinbefore provided. The consumer may choose any type of supplemental heating system he desires, and the consumer shall be solely responsible for any economic loss, damages, or injuries of whatever nature to person or property which may result or occur because of failure of such supplemental heating system to be activated or to perform adequately during any period or periods of power and energy interruption. The city shall not be liable for any economic losses, injuries, or damages to a person or property resulting from or related to a city's terminating electrical energy and power to the consumer's primary heating system as hereinbefore described. Failure to continue the contract for one full year will result in an assessment of all city costs for the installation, receiver, and service to the consumer.

A special rate for kilowatt hours resulting from this dual fuel heating system will be included in the rates established by resolution of the City Council. Kilowatt hours from air conditioning on the same interruptible heating circuits and controlled with special load management codes will be sold at the same special rate for interruptible power (dual fuel) heating.

E. Sales Incentives. Upon presenting qualifying proof of purchase and verifying installation of an electric heating system to be used and controlled under the interruptible power (dual fuel) heating system, or of an electric (220 volt) hot water heater over fifty (50) gallons in size with a lifetime warranty which can be controlled under load management, a rebate will be issued to the property owner in an amount established by resolution of the City Council and kept on file at the city finance office. A replacement for the electric hot water heater will also qualify for the rebate if it is not under the warranty period of replacement.

8-5-6 Shunting. No consumer of electric current from the city electrical system shall use or permit to be used or have installed at or near the meter

used by such consumer any shunt or other device for conveying electric current into his premises other than through the meter. Whenever the electric superintendent or any other officer or employee of the city shall discover such shunt or device at or near the meter of any consumer, the electric service shall be immediately cut off from the place or building where such device was found. Before such service shall be reconnected, the consumer shall make application to the electric superintendent requesting the electric superintendent to make an estimate of the value of current that may have been used by such consumer without being metered or paid. The amount so estimated by the electric superintendent shall be paid in advance before reconnection. In addition to paying the amount estimated to be due as stated above, such consumer shall be guilty of a misdemeanor and upon conviction shall thereof be subject to the penalties established in this ordinance (11-1-1).

8-5-7 Interference with Electric Light Posts and Apparatus. No person shall interfere with, injure, break, or jar any electric light, telephone, telegraph, or fire alarm system, post, or pole or apparatus in any manner, or climb any telegraph, telephone, electric light, or fire alarm pole without being properly authorized to do so.

8-5-8 Wind Generation. All Wind Energy Conversion System (WECS) facilities within the City of Groton electric territory boundaries shall meet or exceed standards and regulations of the Federal Aviation Administration and South Dakota State Statutes, South Dakota Public Utilities Commission, and any other agency of federal or state government with the authority to regulate WECS facilities.

8-5-8.1 Requirements for Small Wind Energy Conversion Systems (SWECS) and Vertical axis wind turbines (VAWT). Small Wind energy conversion systems (SWECS) and Vertical axis wind turbines (VAWT) meeting the following standards shall be allowed in certain zoning districts as a conditional use (Section 18-0110 Groton Planning & Zoning Ordinance).

8-5-8.2 Commercial Sale of Power Prohibited. Any SWECS or VWAT shall not be used for generating power for sale commercially to those other than the owner of the SWECS or VAWT. Any interconnection to City electrical system and related details required for safety and protection of the utility system to be addressed thereby shall be approved by the City Council separately from the requirements in this ordinance.

8-5-8.3 Noise. No SWECS or VAWT shall produce more than 60 decibels of sound measured at the closest point on the closest property line from the base of the system. The owner may be required to submit independent noise studies to verify that the noise standard is met during actual operations. The level, however, may be exceeded during short-term events such as wind storms.

8-5-8.4 Electromagnetic Interference. No SWEC or VWAT shall produce electromagnetic interference so as to disrupt transmissions such as those from radio, television, radar, satellite, telephone, or microwave towers. If necessary, filters, shields, or both must be installed to prevent the disruption of telecommunications signals during operation.

8-5-8.5 Maintenance. Any SWECS or VAWT shall be maintained in accordance with specifications established by the manufacturer of the SWECS or VAWT. On or before January 1 of each year the person operating the SWECS or VAWT shall submit a log of maintenance performed on the SWECS or VAWT for the preceding year. Failure to submit this log may result in the revocation of the conditional use permit by the City Council to operate a SWECS or VAWT.

8-5-8.6 Signs. Information related to the maximum power output, nominal voltage and maximum current and emergency shutdown procedures for the SWECS or VAWT shall be posted near the base of the tower in a visible location. All signs, other than the manufacturer's or installer's identification, appropriate warning signs or owner identification on a wind generator , tower, building or other structure associated with a SWECS or VAWT visible from any public road shall be prohibited. Size of the sign shall be consistent with Section 18.0105 Groton Planning and Zoning Ordinance.

8-5-8.7 Lighting. A SWECS or VAWT shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Dual mode lighting shall be requested from FAA. Flashing beacon lighting, unless required by FFA, shall not be utilized. These prohibitions do not apply to necessary ground safety lighting.

8-5-8.8 Abandonment/ Removal. Any wind energy conversion system which has not been used for a period of six (6) months or more shall be declared abandoned. The City may issue a Notice of Abandonment to the owner of a SWECS that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice Receipt date. Upon determination of abandonment of the system, or if the owner has not responded to the notice of abandonment the City shall revoke the conditional use permit and the system shall be

removed at the expense of the property owner. If the owner fails to remove the system, the City may pursue legal action to have the SWECS removed at the owner's expense.
The City shall determine that a wind energy conversion system has not been used if any of the following criteria apply:

a) The wind energy conversion system has not been operating for a substantial period of time and the owner of the system is unable to provide documentation demonstrating that the system has produced a minimum of twenty-five (25) percent of the expected typical energy output as state in the system specifications over the past six (6) months. For the purposes of this paragraph, the extended typical energy output is defined as the number of kilo-Watt-hours (kwh) of energy that the system is reasonable expected to produce in a given time period based on the typical wind attributes present at the installation location and assuming that the system is fully operational during the given period; or

b) The wind energy conversion system has fallen into obvious disrepair as determined by the City Council or has been condemned by the City of Groton; or

c) The conditional use permit is revoked consistent with the provisions of Section 18-0109 Groton Planning and Zoning Ordinance; or

d) The wind energy conversion system has become in violation of some other local, state, or federal law and the owner of the system has not taken appropriate actions to remedy the problem.

If deemed appropriate, the city may stipulate through the conditional use that the wind energy conversion system shall be removed at the owner's expense, upon the rezoning of the subject property to a zoning district classification in which wind energy conversion systems are not allowed as either a permitted use of conditional use.

8-5-8.9 Requirements of Large Wind Energy Conversion Systems. Large wind energy systems shall be and are prohibited within the City limits of the City of Groton and any area of extra electric or zoning territorial jurisdiction the City may have.

Title 9: Streets, Sidewalks, and Public Places

Chapter 9-1 Names of Streets and Avenues
Chapter 9-2 Sidewalks
Chapter 9-3 Snow Removal

Chapter 9-4 Trees in Public Places
Chapter 9-5 Use of Streets and Public Places
Chapter 9-6 Excavations In Public Places

Chapter 9-1 Names of Streets and Avenues

9-1-1 Plats Part of Ordinance. Those plats indicating the names of street and avenues of the City of Groton, South Dakota, now on file or filed on a future date in the office of the Register of Deeds of Brown County, South Dakota, are hereby incorporated as a part of this ordinance.

9-1-2 Official Map. The official map of the City of Groton shall be those maintained in the office of the Register of Deeds of Brown County, South Dakota.

9-1-3 Names of the Streets and Avenues. The official names of the streets and avenues in the City of Groton shall be those as shown on the official map maintained in the office of the Register of Deeds of Brown County, South Dakota.

9-1-4 Building Numbering.

a) Addresses for dwelling units and places of business on all public and private streets shall be assigned by the Brown County E-911 Addressing Administrator in accordance with the Brown County SD Title 4 Zoning Ordinance.

b) Within thirty(30) days of notification of the address by the Finance Officer, the owner, occupant, person, firm, corporation or business in charge of any house or building to which an address has been assigned must place or construct such numbers as to be easily visible and distinguishable from the street or avenue on which the property is located. Any other numbers must be removed to avoid confusion. These numbers shall not be less than three (3) inches in height and of a contrasting color to the background. The numbers shall be read horizontally from left to right or vertically from top to bottom. The numbers in plain, block, vertical (not slanted) font are preferred. The property owner, occupant, or person in charge of the structure shall pay for all costs and installation of the numbers.

c) In case a principle building is occupied by more than one business or family dwelling unit, each separate unit must display a separate unit number.

d) If the building or dwelling is situated in such a way that the address cannot be easily seen from the roadway in front of said structure, then a sign or address post must be used in front of the structure or at the entrance of the primary driveway and place in such a way that it can easily be seen from the roadway.

e) New structures must comply with this ordinance within 30 days of occupancy.

f) In the event that the owner of occupant or person in charge of any dwelling or building refuses, fails, or neglects to comply with the terms of this ordinance by placing the number assigned or replacing the number if necessary, a notice shall be sent to the property owner by first class or certified mail or by personal service giving ten days after date of the notice to comply. Failure to comply with this notice will result in a fine not to exceed $50 for each offense and each day in violation constitutes a separate offense.

Chapter 9-2 Sidewalks

9-2-1 Supervision of Sidewalk and Curbing Construction. The building and construction of all sidewalks and curbing within the limits of the streets and alleys of the City of Groton shall be done under the direct approval of the city and all such sidewalks and curbs shall be constructed on the grades as determined by said city.

9-2-2 Specifications. The construction of all sidewalks and curbing, whether to be done by direct contract with the City of Groton or by contract with the abutting property owners, shall be done strictly in accordance with the specifications for sidewalks and curbing adopted by the City Council and on file in the office of the Finance Officer. The City Council may condemn work and material not in accordance with the requirements of said specifications.

9-2-3 Building Permit Required. Before any sidewalk or curbing is constructed within the limits of the streets and alleys in the City of Groton by any contractor or person for the owner or owners of abutting property, said contractor or person must first secure a building permit from the Finance Officer.

9-2-4 Property Owner Responsible for Sidewalk Repair. It shall be the duty of the person in possession of any lot, parcel, or plot of ground fronting or abutting upon any sidewalk, to keep such sidewalk in repair as

provided by SDCL 9-46-2. Once a sidewalk has been placed along a property it cannot be removed without replacement.

9-2-5 Sidewalk Repair. When the City Council deems it necessary to construct, rebuild, or repair any sidewalk in the city, it shall notify the owners of lots adjoining the sidewalk to construct, build, or repair any sidewalk in the city at their own expense within a designated time. The written notice shall be served personally or by certified mail, return receipt, or by publication, once in each week for two consecutive weeks. If the sidewalk is not constructed, reconstructed, or repaired in a manner or written the time prescribed in the notice, the City Council may cause the work to be done by the hour or by the job and assess the cost of the work against the lots fronting or abutting upon the sidewalk as provided by SDCL 9-46.

Chapter 9-3 Snow and Ice Removal

9-3-1 Duty of Owner or Occupant. It shall be the duty of the owner, occupant, or person in possession or in charge of any lot, parcel, or plot of ground of business property located within a commercial zoning district, fronting or abutting upon any public sidewalk, to keep such sidewalk free and clear from snow and ice at all times. When it is impossible to take snow and ice from such walk because it is frozen to the sidewalk, the owner, occupant, or person in possession or in charge of such lot shall sprinkle or spread such suitable material upon the same to prevent the walk from becoming slippery and dangerous to travel, and in removing snow from said sidewalk it shall be unlawful for any person to shovel or blade the snow so removed into the street after the street has been cleared of snow by the city snow removal equipment.

The property owner, tenant, person in possession, or person removing snow and ice from any sidewalk, public or private driveway, parking lot or parking area, shall dispose of accumulated snow and ice upon such property as follows:

A. Snow and ice shall not be deposited on any sidewalk at any time.
B. Snow and ice shall not be deposited on any public street or alley at any time.
C. Snow and ice shall not be deposited so as to obstruct or interfere with the passage or vision of vehicular or pedestrian traffic at any time.
D. Snow and ice shall not be deposited upon or around any mailbox so as to obstruct or interfere with the delivery or collection of the United States Mail at any time.

E. Snow and ice shall not be deposited upon any fire hydrant, as specified above, so as to obstruct or interfere with access to the fire hydrant at any time.
F. Snow and ice upon the property shall be piled on the same property or hauled to any appropriate disposal site off premises.

9-3-2 Duty of City Superintendent. It shall be the duty of the City Superintendent to notify all owners or persons in possession of property in the commercial zoning district abutting on sidewalks in the City of Groton to keep such sidewalk free from snow and ice, and remove the same immediately after every snow event. The City Superintendent shall give such notice with one (1) publication in the official newspaper of the city at the beginning of each snow season, which notice shall state that each owner or person in possession of property in a commercial zoning district is required to keep the sidewalks on which their property or premises abut, free and clear from snow and ice. It is no defense of failure to comply with this ordinance to claim the owner did not see such notification in the official newspaper.

9-3-3 Refusal to Remove Snow and Ice. If the owner or person in possession of the commercial zoning district property fails or refuses to remove the snow and ice after every snow event from such sidewalks, the City Superintendent may have the snow and ice removed and charge the costs thereof against the abutting property each time the snow and ice are removed.

9-3-4 Account to be Kept for the Removal of Snow and Ice. The City Superintendent shall cause an account to be kept against each lot or parcel of land for the removal of snow from the sidewalk and the same shall be certified to the Finance Officer on or before April 15 of each year. The Finance Officer shall prepare an estimate of the assessment against each lot or parcel of land for removal of snow for the proceeding winter and fall, and submit the same to the City Council for its approval at or before its first meeting in June, and shall publish in the official newspaper of the city a notice to property owners of the time and place when the City Council will meet for the purpose of approving such estimates. Upon the day so named, the City Council shall meet, and if they find said estimates correct, shall approve the same, or if not correct, they shall correct or modify the same and approve the same as corrected and modified, and file such assessment with the City Finance Officer. From the date of such approval and filing, the assessment shall become a special lien against the various pieces of property described in said assessment, and shall be collected in like manner as special assessments are now collected for public improvements.

9-3-5 The Disposal of Snow and Ice. The property owner, tenant, person in possession, or person removing snow and ice from any sidewalk, public or private driveway, parking lot or parking area, shall dispose of accumulated snow and ice upon such property as follows:

1. Snow and ice shall not be deposited on any sidewalk at any time.
2. Snow and ice shall not be deposited on any public street or alley at any time.
3. Snow and ice shall not be deposited so as to obstruct or interfere with the passage or vision of vehicular or pedestrian traffic at any time.
4. Snow and ice shall not be deposited upon or around any mailbox so as to obstruct or interfere with the delivery or collection of the United States Mail at any time.
5. Snow and ice shall not be deposited upon any fire hydrant, as specified above, so as to obstruct or interfere with access to the fire hydrant at any time.
6. Snow and ice upon the property shall be piled on the same property or hauled to any appropriate disposal site off premises.

9-3-6 Penalty. Any person who fails to remove such snow and ice shall be subject to the penalties in this ordinance; and in addition thereto, shall be liable to the municipality for any damage caused by the neglect to keep such sidewalk clear and free of snow and ice as provided in this chapter.

Chapter 9-4 Trees in Public Places

9-4-1 Trimming Trees. The occupant of any private premises or the owner of the same if not occupied, abutting on any public street, road or alley within the City of Groton shall keep all trees standing upon such premises trimmed so that no bough or branches thereof shall be lower than fourteen (14) feet above the surface of the street, road or sidewalk thereon and away from service lines. Upon the failure of the occupant or owner to trim trees in this section, the City Council shall have authority to order that the tree be removed or trimmed under its supervision so that no branch hangs lower than fourteen feet above the surface of any street, road, alley, or sidewalk or near any service line, whether such tree is growing in privately owned property or upon public property, and may cause the same to be trimmed and charge the expense to the owner or occupant of such property. If the occupant or owner of such property has trees on private property that are near any electric service lines that serve that property that could cause damage to such service lines and equipment, then the occupant or owner shall notify the city electrical department and make arrangements for the city to trim such trees at no expense to the owner. It is the duty of the occupant or owner that has trees that could cause damage to electrical

lines or equipment serving his property to notify the city electrical department of that fact. If the property owner does not give such notice or refuses to comply with city's notice to the same effect, then the occupant or owner assumes the total liability to any damage done to electric lines or equipment serving his property by trees on his property. The city shall not be liable for failure to give notice to the property owner as referenced above for any damage to the electric service lines or equipment or interruption of power as set out in 8-1-11.

9-4-2 Trees - Injury. It shall be unlawful for any person to injure any tree, herb, or shrub planted in any public place by physical means, use of herbicides, or any means whatsoever, nor shall any person remove or cut down any tree, hedge, or shrub in any public place without first having secured a permit from the City Superintendent to do so.

9-4-3 Trees - Guidewires. It shall be unlawful for any person to attach any wire or rope to any tree in a public place without having a permit from the City Superintendent to do so.

9-4-4 Trees to be Free from Wires, Cables. Any person, company, or firm having the right to maintain wire, cables, and poles in any public street, alley, or other public place must keep such wire, cables, and poles free from and away from any trees or shrubs in such places so far as it may be possible, and shall keep all such trees and shrubs trimmed away from said poles and wire subject to the supervision of the street superintendent. In making excavations in streets or other public places for underground services or the repair thereof, said person, company, or firm shall take proper care to avoid injury to the roots of any tree, hedge, or shrub.

9-4-5 Trees Along Curbing. It shall be unlawful for persons owning or occupying lots or parcels of land within the City of Groton to embellish the same by planting shade trees between the sidewalk and the curbing without first having approval from the City Forester to do so.

9-4-6 Cottonwood Trees. No female cottonwood trees other than existing trees shall be permitted within the city limits.

Chapter 9-5 Use of Streets and Public Places

9-5-1 Obstruction of Streets. No person shall place, leave, or keep on any public street, road, alley, sidewalk, or other public ground in the City of Groton any wagon, automobile, cart, truck, sleigh, or other vehicle, in the lane of traffic except when the same shall be in actual use; nor shall any person place, leave, or keep on any public street, road, alley, sidewalk, or

other public ground in this city, any other article, substance, or material which may obstruct the free use of said street, road, alley or sidewalk, or public ground, except as hereinafter provided.

9-5-2 Materials in Streets, Permit. The City Council is authorized to grant permission in writing to any person to deposit and keep lumber, stone, brick, or other materials for building in any public sidewalk, street, road, or alley adjacent to the building to be erected or repaired, but such permission shall not allow obstruction of more than one-third (1/3) in width of any driveway, sidewalk, street, road, or alley.

9-5-3 Cleaning Streets or the Sidewalk of Rubbish. Every person to whom permission is granted to place and keep building material in the sidewalk, street, road, or alley shall cause all such material, and the rubbish resulting there from, to be removed from such sidewalk, street, road, or alley at the expiration of the time limited in the permit, unless the time shall for good cause be extended by the City Council; and any person depositing and keeping any building material on such sidewalk, street, road, or alley shall keep one or more lighted lanterns or flares so placed that such material may be easily seen by persons passing along such sidewalk, street, road, or alley.

9-5-4 Excavation Near Street. It shall be unlawful for any person, owner, or occupant of any lot or parcel of land within the City of Groton to make or cause to be made any excavation on said lot or parcel of land, unless the same be securely guarded so as to prevent the injury of any person or persons or animals passing upon or along said sidewalks, street, alleys, or public grounds or traveled path or roadway.

9-5-5 Eave Pipes. No person shall place or maintain any pipe leading from the eaves of any building or any part of any building in said city in such a position that the water discharged from the roof of said building will flow upon or over any public sidewalk in said City.

9-5-6 Animals and Vehicles on Sidewalks. No person shall ride, drive, or lead any animal upon any public sidewalk in the City of Groton; nor draw, propel, or cause to be drawn or propelled thereon any vehicle ordinarily drawn by any animal; nor drive, operate, or cause to be driven or operated any vehicle as defined in section 10-1-1 (U) upon any sidewalk in the city, except that the same may be driven across any sidewalk in entering or leaving the premises.

9-5-7 Power Cords Crossing Sidewalks. All power cords crossing sidewalks (residential or commercial) must be kept a minimum of eight (8) feet above the ground or buried at least two (2) feet below the ground.

Chapter 9-6 Excavations in Public Places

9-6-1 Permit Required. No person shall make or cause to be made any excavation in or under any street, parking area, sidewalk, alley, or public ground, or remove any earth, soil, paving, gravel, or material there from without first obtaining a building permit.

9-6-2 Application. Application for such building permit shall be made to the Finance Officer. Such application shall be accompanied by a fee of an amount set by the City Council and on file at the office of the Finance Officer, which amount shall be considered compensation to the city for granting of such building permit and the necessary investigation prior thereto. Before any such permit is issued, the person requiring the same shall state in this application where such excavation is to be made, the extent thereof, in front of what lot or lots, and for what purpose said excavation is to be made.

9-6-3 Supervision of Excavations. The City Superintendent shall approve all excavation made for any purpose in the streets, alleys, or public ground and shall require that all excavations be backfilled in the manner specified.

9-6-4 Guarding Excavations. Any person receiving a permit to make excavations in or upon any street, alley, sidewalk, or public ground shall, during the progress and continuance of the work, erect and maintain around the same both by day and night suitable guards or fences with flares, or signals so as to prevent injury to persons, animals, or vehicles. Such flares shall be kept lighted from sundown until sunrise.

9-6-5 Refilling Excavations. Any person making such excavations shall, when the same is completed, promptly and without delay refill the same at the property owner's expense as herein provided.

In refilling any excavation, the earth shall be thoroughly settled through compaction as the refilling progresses; the earth shall be thoroughly tamped in successive layers of approximately six (6) inches, in such a manner that all the earth shall be replaced in the excavation leaving the surface in its original condition.

In making connection to fire hydrants for flushing excavations, all rules and regulations relating thereto shall be observed.

In all cases where excavations are made in pavement the earth shall be replaced in the manner above specified, and the pavement shall be replaced by the city at the owner's expense.

9-6-6 Operating in Sidewalks. It shall be unlawful to make, or cause to be made, or maintain any opening in any sidewalk for the purpose of providing light for a basement or cellar or for ventilating the same, unless such opening shall be guarded with a substantial railing of iron not less than three (3) feet high, or which a substantial iron grating or other strong substantial cover, the grates of which shall be not more than one (1) inch apart. No railing or grate shall occupy more than two (2) feet of the sidewalk, measuring from the inner side thereof.

9-6-7 Excavations Under Sidewalks. Any person having or erecting any building abutting upon any street, avenue, or alley in the City of Groton, may excavate under the sidewalk or to the curb for the purpose of constructing a cellar or basement under the sidewalk in front of or adjoining said building; provided, that said excavation shall be surrounded upon the outer side and ends thereof with a substantial wall, to be approved by the street superintendent, sufficient to maintain the sidewalk. A permit for sidewalk construction must be obtained and the provisions pertaining thereto as described in the sidewalk ordinances.

9-6-8 Curb and Gutter. No person shall construct or cause to be constructed or installed in, on, or alongside any city street a curb and gutter without first obtaining a building permit to do so from the City Finance Officer. A building permit may be granted only if the following specifications shall be met:

1. The curb and gutter shall be concrete (the form to be approved by the City Superintendent) with minimum compressive strength of 4000 PSI, twenty-four inches in width and a depth of six inches for the gutter section, with a minimum gravel cushion of four inches under the curb and gutter with expansion joints every twenty feet with expansion joint filler.

2. No curb and gutter can be installed unless one continuous curb and gutter is installed at the same time from the corner of a corner lot to the corner of the opposite corner lot, with a continuation of the curb and gutter around each corner lot with concrete fillets on each corner adjacent to the intersection of each street involved, which corner intersection shall have

handicap accessible ramps whether or not there are intersecting sidewalks adjacent to the curb and gutter.

3. Before installation of the curb and gutter, the involved property owners must have the curb and gutter line surveyed and staked to insure proper slope of the curb and gutter in relationship to the appropriate storm drains on the intersecting streets, the grade of the street and present or future sidewalks.

4. All labor and materials shall be the sole responsibility of the individual land owners affected by the installation of the curb and gutter.

5. The City Superintendent must approve the curb and gutter plan before and during
construction.

6. The City assumes no liability or responsibility for or from the curb and gutter installation. The land owners involved shall accept full responsibility and liability for and from the installation of the curb and gutter.

Title 10: Traffic Code

Chapter 10-1 General Regulations
Chapter 10-2 Operation of Vehicles
Chapter 10-3 Parking
Chapter 10-4 Truck Routes
Chapter 10-5 Pedestrians
Chapter 10-6 Speed Regulations
Chapter 10-7 Traffic Signs and Signals
Chapter 10-8 Miscellaneous Provisions
Chapter 10-9 Snowmobile Operations

Chapter 10-1 General Regulations

10-1-1 Definitions. Terms used in this title, unless the context otherwise plainly requires, shall mean:

A. Authorized Emergency Vehicle. Vehicles of the fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designed or authorized by the chief of police.

B. Crosswalk. That portion of a roadway ordinarily included within the prolongation of curb and property lines at intersection, whether marked or

not, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface of the street.

C. Curb. The extreme edge of lateral boundary of a roadway, whether marked by curbing or not.

D. Department. The police department of the City of Groton.

E. Double Parking. The standing of a vehicle upon a street at the rear of another vehicle which is parked diagonally at the curb, or the standing of a vehicle upon the street alongside and parallel at the curb.

F. Driver or Operator. Any person who is in actual physical control of a vehicle.

G. Left Hand Side of a Street. The side to the left of the vehicle as it moves forward.

H. Motor Vehicle. Every vehicle which is self-propelled.

I. Parking. The standing of a vehicle, whether attended or unattended upon a roadway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers.

J. Pedestrian. Any person afoot.

K. Private Road or Driveway. Every road or driveway not open to the use of the public for vehicular travel.

L. Right Hand Side of Street. The side on the right of the vehicle as it moves forward.

M. Right-of-Way. The privilege of the immediate use of the street.

N. Roadway. That portion of a street devoted to vehicular traffic.

O. Semi-trailer. Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

P. Sidewalk. That portion of the street between the curb line and the adjacent property lines.

Q. Street. The term street shall mean any street, avenue, boulevard, alley, highway, or public place set apart for the public vehicular traffic.

R. Street Intersection. That portion of a street where it joins another at an angle, whether or not it crosses the other street, and shall include the full width of the street between the curb lines, extended, of the intersection streets.

S. Through Streets. Streets, or parts thereof, that have been so designated and marked, by order of the City Council.

T. Trailer. Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

U. Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a street, provided that for the purpose of this title a bicycle or an animal that is being ridden, driven, or led shall be deemed a vehicle.

10-1-2 Enforcement - Duty of Police Department.
A. It shall be the duty of the chief of the police department and all police officers to enforce all the regulations and requirements of this title.

B. Whenever any police officer shall find a vehicle standing or parked upon the street, as defined in this chapter, in the City of Groton in violation of any of the provisions of this title, he is hereby authorized to move such vehicle to a position and location permitted under the sections of this title relating to parked vehicles.

10-1-3 Police to Direct Traffic. Police officers shall direct all traffic in conformance with traffic laws and ordinances, provided that in the event of a fire or other emergency, or to expedite traffic or safeguard pedestrians, members of the police or fire department may direct traffic as conditions may require.

10-1-4 Obedience to Police. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of the police department.

10-1-5 Authority of Police Department to Adopt Regulations. The chief of police is hereby empowered to make temporary regulations to cover emergencies or special conditions, provided any such regulations are not inconsistent with the provisions of this title.

10-1-6 Public Employees to Obey Traffic Regulations.
A. The provisions of this title shall apply to the operator of any vehicle

owned by or used in the service of the U S Government, this state, county, or city. It shall be unlawful for any such operator to violate any of the provisions of this title, except as otherwise permitted in this title.

B. The provisions of this title regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles as defined in this title while the operator of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

Chapter 10-2 Operation of Vehicles

10-2-1 Driving on Right Side of Street. Upon all streets, except upon one-way streets, the operator of a vehicle shall drive the same upon the right half of the street and shall drive a slow moving vehicle as closely as possible to the right hand edge or curb of a street unless it is impracticable to travel on such side of the street, and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing set forth in this title.
The foregoing provision of this section shall not be deemed to prevent the marking of lanes for traffic upon any street and the allocation of designated lanes to designated speeds.

10-2-2 Overtaking and Passing. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall first give audible warning of his intention to pass and shall then pass at a safe distance to the left thereof, but only when such left side is clearly visible and is free from oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety and shall not cut in front of the overtaken vehicle until safely clear of same, and in no case shall a vehicle pass another vehicle in a street intersection. The driver of a vehicle shall move to the right of the roadway a sufficient distance to allow passing when so signaled from a vehicle behind desiring to pass, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. Vehicles shall not travel two (2) abreast on any street.

10-2-3 Motor Vehicles Left Unattended, Brakes to be Set. No person driving or in charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first setting the brakes or placing an automatic transmission in park when standing upon any grade, turning the front wheel to the curb or side of the roadway.

10-2-4 Unlawful to Drive through Processions Unless Directed by Police Office. It shall be unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion. This provision shall not apply to intersections where traffic is controlled by police officers.

10-2-5 Backing Around Corners or Into Intersection Prohibited. It shall be unlawful for the operator of any vehicle to back such vehicle around a corner at an intersection or into an intersection of public streets.

10-2-6 Right-of-Way. Subject to the exception stated in the next succeeding section, the right-of-way rule as between vehicles at intersections is hereby declared as follows:

A. The operator of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has fully entered the intersection;

B. When two (2) vehicles approach an intersection at approximately the same time, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right;

C. The operator of any vehicle travelling at an unlawful speed shall forfeit any right-of-way which he may otherwise have hereunder.

10-2-7 Exceptions to Right-of-Way. The operator of a vehicle entering a public street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the operators thereof sound audible signal by bell, siren, or exhaust whistle. This provision shall not relieve the operator of an emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall it protect the operator of any such vehicle from the consequences of an arbitrary exercise of such right-of-way.

10-2-8 Stopping Prohibited in Specified Places. It shall be unlawful for the operator of a vehicle to stop, stand, or park such vehicle on any of the following places, or in compliance with the directions of a police officer or a traffic control sign or signal:

A. Within an intersection;

B. On a crosswalk;

C. Within fifteen (15) feet of inside boundary line of the sidewalk, or if no sidewalk is in place, within twenty-five (25) feet of the intersecting roadway, except that this provision shall not apply to alleys;

D. Within fifteen (15) feet of the driveway entrance to any fire station, or directly across the street from such entrance;

E. Within fifteen (15) feet of a fire hydrant;

F. In front of a private driveway;

G. On a sidewalk;

H. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;

I. Parking against direction of traffic on through streets.

10-2-9 Standing for Loading or Unloading Only in Certain Places.
A. It shall be unlawful for the operator of a vehicle to stop, stand, or park said vehicle for a period of time longer than is necessary for the actual loading or unloading of passengers, or the unloading and delivery or pick up and loading of materials in any place marked as loading zone.

B. The City Council shall have authority to determine the location of passenger zones and loading zones as described herein, and shall cause to be erected and maintained appropriate signs indicating the same.

10-2-10 Emerging from Alley or Private Driveway. The operator of a vehicle emerging from an alley, driveway, or garage shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway.

10-2-11 Stop Before Entering Through Street. Every operator of a vehicle or other conveyance traversing any street intersecting any through street, as designated and marked by order of City Council, shall bring such vehicle or conveyance to a full stop at the place within fifteen (15) feet where such street meets the prolongation of the nearest property line of such through street, subject, however to the direction of any traffic control signs or signal or any law enforcement officer at such intersection. The vehicle entering a through roadway (where there is stop sign) must yield the right-of-way to all vehicles which are either within the intersection, or so close thereto as to constitute an immediate hazard.

10-2-12 Turning at Intersections.
A. Right Turns. The operator of a vehicle intending to turn to the right at an intersection or into an alley or driveway shall approach the point of turning in the line of traffic nearest the right hand edge or curb of the street,

and in turning shall keep as closely as practicable to the right hand edge or curb of the street.

B. Turning Left. The operator of a vehicle intending to turn to the left at an intersection or into a driveway shall approach the point of turning in the lane of traffic to the right of and next to the centerline of the roadway; and unless otherwise directed by "turning marker", the operator of a vehicle in turning left at an intersection shall pass to the right of the centerline of the intersection before turning.

C. Turning Markers. The chief of police is hereby authorized to place turning markers within or at the entrance to intersections directing that traffic turning left shall follow a line of travel other than directed in subsection B of this section. Whenever turning markers have been placed as herein provided, traffic turning left shall follow the line as directed by such marker.

D. Turning Left on "Go" Signals. The driver of a vehicle intending to turn to the left at an intersection where traffic is controlled by traffic control signals or by a police officer, shall proceed to make such left turn with proper care to avoid accident and only upon the "Green" or "Go" signal, unless otherwise directed by a police officer.

E. Turning Right on "Stop" Signals. The driver of any vehicle which is stopped as close as practicable at the entrance to the crosswalk and to the far right side of the roadway, then at the entrance to the intersection in obedience to a red or "stop" signal, may make a right turn but shall yield the right of way to any pedestrian and other traffic proceeding as directed by the signal at the intersection. This provision permitting a right turn after a stop when facing a steady red light alone or "stop" signal shall not be effective if the City Council prohibits such turn and if a sign is erected at such intersection giving notice thereof.

10-2-13 Turning Around at Intersections Prohibited. At any intersection where traffic is controlled by traffic control signals or by a law enforcement officer, or where warned by an official traffic control sign displaying the words "No U Turn," or "No Left Turn," it shall be unlawful for the operator of a vehicle to turn such vehicle at the intersection in a complete circle, or so as to proceed in the opposite direction or to make a left turn.

10-2-14 Turning Movements and Required Signals.
A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 10-2-13 of this

chapter, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

B. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal. The signal provided herein shall be used to indicate an intention to turn, change lanes or stop and shall not be flashed on one side only on a parked or disabled vehicle or flashed as courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

D. The operator of a vehicle shall not turn such vehicle so as to proceed in the opposite direction except at an intersection pursuant to 10-2-13.

E. Every vehicle, including motorcycles and bicycles, driving upon a one-way street, designated as such by proper road signs, shall drive only in the direction designated.

10-2-15 Signals by Hand and Arm or Signal Device. Any stop or turn signal when required herein shall be given either by means of the hand and arms or by a signal lamp or lamps or standard approved mechanical signal device; but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then said signals must be given by such a lamp or lamps or signal device.

10-2-16 Method of Giving Hand and Arm Signals. All signals herein required given by hand and arm shall be given from left side of the vehicle in the following manner and such signals shall indicate as follows:
A. Left Turn -Hand and arm extended horizontally;

B. Right Turn -Hand and arm extended upward;

C. Stop or Decrease Speed -Hand and arm extended downward.

10-2-17 Exhibition Driving. Any person who drives a vehicle within the city limits of Groton and in such manner that creates or causes unnecessary

engine noise, tire squeal, skid, or slide upon acceleration or stopping or that simulates a temporary race, or that causes the vehicle to unnecessarily turn abruptly or sway shall be guilty of exhibition driving.

10-2-18 Prohibit Use of Dynamic Braking Devices. Operating any motor vehicle with a dynamic braking device engaged except for the aversion of imminent danger is prohibited. Dynamic braking device means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. The police department shall have enforcement responsibility.

Chapter 10-3 Parking

10-3-1 Parking Zones. The City Council may designate by resolution any street, avenue, or alley in the City of Groton, as necessity requires, as parking zones for the parking of motor vehicle or vehicles of any nature and description or the storage of any material of any kind, nature, or description; provide the length of time for day and night parking; the hours that constitute day and night; and provide for marking with proper signs setting forth the manner, form, and hours of parking. Such parking zones shall be delineated on a map filed in the office of the Finance Officer.
The driver or person in charge of any vehicle parked in such a limited time zone shall comply with such time limit for parking as shown on the signs or marked on the curb where such vehicle is parked.

10-3-2 Penalty. The offending automobile or other vehicle will be tagged with a tag, listing the date of the offense, license number of the vehicle, make, violation number, and location of offense with reference to street or avenue. Whenever a notice is left by any member of the police department in or on any vehicle which has violated the parking regulations, the person in charge of such vehicle shall pay the amount of the assessment described thereon by taking such notice and amount of the assessment to the city finance office and depositing the same with the city Finance Officer.

If the owner or operator fails to comply within seven (7) days from the date of notice of violation, then in that case, a summons will be issued and the assessment shall be raised by twenty-five dollars ($25) for each violation. The increased assessment can be paid at the city finance office within the above time frame. If the summons is not complied with, a warrant will be issued to bring the owner or operator of the vehicle into court and an additional penalty will be assessed by the court for the violations.

Any vehicle parked in violation of this chapter may be removed from the streets by the police department and placed in public or private storage and the owner thereof, in addition to the fines and penalties provided in this chapter, shall pay the charges for towing and storage of said vehicle so removed by the police department. All money so collected by the police department shall be immediately deposited with the city Finance Officer to be paid into the general fund.

10-3-3 Non-Parking Areas. The City Council may from time to time by resolution establish and cause to be designated and marked, non-parking areas along street curbs. No vehicle shall be parked at any time or for any period except to load or unload passengers or merchandise in such place so designated and marked.

10-3-4 Spaces Reserved for Police Cars, Special Parking, Etc. The City Council may from time to time by resolution establish and cause to be designated and marked, by suitable signs or otherwise, space for the exclusive use, day and night, of police cars, buses, and such other vehicles as they might deem entitled to such privilege. After a space has been so designate and marked it shall be unlawful for any other vehicle to park within such space, day or night, except momentarily to take on or let off passengers.

10-3-5 Handicapped Parking. There is no parking in any designated special parking space which is clearly marked as a handicapped parking space unless said vehicle in said parking space is displaying a serially numbered certificate or special license plate marking it as owned or operated by a handicapped person.

10-3-6 Parking During Snow Removal. During the snow season when plowing is necessary, all vehicles parked on the city streets and avenues must be moved within twenty- four (24) hours after the snow plow has passed this vehicle.

10-3-7 Vehicles Left in Disrepair. It shall be unlawful for any person, firm, or corporation to park any automobile, truck, tractor, or other motor vehicle which is in a state of disrepair in the same location on a city street or parking lane for more than a period of ten (10) days. It is declared that allowing such a vehicle to remain parked for more than ten (10) days is a public nuisance and a danger to the health, safety, and welfare of the citizens of the City of Groton.
Should a person, firm, or corporation desire to leave such a vehicle in a state of disrepair for more than ten (10) days for a valid reason, he shall obtain a permit in writing from the chief of police for an extension of time to

complete repairs on said vehicle. The granting of such a permit and the length of time of said permit shall be up to the chief of police.

10-3-8 Parking of Trucks. All freight and stock trucks shall be parked in the city at such places only as have been marked and designated by the chief of police and shall be parked parallel with the curb. Provided however, that this section shall not apply to light delivery trucks delivering goods from house to house and place to place which require a brief stop to receive or deliver merchandise.

10-3-9 Parallel and Diagonal Parking. Vehicles shall park in either a parallel or diagonal manner, according to the signs and paint demarcations in the parking area. Parallel parking shall be done so that the vehicle is parallel to the curb in the direction of traffic, and not closer than four (4) feet to any other vehicles, front or rear.

The front and rear wheels on the right side of such vehicle shall not be more than eighteen (18) inches from the curb. Diagonal parking shall be done so that the vehicle is parked at an angle with the curb of approximately forty-five (45) degrees, with the right front wheel touching or within twelve (12) inches of the curb.

Chapter 10-4 Truck Routes

10-4-1 Truck Routes. All trucks entering, leaving, or operating within the city limits shall be driven only over and along the truck routes herein established and upon such other designated streets and areas over which truck travel is permitted.

10-4-2 Definitions. The following terms, phrases, and words shall have the meaning as herein defined as they are used in this chapter.
A. Person. Any individual, association, company, corporation, firm, partnership, or organization.

B. Truck. Any motor vehicle designated or operated for the transportation of property which has a body weight or body and load weight which exceeds three (3) tons per axle.

C. Truck Route. The streets herein designated as the way over and along which trucks entering and leaving the city must operate.

D. Deviating Truck. A truck operating on city streets not designated as a "truck route" while operating within the city limits.

10-4-3 Through Truck Route Established. It is hereby established within the city the following "through truck routes:"

A. All trucks entering or leaving the City of Groton from the north or south shall proceed along SD Highway 37 or Sixth Street, which streets are bounded on the north by US Highway 12 and on the south by Railroad Avenue.

B. All trucks entering or leaving the City of Groton from the east or west shall proceed along US Highway 12 or Railroad Avenue, which streets are bounded on the west by SD Highway 37 and on the east by Sixth Street.

10-4-4 Exceptions. Trucks may deviate from the above streets and highway for the following reasons:

A. When it is necessary for conducting business at a destination in the city by first utilizing an established truck route to the point it becomes necessary to deviate from that route doing so at the intersection with the street or avenue nearest to the destination point and going directly to the destination point. Upon leaving the destination point, the deviating truck shall return to the nearest truck route by the shortest route.

B. The operating of emergency vehicles upon any street in the city.

C. The operation of trucks owned and operated by the city, a public utility, any contractor, or material supplier, while engaged in the repair, maintenance, and construction of improvements within the city.

D. The operation of trucks upon officially designated detour.

10-4-5 Load Limits. If load limits have to be imposed with weather changes, these load limits would coincide with state load limits when they are necessary.

10-4-6 Truck Route Signs. The city police department shall cause all truck routes to be clearly marked to give notice that this chapter is in effect.

10-4-7 Enforcement of Truck Routes. The city police department shall keep and maintain accurate maps setting out truck routes and streets upon which traffic is permitted. The maps shall be kept on file in the office of the Finance Officer and made available to the public.

Any police officer having reason to believe that the weight of a vehicle and load is unlawful shall require any person driving or in control of said vehicle

to proceed to any public or private scale available for the purpose of weighing and determining whether this chapter has been complied with provided that such vehicle is driven to the nearest scale but in no event more than five (5) miles. It shall be unlawful for any person driving or in control of any such vehicle to fail to comply with their requirement.

Nothing in chapter 10-4 shall be construed to modify or change any of the regulations of the state highway department or the statutes of the state with reference to the gross weight permitted upon any highways within the city.

Chapter 10-5 Pedestrians

10-5-1 Pedestrian's Right-of-Way.
A. The operator of any vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at the end of a block, except at intersections where the movement of traffic is being regulated by police officers or traffic control signals.

B. Whenever any vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross a roadway, it shall be unlawful for the operator of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.

C. It shall be unlawful for a pedestrian to cross a roadway at any point other than within a marked or unmarked crosswalk.

10-5-2 Pedestrian's Right and Duties at Controlled Intersections. At intersections where traffic is controlled by a traffic signal, a pedestrian shall yield the right-of-way to vehicles lawfully proceeding directly ahead on a "Go" signal, and the driver of a vehicle while making a right or left turn shall yield the right-of-way to pedestrians proceeding across the street on the" Go" signal. It shall be unlawful for a pedestrian to cross or attempt to cross a street when the traffic is stopped.

10-5-3 Pedestrians to Use Right Half of Crosswalk. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

10-5-4 Pedestrians Soliciting Rides. It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the operator of any private vehicle.

Chapter 10-6 Speed Regulations

10-6-1 Restrictions as to Speed. Any person driving a vehicle on a street or highway shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface, and width of the street or highway and to any other conditions existing.

10-6-2 Speed Limitations. It shall be unlawful for any driver to drive any vehicle upon a highway or streets of the city or in any municipal park at a greater rate of speed than the following:

A. Fifteen (15) miles an hour when approaching within fifty (50) feet of a railroad grade crossing when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last two hundred (200) feet of his approach to such crossing he does not have a clear and uninterrupted view of such crossing and of any traffic on such railway for a distance of four hundred (400) feet in such direction from such crossing.

B. Fifteen (15) miles an hour when passing a school during a school recess or while children are going to or leaving school during the opening or closing hours.

C. Fifteen (15) miles an hour when approaching within fifty (50) feet and in traversing an intersection of streets when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty (50) feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection for a distance of two hundred (200) feet from such intersection.

D. Except as provided above, twenty-five (25) miles per hour on "Thru Streets," and side streets, or as otherwise designated.

E. Fifteen (15) miles per hour in the City parks, and in the city cemetery.

Chapter 10-7 Traffic Signs and Signals

10-7-1 Traffic Signs and Signals. The City Council shall by resolution determine and designate the character or type of all official traffic signs and signals, provided that all traffic signs and signals erected and in operation are hereby designated official traffic signs and signals.
Subject to this selection, the chief of police is hereby authorized, and as to those signs and signals required hereunder, it shall be his duty to place and maintain or cause to be placed and maintained all official traffic signs and signals. All signs and signals required hereunder for a particular purpose

shall be approved by the City Council, and as far as practicable, standard throughout the city.

10-7-2 Obedience to Traffic Signs and Signals. It shall be unlawful for any operator to disobey the instructions of any official traffic sign or signal upon the street placed in accordance with the provisions of this title, unless otherwise directed by a law enforcement officer.

10-7-3 Interference with Signs or Signals Prohibited. It shall be unlawful for any person willfully to deface, injure, move, obstruct, or interfere with an official traffic sign or signal.

10-7-4 Display of Unauthorized Signs or Signals Prohibited. It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal, or device which purports to be or is an imitation of or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic. Every such prohibited sign, signal or device is hereby declared to be a public nuisance, and the chief of police is hereby empowered to remove the same, or cause it to be removed without notice.

10-7-5 Council Authorized to Designate Crosswalk. The City Council may by resolution establish safety zones of such kind and character and at such places as they may deem necessary for the protection of pedestrians and may mark lanes for traffic on street pavements at such places as they may deem advisable consistent with the provisions of this title; and that space being so designated, it shall be the duty of the chief of police to mark such zones and lanes in accordance with such resolution.

Chapter 10-8 Miscellaneous Provisions

10-8-1 Accident - Duty to Stop. The driver of any vehicle involved in any accident resulting in injury or death to any person or damage to property shall immediately stop and give his name and address, and the name and address of the owner and the license number of the vehicle he is driving to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the arrangement for medical assistance of such person by a physician or surgeon for medical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

10-8-2 Duty to Give Immediate Notice of Accident to Law Enforcement Officer. The driver of any motor vehicle involved in an accident resulting in bodily injuries or death to any person or property

damage to an apparent extent of four hundred dollars ($400) or more shall immediately, by the quickest means of communication, give notice of such accident to the police department.

10-8-3 Duty Upon Striking Animal. The driver of any vehicle which collides with any dog or domestic animal causing injury thereto shall stop and attempt to notify the owner; if the owner cannot be notified at once, the driver shall report the accident to the police department in order that the injured animal may be properly cared for.

10-8-4 Duty Upon Striking Unattended Vehicles. The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or property of his name, address, and the name and address of the owner and the license number of the vehicle he is driving or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving his name, address, and the name and address of the owner and the license number of the vehicle he is driving and shall without unnecessary delay notify the police department. Every such stop shall be without obstructing traffic more than is necessary.

10-8-5 Repair of Vehicle with Reportable Damage Prohibited Unless Required Notice Affixed - Violation as Misdemeanor. The person in charge of any garage or repair shop shall not commence repair on any motor vehicle which shows evidence of having been involved in a reportable accident or struck by any bullet unless the vehicle bears the notice provided by the state public safety department.

10-8-6 Parades and Processions. No parade or procession other than a funeral procession shall be held or participated in upon the streets except with the prior consent of the City Council or Mayor. The consent of the City Council to the holding of such parade or procession shall be given unless it reasonably appears that the holding of the same would unreasonably obstruct and impede traffic or would be likely to disturb the peace and quietness of the city.

10-8-7 Interfering with Traffic. No vehicle shall be parked or left standing on any street so as to interfere with or interrupt the traffic on said street. Disabled vehicles are exempted from this but only for such reasonable period of time as may be required to remove the disabled vehicle form its position of interference.

10-8-8 Use of Coasters, Roller Skates, and Similar Devices. It shall be unlawful for any person on roller skates, roller blades or riding in or by means of any coasters, toy vehicles, or similar device to go upon any roadway except while crossing a street on a crosswalk.

10-8-9 Weight and Size of Vehicle and Loads. No person shall drive or operate any vehicle upon any street the gross weight of which, including the load, or the size of which does not comply with the requirements of the state law governing such vehicle or as provided in subsection 10-4-2(B) of this ordinance.

10-8-10 Brakes and Signaling Device.

A. Every motor vehicle, trailer, semitrailer, and pole trailer, and any combination of such vehicles shall be equipped with brakes in compliance with the requirements of SDCL 32-18;

B. Every motor vehicle shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of at least two hundred (200) feet.

10-8-11 Lights. A motor vehicle upon a highway within the state during the period from a half (1/2) hour after sunset to a half (1/2) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred (200) feet shall be equipped with at least two (2) lighted lamps on the front and (2) on the rear of such motor vehicle, such lamps to conform to SDCL 32-17, provided that a motorcycle or motor bicycle shall be required to display but one (1) lighted lamp in front and one (1) in the rear.

10-8-12 Headlights Dimmed. No person shall use head lights or side lights upon any vehicle on any street unless the same are dimmed in such a way as to prevent the light being dazzling or blinding to persons using the street.

10-8-13 Spot Lights. No person shall use a spot light in the streets unless in an emergency, and then so as not to blind or inconvenience persons using the street.

10-8-14 Play Streets. The City Council may declare any street or part thereof as "Play Street," and place appropriate signs or devices in the roadway indicating such use.

10-8-15 Muffler, Excessive Smoke, and Noise. No person shall operate or drive any motor vehicle unless such motor vehicle is provided with an

adequate muffler, which shall at all times be kept closed so that the exhaust is effectively muffled. No person shall operate a motor vehicle in such manner as to emit unnecessary or excessive smoke or noise from the motor of such vehicle or to needlessly sound the horn or other noise-making device.

10-8-16 Prohibiting the Use of "Smitty" or Hollywood" Mufflers.
A. The use of "Smitty" or "Hollywood" mufflers or other devices of a like character which make loud noises or explosions are hereby declared unlawful.

B. It shall be unlawful to use a "Muffler Cutout" on any motor vehicle on any street or roadway in the city.

10-8-17 Vehicles with Lugs Prohibited. No person shall operate or move any tractor or vehicle equipped with mud lugs, ice spurs, or spikes upon or across any street that is surfaced with portland cement concrete or surfaced with bituminous material or any other hard surfacing material without first laying planks at least two (2) inches in thickness over the surface of such street in a manner so as to protect such street surface from any damage.

10-8-18 Pneumatic Tires with Metal Studs Permitted. It shall be lawful to operate, upon the streets of the City of Groton, motor vehicles equipped with pneumatic tires in which there are embedded metal studs or wires of tungsten or other similar metal from October 1 to April 30 as provided by the state law.

10-8-19 Vehicles Prohibited on Closed Streets. No vehicles shall be driven upon any street which has been closed to traffic by the proper authority.

10-8-20 Manner of Arrest. Except in cases of driving while intoxicated or under the influence of intoxicating liquor or any stupefying or exhilarating drug, and except in the more serious and aggravated cases of speeding or careless and reckless driving, and except when reasonably necessary to secure appearance, a person charged with violation of a traffic ordinance of the City of Groton by a police officer need not be arrested in the regular manner but may first be given an opportunity, after notice, to appear voluntarily to answer for such traffic violation.

10-8-21 Notice to Appear. A person charged with violation of a traffic ordinance shall be given a notice to appear before the circuit court magistrate or the county clerk of courts at the time stated in such notice,

which shall be written within ten (10) days from the time of the offense; and that in event of failure to do so, a warrant will be issued for his arrest. The notice shall state the name and address of the offender, if known; the license number and make of the vehicle involved in the violation; the nature, date, and location of the offense; and the time and place where the offender is to appear to answer to the charges. The notice shall be made in duplicate and the portion of the original stating the offense and the place and time to appear shall be given to the owner or driver charged with the offense or left in or upon the vehicle involved in the violation.

10-8-22 Appearance and Deposit for Fine. A person who has received a notice of a traffic violation as provided in the preceding section shall appear at the time and place specified in such notice. In cases of parking violations and other minor traffic violations for which the person charged has been ordered to appear before the circuit court magistrate or county clerk of courts; he may make a deposit for the fine as authorized by the court and sign a statement authorizing a circuit court magistrate or county clerk of courts to enter his plea of guilty to the offense, then he shall not be required to appear in court. Any person who has been guilty of three (3) or more violations of the provisions of the traffic ordinances of this city shall not be permitted to deposit the fine as herein above authorized, but must post a bond for his appearance in court at the time specified by the department, said bond to be in an amount set by the City Council and on file at the office of the Finance Officer.

10-8-23 Failure to Appear. Upon failure of a person to appear in response to a notice of a traffic violation as herein provided, he shall be subject to arrest in the manner otherwise provided by law.

10-8-24 Evidence of Traffic Violations. In any proceeding for violations of the provisions of this title relating to the operation or parking of motor vehicles, the registration plate displayed on such motor vehicle shall constitute in evidence a prima facie presumption that the owner of such vehicle was the person who was operating or parking such motor vehicle at the time when such violation occurred or who parked such motor vehicle at the point where such violation occurred.

Chapter 10-9 Snowmobile Operation

10-9-1 Snowmobile Defined. A snowmobile is any engine-driven vehicle of a type which utilizes sled type runners, wheels, or skis with an endless belt tread or similar means of contact with the surface upon which it

is operated. No snowmobile shall be operated within the incorporated limits of the City of Groton except upon compliance with this ordinance.

10-9-2 Permitted Operations. No person shall operate a snowmobile upon any street in the city except to provide an exit out of the city and a return to the residence of the operator or the owner of the snowmobile, by way of the most direct and closest route available. Snowmobiles shall operate upon city streets only when they are snow covered or snow packed and shall not be operated on the sidewalks or any private property other than private property owned by the operator or owner of the snowmobile.

10-9-3 Licensed Drivers. All operators of snowmobiles, operating on the city streets, shall have a valid South Dakota driver's license in their possession.

10-9-4 Mufflers. Every snowmobile shall be at all times equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke.

10-9-5 Brakes. Every snowmobile shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle.

10-9-6 Safety Equipment and Inspection. No snowmobile shall be driven on the roadway, street, or alley when said snowmobile is in such unsafe condition as to endanger any person or property. The city police may at any time upon reasonable cause to believe the snowmobile is unsafe or not equipped as required by this ordinance, require the driver of such vehicle to stop and submit such vehicle to an inspection and test with reference thereto as may be appropriate. No person shall operate any vehicle which has been found unsafe except to return such snowmobile to his residence, place of business, or to a garage until said vehicle has been placed in proper repair.

10-9-7 Lights. A snowmobile, when being operated within the city limits, shall display a headlight and taillight at all times, and such lights shall be conformity with the standards set by South Dakota law.

10-9-8 Hours of Permitted Operation. No snowmobile shall be operated within the City of Groton between the hours of 11:00 p.m. and 6:00 a.m. except that a driver may drive during this restricted time when he is coming into the city to his residence or drive during this restricted time

when he is leaving the city to go to his residence or when driving from work to his residence.

10-9-9 Exceptions. Operators will be allowed the use of streets in the event of any emergency (sickness, fire, snowstorms, etc.).

10-9-10 Rules of the Road. Every operator of a snowmobile shall observe all of the rules of the road pertaining to vehicles and in addition shall yield the right-of-way to motor vehicles. Snowmobile operators are to use the shortest route when leaving or entering the city. All ordinances of the City of Groton pertaining to the operation of vehicles shall be applicable to the operation of snowmobiles and are adopted by reference and made a part hereof, the same as if set forth fully herein.

10-9-11 Permitting Unauthorized Person to Drive a Snowmobile is Unlawful. No person shall authorize or knowingly permit a snowmobile owned by him or under his control to be driven on any public highway by any person who is not authorized hereunder or in violation of any of the provisions of this ordinance.

10-9-12 Penalties. Any person who shall violate one or more of these provisions hereof shall be subject to a penalty as set in this ordinance (11-1-1).

Title 11: General Provisions

Chapter 11-1 Penalties and Repealing Clause

11-1-1 Penalty in General. Except in cases where a different or additional penalty is imposed by this ordinance or by some existing provision of law, every violation of any of the provisions of this ordinance shall be punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment for a period not exceeding thirty (30) days or by both such fine and imprisonment. (SDCL 9-19-3).

11-1-2 Conflicting Ordinances Repealed. All former ordinances or parts of former ordinances in conflict with the provisions of this ordinance or relating to the subject matter of this ordinance, except as stated in this chapter, are hereby repealed; provided however, that nothing herein shall be construed as repealing any special ordinances, appropriation ordinances, franchise ordinances establishing fees and charges, levy ordinances for the issuance of bonds, or special ordinances of like character, nor shall this ordinance repeal or modify the provisions of any zoning ordinances or any other ordinances requiring a special method of adoption, nor shall this

ordinance repeal or modify the provisions of any resolution heretofore adopted by the City of Groton unless the provisions of this ordinance either modify, repeal, or amend such resolution; and all such ordinances and resolutions shall remain in full force and effect.

11-1-3 Unconstitutionality. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby.

Planning & Zoning Ordinances

PART 1 - SHORT TITLE

This Ordinance shall be known and shall be cited and referred to as "The Zoning Ordinance of Groton, South Dakota," to the same effect as if full titles were stated.

PART 2 - PLANNING AND ZONING

Chapter 2.01 Purpose

2.0101 Setting of Regulations. The regulations for the zoning and planning as herein set forth are made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the community. They are designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent overcrowding of land, and to facilitate the concentration of population and to facilitate the adequate provision of transportation, water, waste water, schools, parks and other public requirements, They are made with responsible consideration, among other things, as to the character of each district and its particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

PART 3 - JURISDICTION

Chapter 3.01 Jurisdiction

3.0101 Jurisdiction Defined. The provisions of this Ordinance shall apply within the corporate limits of the City of Groton, South Dakota, and within the territory beyond said corporate limits as now or hereafter fixed, for a distance of one (1) miles in all directions, as established on the map entitled "The Official Zoning Map of the City of Groton, South Dakota, " as the same may be amended by subsequent annexation. Said map and amendments thereto and all explanatory matter thereof accompanies and is hereby made a part of this ordinance. Said map shall be on file in the office of the Register of Deeds of Brown County, South Dakota, and a copy shall be on file in the office of the municipal Finance Officer of the City of Groton, South Dakota.

3.0102 Jurisdiction Out of Corporate Limits. The area of joint control shall require action jointly by the Groton planning commission and the Brown County planning commission.

PART 4 - OFFICIAL ZONING MAP

Chapter 4.01 Official Zoning Map

4.0101 General. The city is hereby divided into zones, or districts, as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. The official zoning map shall be identified by the signature of the mayor, attested by the municipal Finance Officer, and bearing the seal of the city under the following words; "This is to certify that this is the official zoning map referred to in Title 4 enacted by Ordinance No. 530, adopted April, 1996.

4.0102 Zoning Map Changes. If, in accordance with the provisions of this ordinance, changes are made in the district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the City Council with an entry on the official zoning map as follows; On (date), by official action of the City Council, the following (change(s)) were made in the official zoning map:(brief description on nature of change)," which entry shall be signed by the mayor and attested by the municipal Finance Officer. No amendment to this ordinance which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map. No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Chapter 23. Regardless of the existence of purported copies of the official zoning map which may, from time to time, be made or published, the official zoning map, which shall be located in the office of the municipal Finance Officer, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in Groton.

4.0103 Zoning Map Replacement. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or by number of changes and additions, the City Council may, by ordinance, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such

correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the municipal Finance Officer, and bearing the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the Official zoning map adopted (date of adoption of zoning map being replaced) as part of Ordinance No. ___ of Groton, South Dakota." Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to it adoption or amendment.

PART 5 - DEFINITIONS

Chapter 5.01 Definitions

5.0101 General. For the purpose of this ordinance, unless otherwise stated, words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word shall is mandatory, not discretionary; the word may is permissive; the word person includes a firm, association, organization, partnership, trust, limited liability company, or corporation, as well as an individual; the word lot includes the words plat or parcel; and the words used or occupied include the words intended, designed, or arranged to be used or occupied.

5.0102 Specific Terms. For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

Accessory Use or Structure. A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principle use or structure.

Adjacent Property. Properties connecting without regard for streets, alleys, or public right-of-way that divide the properties.

Adjoining Property. Properties connecting with a side in common.

Boulevard Area. Street right of way from the curb line (whether there is curb and gutter installed or not) of the surfaced street to the property line. Generally, on a sixty-six foot (66') residential street right of way there shall be thirteen feet (13') on each side of the street for open space and public sidewalk. The surface may be of any appropriate surfacing material to assure compliance with soil erosion and sedimentation control standards, often this is landscaped. It is maintained by the property owner, but ownership remains with the City.

Building Area. The portion of a lot remaining after providing for the required yards.

Building. The word "building" includes the word "structure" and is a structure which is entirely separated from any other structure by space or by walls in which there are no communicating doors or windows or similar openings. Within a principle building including covered porches and paved patios is the principle use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principle building on the lot on which the same is situated.

Cannabis (or Marijuana). All parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. (hemp) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

Cannabis Cultivation Facility. In addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

Cannabis Dispensary. In addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

Cannabis Establishment. A cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

Cannabis Product Manufacturing Facility. In addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

Cannabis Products. Any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

Cannabis Testing Facility. In addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

Commission. Groton City Planning and Zoning Commission.

City Council. The Groton City Council.

Density. Pertaining to the number of dwelling units per net acre or gross acre, as indicated for the appropriate zoning district. Residential districts density shall not be exceeded for new subdivisions nor exceeded for re-subdivision of existing platted land.

Dwelling, Single-Family. A detached residential dwelling unit other than a mobile home, designed for one (1) family.

Dwelling, Multiple-Family. A residential dwelling designed for two or more families living independently of each other and doing own cooking in said building.

Dwelling Unit. One room or rooms, connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or long-term basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom, and sleeping facilities.

Feedlot, Commercial. A commercial feedlot is a place where the principle business is the feeding of livestock and such feeding is not done as a subordinate activity to the production of crops on the premises of which the feedlot is a part.

Fences. A barrier intended to mark a boundary, prevent intrusion or prevent escape. Generally constructed with posts and boards or wire. Such fence shall be man-made of posts, wood, plastic, wire, cement, blocks, rocks, or bricks. Those constructed of cement, blocks, rocks, or bricks must have a setback from the lot line similar to a structure. Wood, plastic or wire construction may be located along the owner's side of the lot line or property

boundary. Fences may be constructed to any height found to be structurally sound. Any fences must be constructed to allow the more aesthetically pleasing side to be visible from the outside of the property. No barbed/razor wire may be used in residential zones or below six (6) feet in height from the ground in other zones. No fence or wall shall be permitted which materially impedes vision across required yard spaces or at street, avenue, alley intersections. Visibility at intersections must be addressed in construction and maintenance of fences. Fences surrounding junk yards must obstruct the view.

Floor Area. The sum of all gross horizontal enclosed area of the several floors of a building and its accessory building on the same lot excluding basement floor areas and non-enclosed portions of the structure. All dimensions shall be measured between exterior faces of walls.

Home Occupation. An occupation conducted in a dwelling unit provided that:

1. No more than one other person, in addition to members of the family, residing on the premises shall be engaged in such occupation;

2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty (30) percent of the floor area of the dwelling shall be used in conduct of the home occupation;

3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one (1) square foot in area, non-illuminated and mounted flat against the wall of the principle building;

4. No traffic shall be generated by such home occupation in greater volumes than would normally be accepted in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard; and

5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Horticulture. The art or science of growing flowers, fruit, and vegetables.

Junk Yards. The use of more than seven hundred fifty (750) square feet of open storage on any lot, portion of a lot, or tract of land for the sale, storage, keeping, or abandonment of junk, scrap metals, or salvageable materials, or for the abandonment, dismantling, or wrecking of automobiles or other vehicles, machines, or parts thereof.

Kennel. Any lot, structure or premises where four (4) or more dogs and/or cats over four (4) months of age are kept.

Lot. For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or an approved private street, and may consist of:1

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of portions and/or complete lots of record; and
4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot Frontage. The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, the zoning administrator shall determine which frontage shall require the full depth front yard and which frontage shall require one half depth front yard.

Lot Measurements.
1. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear; and
2. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points where they intersect with the street line, shall not be less than eighty (80) percent of the required lot width except in the case of cul-de-sacs, where the eighty (80) percent requirements shall not apply.

Lot Types. Any lot within the jurisdiction of this ordinance shall be one of the following types:

1. Corner Lot. A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side of lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. Interior Lot. An interior lot is defined as a lot other than a corner lot with only one frontage on a street.
3. Through Lot. A through lot is defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Manufactured Housing. Manufactured housing shall include double wide mobile homes, modular homes, prefabricated homes, prebuilt homes, packaged or kit homes. Manufactured homes shall constitute single family and two-family dwellings for purposes of this ordinance if said dwelling has a minimum width of twenty-three (23) feet, is covered with conventional siding, has a shingled or other suitable roofing material as commonly found on homes built on site with a pitched roof which stands on a permanent foundation, with or without a basement, and is taxed as real estate. All manufactured homes as herein before described shall consist of units produced in a factory or other building location and then moved to erection site all of which are produced in accordance with the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. sec. 5401 et seg.) as amended or the Uniform Building Code (International Conference of Building Officials) and then transported to the site and designed for long-term residential use.

Mobile Home. A one-family dwelling unit of vehicular, portable design, built on a chassis and designed to be moved from one site to another and to be used without permanent foundation and regardless of whether or not such wheels have been removed. This definition applies to single width, eight (8) feet, ten (10) feet, twelve (12) feet, fourteen (14) feet, sixteen (16) feet, or such other single or double width trailers as may appear. Regardless if a permanent foundation is placed under the mobile home as defined above and regardless if the mobile home is subsequently taxed as real property, the above-described dwelling unit shall remain a mobile home for purpose of this zoning ordinance. This definition shall not be construed as to include manufactured modular, prefabricated, precut, prebuilt, packaged or kit housing or dwelling units, as hereinbefore defined, all of which are built away from the site and transported to the site for erection, provided that when completely erected, said manufactured modular, precut,

prefabricated, prebuilt, packaged or kit housing or dwelling unit shall be on a permanent foundation and taxed as real property.

Mobile Home Park. Any premises where one or more mobile homes are parked for living or sleeping purposes, or any premises used or set apart for supplying to the public, parking space for one or more mobile homes for living or sleeping purposes, and which include any buildings, structures, vehicles, or enclosure used or intended for use, or intended wholly or in part, for the accommodation of automobile transients.

Nonconforming Use. Any building or land unlawfully occupied by a use at the time of passage of this ordinance, which does not conform after passage of this ordinance.

Outer Most Point of Structure. The point of the structure that extends closest to the outside measurement of the lot. This would include a wall, overhang, decorative projections attached to the structure, bay windows, egress windows wells, decks, or entry steps. But it would not include patios, driveways, sidewalks, or detachable equipment such as a heat pump or air conditioner or similar utility equipment.

Performance Standards. It is a criterion established for the purpose of:
1. Assigning proposed industrial uses to proper districts; and
2. Making judgments in the control of noise, odor, smoke, toxic matter, vibration, fire and explosive hazards, or glare generated by, or inherent in, uses of land or buildings.

Principle or Primary Use or Structure. The main use or structure of the lot as permitted in the district where the lot is situated. In any residential district, any dwelling shall be deemed to be the principle building on the lot on which the same is situated.

Public Sidewalks. A permanent smooth hard surfaced area built in accordance with Section 9-2-2, Specifications, maintained for walking by the public.

Public Utility Substation. An area where facilities are provided for the distribution of telephone, radio communications, water, gas, and electricity. These facilities shall be permitted as a conditional use in the various zoning districts subject to conditions which will assure their harmony, especially aesthetically with the nature of the respective districts.

Safety Hazard Site. Commercial, industrial, or agriculture property which is used for storage of chemicals, or other materials which may be hazardous to human or animal health if not properly protected. Property deemed as a safety hazard site by the Chief of Police or the City Council must be surrounded by security fence.

Secondary Use or Structure. See Accessory Use or Structure.

Security Fence. A barrier intended to prevent intrusion or prevent escape from a site deemed a safety hazard by the Chief of Police or the City Council. Generally constructed with posts and wire. Barbed/razor is permitted above a height of six (6) feet from ground level. The owner or occupant of any property deemed a safety hazard by the Chief of Police or the City Council must construct, maintain, and repair this mandatory security fence for as long as the property continues to be a safety hazard.

Setback. The distance by which the outermost part of a structure is set back from the property line.

Shelterbelt. A strip or belt of trees or shrubs established to reduce soil erosion and to protect yards, lots, buildings, livestock, residences, recreational areas, and wildlife from the wind.

Signs. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:
1. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box number, names of occupants or premises, or other identification of premises not having commercial connotations;
2. Flags and insignia of any government except when displayed in connection with commercial promotion:
3. Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights; and
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Sign, Off-Site. A sign other than an exterior or interior on-site sign. Off-site signs are more conventionally known as billboards regardless of size.

Sign, On-Site, Exterior. An exterior sign relating to its subject to the premises on which it is located, or to products, accommodations, services, or activities on the premises. Exterior on-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business, such as billboards which are off-site signs.

Sign, On-Site, Interior. A sign on the interior of a structure relating its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. As long as any such sign is not normally viewable from the exterior of the premises, it shall not be regulated by this ordinance.

Special Exception. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exceptions, if specific provisions for such special exception are made in this ordinance.

Street Line. The lot line abutting right-of-way line.

Structure. Anything constructed or erected on the ground that will be in place for more than 30 days. Among other things, structures include but are not limited to sheds, buildings, mobile homes, walls, signs, billboards, and poster panels. All structures must follow City Ordinances.

Temporary Structure. Any structure which will be at a location for 30 days or less.

Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and/or recreational purposes having a body width not exceeding eight (8) feet.

Truck or Equipment Terminal. Any lot, structure, or premises used for the parking or storage of capital equipment such as trucks, trailers, or other like equipment.

Utility Substation. See Public Utility Substations.

Variance. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owning to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in the ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. This is NOT to be confused with a special exception.

Yard. A required open space other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the grade of the lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front. A yard extending between side lot lines across the front of a lot adjoining a public street. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of thirty (30) inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of thirty (30) inches and ten (10) feet. In case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the zoning administrator may waive the requirement for the normal front yard and substitute a special yard requirement which shall not exceed the average frontage provided on adjacent lots. In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern; and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage. In the case of reversed frontage corner lots, a front yard of required depth shall be provided on either frontage; and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage. In the case of corner lots with more than two (2) frontages, the zoning administrator shall determine the front yard requirements, subject to the following limitations;

1. At least one front yard shall be provided having the full depth required generally in the districts; and

2. No other front yard on such lot shall have less than half depth required generally.
Depth of required front yards shall be measured with a straight line from the center of the front of the structure at right angles from a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel. No portion of the structure shall protrude into the required side yard depths or into the half depth of the front yard.

Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full- and half-depth front yards have been established shall be considered side yards. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with it inner edge parallel with the side lot line.

Yard, Rear. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Zoning Administrator. City of Groton Finance Officer.

PART 6 - APPLICATION OF DISTRICT REGULATIONS

Chapter 6.01 Application of District Regulations

6.0101 General. The regulations set forth by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land and particularly, except as hereinafter provided.

6.0102 Zoning Affects Every Building and Use. No building, structure, or land shall hereinafter be used or occupied; and no building or structure or part thereof shall hereinafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

6.0103 Performance Standards. No building or other structure shall hereafter be erected or altered;

1. To exceed the height or bulk;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area;

4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required; or in other manner contrary to the provisions of this ordinance.

6.0104 Open Space or Off-Street Parking or Loading Space. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as a part of a yard, open space, or off-street parking or loading space similarly required for any other building.

6.0105 Yard, Lot, Sidewalk, and Boulevard Reduction Prohibited. No yard, lot, sidewalk, or boulevard existing at the time of passage of this ordinance shall be reduced in dimension or areas below the minimum requirements set forth herein. Yards, lots, sidewalks or boulevards created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

6.0106 Unclassified or Unspecified Uses. Unclassified or unspecified uses may be permitted by special exception after the city planning commission has made a review and determination that such uses are similar in character to the principal uses permitted in the district.

PART 7 - ESTABLISHMENT OF DISTRICTS

Chapter 7.01 Establishment of Districts

7.0101 Planning Commission Recommendations. It shall be a purpose of the Groton planning commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The planning commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the City Council shall not hold public hearings or take action until it has received the final report of the city planning commission.

7.0102 Districts Created. For the purpose of this ordinance, there are hereby created seven (7) types of districts by which the jurisdictional area defined in Title 3 shall be divided:
(AG) Agricultural Fringe
(R-1) Residential
(R-2) Mobile Home
(R-3) Residential
(C-1) Commercial
(C-2) Commercial
(HC) Highway Commercial
(I) Industrial

PART 8 - AGRICULTURAL FRINGE PROTECTION DISTRICT (AG)

Chapter 8.01 Agricultural Fringe Protection District (AG)

8.0101 Statement of Intent. The intent of this district is to protect land adjacent to communities from premature development that would inhibit orderly growth and development within the fringe area while maintaining normal agricultural undertaking.

8.0102 Permitted Principle Uses and Structure. The following principle uses and structures shall be permitted in Agricultural Fringe Protection District (AG).
1. Any form of agriculture including the raising of crops, horticulture, animal husbandry, and kennels;
2. Dwellings and their normal accessory buildings including mobile homes (MH) not to exceed five (5) units;
3. Railroad track right-of-way; and
4. Living quarters of persons employed on premises.

8.0103 Permitted Accessory Uses and Structure. The following accessory uses and structures shall be permitted in the Agricultural Fringe Protection District (AG):

1. Roadside produce stands in conjunction with a bona fide farm operation on the premises;
2. Artificial lake(s);
3. Home occupations; and
4. Agricultural Business

8.0104 Special Exceptions. After notice and appropriate safeguards, the Planning and Zoning Commission may permit the following special exceptions in the AG District, providing no new facility is closer than 30 feet from any occupied dwelling unless written permission is granted by owner or owners of such dwelling: (Existing activities listed below that expand within their present locations are exempt from this section).

1. Fairgrounds, racetracks, and amusement parks;
2. Utility substations;
3. Airports;
4. Cemeteries;
5. Golf courses, country clubs, and golf-driving ranges;
6. Amphitheaters, stadiums, drive-in movies, arenas, and field houses;
7. Go-cart tracks, riding stables, play fields, athletic fields, bowling, swimming pools, automobile parking;
8. Public parks, public recreational areas, churches, and schools;
9. Commercial feedlots;
10. Operation and maintenance terminal for truck and other equipment;
11. Junkyards and salvage yards provided they are set back one thousand (1,000) feet from state and federal road right-of-ways; if not, they must be screened and not visible to main traveled ways;
12. Sanitary landfill sites in accordance with the South Dakota Department of Environment and Natural Resources regulations; and
13. Planned Unit Development.

8.0105 Maximum Number of Approaches. There shall be no more than one (1) access approach on a public road or highway per one-quarter (1/4) mile on each side of the roads.

8.0106 Minimum Yards. There shall be a front yard of not less than eighty (80) feet deep from state federal right-of-ways or sixty (60) feet deep from other public road right-of-ways. The minimum lot area shall be one (1) acre. There shall be a frontage of not less than two hundred (200) feet across the lot.

8.0107 Minimum Shelterbelt Setback. Shelterbelt consisting of one or more rows when paralleled to the right-of-way shall be set back a minimum of one hundred fifty (150) feet from the right-of-way line. Field belts consisting of one or two rows perpendicular to the right-of-way shall be set back a minimum of seventy- five (75) feet from the right-of-way line. Shelterbelts for existing farmstead purposes are exempt from minimum set back requirements.

PART 9 - RESIDENTIAL DISTRICT (R-1)

Chapter 9.01 Residential District (R-1)

9.0101 Intent. The intent of Residential District (R-1) is to provide for residential uses of varying types and other compatible uses in a pleasant and stable environment.

9.0102 Permitted Principle Uses and Structures.
1. Single-family and two- (2) family dwellings (including manufactured homes); and
2. Noncommercial horticultural uses,

9.0103 Permitted Accessory Uses and Structures.
1. Home occupations and professional offices; and
2. Accessory uses and structures normally appurtenant to the permitted uses and structures when established within space limits of this district.

9.0104 Special Exceptions. After the provisions of this ordinance relating to special exceptions have been fulfilled, the Planning & Zoning Commission may permit as special exceptions in Residential District (R-1):
1. Multiple-family dwellings;
2. Colleges and universities;
3. Churches, synagogues, and temples;
4. Nursery, primary, intermediate, and secondary schools;
5. Public recreational and park facilities;
6. Utility substations;
7. Convalescent, nursing, and rest homes;
8. Medical and other health facilities;
9. Governmental services; and
10. Recreational uses.

9.0105 Minimum Lot Requirements. The minimum lot areas shall be seven thousand (7,000) square feet for single-and two-family dwellings. The minimum lot area per dwelling unit in multi-family dwellings shall be seven thousand (7,000) square feet for the first two units and one thousand five hundred (1,500) square feet for each additional dwelling unit. The minimum lot width shall be fifty (50) feet.

9.0106 Minimum Yard Requirements. There shall be a front yard of not less than a depth of thirty (30') feet. There shall be a rear yard of not less than a depth of seven (7') feet. Each side yard shall not be less than seven (7') feet. For corner lot, see 5.01 definition Yard, Front.

9.0107 Sidewalk Location. If sidewalks are installed, they shall be a minimum width of five feet (5') located seven feet (7') from the curb line to one foot (1') from the property line. The rest of the boulevard area shall be landscaped.

PART 10 - PLANNED MOBILE HOME DISTRICT (R-2)

Chapter 10.01 Planned Mobile Home District (R-2)

10.0101 Intent. This district is created to preserve and enhance property values in the city by providing designated, distinctive areas of not less than two (2) acres having a minimum of three hundred (300) feet in width in which mobile homes may be situated for residential dwelling purposes. It is the intent that this district be a desirable, prominent area providing adequate open space and essentially the same considerations given to citizens of other residential districts.

10.0102 Permitted Principle Uses and Structures. The following principle uses and structures shall be permitted in Planned Mobile Home Park District (R-2):

1. Mobile home dwellings;
2. Laundromats including facilities for coin-operated dry cleaning machines;
3. Parks and playgrounds; and
4. Travel trailers

10.0103 Permitted Accessory Uses and Structures. Only those accessory uses and structures customarily incidental to principal uses and structures.

10.0104 Minimum Lot Requirements. The minimum lot area for individual mobile homes shall be five thousand (5,000) square feet. The minimum lot width shall be fifty feet (50'). The overall density of any mobile home park shall not exceed six (6) units per gross acre.

10.0105 Minimum Yard Requirements. There shall be a front yard of not less than a depth of thirty feet (30'). There shall be a rear yard of not less than a depth of seven feet (7'). Each side yard shall be seven feet (7') as measured from the outermost edge of the building.

10.0106 Mobile Home Parks (R-2). A mobile home park may be established by following the rezoning process for the Residential Mobile Home (R-2) District provided:

1. A request for a change in zoning districts to Residential Mobile Home (R-2) shall set forth the topography, legal description of the proposed mobile home park property, and a sketch of the proposed mobile home park, showing dimensions, driveways, proposed locations of mobile homes, the location of sanitary conveniences and other buildings and improvements;
2. Certification of compliance with all ordinances and regulations regarding mobile home park licensing and zoning, health, plumbing, electrical, building, fire prevention and all other applicable ordinances and regulations shall be a prior requirement; and
3. Property line, easements, and right-of-ways will also be shown.

10.0107 Mobile Home Regulations Within a Mobile Home Park.
1. Planned mobile home developments are permitted as a matter of right in districts zoned as Planned Mobile Home districts (R-2). However, to implement the statement of intent for this district, the following standards shall be met by any applicant.
a. The proposed property shall be located so that it shall not be necessary for excessive traffic movement from the park to pass through an existing single-family residential area or area suitable for future single-family residential development.
b. The property is not within an area used nor planned for industrial development, nor will the occupants of the proposed park be in any way adversely affected by nearby existing or planned industrial uses,

2. Access and Street Requirements.
a. All mobile home spaces must be served from internal private streets within the mobile home park, and there shall be no direct access from a mobile home space to a public street or alley. These streets must be a least graveled.
b. A minimum of two (2) off-street parking spaces shall be provided for each mobile home space; guest parking in the ratio of one parking space per five (5) mobile home spaces shall be interspersed throughout the mobile home park.
c. No internal private street access to a public street shall be closer than one hundred feet (100') to any public street intersection.
d. All streets shall be lighted in accordance to the standards of the city.
e. Stop signs shall be placed at all public street intersections, yield signs placed appropriately on internal private streets.
f. Entrance to mobile home parks shall have direct connections to a public road and shall be designed to allow free movement of traffic on such adjacent public roads.
g. Streets should be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street with ten feet (10') minimum moving lanes for collector streets, nine feet (9') minimum

moving lanes for minor streets, and seven feet (7') minimum lanes for parallel parking.
h. Other requirements.

(1). Applicants shall comply with appropriate requirements of the subdivision regulations.

(2). Additional development requirements may be prescribed as conditions when such requirements are determined to be necessary to ensure the protection of the character of the neighboring properties, the compatibility of land uses, and the health and safety of mobile home park occupants.

Special Note: No mobile home older than 30 years is allowed. Also refer to Appendix A for further mobile home requirements and mobile home standards.

10.0108 Sidewalk Location. If sidewalks are installed, they shall be a minimum width of five feet (5') located seven feet (7') from the curb line to one foot (1') from the property line. The rest of the boulevard area shall be landscaped.

PART 11 - RESIDENTIAL DISTRICT (R-3)

Chapter 11.01 Residential District (R-3)

11.0101 Intent. The intent is to provide for residential uses of all types and other compatible uses in a pleasant and stable environment.

11.0102 Permitted Principle Uses and Structures.
1. Single-family dwellings (including manufactured and mobile homes);
2. Multi-family dwellings;
3. Noncommercial horticultural uses.

11.0103 Permitted Accessory Uses and Structures.
1. Home occupations and professional offices; and
2. Accessory uses and structures normally appurtenant to the permitted uses and structures when established within space limits of this district.

11.0104 Special Exceptions. After notice and appropriate safeguards, the Planning and Zoning Commission may permit as conditional uses:

1. Churches, synagogues, and temples;
2. Nursery, primary, intermediate, and secondary schools;
3. Public recreational and park facilities;
4. Medical and other health facilities;
5. Governmental services;
6. Hospitals, convalescent, nursing, and rest homes;
7. Utility substations; and
8. Commercial uses.

11.0105 Minimum Lot Requirements. Minimum lot area shall be seven thousand square feet (7,000') for single and multi-family dwellings. The minimum lot width shall be fifty feet (50').

11.0106 Minimum Yard Requirements. There shall be a front yard of not less than a depth of thirty feet (30'). There shall be a rear yard of not less than a depth of seven (7') feet. Each side yard shall be seven feet (7') as measured from the outermost edge of the structure. For corner lot, see 5.01 definition Yard, Front.

11.0107 Sidewalk Location. If sidewalks are installed, they shall be a minimum width of five feet (5') located seven feet (7') from the curb line to one foot (1') from the property line. The rest of the boulevard area shall be landscaped.

PART 12 -HIGHWAY COMMERCIAL DISTRICT (HC)

Chapter 12.01 Highway Commercial District (HC)

12.0101 Intent. The intent of the Highway Commercial District (HC) is to provide commercial areas for those establishments which can function most satisfactorily in an area directly related to a major vehicular circulation route due to the nature of the merchandise handled and the display space required, particularly items requiring expansive display area such as motor vehicles, trailers, and farm implements; the method of transport required to the purchaser for the merchandise handled, particularly goods customarily traded in bulk such as lumber or feed requiring access for the customer to the sales area; primary dependence upon vehicular, as opposed to pedestrian, access such as drive-in facilities and all types of automotive and farm implements service; or the clientele toward which the establishments are primarily oriented, particularly travelers on the highways.

12.0102 Permitted Principle Uses and Structures. The following principle uses and structures shall be permitted in Highway Commercial District (HC):

1. All retail sales and services; and
2. Wholesale trade.
3. Cannabis Dispensary

12.0103 Permitted Accessory Uses and Structures. The following accessory uses and structures shall be permitted in Highway Commercial District (HC);
1. Accessory uses normally appurtenant to the permitted principal uses and structures when established in conformance within the space limits of these districts.

12.0104 Special Exceptions. Industry and manufacturing.

12.0105 Minimum Yard Requirements. There shall be a front yard of not less than a depth of forty feet (40'). There shall be a rear yard of not less than a depth of twenty feet (20'). Each side yard shall be not less than ten feet (10') as measured from the outermost edge of the structure.

12.0106 Boundaries. The Highway Commercial District (HC) shall extend three hundred feet (300') on either side of the highway.

12.0107 Buffer Zone. When a highway commercial use is adjacent to an existing residential use, the building and lot must be buffered by a six foot (6') high fence or shrub line.

12.0108 Sidewalk Location. If sidewalks are installed, they shall be a minimum width of eight feet (8') located from the curb line.

PART 13 - GENERAL INDUSTRIAL DISTRICT (I)

Chapter 13.01 General Industrial District (I)

13.0101 Intent. The intent of the General Industrial District (I) is to provide space for certain types of industrial and/or manufacturing and/or warehouses or storage operations which are compatible to adjoining districts. Such uses generally require open storage of materials or goods either before, during, or after the manufacturing process but are of a low noise or nuisance level. Land designated for this district should be located in relation to the thoroughfare network of the community as well as rail and air

if required and designated so as to not disrupt normal traffic flow. Planned industrial parks are encouraged in this district.

13.0102 Permitted Principle Uses and Structures.

1. Cannabis Cultivating Facility
2. Cannabis Product Manufacturing Facility
3. Cannabis Testing Facility

13.0103 Permitted Accessory Uses and Structures. There are no permitted accessory uses and structures.

13.0104 Special Exceptions. Extensive lists of permitted and prohibited uses are impractical. Therefore, all industrial uses and structures may be allowed by special exception. The Planning and Zoning Commission of adjustment may permit as special exceptions in general industrial districts any use which is consistent with the intent of this district. The Performance Standards found in Appendix B may be used as guidelines in determining special exceptions.

13.0105 Minimum Yard Requirements. There shall be a front yard of not less than a depth of twenty-five feet (25'). There shall be a rear yard of not less than a depth of twenty feet (20'). Each side yard shall not be less than twenty feet (20'), provided, that on lots adjacent to a residential lot, all buildings shall be located so as to provide a minimum side and rear yard of twenty-five feet (25') along that portion of the lot adjacent to the residential lot.

13.0106 Sidewalk Location. If sidewalks are installed, they shall be a minimum width of eight feet (8') located from the curb line.

13.0107 Buffer Zone. When a highway commercial use is adjacent to an existing residential use, the building and lot must be buffered by a six foot (6') high fence or shrub line.

PART 14 - COMMERCIAL DISTRICT 1 (C1)

Chapter 14.01 Commercial District (C1)

14.0101 Intent. The intent of the Commercial District 1 (C1) is to provide a commercial area for those establishments serving the general shopping needs of the trade area and in particular, those establishments customarily oriented to the pedestrian shopper. The grouping of uses is intended to strengthen the central business area as the urban center of

trade, service, governmental and cultural activities and to provide neighborhood commercial convenience areas.

14.0102 Permitted Principle Uses and Structures. The following principle uses and structures shall be permitted in the Commercial District 1 (C1):

1. All retail sales and services;
2. Lodges and fraternal organizations.
3. Cannabis Dispensary

14.0103 Permitted Accessory Uses and Structures. Those accessory uses and structures normally appurtenant to the permitted uses and structures when established within the space limits of this districts.

14.0104 Special Exceptions. After the provisions of this ordinance relating to special exceptions have been fulfilled, the Planning and Zoning Commission of adjustment may permit as special exceptions in the Commercial District 1 (C1):

1. Grain elevators;
2. Other trade and service uses which are similar to the permitted principal uses and which are in harmony with the intent of this district;
3. Structures containing both commercial and residential uses;
4. Wholesale trade; and
5. Multi- and single-family dwellings.

14.0105 Minimum Lot Requirements. The minimum lot area shall be two thousand four hundred (2,400) square feet. The minimum lot width shall be twenty-five feet (25').

14.0106 Minimum Yard Requirements. All buildings located on lots adjacent to a residential district shall be located so as to conform on the adjacent side with the yard requirements for the adjacent residential district. There shall be a rear yard of not less than a depth of seven (7') feet.

14.0107 Sidewalk Location. If sidewalks are installed, they shall be a minimum width of eight feet (8') located from the curb line.

14.0108 Buffer Zone. When a commercial use is adjacent to an existing residential use, the building and lot must be buffered by a six foot (6') high fence or shrub line.

PART 15 - COMMERCIAL DISTRICT 2 (C2)

Chapter 15.01 Commercial District 2 (C2)

15.0101 Intent. The intent of the Commercial District 2 (C2) is to provide a commercial area for those establishments serving the general shopping needs of the trade area and in particular, those establishments not customarily oriented to the pedestrian shopper or not oriented to vehicle traffic.

15.0102 Permitted Principle Uses and Structures. The following principle uses and structures shall be permitted in the Commercial District 2 (C2):

1. All retail sales and services;
2. Lodges and fraternal organizations;
3. Wholesale trade;
4. Warehouses; and
5. Grain storage and elevators.

15.0103 Permitted Accessory Uses and Structures. Those accessory uses and structures normally appurtenant to the permitted uses and structures when established within the space limits of this districts.

15.0104 Special Exceptions. After the provisions of this ordinance relating to special exceptions have been fulfilled, the Planning and Zoning Commission of adjustment may permit as special exceptions in the Commercial District 2 (C2).

1. Industry & manufacturing;
2. Other trade and service uses which are similar to the permitted principal uses and which are in harmony with the intent of this district;
3. Structures containing both commercial and residential uses; and
4. Multi- and single-family dwellings.

15.0105 Minimum Lot Requirements. The minimum lot area shall be five thousand (5,000) square feet. The minimum lot width shall be fifth feet (50’).

15.0106 Minimum Yard Requirements. There shall be a front yard of not less than a depth of thirty feet (30’). Each side yard shall be not less than seven feet (7’) as measured from the outermost edge of the structure. There shall be a rear yard of not less than a depth of seven feet (7’).

15.0107 Buffer Zone. When a highway commercial use is adjacent to an existing residential use, the building and lot must be buffered by a six foot (6') high fence or shrub line.

PART 16 - SUPPLEMENTARY DISTRICT REGULATIONS

Chapter 16.01 Regulations

16.0101 Visibility at Intersections. On all corner lots and lots bordering alleys and all private driveways intersecting public roads in all districts nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet (2 ½') and ten feet (10') above the centerline grades of the intersecting streets, in the area formed by a radius of twenty feet (20') from the intersection of the streets, curbs, or edge.

16.0102 Erection of More than One Principle Structure on a Lot. In any district, more than one structure housing a permitted or permissible principle use may be erected on a single lot, provided, that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

16.0103 Primary Structure Required for Secondary Structure. No secondary structure shall be permitted prior to the building of a primary structure. All secondary structures must be located on the same lot or an adjoining lot with the same frontage as that of the primary structure unless a special exception is granted. If a primary structure is removed from a lot, the secondary structure will be permitted to remain on the lot without a primary structure for no more than one (1) year. Within that one (1) year a primary structure must be constructed or the secondary structure must be removed.

16.0104 Building in Street. No person shall erect or maintain any building in such a position that the same shall stand in whole or in part upon any public street, road, alley, or sidewalk in said city, or so constructed that any part of the building proper shall project into or over such street, road, alley, or sidewalk; provided that jutting windows, cornices, and other projections from the buildings above the first story may extend over an adjoining street, road, alley, or sidewalk, not exceeding eighteen inches (18"); and no person shall construct any step, area, or other appurtenance to any building extending over or upon the sidewalk nor shall any person erect in any public street or road any flight of stairs or step leading to any floor of any buildings.

16.0105 Spacing of Signs. Signs may not be located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device; obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

16.0106 Manufactured Home Regulations.
A. Manufactured homes are a permitted use in a Residential District (R-1) must:
1. Be placed on a permanent foundation approved by the building official of the City of Groton as meeting the requirements set forth in "Guideline for Manufactured Housing Installations," (most current edition) published by the International Conference of Building Officials.
2. A permanent perimeter enclosure around the foundation is required and must be capable of supporting the structure. It can be made of wood, brick, concrete block, poured cement, or other suitable material. Plywood fixed to wood for appearance only is not acceptable.
3. Have had the towing hitch and running gear, which includes tongues, axles, brakes, wheels, lights, and other parts of the chassis that operate only during transportation, removed.
4. Have a pitched roof with not less than two and one-half feet (2 ½') of rise for each twelve feet (12') of horizontal run with any roofing material used that is generally accepted for housing built on site.

5. Having exterior siding constructed from any materials that are generally accepted for housing built on site if applied in such a manner as to be similar in appearance, provided, however, that reflection from such exterior shall not be greater than from siding coated with clean, white, gloss, exterior enamel.

B. Manufactured homes in all other districts (other than R1) do not need to be on permanent foundations, but must have acceptable ground anchors and a perimeter enclosure from the bottom of the structure to the ground.

16.0107 Mobile Home Regulations. All inhabited mobile homes in all districts (other than R1) must comply with the following mobile home regulations:
1. Skirting--All mobile homes shall have adequate skirting from the bottom of coach to the ground.
2. Mobile Home Tiedowns--Each mobile home up to fourteen feet (14') in width shall be provided with over-the-top tiedowns to meet the standards following, and all mobile homes shall require the number of frame ties as shown in the following table:

5 Frame Ties/4 Over-the-Top Ties For 30-50 Ft Long Mobile Homes

6 Frame Ties/4 Over-the-Top Ties For 50-60 Ft Long Mobile Homes

7 Frame Ties/4 Over-the Top Ties for Mobile Homes Greater Than 60 Ft

**Additional criteria on mobile home piers, footings, tiedowns, and anchors can be found in Appendix A.

3. Ground Anchors--Mobile home ground anchors shall be provided for each mobile home. Anchors shall be capable of withstanding five thousand seven hundred (5,700) pounds of pull and sunk to a depth of five feet (5').

16.0108 Unauthorized Mobile Homes. No mobile home shall be parked and occupied in any unauthorized district for more than seven (7) days except upon a special permit issued by the City. Such permit shall be issued for a period not to exceed thirty (30) days and shall not be renewable within the same calendar year. Provided, however, a permit may be issued for parking and occupying a mobile home on land owned by the occupant or occupants, during the construction of a house thereon for a period not exceeding one hundred eighty (180) days and which shall be renewable for an additional period not exceeding one hundred eighty (180) days. However, if material progress with house construction is not made within forty-five (45) days from the issuance of a permit, or if construction work ceases for a consecutive period of forty-five (45) days, permit shall become void.

16.0109 SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS FOR ALL DISTRICTS EXCEPT FOR COMMERCIAL DISTRICT(C)

Structures and Uses	Min. Off-Street Parking	Min. Off-Street Loading
Bowling Alleys	4 spaces per alley	1 space per establishment
Churches, Synagogues, Temples	1 space per 4 seats in main unit of worship	Non required
Eating/Drinking Places	equal to 30% of capacity in persons	2 spaces per establishment
Educational Uses, Nursery/Primary	equal to 20% of capacity in students	2 spaces per structure
Educational Uses, All Other	equal to 40% of capacity in students	2 spaces per structure
Funeral Homes/Chapels	8 spaces per reposing room	2 spaces per establishment
Hospitals	1 space per 2 beds	3 spaces per structure
Hotels	1 spaces per 2 rental units	1 space per establishment
Industrial Uses	1 space per 2 employees on largest shift	2 spaces per establishment
Libraries	1 space per 400 sq. ft. of floor area	1 space per structure
Lodging/Boarding Houses	1 space per 2 rental units	None required
Medical Clinics	5 spaces per staff doctor or dentist	None required
Mobile Home Park	2 spaces per dwelling unit	None required
Motels	1 space per rental unit (plus one space per employee)	None required

Private Clubs/Lodges.....1 space per 500 sq. ft. of floor area.....1 space per establishment
Residential Structures……2 spaces per dwelling unit.....None required
Roadside Stands.....4 spaces per establishment.....None required
Sanitariums, Convalescent, Rest Homes.....1 space per 3 beds + 1 space per employee.....1 space per
Theaters/auditorium/places of assembly.....1 space per 5 people in designed capacity.....1 space per
Veterinary establishments.....3 spaces per staff doctor.....None required
Wholesaling and Distribution Operations.....1 space per 2 employees on largest shift.....2 spaces per
Offices-Professional or Public, Business.....1 space for each 200 ft. of gross floor space
Vehicle Sales and Repair.....1 space for each 2 employees at maximum employment on a single shift, plus 2 spaces for Each 300 sq. ft. of repair or maintenance space
Vehicle Service Stations.....2 spaces for each gas pump plus 3 spaces for grease rack or similar facility

16.0110 Cannabis Dispensaries.

1. **Permits for Cannabis Dispensaries.**

a. In the development and execution of these regulations, it is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a potential deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

b. The City of Groton shall allow up to 2 cannabis dispensary provided the time, place, and manner of said dispensaries comply with this ordinance. If more than one application for operating a dispensary is submitted to the Finance Officer, the City Council must make the decision as to which applicant receives the license.

c. To obtain a permit required under this article to operate a cannabis establishment, the applicant shall submit to the zoning administrator a written application and the required documents.

d. The processing fee for the permit will be $5,000 at time application is submitted. The permit fee shall be refunded if the application is denied.

e. Any permit issued under this article shall expire one year after following its issuance, unless sooner revoked, canceled, or otherwise terminated.

f. The zoning administrator or designee may renew a permit if satisfied that the applicant has complied with all of the terms and provisions of this article

and if the evidence submitted in support of the application meets the conditions precedent to granting the permit. If a license is denied by the zoning official, the applicant may appeal to the City Council.

g. The planning and zoning board shall not hear appeals of a decision of the City Council approving or denying an application for a cannabis establishment under this chapter. An appeal of a decision of the City Council approving or denying such application shall be to a court of competent jurisdiction in the manner and time required by law.

2. Required Separation Distances

a. A cannabis dispensary shall be located not less than 1000 feet from a public or private school existing before the date of the cannabis dispensary application;

b. A cannabis dispensary shall be located not less than 1000 feet from a church, public park, or daycare facility existing before the date of the cannabis dispensary application;

c. Exemption from separation requirements. Any separation distance requirement, other than the State requirement from schools (1,000 feet), may be waived, provided:

i. The applicant provides documentation waiving the setback requirement from the title holder of the land benefiting from the separation.

d. Prescribed separation/setback distances from certain existing uses are to be measured from the lot line of the property where the dispensary is proposed

3. Other Locational Requirements

a. Permanent or temporary dispensaries are prohibited in all other zoning districts and not eligible for a home occupation use.

b. It shall be unlawful to operate a dispensary in a building which contains a residence or a mixed-use building with commercial and residential uses.

4. Controlled Access - No cannabis establishment shall share premises with or permit access directly from another medical cannabis establishment, business that sells alcohol or tobacco, or, if allowed by law, other cannabis establishment.

5. Hours of operation: a. Cannabis dispensaries are allowed to be open between the hours of 8 and 5 on 6 (days of the week). 6. Documentation of State Licensure.

a. No cannabis dispensary shall acquire, possess, store, deliver transfer, transport, supply or dispense cannabis, cannabis products, paraphernalia without providing documentation of licensure from the State of South Dakota.

7. The zoning administrator is authorized to issue permits (building/use) for cannabis dispensaries subject to following:

a. Submission of a site plan containing the following:

i. Any information required for applicable building permit,

ii. Ingress and egress plan

iii. Parking plan

iv. Lighting plan (including security lighting)

v. Screening/security fencing plan,

vi. Refuse plan;

vii. Hours of Operation;

viii. Any other information as lawfully may be required by the zoning administrator to determine compliance with this ordinance b. Documentation of ability to meet setback/separation requirements. c. Documentation of State Licensure.

8. All Cannabis Establishments are required to be constructed in conformance with the 2021 Edition of the International Building Code and International Fire Code.

16.0111 CANNABIS CULTIVATING, PRODUCT MANUFACTURING AND TESTING FACILITIES.

1. Permits for Cannabis Cultivating, Product Manufacturing and Testing Facilities.

a. To obtain a permit required under this article to operate a cannabis facility, the applicant shall submit to the zoning administrator a written application and the required documents.

b. The processing fee for the permit will be $5,000 at time application is submitted. The permit fee shall be refunded if the application is denied.

c. Any permit issued under this article shall expire one year after following its issuance, unless sooner revoked, canceled, or otherwise terminated.

d. The zoning administrator or designee may renew a permit if satisfied that the applicant has complied with all of the terms and provisions of this article and if the evidence submitted in support of the application meets the conditions precedent to granting the permit. If a license is denied by the zoning official, the applicant may appeal to the City Council.

e. The planning and zoning board shall not hear appeals of a decision of the City Council approving or denying an application for a cannabis establishment under this chapter. An appeal of a decision of the City Council approving or denying such application shall be to a court of competent jurisdiction in the manner and time required by law.

PART 17 - NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, NONCONFORMING USES OF STRUCTURES AND PREMISES, AND NONCONFORMING CHARACTERISTICS OF USES

Chapter 17.01 Nonconformance

17.0101 Intent. Within the districts established by this Ordinance or amendments that may later be adopted, there exist:

1. Lots;
2. Structures;
3. Uses of land and structures; and
4. Characteristics of use; which were lawful before this ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this ordinance and future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by these regulations to be incompatible with permitted uses in the districts involved. A nonconforming use of a

structure or a nonconforming use of land and structure in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.
To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of this adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

17.0102 Nonconforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance.

Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the city planning commission.

In any district, if two (2) or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance; and no portion of said parcel shall be used or sold in a manner which diminished compliance with lot width and area requirements established by this ordinance; nor shall any division of any parcel be made which creates a lot with width or area below requirements stated in this ordinance.

17.0103 Nonconforming Uses of Land (Or Land with Minor Structures Only). Where at the time of passage of this ordinance, lawful

use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided.

1. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
2. If any such nonconforming use of land ceases for any reason for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
3. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

17.0104 Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on areas, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structures or nonconforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its reasonable fair market value/replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

17.0105 Repairs and Maintenance. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current reasonable fair market value/replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of

repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

17.0106 Uses Under Special Exceptions Provisions Act. Any use which is permitted as a special exception use in a district under the terms of this ordinance (other than a change through the city planning commission action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district but shall without further action be considered a conforming use at the date of adoption of this ordinance.

PART 18 -ADMINISTRATIVE PROCEDURE AND ENFORCEMENT

Chapter 18.01 Administration

18.0101 Adoption of the International Building Code. There is hereby adopted by the City of Groton for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the Uniform Building Code, Abbreviated Edition, recommended by the International Conference of Building Officials, being particularly the most current edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended of which a copy is on file in the office of the city Finance Officer of the City of Groton, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and other structures within the corporate limits of the City of Groton.

18.0102 Administration and Enforcement. An administrative official who shall be known as the zoning administrator and who shall be designated by the City Council shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the City Council may direct.

If the zoning administrator shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He may order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

18.0103 Building Permits Required. No structure, except a temporary structure, shall be erected, partially erected, moved, added to, or structurally altered without a permit therefore issued by the city. No builder, hired to complete the construction, with or without pay, including any firm, corporation, partnership, or individual, shall commence work upon the construction until a building permit is first obtained by the owner or the builder. Building Permits are required any time work is done within the city right of way (boulevards, curbs, driveway approach aprons, gutters or sidewalks). A building permit is also required for replacement of windows and doors. No building permit shall be issued by the city except in conformity with the provisions of this ordinance, unless by a written order from the City Planning and Zoning Commission in the form of an administrative review special exception, or variance as provided by this ordinance. The issuance of a building permit shall, in no case, be construed as waiving any provisions of the ordinance.

18.0104 Application for Building Permit. All applications for building permits shall show the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. Anyone desiring to move any building into, along, or across any public street, alley, or highway must describe the lot on which it is to be moved, the street along which it is proposed to move such building, the time when such moving will take place, and the size of the building.

The application shall include such other information as lawfully may be required by the city, including existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of the ordinance.

The Zoning Administrator shall issue and sign permits according to the fee schedule as provided by City Council. If a building permit is refused, the Zoning Administrator shall state the reasons for such refusal in writing.

If the work described in any building permit has not been substantially completed within one (1) year of the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Administrator unless the permit is renewed sooner by the property owner. If the property owner comes in before the building permit expires and asks to extend the current building permit, the permit is allowed to continue at no cost. If the property owner comes in after the building permit expires and asks to extend the current building permit, a new building permit will be issued for the remaining work and will be charged fees accordingly.

18.0105 Signs - Permit Required. It shall be unlawful for any person to erect, hang, suspend, or maintain any sign or advertising device upon or over any sidewalk or over or into any street or alley within the limits of the City of Groton without first having obtained a permit for doing so. Any person desiring a permit shall make written application therefore to the City Planning & Zoning Commission, which application shall set forth and fully describe the kind, character, weight, and size of such sign or advertising device and the building to which to is to be attached or in front of which it is to be placed, with the location of such building and said written application shall further contain an agreement and understanding that the person signing the same will indemnify and save harmless the City of Groton from any and all costs, expenses, and damages that may be caused by erecting, hanging, suspending, or maintaining said sign or device over or upon said sidewalk, street or alley, and that the person signing said application will pay or cause to be paid, any judgment for costs and damages that may be recovered against the City of Groton arising out of the injuries to persons or property occasioned by said sign or advertising device.

Upon filing of said written application with the Finance Officer, the City Planning & Zoning Commission may, if it deem such sign or device safe and deem the applicant financially able to meet his said obligation, grant said permit and order the zoning administrator to issue a permit in writing upon the payment of a fee therefor; said permit shall specify the manner in which such sign shall be placed or attached, its location, strength, size, character, and material. Provided, that no sign or advertising device shall be hung or suspended over any alley, street or sidewalk in such manner that any part of the same shall be less than seven feet six inches (7'6") above the sidewalk or fourteen feet (14') above any street or alley. Provided further that the City Planning & Zoning Commission may at any time inspect or cause to be inspected such signs or advertising devices and revoke any of the permits granted hereunder, and order any such sign or advertising device to be repaired or removed if the same is deemed to be unstable.

18.0106 Awnings. It shall be unlawful for any person to set up or maintain any awning or wood, metal, or other hard material over or above any street, alley, or sidewalk or any portion thereof within the limits of the City of Groton without first having obtained a permit for doing so. Provided the cloth or temporary awnings may be placed at a height not less than seven feet (7') above any sidewalk or fourteen feet (14') above any street or alley..

18.0107 Construction and Use to be as Provided in Application and Permits. Building permits issued on the basis of applications approved by the city authorize only the use, arrangement, and construction set forth in such approved application. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided by Section 23.0102 hereof.

18.0108 Estimating Construction Costs on All Buildings/Zoning Permits Applications. All building/zoning permits shall be obtained by application of the owner or builder and shall give an estimated cost of the construction or repairs and initial fees shall be based on such estimate; provided that if at the completion of said construction or repair the estimated cost as given in the application appears inadequate to the city zoning official, he may demand bills or receipts to substantiate such value and additional fees may be assessed accordingly. It is the owner's responsibility to obtain a permit prior to construction on his property, owned or leased. And be it further ordained that the section of the 2012 City of Groton Planning and Zoning Ordinance be amended to read:

18.0109 Communications Towers and Dishes - Permit Required. It shall be unlawful for any person, corporation, or business to erect, construct, hang, or maintain any communication tower greater than 10 feet in height or satellite dish greater than three feet (3') in diameter without first obtaining a permit. Towers and satellite dishes shall comply with minimum front, side, and rear yard requirements for the respective zone in which it is to be placed. Dishes and towers shall be constructed and anchored according to the manufacturer’s instructions. Ground towers may have a basic height of up to thirty-five feet (35'). For every one additional foot in from the side or rear building setback lines, another one foot in height may be added to a maximum height of sixty feet (60'). Roof towers shall not extend more than twenty feet (20') above the point of attachment and dishes attached to the side or roof of a building shall not extend more than twelve feet (12') above the point of attachment.

Any person desiring a permit shall make written application therefore to the City Planning and Zoning Commission, which application shall set forth and

fully describe the kind, character, and size of such tower or dish, with the location of such structure and said written application shall further contain an agreement and understanding that the person signing the same will indemnify and save harmless the City of Groton from any and all costs, expenses, and damages that may be caused by erecting, hanging, maintaining such tower or dish and that the person signing said application will pay or cause to be paid, any judgment for costs and damages that may be recovered against the City of Groton arising out of the injuries to persons or property occasioned by said tower or dish. Upon filing of said written application with the Finance Officer, the City Planning and Zoning Commission shall hold a public hearing and may, if it deems such tower or dish safe and deems the applicant financially able to meet his said obligation, grant said permit and order the Finance Officer to issue a permit therefore in writing upon the payment of a fee therefore; said permit shall specify the manner in which said tower or dish shall be placed and attached to its location and its size, and character and liability insurance coverages.

18.0110 Small Wind Energy Conversion Systems (SWECS) and Vertical axis wind turbines (VAWT) – Permits Required. It shall be unlawful for any person, corporation, or business to erect, construct, hang, or maintain any SWECS or VAWT without first obtaining a permit. SWECS and VAWT shall comply with minimum front, side, and rear yard requirements for the respective zone in which it is to be placed. SWECS setbacks and all surrounding property lines, overhead utility or transmission lines, electric substations, public roads and structures intended for human occupation shall be equal to no less than one point one (1.1) times the system height as measured from the ground to the tip of the rotor. The minimum setback distance between each VAWT and all surrounding property lines, overhead utility or transmission lines, electrical substations, public roads and structures intended for human occupation shall be one (1) times the height of the vertical axis wind turbine as measured from the ground or rooftop if mounted on a rooftop. A variance to allow setback/separation distances to be less than the established distances identified above, if the affected parties and the planning and zoning commission agree to a lesser setback/separation distance. If approved, such agreement is to be recorded and filed with the Brown County Register of Deeds. Any conditional use permit granted will expire if a SWECS or VAWT is not installed and functioning within twelve (12) months from the date of conditional is issued or if the SWECS or VAWT is determined to be abandoned under Groton Ordinance 8-5-8.8

In no event shall the nameplate generating be less than 50 KW or the height of a SEWCS exceed ninety (90) feet as measured from the ground to the rotor hub. Further there shall be no less than thirty (30) feet between the

lowest arc of the rotors of the wind energy conversion system and the ground, or any portion of a structure. In no event shall the height of a VAWT exceed sixty (60) feet as measured from the ground to the top of the unit. Further there shall be no less than thirty (30) feet between the VAWT and the ground.

Any person desiring a permit shall make written application therefore to the City Planning and Zoning Commission, which includes the following items to be reviewed upon application for a conditional use permit and building permit:

1. A plat plan containing property lines, and physical dimensions of the property and proposed location of the SWECS or VAWT. Also the right of way of any public road that is contiguous with the property.

2. Location, dimensions, and types of existing major structures on the applicant's property and adjacent property.

3. Any existing or proposed overhead utility lines.

4. SWECS or VAWT specifications, including manufacturer and model, UL listing, National Electric Code Certification, rotor diameter, tower height, and tower type (monopole, lattice, guyed).

5. Tower blueprint or drawing, including foundation

6. Manufacturer warranty/maintenance information, including maximum power output and schedule for maintenance; a manufacturer's statement documenting that the SWECS or VAWT system has been successfully and safely operated in atmospheric conditions that are similar to the conditions in Groton, SD; a copy of the manufacturer's warranty against system failures reasonably expected during severe weather conditions.

7. The SWECS or VAWT shall be constructed and anchored according to the manufacturer's instructions and in accordance with all applicable life, safety, electrical, building, and fire codes. An applicant for a building permit for a SWECS or a VAWT shall submit pre-construction plans and specifications stamped by a registered engineer and may also be required by the Zoning Administrator to submit a post construction inspection stamped by a registered engineer. Post construction inspections stamped by a registered engineer shall be provided consistent with the guidelines provided for in South Dakota Codified Law 36-18A-46.

8. Lightning Protection. Any SWECS or VAWT shall have appropriate lightning protection to sufficiently protect all connected and adjacent equipment and structures from damage. The lightning protection system shall effectively discharge lightning energy from the structure to the ground through the application of shielding, lightning arresters and deep earth grounding.

9. The tower and turbine design shall include a neutral color with a non-reflective finish and other elements to prevent adverse impacts from occurring to neighboring property owners, including, but not limited to, infringement into natural and urban view sheds, historic property, major community entryways, parks, school, churches, playgrounds, or similar public and recreational uses.

10. The maximum size of the rotors of a SWECS or VAWT shall be reviewed upon application for a conditional use. In determining the appropriate size for the rotors, the City shall consider such factors as noise, proximity to surrounding residences, safety and aesthetic issues. All SWECSs and VAWTs shall be equipped with appropriate braking devices or similar protective devices to slow down or stop the rotors if the wind exceeds the capacity of the system.

11. Appropriate safety measures must be undertaken to discourage unauthorized climbing of the SWECS or VWAT tower. Appropriate measures shall include either:

a) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

b) The construction of a six (6) foot tall chain link fence, with approved fencing materials to be approved by the Planning and Zoning Commission, with locking gate around the tower; and/or

c) The tower shall be constructed so that the lowest climbing access shall be at least twelve (12) feet above the ground: or

d) A locked anti-climb device shall be installed on the tower.

12. Information from the manufacturer of the wind energy conversion system shall be submitted ensuring that the SWECS shall produce no more than 60 decibels when the system is operational.

The written application shall further contain an agreement and understanding that the person signing the same will indemnify and save

harmless the City of Groton from any and all costs, expenses, and damages that may be caused by erecting, hanging, maintaining such SWEC or VWAT and that the person signing said application will pay or cause to be paid, any judgment for costs and damages that may be recovered against the City of Groton arising out of the injuries to persons or property occasioned by said SWEC or VWAT. Upon filing of said written application with the Finance Officer, the City Planning and Zoning Commission shall hold a public hearing and may, if it deems such SWECS or VWAT to be in compliance, and deems the applicant financially able to meet his said obligation, grant said permit and order the Finance Officer to issue a permit therefore in writing upon the payment of a fee therefore and providing proof of liability insurance coverages.

18.0111 Fee Structure. The City Council shall establish the terms, conditions, and fee structures which shall regulate the manner of use of public right of ways, streets, alleys, and municipal poles. These terms, conditions, and fee structures shall be kept on file with the Finance Officer of the City of Groton. No person may use public property belonging to the City of Groton without a license from the City to do so based on applying and complying with the terms and conditions set and paying a fee required.

PART 19 - CITY PLANNING AND ZONING COMMISSION

Chapter 19.01 Planning Commission/Board of Adjustment

19.0101 Created. There is hereby created a planning and zoning commission/board of adjustment which shall be referred to as the city planning commission. (SDCL 11-6-2).

19.0102 Composition. The city planning commission shall consist of not less than five members appointed by the City Council. The term of each appointed member shall be for five years except that when the planning commission is first appointed three of the members shall be appointed for three years and the balance of the members shall be appointed for five years. Thereafter, appointments of each member shall be for terms of five years so that there will be an overlapping of tenures. The mayor, with majority confirmation of the City Council, shall after public hearing, have authority to remove any member of the Planning and Zoning Commission for cause, which cause shall be stated in writing and made a part of the record of such hearing.

19.0103 Residency Requirement. All city planning commission members shall be required to live within the city limits of the City of Groton. The residence referred to shall be the primary home of the

commission member which he considers to be his permanent residence. Any newly appointed member shall agree to move his residency to comply with this requirement within thirty (30) days from the date of his appointment if he does not already live within the city limits of the City of Groton. Any member who moves his principal residence outside of the city limits of the City of Groton shall immediately submit his resignation from the commission on or before the date of the move, giving timely advance notice to the city of the contemplation of that move to allow the city to make a new appointment to the commission. If the resignation is not timely offered, the appointment of that member to the commission shall terminate by operation of law on the date the member moves his residence outside the city limits of the City of Groton.

19.0104 Powers and Duties. The city planning commission may exercise all such planning and zoning powers granted in SDCL 11-4 and 11-6 and acts amendatory thereof, as may be necessary to enable it to fulfill and perform its functions, promote municipal planning or carry out all the purposes of this chapter.

19.0105 Comprehensive Plan. It shall be a function and duty of the city planning commission to make and adopt a comprehensive plan for the physical development of the city. The plan may include among other things, population and economic projections, park and recreation plans, a major street plan, water and sewer plans, and a land use plan which shows the planning commission's recommendation for future physical development. (SDCL 11-6-14).

19.0106 Zoning and Subdivision Regulations. In exercising the duties granted to it by this chapter, the city planning commission shall by ordinance adopt regulations governing land uses, building or set-back lines and the subdivision or platting of land within the city in accordance with SDCL 11-4 and 11-6.

Chapter 19.02 Procedure

19.0201 Proceedings of the City Planning and Zoning Commission. The City Planning and Zoning Commission shall serve as a board of adjustment as provided by South Dakota law. The City Planning and Zoning Commission shall adopt rules necessary for the conduct of its affairs and in keeping with the provisions of this ordinance. The City Planning and Zoning Commission shall keep a record of all proceedings. Meetings shall be held at the call of the chairman and at such other times the planning commission may determine. The chairman, or in his absence, the acting

chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

19.0202 Hearings; Appeals; Notices. Appeals to the City Planning and Zoning Commission may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days after the building permit is returned to the applicant with findings, by filing with the officer from whom the appeal is taken for the City Planning and Zoning Commission a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the City Planning and Zoning Commission all the papers constituting the record upon which the action appealed from was taken. The City Planning and Zoning Commission shall within ten (10) days, hold a hearing of the appeal, after public notice and due notice to the parties in interest, and decide the same within ten (10) days. Any party may appear at the hearing in person, by agent, or by attorney.

PART 20 - CITY PLANNING AND ZONING COMMISSION ACTING AS BOARD OF ADJUSTMENT--POWERS AND DUTIES

Chapter 20.01 Ordinance Administration

20.0101 Administrative Review. The City Planning and Zoning Commission shall have the power to hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation relating to the location or soundness of structures or to interpret any map.

20.0102 Special Exceptions; Conditions Governing Applications; Procedure. The City Planning and Zoning Commission shall have power to hear and decide, in accordance with the provisions of this ordinance, requests for special exceptions or for decisions upon other special questions upon which the City Planning and Zoning Commission is authorized by this ordinance to pass; to decide such questions as are involved in determining whether special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the City Planning and Zoning Commission unless and until:

1. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.

2. Notice shall be given at least ten (10) days in advance of public hearing. The owner of the property for which special exception is sought or his agent and all adjacent property owners shall be notified by mail. Notice of such hearing shall be posted at City Hall within 24 hours of the meeting, and in one (1) other public place at least ten (10) days prior to the public hearing.

3. The public hearing shall be held. Any party may appear in person, or by agent or attorney.

4. The City Planning and Zoning Commission shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

5. Before any special exception shall be issued, the City Planning and Zoning Commission shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:

a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

b. Off-street parking and loading areas where required, with particular attention to the items in a. above and the economic, noise, glare, or other effects of the special exception on adjoining properties and properties generally in the district;

c. Refuse and service areas, with particular reference to the items in a. and b. above;

d. Utilities, with reference to locations, availability, and compatibility;

e. Screening and buffering with reference to type, dimensions, and character;

f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

g. Required yards and other open space; and

h. General compatibility with adjacent properties and other property in the district.

6. After the City Planning and Zoning Commission has granted a special exception, the property owner shall have six (6) months to complete all provisions of the special exception or it shall be void without further consideration but after notice to the applicant.

20.0103 Variances, Conditions governing applications; Procedures. The City Planning and Zoning Commission shall have the power, where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardships, as such relief may be granted without substantially impairing the intent and purpose of this ordinance.

1. No such variance shall be authorized by the commission unless it finds that the strict application of the ordinance would produce undue hardship; such hardship is not shared generally by other properties in the same zoning district and the same vicinity; the authorization of such variance will not be of substantial detriment to adjacent property; and the character of the district will not be changed by the granting of the variance; and the granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice.

2. No variance shall be authorized unless the commission finds that the conditions or situation of the property concerned or the intended use of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this ordinance.

3. A variance from the terms of this ordinance shall not be granted by the City Planning and Zoning Commission unless and until a written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; that the special conditions and circumstances do not result from the action of the applicant; that granting the variance requested will not confer on the

applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

5. Notice of public hearing shall be given as in SDCL 11-4; the public hearing shall be held. Any party may appear in person, or by agent or by attorney; the City Planning and Zoning Commission shall make findings that the requirements of this section have been met by the applicant for a variance; the commission shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

6. In granting any variance, the City Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.

7. Under no circumstances shall the City Planning and Zoning Commission grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

8. After the City Planning and Zoning Commission has granted any variance, the property owner has six (6) months to complete all provisions of the variance or it shall be void without further consideration but after notice to the applicant.

20.0104 City Planning and Zoning Commission has Powers of Zoning Administrator on Appeals; Reversing Decision of Zoning Administrator. In exercising the above-mentioned power, the City Planning and Zoning Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination appeal as ought to be made, and to that end shall have all the powers of the city zoning administrator from whom the appeal is taken. The concurring vote of the majority of the membership of the planning and zoning commission shall be necessary to reverse any order, requirement, decision,

or determination of any such administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variation in this ordinance.

PART 21 - APPEALS

Chapter 21.01 Appeal Procedure

21.0101 Duties of Zoning Administrator, City Planning and Zoning Commission/Board of Zoning Adjustment, and City Council on Matter of Appeal. It is the intent of this ordinance that all questions of interpretation and enforcement shall be presented first to the city zoning administrator. Such questions may be deferred by the zoning administrator for consideration by the City Planning and Zoning Commission/board of adjustment or heard by the City Planning and Zoning Commission/board of adjustment in appeal from the decisions of the zoning administrator. Recourse from the decisions of the City Planning and Zoning Commission/board of adjustment shall be to the City Council. The procedure for deciding such questions shall be as stated in this section and ordinance. Under this ordinance, the City Council shall have the duties:
(1) of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law;
(2) of establishing a schedule of fees and charges as adopted by City Council.

21.0102 Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the City Planning and Zoning Commission/board of adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the City Planning and Zoning Commission/board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

21.0103 Appeals from the City Planning and Zoning Commission/Board of Adjustment; Procedure of Appeals. Any person or persons, or any board, taxpayer, department, or board of the city, aggrieved by any decision of the City Planning and Zoning Commission/board of adjustment, may seek review by the City Council by filing a written notice of review with the city Finance Officer within thirty (30) days of the date of the written decision by the City Planning and Zoning Commission/board of adjustment. The City Council shall hold a public

hearing after written notice to all interested parties, which hearing shall be de novo following the rules of civil procedure, within thirty (30) days of the filing date of the notice of appeal, unless an interested party seeks a continuance which is granted. The City Council shall render its written decision, with findings of facts and conclusions of law, within thirty (30) days after the hearing is held. The decision of the City Council may be appealed to a court of record in the manner provided by the laws of the State of South Dakota under the Administrative Procedures Act (SDCL 1 - 26).

PART 22 - SCHEDULE OF FEES, CHARGES, AND EXPENSES

Chapter 22.01 Fees, Charges, and Expenses

22.0101 Schedule of Fees, Charges, and Expenses. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Finance Officer/zoning administrator and may be altered or amended only by the City Council. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. Any fees received shall go into the City of Groton general fund.

PART 23 - AMENDMENTS

Chapter 23.01 Amendments

23.0101 Amendments. The provisions set forth in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by recommendation of the city planning commission on its own motion; or when such amendment, supplement, change, modification, or repeal is requested through a petition of not less than sixty percent (60%) of the landowners in the aggregate area requesting change. An individual landowner may also petition the City Council to change the zoning of all or any part of his property. Upon filing the motion or petition or upon separate request, the city planning commission shall hold a public hearing not less than ten (10) days after notice is published in the official city newspaper and subject to the provision of SDCL 11-4-8 and 11-4-9. Such petitioning landowners shall also notify all other adjacent landowners by certified mail of the petitioned zoning change at least one (1) week prior to any public hearing held thereon by the city planning commission. The city planning commission shall within thirty (30) days of the hearing make its recommendation to the City Council. The report of such recommendations shall include approval, disapproval, or other suggestions and the reasons

therefore, and a discussion of the effect on such amendment, supplement, change, modification upon adjacent property and upon the comprehensive plan. The City Council shall therefore, by duly enacted ordinance, either adopt or reject such amendment, supplement, change, modification or repeal; and if it is adopted by the City Council after proper notice, the same shall be published in the official newspaper in the city and take effect on the twentieth (20th) day after its publication.

PART 24 - VIOLATIONS, COMPLAINTS, PENALTIES, AND REMEDIES

Chapter 24.01 Violations, Complaints, Penalties, and Remedies.

24.0101 Building Permit, Variance, and Special Exception Late Fees. Any person, firm, or corporation that has not obtained a building permit shall be assessed a late fee of $100.00. The zoning administrator may also take enforcement measures as given in Section 18.0102. Payment of all fees shall be made in the office of the city Finance Officer within ten (10) days after the person, firm, or corporation in violation of the above ordinance has been notified by certified letter. If payment of the fee is not received at the end of the ten (10) day period, the city attorney shall have the power to prosecute, pursuant to SDCL 9-14-22 and 11-4-7. Any fees collected shall be deposited in the city's general fund.

24.0102 Violation of Ordinance. It is declared unlawful for any person, firm, or corporation to violate any of the terms or provisions of this ordinance, except as otherwise specified in Section 17.0103. Violation thereof shall be a misdemeanor and may be punishable by a fine of up to five hundred dollars ($500) for each and every day that any violator fails to comply with the provisions of this ordinance. The zoning administrator may also take enforcement measures as given in Chapter 18.0102. The city attorney shall have the power to prosecute, pursuant to SDCL 9-14-22 and 11-4-7. All fines for violations shall be paid to the city and shall be credited to the city's general fund.

PART 25 - LEGAL STATUS PROVISIONS

Chapter 25.01 Legal Status Provisions

25.0101 Separability. Should any article, section, or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

25.0102 Purpose of Catch Heads. The catch heads appearing in connection with the foregoing sections are inserted simply for convenience to serve the purpose of any index; and they shall be wholly disregarded by any person, officer, court, or other tribunal in construing the terms and provisions of this ordinance.

25.0103 Repeal of Conflicting Ordinance. All ordinances or parts of ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

25.0104 Effective Date. This ordinance shall take effect and be in force from and after its passage and publication according to the law.

APPENDIX A- MOBILE HOME STANDARDS

The following standards for mobile home tiedowns have taken into account possibilities and practicalities of providing protection from high winds for mobile homes. The standards may be used in conjunction with the ideas and concepts presented in TR-75, Protecting Mobile Homes from High Winds, prepared by the Defense Civil Preparedness Agency, Washington, D.C.
Mobile Homes require two types of anchorage: (1) over-the-top tie-downs to restrict overturning and (2) frame ties to prevent the mobile home from being pushed from its piers. The standards apply to single mobile homes up to 14 feet in width. "Double-wides" do not require over-the-top ties, but they require the same number of frame ties.
Mobile Home Piers and Footings. All mobile homes shall meet the following minimum requirements for mobile home piers and footings:
1. The ground on which the mobile home is placed will support a minimum of 2,500 pounds per square foot;

2. All piers shall be placed on footings of solid concrete with minimum dimensions of 16" x 16" x 4";

3. Piers shall be constructed of standard 8" x 8" x 16" hollow concrete blocks;

4. Piers shall be topped with solid concrete caps 8" x 16";

5. Treated wood shims shall be driven tight between the cap and the main frame to provide uniform bearing. These shims shall be impervious to salt air and to rot. They shall taper from 0" to 3/4" in thickness and shall be wide enough to provide bearing over the concrete cap;

6. Other types of piers and foundations of equivalent permanence and weight bearing ability may be approved. Jacks or heavy metal adjustable columns, anchored to both frame and foundations, may be used.

7. Piers shall be centered under each main frame (or chassis) member, with a maximum spacing of ten feet (10') on centers. The end piers shall be no farther than five feet (5') in from the ends of the mobile homes.

The mobile home tiedowns will also have to meet the following criteria:

1. Over-the-top tiedowns shall be positioned at stud and rafter locations near each end of the mobile home. Others, as needed, may be positioned between them.

2. Either steel cable or steel strapping can be used for ties. All ties shall be fastened to ground anchors, as described in Section 3, below, and drawn tight with galvanized turnbuckles or yoke-type fasteners and tensioning devices. Turnbuckles shall be ended with jaws or forged or welded eyes. Turnbuckles with hook ends will not be permitted.

3. All cable ends shall be secured with at least two u-bolt-type cable clamps or other fastening device as approved by the enforcing officials.

4. Cables used for tiedowns shall be either galvanized steel or stainless steel having a breaking strength greater than 4,800 pounds. Cable shall be either 7/32" diameter or greater (7 x 19) aircraft cable.

5. When flat steel straps are used for tiedowns, they must be in accordance with Federal Specification QQ-S-781; that is 1 1/4" x .035", Type 1, Class B, Grade 1, with a breaking strength of at least 4,750 pounds.

6. Steel straps used for ties must terminate with D-rings, bolts, or other fastening devices which will not cause distortion of the band or reduce its breaking strength.

7. Sharp edges of the mobile home that would tend to cut the cable or strap must be protected by a suitable device to prevent cutting when the mobile home is buffeted by the wind. Likewise, special adapters must be installed to prevent the cable or strap from knifing through the mobile home.

8. Connection of the cable frame to the I-beam (or other shape) main structural-frame member should be by a 5/8" drop-forged closed eye bolted through a hole drilled in the center of the I-beam web. A washer, or equivalent, should be used so that the beam is sufficiently reinforced around

the hole. If steel strap ties are used, care should be exercised to insure that minimum bending radius is adhered to so that the breaking strength of the strap is not reduced.

9. Frame ties should connect the anchor and the steel I-beam (or other shape) main structural frame member which runs lengthwise under the mobile home. Frame ties CAN'T BE CONNECTED to any of the steel outrigger beams which fasten to and intersect the main I-beam at right angles. The outriggers do not have adequate strength to resist the frame-tie loadings during high winds.

APPENDIX B- INDUSTRIAL PERFORMANCE STANDARDS

1. Physical Appearance. All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open.
Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from the street.

2. Fire Hazard. No operation shall involve the use of highly flammable gases, acid, liquids, grinding processes or other inherent fire hazard. This provision shall not be construed to
prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other county ordinances.

3. Noise. No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness.

4. Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into a sewer, water course or the ground of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

5. Air Contaminants. Air contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one (1) four (4) minute period in each

one-half (1/2) hour. Light colored contaminants of such an opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

Particular matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (.2) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit, except for a period of four (4) minutes in any one-half (1/2) hour, at which time it may equal but not exceed six-tenth (.6) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminates or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or to the public in general or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.

6. Odor. The emissions of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor, it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinance.

7. Gases. The gases Sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million. All nitrous fumes shall not exceed one (1) part per million. Measurements shall be taken at the property line of a particular establishment involved.

8. Vibration. All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (3/1,000) of an inch measured at the property line. The use of steam or broad hammers shall not be permitted in this district.

9. Glare and Heat. All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the property lines. No heat from furnaces or processing

equipment shall be sensed at the property line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

APPENDIX C- BUILDING PERMIT

City of Groton
South Dakota
Growing Families & Opportunities

120 North Main Street
PO Box 587
Groton, South Dakota 57445-0587
Phone: (605) 397-8422

Building Permit #: _____

Application For Building Permit

Applicant Name: _____

Address: _____ Phone: _____

Builder: _____ Address: _____

Improvements Located: _____ Completion Date: _____

Legal Description: _____

New Construction: ____ Remodeling: _____ Move: ____ Building Removal: ____ Attached Garage: ____ Other: _____

Zoning District of Lot Location: _____ Special Exception: _____ Variance Needed: _____

Type of Material: _____ Size: _____ x _____ Project Cost: $_____

Type of Foundation: _____ Prebuilt Foundation Enclosure: _____

Description of Alteration: _____

_____

_____

Flood Zone: _____ Number of Feet From Lot Lines: _____N _____S _____E _____W Age: _____

Flood Plain Development Permit Required? ..... Y N Any Changes To Utilities? ..... Y N

Building must be started within 60 days or permit will be void.
Building must be completed within 1 year or a renewal will be required. As set of plans **must** accompany this application.

Date: _____ Signed: _____

Indicated location of building(s) on the lot diagram below

N

Application Approved: _____

Application Disapproved: _____

Reason for Disapproval: _____

_____

Fee: $_____ Date Paid: _____

Zoning Administrator: _____

Building Inspector: _____

Public Works Supervisor: _____

APPENDIX D- APPLICATION FOR VARIANCE FROM ZONING ORDINANCE

APPENDIX D

APPLICATION FOR VARIANCE FROM ZONING ORDINANCE

CITY OF GROTON
STATE OF SOUTH DAKOTA DATE_____

TO: Groton Planning and Zoning Commission

The undersigned to hereby request a variance from the Groton

Zoning Ordinance to build a _____

Within_____

Structure would be located at_____

Legally described as_____

Reason for variance_____

_____

_____

Owner's Signature_____

Agent's Signature_____

Inspection Report_____

Date_____ By_____

Planning Commission Action_____

Date_____ By_____

Phone Number where applicant may be reached_____

Someone must be present to represent your application.

APPENDIX E- APPLICATION FOR SPECIAL EXCEPTION FROM ZONING ORDINANCE

APPENDIX E

APPLICATION FOR SPECIAL EXCEPTION FROM ZONING ORDINANCE

CITY OF GROTON
STATE OF SOUTH DAKOTA DATE_____

TO: Groton Planning and Zoning Commission

The undersigned do hereby request a special exception from the Groton Zoning

Ordinance as provided in Title_____ Section_____

for the specific purpose of _____

Legal Description of Property_____

_____

Reason_____

_____

_____

Owner's Signature_____

Agent's Signature_____

Inspection Report_____

Date_____ By_____

Planning Commission Action_____

Special Restrictions_____

Other Conditions_____

Date_____ By_____

Phone Number where applicant may be reached_____

Someone must be present to represent your application.

APPENDIX F- NOTIFICATION OF APPLICATION FOR SPECIAL EXCEPTION

APPENDIX F

NOTIFICATION OF APPLICATION FOR SPECIAL EXCEPTION

Dear Property Owner:

Your property described as (legal description)_____

_____is located adjacent to property owned by _____described as _____

Said owner has requested a Public Hearing before the City Planning and Zoning Commission to obtain a special exception from the City Zoning Ordinance as provided by Title_____ Section_____ for the following described purposes:_____

_____

Should this request be a concern to you, you may appear at the Hearing which well be held on (date)_____at (time)_____ in the (place)_____

If you cannot attend this Hearing, you may send your comments to:

Groton Planning & Zoning Commission
c/o Zoning Administrator
PO Box 587
Groton, SD 57445-0587

before the Hearing date shown on this notice.

Attached to this letter is a map showing the location of your property and the property subject to this Hearing, and all other information necessary to advise you for the action being requested.

Groton Planning and Zoning Commission

Owner's Certification:

We, the above-mentioned owner(s) do hereby certify that the information included herein is true and complete.

Owner's Signature_____

Agent's Signature_____

Phone number where applicant may be reached_____

Someone must be present to represent your application.

APPENDIX G- NOTICE OF APPEAL

APPENDIX G

NOTICE OF APPEAL

CITY OF GROTON
STATE OF SOUTH DAKOTA Date_____

TO: Groton Planning and Zoning Commission

Notice is hereby filed from an appeal of the decision of/action of_____

_____

in regard to_____

on the grounds that_____

_____

_____

_____

Appellant's Signature_____

Agent's Signature_____

Date of Hearing of the appeal of the Groton Planning and Zoning Commission_____

_____.

Groton Planning and Zoning Commission Action_____

_____

Groton City Council Action_____

_____

Phone number where applicant may be reached_____

Someone must be present to represent your application.

Subdivision Regulations

SECTION 1 SHORT TITLE

This ordinance shall be known and referred to as "The Subdivision Regulations of Groton, South Dakota", to the same effect as if full titles were stated.

SECTION 2 PURPOSE

Chapter 2.01 Purpose

2.0101 Purpose. The purpose of these regulations is to promote the orderly development of Groton, and to protect and provide for the public health, safety and general welfare of the community.

SECTION 3 JURISDICTION

Chapter 3.01 Jurisdiction

3.0101 Jurisdiction Defined. The provisions of this ordinance shall apply within the corporate limits of the City of Groton, South Dakota, and within the territory beyond said corporate limits as now or hereafter fixed, for a distance of one (1) mile in all directions, as established on the map entitled "The Official Zoning Map of the City of Groton, South Dakota," as the same may be amended by subsequent annexation.

3.0102 Jurisdiction Out of Corporate Limits. The area of joint control shall require action jointly by the Groton planning commission and the Brown County planning commission.

SECTION 4 REGULATIONS

Chapter 4.01 Regulations

4.0101 Extent of Regulation. After the adoption of these regulations, no plat or subdivision of land within the jurisdiction of this ordinance shall be recorded or filed with the Brown County Register of Deeds, nor shall any plat or subdivision have any validity until it complies with the provisions of this ordinance and has received final approval in writing from the City Council. These regulations shall not apply to any lot or lots forming a part of a subdivision recorded with the Register of Deeds prior to the effective date of this ordinance except in the case of a re-subdivision. The recording of a property conveyance by metes and bounds shall not be prohibited if a

conveyance by the same metes and bounds has been made and recorded prior to the adoption of these regulations.

4.0102 Conflict. These regulations are not intended to interfere with or annul any other ordinance, regulation or property restrictions. Where any of these regulations are at variance with other rules, statutes, ordinances or regulations, those imposing more restrictive standards shall prevail.

SECTION 5 DEFINITIONS

Chapter 5.01 Definitions

5.0101 General. For the purpose and clarification of this ordinance, the following terms and words are used, interpreted and defined as set forth in this section.

5.0102 Specific Terms. For the purpose of this ordinance certain terms or words used herein shall be interpreted as follows:

A. Arterial Street: Streets designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic.

B. Block: A tract of land bounded by streets, or by a combination of streets, public parks, railroad right-of-ways, shoreline of waterways or municipal boundaries.

C. Building Setback Line: A line parallel to a street between which line and the nearest street right-of-way line no building may be constructed or placed.

D. Collector Street: A street intended to move traffic from local streets to arterial streets.

E. Deed Restrictions: Contracts entered into between private parties and constituting a restriction on the use of private property within a subdivision for the benefit of the property owners.

F. Frontage Street: A minor street or frontage road which is parallel and adjacent to an arterial street or highway and provides limited access onto abutting properties.

G. Lot: A tract, plot, outlot or portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or development whether immediate or future.

H. Local Street: A minor street which is designed and used primarily for access to abutting properties.

I. Performance Bond: A form of security including cash deposit, surety bond, collateral, property or instrument of credit in an amount or form satisfactory to the City Council.

J. Plat: A map or representation on paper, of a piece of land subdivided into lots, parcels, tracts, or blocks, including streets and public grounds, if

any, all drawn to scale.
K. Subdivider: A person, corporation, partnership, association or any group who prepares or causes to be prepared a subdivision plat.
L. Subdivision: A parcel or parcels which have been divided into two or more separate units for the purpose of subsequent sale or building development. Subdivision includes that division or development of residential and nonresidential zoned land, and also includes a re-subdivision of land or lots, and the establishment or dedication of a road, highway, street, or alley through a tract of land.

SECTION 6 PROCEDURE

Chapter 6.01 Procedure

6.0101 General. The procedure for review and approval if a subdivision plat or replat containing two or more lots shall consist of the following steps:
A. Meeting with planning commission to discuss the preliminary plat;
B. The preliminary plat is prepared and submitted to the planning commission for consideration and recommendation:
C. The final plat is prepared and submitted to the planning commission for recommendation; and
D. A public hearing is held and the final review made by the City Council.

6.0102 Pre-Platting Discussion. The subdivider shall meet and consult informally with the planning commission before preparing a preliminary plat for the purposes of determining the locations of proposed major streets, parks and other planned projects which may affect the property being considered for subdivision. The subdivider shall also review with the planning commission the general design standards as described in Title 8.

6.0103 Preliminary Plat Review: After the pre-platting discussion, the subdivider shall prepare a preliminary plat for review and consideration by the planning commission. Three (3) copies of the preliminary plat and any required supplementary material shall be filed with the finance officer who shall transmit the information to the planning commission chairman. Each filing shall be made at least ten (10) days before the meeting of the planning commission at which the plat is to be considered. Following a review of the preliminary plat and supplementary material at a public hearing, the planning commission shall approve or disapprove the plat within thirty (30) days. If the plat is approved, the planning commission shall express its approval; if the plat is disapproved, the planning commission shall return the plat to the subdivider with the reasons for disapproval attached in writing. Approval of the preliminary plat shall not be considered as approval of the final subdivision plat, rather it shall establish a guide for the preparation of

the final plat. Approval of the preliminary plat is revocable at any time and shall become void after twelve (12) months from the date of approval if no progress has been made in the development of the final plat.

6.0104 Final Plat Review. The final plat shall conform to the preliminary plat as approved although it may include only a portion of the preliminary plat which the subdivider proposes to record and develop. Six (6) copies of the final plat and required supplementary material shall be filed with the finance officer who shall transmit the information to the planning commission chairman. Each filing shall be made at least ten (10) days before the meeting of the planning commission at which the plat is to be considered. Following a public hearing on the final plat and supplementary material, the planning commission shall forward its recommendations to the City Council within thirty (30) days. Following a public hearing and review, the City Council shall approve or disapprove the final plat. Notice of the time and place of the hearing shall be sent by mail to the subdivider at least five (5) days before such hearing (SDCL 11-6-31). The plat shall be approved or disapproved within ninety (90) days after submission thereof; otherwise such plat shall be deemed to have been approved and certified by the council. The applicant may waive this requirement and consent to the extension of such period (SDCL 11-6-32). If the plat is disapproved, the reasons shall be stated in writing with a duplicate copy forwarded to the subdivider. If the plat is approved, one (1) copy shall be returned to the subdivider with the verified approval of the City Council for filing with the County Register of Deeds as an official plat of record. No work shall be done on the subdivision including the making of any street improvements or installation of any utilities, and no lots sold before the final plat is approved and recorded. Approval of a final plat does not constitute acceptance or dedication of streets or other public lands.

6.0105 Plat Review Fee. A fee shall be levied by the City Council for the examination and review of every plat. At the time any plat is filed with the Finance Officer, the subdivider shall make payment, set by City Council, to the City for each preliminary plat, and for each final plat.

SECTION 7 PLAT REQUIREMENTS

Chapter 7.01 Plat Requirements

7.0101 Preliminary Plat. The preliminary plat shall be clearly and legibly drawn to a minimum scale of one (1) inch to one hundred (100) feet, plainly marked as "Preliminary Plat", and shall show the following information:

A. Name of proposed subdivision, name and address of owner and name of

engineer or registered land surveyor preparing the plat.
B. The legal description and location of the area being platted including section, township and range.
C. The date, scale, north point and vicinity sketch of proposed subdivision.
D. Boundary lines, dimensions and acreage of land area to be subdivided including contour intervals of five (5) feet or less.
E. Names and location of adjacent a subdivisions and owners of adjoining parcels of un-platted land.
F. Location of existing and proposed property lines, streets, easements both public and private, buildings, utilities and other features affecting the plan including a statement of proposed storm drainage including erosion and sedimentation controls if necessary.
G. The layout, numbers and approximate dimensions of proposed lots and building setback lines.
H. Copies of any deed restrictions proposed to be included with the plat.
I. Sites for public, semi-public, commercial or multi-family uses, and their acreages.
J. A soils map and vicinity map of the proposed subdivision.

K. Any information on additional water and sewer loads created by the proposed subdivision including confirmation that existing facilities or proposed additions can accommodate the additional loads.

7.0102 Final Plat. The final plat shall be fifteen (15) by twenty-six (26) inches or eight and one-half (8 1/2) by fourteen (14) inches, drawn on drafting linen or mylar, with waterproof black ink to a minimum scale of one (1) inch to one hundred (100) feet, and clearly marked as a "Final Plat" with the following information:
A. Date, title of subdivision, legal description, scale and north points.
B. Boundary lines, street names, right-of-way lines for streets and easements, both private and public, and property lines with accurate dimensions within one hundredth of a foot, bearings of deflection angles, radii, arcs, and length and central angles of all curves with dimensions to the nearest minute.
C. Lot and block numbers, lot lines and frontage dimensions, utility easements, building setback lines and total acreage.
D. Names and locations of adjacent subdivisions and the owners of adjoining un-platted property.
E. Certification on the plat of title showing that the applicant is the owner, and a statement by such owner dedicating streets, right-of-ways and other sites for public uses.
F. Certification by a registered land surveyor that the plat as shown is a correct representation of the survey as made.
G. Any covenants or deed restriction shall be attached and filed with the

final plat.
H. Locations of all survey monuments and benchmarks together with their description.
I. Signature blocks and resolutions of approval by the planning commission and City Council including certification by any county official concerned with recording of the plat.
J. Certification by county officials that all taxes which are liens upon any land included in the past have been fully paid.
K. A certified performance bond as required in Article 9 shall be posted with the finance officer in sufficient amount to assure completion of all the improvements at least ten (10) days prior to the meeting at which final plat is scheduled to be reviewed by the City Council.
L. Name and address of a person to whom notice of hearing may be sent.

7.0103 Vacation of a Plat. Any plat or part of a plat may be vacated under the provisions and subject the conditions of this ordinance provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat. Nothing contained in this section shall authorize the closing or obstructing of any public roadways laid out according to law. A new plat shall be filed with the finance officer which specifically describes all previous plats sought to be vacated including the book and page or document number of all existing plats in the Register of Deeds office. The new plat shall specifically state that all previous plats so listed are to be vacated in whole or in part and shall include the following information:
A. Names and addresses of the record owner of the plat or part of plat to be vacated.

B. Legal description of plat.

C. Names of the legal voters, residing on the same.

D. Character and use of same, description of any public highway located there.

E. Any other facts pertinent to the application. The proposed plat shall be reviewed and approved and disapproved in accordance with the procedures in Section 6.

7.0104 Large Lot Subdivisions. Whenever a subdivision is platted into lots of five (5) acres or less in area and more than twice the minimum lot area required for the zoning district in which such parcel is located, the City Council may require such plat to be arranged and dimensions to provide for

re-subdivision of any such lot and opening of future streets in accordance with the provisions of this ordinance and the zoning ordinance of the city.

SECTION 8 GENERAL DESIGN STANDARDS

Chapter 8.01 General Design Standards

8.0101 Land Suitability

A. If the planning commission or City Council find that the land to be subdivided is unsuitable for development and if from adequate investigations it has been determined that in the best interest of the public the land should not be subdivided, the planning commission or the City Council shall not approve the subdivision unless adequate methods are found by the subdivider for meeting the problems.

B. The planning commission or City Council may refuse to approve what it considers scattered, or premature subdivisions of land by reason of lack of adequate water supply and sewerage treatment, schools, proper drainage, good roads or other public services which would necessitate an expenditure of public funds for the supply of such services.

8.0102 Streets

A. The street layout of the proposed subdivision shall provide for the continuation or projection of streets already existing in areas adjacent to the area adjacent to the area being subdivided. In addition, streets in the proposed subdivision shall correspond in name, direction and width to existing streets and shall be in conformance with the major street plan and comprehensive plan as adopted.

B. Street right-of-ways measured from lot line to lot line shall not be less than the following: All section line street right-of-ways shall be 100 feet; Arterial streets - 100 feet; Collector streets - 80 feet; Local streets - 66 feet; Cul-de-sacs- 130 feet in diameter for turn-a-round; Alleys - 20 feet; Frontage streets - 60 feet;

C. Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in this article.

D. Private streets shall not be approved nor shall public improvements be approved for any private street. All streets shall be dedicated for public use.

E. Cul-de-sacs shall not be longer than five hundred (500) feet except as considered necessary, and approved by the City Council.

F. Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall not be made without conditional approval by the City Council.

G. Streets shall not be approved which will be subject to flooding or erosion hazards. Where such conditions exist, the City Council may require profiles and elevations of streets in order to determine the advisability of approving the proposed subdivision.
H. Dead end streets and half-streets as permanent features shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations.
I. Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special safety considerations, the City Council may require that frontage streets be provided in order that no lots front on such existing or proposed arterial street or highway.

8.0103 Blocks.
A. Block lengths shall not exceed six hundred (600) feet or be less than three hundred (300) feet except as considered necessary and approved by the City Council.
B. All blocks shall have two tier of lots. However, where unusual roadway or topographical conditions exist, a single tier of lots may be approved.
C. The size and area of blocks shall be sufficient to provide for convenient access, circulation, and safety of street design.

8.0104 Lots.
A. All lot sizes shall conform with zoning ordinance requirements including provisions for off-street parking and loading.
B. The lot arrangement and design shall provide satisfactory and desirable building sites properly related to topography, adjacent development and street orientation.

8.0105 Easements
A. Easements across lots or centered on rear or side lot lines shall be provided for public and private utilities where necessary and for such purposes shall be at least ten (10) feet wide.
B. When the City Council deems it necessary for proper drainage within or through a subdivision, a storm water easement or drainage right-of-way shall be provided.

8.0106 Public Open Spaces.
A. Where a proposed park, recreation or other public area which is shown on the comprehensive plan is located in whole or in part in a residential subdivision, the City Council may require the dedication or reservation of such area within the proposed subdivision for public purposes.
B. The City Council may require for public use, dedication of up to ten (10) percent of a residential subdivision land area for park, recreation or other

public purposes required as a result of the subdivision. Dedication of lands for public open spaces shall not include street right-of-ways, utility easements, and yard requirements, and shall be subject to approval by the planning commission.

8.0107 Flood Hazards. Land subject to flooding and determined to be unsuitable for residential development shall not be plated for residential use or for any other use which may increase the danger to health, life or property or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional flooding. Proposed subdivisions in flood zone areas shall be designed to minimize flooding; shall have public utilities and facilities such as sewer, gas, water, electrical systems located and constructed to minimize flood damage; shall have adequate drainage provided to reduce exposure to flood damage; and base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

8.0108 Community Assets. In all subdivisions, due regard shall be shown for natural features, existing vegetation and historical and scenic sites, and for similar assets which if preserved will add attractiveness and value to the subdivision and to the community. No natural waterway, ditch, stream or other similar drainage-way shall be deepened, widened, filled or altered without approval by the City Council.

SECTION 9 REQUIRED IMPROVEMENTS

Chapter 9.01 Required Improvements

9.0101 Completion and Approval of Improvements. Before the final plat of any subdivided area is accepted for public dedication, the subdivider shall be required to complete to the satisfaction of the City Council, all improvements as required by these regulations and as specified in the final plat. In lieu of actual completion of such improvements, the subdivider may file with the City Council a certified performance bond, conditioned to secure the construction of such improvements in a satisfactory manner and within a period specified by the City Council. No such bond shall be accepted unless it be enforceable by or payable to the city in a sum at least equal to the cost of constructing the improvements and in form with surety and conditions approved by the City Council. In lieu of either the actual completion of the improvements or the filing of a bond, the subdivider shall make an agreement with the City Council whereby the city is put in an assured position that such work shall be completed at the cost of the owners of the property within the subdivision. Such agreements for future improvements

shall be filed with the Register of Deeds at the time of recording the plat. The subdivider may prepare and secure tentative approval of a subdivision plat of an entire area and may install the required improvements in only a portion of such area, provided that such improvements shall be designed and built in such a manner that they can be easily expanded or extended to serve the entire area.

9.0102 Monuments. The subdivider shall place permanent monuments in the subdivision as required below.

A. All external boundaries of the subdivision shall be marked by iron monuments not less than thirty-six (36) inches in length, four (4) inches square or five (5) inches in diameter, and shall be marked on the top with a suitable center point.

B. Iron monuments three-fourths (3/4) inch in diameter and twenty-four (24) inches long shall be placed on street right-of-way lines, street intersections, block corners, and all lots corners.

9.0103 Streets. All street right-of-ways shall be graded and surfaced to the full width by the subdivider.

A. All right-of-ways to be dedicated for public use shall be surfaced from curb to curb, surfacing shall be asphalt or concrete and constructed in accordance with designs and specifications approved by the City Council.

B. Minimum driving surface widths to be provided are:

Street Types	Minimum Widths
Arterial (each land)	20 feet
Collector	44 feet
Local	36 feet
Cul-de-sac (diameter)	100 feet
Frontage	26 feet
Alleys	16 feet

9.0104 Curb and Gutter. Curb and gutter, or rolled or valley gutter as needed, shall be installed by the subdivider on all streets on the plat being dedicated to public use or in area zoned Residential (R-1 or R3) or Mobile Home (R2), and shall be constructed in accordance with engineering designs and specifications approved by the City Council. Ramped or dropped curbs shall be required at all newly constructed or replacement intersections.

9.0105 Storm Water Drainage Facilities. The subdivider shall provide for storm drainage runoff with a storm sewer system which shall be constructed separate from the sanitary sewer system. Such required improvements shall extend to the boundaries of the subdivision to provide

for extension by adjoining properties, and shall be constructed in accordance with engineering designs and specifications approved by the City Council.

9.0106 Water Facilities. The subdivider shall install all public water distribution facilities, including fire hydrants and water laterals to each lot line within the subdivision in accordance with engineering plans and specifications approved by the City Council.

9.0107 Sanitary Sewer Facilities. The subdivider shall install all public sanitary sewer facilities in accordance with engineering plans and specifications approved by the City Council. Sewers shall be installed to each lot line with grades and sizes as required and no individual disposal or treatment system shall be permitted.

9.0108 Public Utility Installation. When it is necessary to install any utilities in a public right-of-way, the following shall apply: after grading is complete and before a driving surface is constructed, all in-street work (water and sewer mains, storm sewer, gas mains, etc.) and all service connections shall be completely installed. All appropriate utilities from which lots are individually served shall be installed underground. If any required improvement is installed within the subdivision, provision may be made for a portion of the costs of such improvements to be assessed against the benefitting properties in accordance with procedure approved by the City Council.

9.0109 Construction Standards. The subdivider shall comply with all other city ordinances whenever necessary during the planning and construction phase of the subdivision to insure compliance with soil erosion and sedimentation control standards. The subdivider shall provide for all grading, excavations, open cuts, side slopes and other land surface disturbances to be mulched, seeded, sodded or otherwise protected to prevent erosion, siltation and sedimentation.

9.0110 Sidewalks. Sidewalk shall be installed by the subdivider or new owner under signed covenant on all streets on the plat being dedicated to public use or in area zoned Residential (R1 or R3) or Mobile Home (R2) and shall be constructed in accordance with engineering designs and specifications approved by the City Council. Ramped sidewalks shall be required at all newly constructed or replacement intersections.

SECTION 10 EXCEPTIONS AND AMENDMENTS

Chapter 10.01 Exceptions and Amendments

10.0101 Exceptional Conditions. The planning commission may recommend and the City Council may grant a variance to these regulations by reason of the unusual shape of a specific piece of property, or where, by reason of other such conditions, the strict application of these regulations would result in extreme practical difficulties and undue hardship to the owner of such property; provided, however, that such relief may be granted without detriment to the public good and without substantially impairing the intent and purpose of these regulations. Financial disadvantage to the property owner shall not be proof of hardship within the purpose of these regulations.

10.0102 Procedural Variance. Where a proposed subdivision would contain five (5) acres or more of land and no street right-of-way, the procedure of preparing a preliminary plat may be waived.

10.0103 Amendment. Any provisions of these regulations may from time to time be amended, supplemented, changed, modified, or released by the City Council, according to law; however, such amendments, supplements, changes, modifications shall not become effective until after study and recommendations by the planning commission, and final approval by the City Council.

SECTION 11 COVENANTS AND GUARANTEES

Chapter 11.01 Covenants and Guarantees

11.0101 Restrictive Covenants. The subdivider may, at his own expense, restrict the use of such premises as contained in a subdivision plat by means of restrictive covenants which are reviewed and approved by the planning and zoning commission. Any such covenants shall be included as deed restrictions on the final plat.

SECTION 12 PRELIMINARY EXEMPTION

Chapter 12.01 Preliminary Plat Exemption

12.0101 Exemption from Preliminary Platting Process. For a proposed subdivision that would contain two or less parcels, tracts or lots, and not the building of new streets, the preliminary platting process is waived.

SECTION 13 ENFORCEMENT

Chapter 13.01 Enforcement

13.0101 Enforcement. No plat of any subdivision within the application of this ordinance shall be entitled to be filed or recorded in the office of the Register of Deeds or have any validity until such plat has been prepared, approved and acknowledged in the manner prescribed by this ordinance. It shall be unlawful to sell, trade or otherwise convey any lot or parcel of land for building purposes individually, as part of, or in conformity with any plat, plan or replat of any subdivision within the area subject to application of this ordinance unless said plan, plat or replat shall have been approved as prescribed by this ordinance and filed and recorded in the office of the Register of Deeds.

SECTION 14 VIOLATIONS AND PENALTIES

Chapter 14.01 Violations and Penalties

14.0101 Violation of This Ordinance. It is declared unlawful for any person, firm, or corporation to violate any of the terms or provisions of this ordinance. Violation thereof shall be a misdemeanor and may be punishable by a fine of up to five hundred dollars ($500) for each and every day that any violator fails to comply with the provisions of this ordinance. All fines for violations shall be paid to the city and shall be credited to the general revenue fund. Any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation, including cease and desist orders and removal or correction of any such violation.

SECTION 15 SEVERABILITY CLAUSE

Chapter 15.01 Severability Clause.

15.0101 Severability Clause. Should any section or provision of these regulations be declared by courts to be unconstitutional or invalid, such declaration shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 16 LEGAL STATUS PROVISIONS

Chapter 16.01 Legal Status Provisions

16.0101 Conflict with Other Regulations. No final plat of land within the force and effect of this ordinance shall be approved unless it conforms to these regulations. Whenever there is a discrepancy between minimum standards or dimension noted herein and those contained in this ordinance, the building code or other official regulations or ordinance, the most restrictive shall apply.