
TOWN OF NEWELL

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Table of Contents

CHAPTERS.....	13
1. ORDINANCE NO. 56 - LOCATION.....	13
2. CITY COUNCIL MEETINGS.....	13
3. PUBLIC OFFENSES	15
4. BOARD OF HEALTH.....	19
5. LICENSES.....	21
6. AUTO TRAFFIC	23
7. ANIMAL CONTROL	25
8. CURFEW REPEALED	30
9. PARKS	31
10. ANIMALS, POUND REPEALED	32
11. OBSTRUCTIONS	32
12. BUILDING REGULATIONS.....	34
13. SIDEWALKS.....	36
14. CEMETERY.....	38
15. SABBATH DESECRATION.....	40
16. FIRE	41
17. WATERWORKS.....	44
18. REPEALING CLAUSE.....	48
NUMBERED ORDINANCES	49
NO. 57 TAX LEVY FOR 1924.....	49
NO. 58 FIRE HYDRANTS	50
NO. 59 CONSOLIDATE WARDS	51
NO. 60 PROHIBITING BEES IN CITY LIMITS	51
NO. 61 TAX LEVY FOR 1925	51
NO. 62 AMENDS SECTION 2 OF CHAPTER 15, (1923)	53
NO. 63 TAX LEVY FOR 1926	53
NO. 64 TAX LEVY FOR 1927	55

NO. 65 AMENDS: SECTION 2 OF CHAPTER 6 (REVISED 1923)	57
NO. 66 TAX LEVY FOR 1928	57
NO. 67.....	59
NO. 68 TAX LEVY FOR 1929	59
NO. 69 PROHIBITION, MANUFACTURING AND TRAFFICKING OF INTOXICATING LIQUOR	61
NO. 70 GRANTING TELEPHONE COMPANY RIGHT-OF-WAY.....	62
NO. 71 ESTABLISHING WATER RATES AND RULES FOR WATER USERS	63
NO. 72	64
NO. 73 TAX LEVY 1930.....	65
NO. 74 REGULATION, INSTALLATION, AND OPERATION OF ELECTRICAL.....	67
AND MECHANICAL DEVICES	67
NO. 75 TAX LEVY 1931.....	68
NO. 76 APPROPRIATIONS 1932.....	70
NO. 77 APPROPRIATIONS 1933.....	70
NO. 78 APPROPRIATIONS 1934.....	70
NO. 79 APPROPRIATIONS 1935.....	70
NO.80 APPROPRIATIONS 1936	70
NO. 81 APPROPRIATIONS 1937.....	71
NO.82 INTERFERENCE ON AIRPORT AREA	71
NO. 83 CONNECTIONS OF PRIVATE DRAINS OR SEWERS TO CITY SEWERS OR DRAINS.....	71
NO. 84 REGULATING STREET TRAFFIC	77
NO. 85 TAX LEVY FOR 1938	84
NO 86 AMENDS SECTION 17, CHAPTER 5, ORDINANCE 56 REPEALED	84
NO. 87 ANNUAL APPROPRIATIONS FOR 1939	84
NO.88 PROHIBIT TRANSIENT MERCHANTS FROM PRIVATE RESIDENCES	84
NO.89 TAX LEVY FOR 1940	85
NO.90 ANNUAL APPROPRIATIONS FOR 1940.....	85
NO. 91 RELATING TO BUILDING MATERIALS IN FIRE ZONE	85
NO.92 ANNUAL APPROPRIATIONS FOR THE YEAR 1941	86

NO.93 ANNUAL APPROPRIATIONS FOR THE YEAR 1942	86
NO.94 ANNUAL APPROPRIATIONS FOR THE YEAR 1943	86
NO.95 ANNUAL APPROPRIATIONS FOR THE YEAR 1944	86
NO.96 ANNUAL APPROPRIATIONS FOR THE YEAR 1945	86
NO.97 ANNUAL APPROPRIATIONS FOR THE YEAR 1946	86
NO.98 ANNUAL APPROPRIATIONS FOR THE YEAR 1947	86
NO.99 ANNUAL APPROPRIATIONS FOR THE YEAR 1948	86
NO.100 ELECTRICAL INSTALLATIONS	86
NO.101 REGULATING THE SALE AND USE OF FIREWORKS WITHIN CITY LIMIT REPEALED	87
NO.102 ANNUAL APPROPRIATIONS FOR THE YEAR 1949	87
NO.103 GRANTING NORTHWESTERN BELL TELEPHONE COMPANY RIGHT-OF-WAY	87
NO.104 ANNUAL APPROPRIATIONS FOR THE YEAR 1950	88
NO.105 ANNUAL APPROPRIATIONS FOR THE YEAR 1951	88
NO.106 FIXING SALARY FOR THE MAYOR AND COMMISSIONERS REPEALED	88
NO.107 FIXING SALARY FOR THE MAYOR	88
NO.108 FIXING SALARY FOR CITY EMPLOYEES	88
NO.109 ANNUAL APPROPRIATIONS FOR THE YEAR 1952	89
NO.110 REPEALED	89
NO.111 ESTABLISHING RESIDENTIAL AREA AND PROHIBITING COMMERCIAL THEREIN	89
NO.112 ANNUAL APPROPRIATIONS FOR THE YEAR 1953	89
NO.113 SALARY FOR CHIEF OF POLICE REPEALED	89
NO.114 CITY EMPLOYEE SALARY	90
NO.115 ANNUAL APPROPRIATIONS FOR THE YEAR 1954	90
NO.116 REPEALED	90
NO.117	90
NO.118 ANNUAL APPROPRIATIONS FOR THE YEAR 1955	91
NO. 119 REPEALED	91
NO. 120 ANNUAL APPROPRIATIONS FOR THE YEAR 1956	91
No.121	91

NO.122 PARKING TRAILER HOUSES IN CITY	92
NO.123 TO SET SALARY FOR CITY FOREMAN REPEALED	92
NO.124 TO SET SALARY FOR CITY AUDITOR.....	92
NO.125 ANNUAL APPROPRIATIONS FOR THE YEAR 1957	93
NO.126 REPEALED	93
NO.127	93
NO.128 AUTHORIZES POWER & LIGHT AND TELEPHONE UTILITIES TO CUT BRANCHES.....	94
NO.129.....	94
NO.130 FIRE LIMITS	94
NO.131 ANNUAL APPROPRIATIONS FOR THE YEAR OF 1958	94
NO.132.....	94
NO.133 ANNUAL APPROPRIATIONS FOR 1959	94
NO.134 REPEALED	95
NO.135 AUTHORIZES ISSUANCE OF BONDS FOR SEWER DISPOSAL.....	95
NO.136 ESTABLISHES NAMES OF STREETS IN FAIRVIEW HEIGHTS	95
NO.137 ESTABLISHES WATER RATES FOR IRRIGATION ON AGRICULTURE CLASS LAND.....	95
NO.138.....	96
NO.139 ANNUAL APPROPRIATIONS FOR 1960	96
NO.140	96
NO.141 CONCERNING COIN OPERATED MECHANICAL AMUSEMENTS REPEALED	97
NO.142 ANNUAL APPROPRIATIONS FOR THE YEAR 1961.....	97
NO.143 CONCERNING CURFEW REPEALED	97
NO.144 TO FIX CITY EMPLOYEE SALARIES.....	97
NO.145 FIXES PRICE FOR CEMETERY LOTS AND SETS-UP PERMANENT CARE FUND.....	97
NO.146 ANNUAL APPROPRIATIONS FOR THE YEAR 1962.....	97
NO.147 SETTING RESIDENTIAL AREA	97
NO.148 ANNUAL APPROPRIATIONS FOR THE YEAR 1963.....	98
NO.149 TO PROVIDE SUPPLEMENTAL BUDGET APPROPRIATIONS FOR STREET REPAIR	98
NO.150 TO PROVIDE SUPPLEMENTAL APPROPRIATIONS FOR CONSTRUCTION OF A CITY WATER WELL.....	98

NO.151 ANNUAL APPROPRIATIONS FOR THE YEAR OF 1964	98
NO.152 TO ESTABLISH SALARIES FOR CITY OFFICIAL AND EMPLOYEES.....	98
NO.153 TO PROVIDE SUPPLEMENTAL APPROPRIATIONS TO REHABILITATE CITY WELL NO. 1	98
NO.154 TO AUTHORIZE REVENUE BONDS TO IMPROVE WATERWORKS.....	98
NO.155 EXCLUDING CERTAIN LOTS FROM RESIDENTIAL CLASSIFICATION	98
NO.156 ANNUAL APPROPRIATIONS FOR THE YEAR 1965.....	99
NO.157 TO AUTHORIZE BONDS FOR IMPROVEMENT OF MUNICIPAL WATERWORKS.....	99
NO.158 TO ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES	99
NO.159 GRANTING BLACK HILLS POWER AND LIGHT RIGHT-OF-WAY	99
NO.161 REGULATING TRAFFIC WITHIN IN CITY LIMITS	100
NO.162 ANNUAL APPROPRIATIONS FOR THE YEAR 1967.....	100
NO.163 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES	100
NO.164 ANNUAL APPROPRIATIONS FOR THE YEAR 1968.....	100
NO.165 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES	100
NO.166 ANNUAL APPROPRIATIONS FOR THE YEAR 1969	100
NO.167 ESTABLISHING SALARIES FOR CITY OFFICIALS AND EMPLOYEES.....	100
NO.168 GRANTING NORTHWESTERN BELLE TELEPHONE COMPANY RIGHT-OF-WAY	100
NO.169 ANNUAL APPROPRIATIONS FOR THE YEAR OF 1970.....	101
NO.170 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES	101
NO.171 PROVIDES SUPPLEMENTAL FUNDS TO REPLACE EQUIPMENT	101
NO.172 ANNUAL APPROPRIATIONS FOR THE YEAR 1971	101
NO.173 ANNUAL APPROPRIATIONS FOR THE YEAR 1972	101
NO.174 ESTABLISHES SALARIES FOR CITY OFFICIAL AND CITY EMPLOYEES.....	102
NO.175 PROVIDING SUPPLEMENTAL APPROPRIATIONS FROM GENERAL FUND.....	102
NO.176 ANNUAL APPROPRIATIONS FOR THE YEAR 1973.....	102
NO.177 ESTABLISHES SALARIES FOR CITY OFFICERS AND EMPLOYEES.....	102
NO.178 ANNUAL APPROPRIATIONS FOR THE YEAR 1974	102
NO.179 SUPPLEMENTAL APPROPRIATIONS FROM GENERAL FUND FOR AIRPORT FUND.....	102
NO.179 ESTABLISHES SALARIES FOR CITY OFFICIAL AND EMPLOYEES	102

NO.180 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES	102
NO.181 ZONING REPEALED	102
NO.182 ANNUAL APPROPRIATIONS FOR THE YEAR 1975.....	102
NO.183 EXHIBITION DRIVING.....	102
NO.184 ESTABLISHING SALARIES FOR CITY OFFICIALS AND EMPLOYEES	103
NO.185 APPROPRIATIONS FOR 1976	103
NO.186 ESTABLISHING SALARIES FOR CITY OFFICIALS AND EMPLOYEES	103
NO.187 DESTRUCTION AT GOLF COURSE AND GOLF COURSE LAKE.....	103
NO.188 APPROPRIATIONS FOR 1977	103
NO.189 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES	104
NO.190 APPROPRIATIONS FOR 1978.....	104
NO.191 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES	104
NO.192 IMPOSING MUNICIPAL SALES AND SERVICE TAX	104
NO.193 APPROPRIATIONS FOR 1979	106
NO.194 ANNUAL APPROPRIATIONS FOR THE YEAR 1980	106
NO.195 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES	106
NO.196.....	106
NO.197 ANNUAL APPROPRIATIONS FOR THE YEAR 1981.....	106
NO.198 ANNUAL APPROPRIATIONS FOR THE YEAR 1982.....	106
NO.200.....	106
NO.201 IMPOSING A CURFEW ORDINANCE FOR THE CITY OF NEWELL.....	107
NO.202 ANNUAL APPROPRIATIONS FOR THE YEAR 1983.....	107
NO.203 MINIMUM FINE FOR VIOLATIONS.....	107
ORDINANCES BY YEAR STARTING IN 1981	107
01-1981 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES	107
02-1981 NEW CURFEW	107
02-1982.....	107
03-1982 SUPPLEMENTS BUDGET FOR AUDIT	108
04-1982 ANNUAL APPROPRIATIONS 1983.....	108

05-1982 GRANT CUSTOM CABLE COMPANY RIGHT-OF-WAY	108
01-1983 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES	108
02-1983 RAISE SALARY FOR LIBRARIAN.....	108
03-1983 ANNUAL APPROPRIATIONS FOR THE YEAR 1984.....	108
01-1984 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES	108
02-1984 ANNUAL APPROPRIATIONS FOR THE YEAR 1985	108
01-1985 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES	108
02-1985 GRANTS PERMIT TO CABLE TELEVISION	108
03-1985 AMENDS MUNICIPAL SALES TAX ORDINANCE 192 REPEALED	109
04-1985 ANNUAL APPROPRIATIONS FOR THE YEAR 1986	109
05-1985 ESTABLISHING WATER AND GARBAGE RATES	109
01-1986 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES	109
02-1986 TRANSFER RIGHT-OF-WAY TO TV CABLE COMPANY	109
03-1986 AMEND SALARY FOR CITY BAR MANAGER	110
04-1986 ANNUAL APPROPRIATIONS FOR THE YEAR 1987.....	110
05-1986 AMENDS ZONING ORDINANCE 181.....	110
01-1987 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEE	110
02-1987 NUISANCE REPEALED	110
03-1987 AMENDS ZONING ORDINANCE 181.....	110
04-1987 AMENDS ZONING ORDINANCE 181.....	110
05-1987 ANNUAL APPROPRIATIONS FOR THE YEAR 1988.....	110
06-1987 ESTABLISHES PROCEDURE FOR EQUITABLE SEWER RATES	110
06-1987 SEWER USE CHARGES – APPENDIX A.....	113
06-1987 SEWER USE CHARGES – APPENDIX B.....	113
07-1987 AMENDING SALARIES	114
08-1987 AMENDS MUNICIPAL SALES TAX ORDINANCE 192.....	114
09-1987 AMENDED ANIMAL CONTROL REPEALED	114
10-1987 SUPPLEMENTAL APPROPRIATIONS.....	119
11-1987 ANIMAL CONTROL.....	119

01-1988 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES	119
02-1988 AMENDING ZONING ORDINANCE 181	119
03-1988 ISSUANCE OF MALT BEVERAGE LIQUOR LICENSES CODE.....	119
04-1988.....	119
05-1988 ANNUAL APPROPRIATIONS FOR THE YEAR 1989	120
01-1989 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES	120
02-1989 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES	120
03-1989 ANNUAL APPROPRIATIONS FOR THE YEAR 1990.....	120
04-1989 ESTABLISHES WATER AND GARBAGE RATES	120
05-1989 AMENDS MUNICIPAL SALES TAX ORDINANCE 192 REPEALED	120
01-1990 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES	121
02-1990 ADOPTING A MUNICIPAL MALT BEVERAGE LICENSE CODE	121
03-1990 ADOPTING A MUNICIPAL MALT BEVERAGE LICENSE CODE	121
04-1990 LIMITING THE DISCHARGE OF FIREWORKS REPEALED	122
06-1990 ANNUAL APPROPRIATIONS FOR THE YEAR 1991.....	123
01-1991 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES	123
02-1991 CEMETERY	123
03-1991 IRRIGATION WATER CHARGES	123
03-1991 PIPE IRRIGATION WATER CHARGE – APPENDIX A.....	124
04-1991 AMENDS SALES TAX ORDINANCE 192 REPEALED	125
05-1991 ANNUAL APPROPRIATIONS FOR THE YEAR 1992.....	127
01-1992 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES	127
02-1992 ANNUAL APPROPRIATIONS FOR THE YEAR 1993.....	128
03-1992.....	128
04-1992 ESTABLISHES WATER, SEWER AND GARBAGE RATES.....	128
01-1993 ANNUAL APPROPRIATIONS FOR THE YEAR 1994.....	129
02-1993.....	129
01-1994 REGULATING SNOWMOBILES.....	130
02-1994 APPROPRIATIONS FOR 1995	130

03-1994 TRANSFER OF VALBE TV FROM VANTAGE TO GALAXY TELECOM	130
04-1994 SUPPLEMENTAL APPROPRIATIONS TO 1994 BUDGET.....	130
05-1994 AMENDS ORDINANCE 181: ZONING ORDINANCE	130
01-1995 APPROPRIATIONS FOR 1996	131
02-1995 REGULATING THE COLLECTION AND DISPOSAL OF HOUSEHOLD GARBAGE AND RESTRICTED USE OF LANDFILL ITEMS	131
03-1995 AMEND ORDINANCE 181	133
04-1995	133
01-1996 OPTING OUT OF WASTE REDUCTION TARGETS ESTABLISHED	134
02-1996 ESTABLISHING WATER, SEWER AND GARBAGE RATES.....	134
03-1996 ANNUAL APPROPRIATIONS FOR THE YEAR 1997	136
04-1996 SUPPLEMENTAL APPROPRIATIONS FOR 1996	136
05-1996 MODIFY CERTAIN APPROPRIATIONS FOR 1996	136
01-1997 ANNUAL APPROPRIATIONS FOR THE YEAR 1998.....	136
02-1997 APPROPRIATING SUPPLEMENTAL SUMS TO BUDGET.....	136
01-1998 ANNUAL APPROPRIATIONS FOR THE YEAR 1998.....	136
02-1998 ANNUAL APPROPRIATIONS FOR THE YEAR 1999.....	136
01-1999 APPROPRIATING SUPPLEMENTAL FUNDS	136
02-1999 ANNUAL APPROPRIATIONS FOR THE YEAR 2000.....	136
01-2000 APPROPRIATING SUPPLEMENTAL FUNDS	137
01-2001 TV CABLE TRANSFER.....	137
02-2001 ANNUAL APPROPRIATIONS FOR THE YEAR 2001.....	137
03-2001 ESTABLISH TERMS OF OFFICE OF 3 YEARS DID NOT PASS	137
04-2001 ANIMAL CONTROL.....	137
05-2001 ANNUAL APPROPRIATIONS FOR THE YEAR 2001.....	141
06-2001 ANNUAL APPROPRIATIONS FOR THE YEAR 2002.....	141
07-2001 APPROPRIATING SUPPLEMENTAL FUNDS	141
01-2002 ESTABLISHING WATER, SEWER AND GARBAGE RATES REPEALED	141
02-2002 ALLOW SUNDAY LIQUOR SALES	143

03-2002 ANNUAL APPROPRIATIONS FOR THE YEAR 2003.....	143
04-2002 ESTABLISHES SPECIAL APPROPRIATIONS	143
05-2002 PENALTY ON DELINQUENT WATER REPEALED	144
01-2003 NUISANCE REPEALED	144
02-2003 RESTRICTION OF “JAKE BRAKES” NOT APPROVED	148
03-2003 IMPOSING MUNICIPAL SALES, SERVICE AND USE TAX	148
04-2003 ANNUAL APPROPRIATIONS FOR THE YEAR 2004.....	150
05-2003 INCREASE COST OF GARBAGE COLLECTION	150
06-2003 APPROPRIATE ADDITIONAL FUNDS	150
01-2004 NUISANCE.....	150
02-2004 RENEW CABLE TV FRANCHISE	154
03-2004 ANNUAL APPROPRIATIONS FOR THE YEAR 2005.....	154
01-2005 ZONING AMENDS ORDINANCE 181.....	155
02-2005 REPEALED	155
03-2005 NUISANCES	155
04-2005 ESTABLISH REMOTE READ WATER METER FEE REPEALED	159
05-2005.....	159
06-2005 ANNUAL APPROPRIATIONS FOR YEAR 2006.....	159
07-2005 MUNICIPAL SALES, SERVICE AND USE TAX.....	159
08-2005 SUPPLEMENTAL APPROPRIATIONS.....	161
03-2006 TO INCLUDE SECTION VII, WATER SURCHARGE REPEALED	161
04-2006 ESTABLISHING SCHEDULE OF FINE FOR CITY ORDINANCE VIOLATIONS.....	162
05-2006 ANNUAL APPROPRIATIONS FOR THE YEAR 2007.....	163
06-2006 BUILDING REGULATIONS & FEES.....	163
07-2006 LIMITING THE DISCHARGE OF FIREWORKS.....	166
08-2006 SUPPLEMENTAL APPROPRIATIONS.....	167
01-2007 ESTABLISHES WATER, SEWER GARBAGE RATES	167
02-2007 ESTABLISHES WATER, SEWER AND GARBAGE RATES & DISCONNECTIONS	168
03-2007 ESTABLISHES WATER RATES	169

04-2007 ANIMAL CONTROL.....	170
04-2007 REGULATING CITY COUNCIL MEETINGS	174
12-2007 SUPPLEMENTAL APPROPRIATIONS.....	174
02-2010 ESTABLISHING TERMS OF OFFICE	174
06-2010 LIMIT ON MUNICIPAL MALT BEVERAGE LICENSES	174
03-2013 SUMP PUMP ORDINANCE	175
05-2013 UNIFORM NUMBERING	175
06-2013 CEMETARY	176
01-2015 PROHIBITING JAKE BRAKES	178
02-2015 AMENDS ZONING DEFINITIONS	178
03-2015 OCCUPATION OF RESIDENTIAL CAMPING UNITS	179
04-2015 APPROPRIATIONS ORDINANCE FOR 2016.....	179
05-2015 COMMISSIONER CODE OF ETHICS	180
01-2016 GENERAL INDUSTRIAL DISTRICT USE REGULATIONS.....	182
01-2017 DISCHARGING FIREWORKS	184

CHAPTERS

1. ORDINANCE NO. 56 - LOCATION

Section 1: City Limits

The following are the limits and boundaries of the City of Newell as laid out and established, to wit:

(1). That certain area of 600 acres described as the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Nineteen (19), the South Half of the South Half (S $\frac{1}{2}$ S $\frac{1}{2}$) of Section Twenty (20), the North Half (N $\frac{1}{2}$) of Section Twenty-nine (29) and the East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Thirty (30); all in Township Nine (9) North of Range Six (6) East of the Black Hills Meridian, South Dakota, according to the approved plat of the surveyor on file in the General Land Office, USA, of the Newell Town site.

(2). Also that portion of the Fairview Heights Addition to the City of Newell, SD, described as follows: That Part of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-nine (29) in Township Nine (9) North of Range Six (6) East of the Black Hills Meridian, comprising Blocks 1,2,3,5 and 6.

Section 2. Ward Boundaries:

Chapter 1 Section 1. The three (3) Wards in said City of Newell, SD. Be hereby consolidated into one (1) Precinct.

Amended by Ordinance 59

2. CITY COUNCIL MEETINGS

Section 1. Regular Meetings:

The City Council shall hold its regular meetings on the 2nd Monday of each month at the City Hall or a place designated by the City Council, but may adjourn from time to time as may be necessary for the completion of business.

Section 2. Special Meetings:

Special meetings of the City Council may be called at any time by the Mayor or upon the request of two (2) Commissioners.

Section 3. Notice:

In case of a special meeting it shall be the duty of the person or persons calling the meeting to issue notice thereof to the Finance Officer. It is the responsibility of the Finance Officer to notify all required parties.

Section 4. Quorum:

A majority of the Commission shall constitute a quorum to do business, but a smaller number may adjourn from time to time to compel the attendance of absentees.

Section 5. VACANCIES ON THE BOARD OF COMMISSIONERS:

- (A) If a vacancy occurs on the Board of Commissioners or in the Office of Mayor, the vacancy shall be filled by a special election, pursuant to SDCL 9-13-14.2. If the vacancy occurs within one-hundred and fifty (150) days of an annual municipal election, a special election is unavailable; and the vacancy shall be filled by appointment until the next general election of the municipality.
- (B) Within thirty (30) days of when the vacancy began, the remaining members of the Board of Commissioners shall set the date of the special election. No such special election may be held less than ninety (90) days before the annual municipal election.
- (C) When a vacancy occurs, the Finance Officer shall publish a notice in the official city newspaper stating that a vacancy exists, that the vacancy will be filled by special election, the date of the election, and the time and place where the nominating petitions may be filed for the vacant office. The notice shall be published once a week for two (2) consecutive weeks beginning at least sixty (60) days before the date of the special election. A notice of special election shall also be published as provided by SDCL 9-13-13 and 9-13-14.

- (D) Nominating petitions for a vacancy shall be prepared and filed as provided by SDCL 9-13-7 and shall be filed at least thirty (30) days before the date of the special election.

3. PUBLIC OFFENSES

Section 1. Drunkenness:

Any person who shall be found within the City of Newell in a state of intoxication or drunkenness shall be punishable as provided in Section 21 of this Chapter.

Section 2. Firearms:

Any person who shall discharge or shoot off any gun, pistol or other firearm in the City of Newell except under the supervision or direction of some member of the Police Department shall be punishable as provided in Section 21 of this Chapter.

Section 3. Spitting on Sidewalks:

It shall be unlawful for any person within the City of Newell to spit or expectorate upon any sidewalk or outer entrance to any store or other building abutting such sidewalk, or on the floor of any theater, store or other public buildings, or to throw or drop on or in any such place any banana peels, orange peels or other slippery substance.

Section 4. Profane, Vulgar and Obscene language:

It shall be unlawful for any person within the City of Newell to use any profane, vulgar or obscene language on any street or other public place, or in the presence of any female or child under the age of fourteen (14) years.

Section 5. Defacing Property:

No person shall mar, injure, deface or destroy any fence, sidewalk, guidepost, lamppost, sign board or awning, house or building, or any tree, flowers, bush or shrub on any street or public or private place in the city.

Obscene writing or pictures on any public building, including the Post Office and public schools, or upon sidewalks, fences or any other place exposed to public view, shall be deemed defacing property and a violation of this Chapter.

Section 6. Resisting an Officer:

It shall be unlawful for any person to resist a Police Officer of the City of Newell or in anyway aid or assist any person to resist or escape from any officer or from any lawful confinement in said city.

Section 7. Indecent Exposure:

It shall be unlawful for any person within the City of Newell to make an indecent exposure of his person.

Section 8. Insulting Females:

It shall be unlawful for any male person within the City of Newell to make any imprudent, insulting or licentious salutations or remark to or about any female person upon any street or in any store or other public place.

Section 9. House of Ill Fame:

It shall be unlawful for any person or persons to keep within the limits of the City of Newell or within one mile from the outer boundary thereof any house of ill fame or bawdy or disorderly house, and any person or persons found therein or aiding the violation of this Section or contributing thereto shall be held equally guilty with the keeper of the house.

Section 10. Gambling:

It shall be unlawful for any person or persons within the City of Newell to engage in playing at any game of cards, dice or any other gambling device, wheel or whatsoever kind or description, where money or any article of value is staked.

Section 11. Cruelty to Animals: (Repealed by: Ordinance 04-01)

It shall be unlawful for any person within the City of Newell to cruelly or immoderately beat any dumb animal or wantonly or maliciously torture or injure it or unduly expose it to excessive heat or cold without protection. Any person observing a violation of this Section shall have the right to interfere; and in case of animals unduly exposed to extreme cold without protection any member of the Police force or any citizen shall take such animal to some suitable place for protection and care, and any expense in connection therewith shall be borne by the owner or person in charge of such animal, which charges shall be paid before delivery of the animal.

Section 12. False Fire Alarm:

It shall be unlawful for any person or persons in the City of Newell to knowingly or willfully create a false alarm of fire in any manner.

Section 13. Ball playing on Streets:

It shall be unlawful for any person or persons to throw or catch a baseball or to play at any other similar game upon any of the public streets within the City of Newell.

Section 14. Throwing Stones:

It shall be unlawful for any person or persons to throw stones or any other similar substances, or snowballs, upon any of the streets, alleys or other places in the City of Newell in such a way as to endanger life or property.

Section 15. Inciting Dogs to Fight: (Repealed by: Ordinance 04-01)

It shall be unlawful for any person or persons in the City of Newell by words, signs or otherwise to set any dog or dogs or any other animal to fighting, or to permit same knowingly and willfully.

Section 16. Vagrants:

Any person in the city of Newell who may be found without visible occupation or mean of support, or who may be termed vagrants as defined by Section 4403 of South Dakota Revised Code 1919, shall be deemed vagrants within the meaning of this Section and shall be subject to fine as provided in this Chapter.

Section 17. Disturbances:

It shall be unlawful for any person or persons in the City of Newell by any unnecessary noise or loud or disorderly conduct or obscene or profane language to disturb the peace of the city, or any unlawful assembly of persons.

Section 18. Defacing City Property:

- A. It shall be unlawful for any person or persons to in any way injure, deface, tamper or meddle with malice any City property, particularly any part of the waterworks system, including pump house, water tower or tank or any other part of the system. These provisions shall also apply to all fire fighting apparatus, hydrants/housings therefore, and all street or alley or sidewalk machinery or tools.
- B. (Ordinance 187) No trespassing at Golf Course Lake and Golf Course one (1) hour after sun down until sunrise. Upon conviction punishable by maximum Fine of one hundred (\$100.00) Dollars or ten (10) days in jail.
- C. (Ordinance 03-92) Unlawful to climb water tower with maximum Fine of one hundred (\$100.00) Dollars and other penalties.
- D. (Ordinance 82) Break, injure or remove any fences or gates within Airport area. Fine of one hundred (\$100.00) dollars and not exceed thirty (30) days in jail.
- E. (Ordinance 56, Chapter 14 Section 7) Cemetery Trespass, loose livestock, driving off streets and alleys. Fine not less than \$5.00 or more than \$100.00 stand convicted until Fines and Costs are paid.

Section 19. Driving on Sidewalks:

It shall be unlawful for any person to drive or cross any sidewalk in the City of Newell except regular crosswalks at intersection of streets and at alleys and except regular places provided for driving from any street unto private

property. The foregoing provisions shall also apply to horseback riding and bicycle riding.

Section 20. Barbed Wire:

It shall be unlawful to construct or permit construction of any barbed wire fencing within the City limits of Newell.

Section 21. Penalty:

Any person violating any of the provisions of this Chapter shall be upon conviction thereof be subject to a fine of not less than \$5.00 and not over \$100.00 and costs, and shall stand committed until such fine and costs are paid.

4. BOARD OF HEALTH

Section 1. Board Established:

There is hereby established a Board of Health consisting of the Mayor and one (1) Councilperson, who together with the Health Officer as herein provided shall constitute a Board of Health. The selection of the members of this board shall be by appointment by the Mayor with the consent and approval of the City Council.

Section 2. Health Officer:

The Health Officer shall be a physician in good standing and in active practice in the City of Newell, who shall hold the office for one (1) year or until a successor is appointed and qualified. Before entering upon his duties he shall take the usual Oath of Office and shall receive such compensation as the City Council shall determine.

Section 3. Removal From Office:

Any member of the Board of Health may be removed from office for just cause by the same procedure which obtains to other appointive offices.

Section 4 Secretary:

The City Auditor shall be secretary of the board of health.

Section 5. Powers of the Board:

The Board of Health shall exercise general supervision over the health of the city, with full power to take all steps and use all measures to promote the cleanliness and healthfulness thereof; to prevent

the introduction into the city of malignant, contagious or infectious diseases, to remove or otherwise take care of any person attacked by such disease and to adopt in reference to such persons any regulations, rules or measures deemed advisable, and to establish rules for government of a city pest house or hospital; and the health officer shall exercise a general supervision over the sanitary condition of the city. The Board of Health shall have supervision of the enforcement of all pure food laws for the City of Newell, including enforcing sanitary conditions in meat markets and restaurants or hotels, and including also inspection and testing of milk sold in the City of Newell subject to testing regulations as prescribed by the Council.

Section 6. Duties of the Health Officer:

He shall give the Mayor and City Council and the board of health all such profession advice and information as they may require in regard to the public health; and whenever he shall hear of the existence of any malignant or contagious disease he shall immediately investigate the same and arrest its progress; and it shall also be the duty of the health officer to enforce all laws of the State and Ordinances of the City pertaining to public health; and for the purpose of carrying out the foregoing requirements he shall be permitted at all times from the rising to the setting of the sun to enter any house, store, stable or other building, and do whatever is necessary in order to make a thorough examination of cellars, vaults, sinks or drains, and to cause all privies to be cleaned and kept in good condition, and to cause all dead animals or other nauseous or unwholesome things to be buried or removed or disposed of, as the board of health may direct.

Section 7. Vacancies and Failure to Act:

Vacancies shall be filled as provided in Section 1 of this Chapter. In case of absence from town or refusal or failure of the Health Officer to act, the Mayor may act in his place.

Section 8. Notice: How served:

In order to carry out the provisions of the foregoing Section 7 it shall be the duty of the Health Officer to serve notice in writing upon the owner, occupant or agent of any lot, building or premises in or upon which any nauseous or unwholesome substance or matter may be found, or who may be the owner of cause of such nuisance, requiring him to abate the same, in such a manner as shall be prescribed; and such notice shall be served by the Chief of Police or health officer; and if such agent, owner or occupant shall

neglect or refuse to comply with the requirements of such order within the time specified he shall be subject to penalties hereinafter prescribed; and it shall be the duty of the Health Officer to proceed at once upon the expirations of the time specified in said notice to cause the nuisance to be abated, provided that whenever the owner, occupant or agent of premises in or upon which nuisance may be found is unknown and cannot be found the said Health Officer shall proceed to abate without notice; and in either case the expense of such abatement shall be collected from the person or persons who may have created, caused or suffered such a nuisance to exist.

Section 9. Offensive Cesspools:

No person shall permit any cellar, vault, private drain, cesspool, privy or sewer upon any premises belonging to him or occupied by him within the limits of the City of Newell to become nauseous, offensive or injurious to the public health.

Amended by: Nuisance 03-05

Section 10. Offensive Matter on Premises:

It shall be unlawful for any person or persons within the City of Newell or within one mile of the corporate limits thereof, on the premises owned or occupied by him, to permit or suffer any nuisance either by exercising any unwholesome trade, calling or business, or by having or suffering any unwholesome or offensive substance whatever, including manure piles, to remain upon the premises until by foul and offensive odors or stench or otherwise said premises shall become offensive, hurtful or dangerous to the neighborhood; and it shall be the duty of the health officer to give notice to such person or persons to remove such nuisance forthwith; and if such person or persons shall neglect or refuse to do so for a space of twenty four (24) hours and after such notice, he shall upon conviction thereof, be liable to the penalty hereinafter prescribed, together with the expense of removing such nuisance and costs of prosecution, and it is hereby made the duty of the Chief of Police under direction of the health officer to remove and abate such nuisance immediately upon the expiration of twenty four (24) hours after the notice aforesaid.

Amended by Nuisances 03-05

Section 11. Penalty:

Any person who violates, omits or refuses to comply with, or who resists any of the provisions of this Chapter, or refuses or neglects to obey any of the rules, orders or sanitary regulations of the board of health or the Health Officer, shall upon the conviction thereof be subject to a fine of not more than \$100.00 and costs and shall stand committed until such fine and costs are paid.

5. LICENSES

Section 1. Definition:

A. Permanent Business: Shall refer to any person, firm or corporation which has a fixed place of business within the City Limits and is open year around conducting business transactions.

B. Peddlers: shall refer to any person, whether a resident of this City or not, traveling from place to place, from house to house, or from street to street for the purpose of selling or soliciting for sale

good, wares, merchandise or services, other than agricultural products or processed in this state; and shall also mean and include any person transacting a temporary business within the City at an established place of business. The word "peddler" shall include the terms solicitor, transient or itinerant merchant or vender or transient or itinerant photographer. Repealed by Ordinance: 02-03)

Section 2. License Requirements:

- A. All persons conducting business regardless of being a permanent business or a peddler selling within the City Limits are required to be licensed by the State of South Dakota pursuant SDCL 10-45 and display said license when conducting business.
- B. Peddlers conducting business within the City Limits are required to apply and receive a permit issued from the City Office and remit the appropriate Fee for said permit.

Section 3. Exceptions:

The provisions of this Ordinance shall not apply to solicitations, sales or distributions made by charitable, educational or religious organizations which are operating solely as a non-profit organization.

Section 4. Insurance:

All persons conducting business regardless of being a permanent business or a peddler must have insurance adequate to cover their liability and provide proof of coverage with application for permit.

Section 5. Issuance Restricted:

No peddler's permit shall be issued to a corporation, partnership or other impersonal legal entity. Each individual person engaging in the business of peddling within the City shall be required to have a permit whether acting for himself or as an agent or representative of another.

Section 6. Display:

Every peddler having a permit issued under the provisions of this Ordinance and doing business within the City shall display his permit upon the request of any person, and failure to do so shall be deemed a violation of this Ordinance.

Section 7. Revocation of Permit:

A permit issued under the provision of this Ordinance may be revoked for the violation by the permittee of any provision of this Ordinance, State law or any other City Ordinance. Upon such revocation, such permit shall immediately be surrendered to the Sheriff's Office, and failure to do so shall be a violation of this Ordinance.

Section 8. Permit Expiration Date:

All permits issued under the provision of this Ordinance will expire on the thirty first of December (December 31st) of the year of issuance, regardless of the month and date of issue.

Section 9. Application for Permit:

The application for a Permit required by the provision of this Ordinance shall be such as approved by the Board of Commissioners. Any person wishing to obtain a Permit shall first pay to the City Finance Officer the required Fee. The City Finance Officer shall give him a receipt and application. The completed application shall be submitted to the Board of Commissioner for approval.

Section 10. Fee for Permit:

Before any Permit shall be issued under the provision of this Ordinance, the applicant shall pay a Fee of fifty (\$50.00) dollars.

Section 11. Waiver:

The Board of Commissioners reserves the right to waive or reduce the required payment of the Permit Fee when the Commissioners deem it is in the best interest of the public.

Section 12. Penalty for Violation:

Violation of the Ordinance is punishable by a Fine not to exceed two hundred (\$200.00) dollars for each violation.

6. AUTO TRAFFIC

Amended by: Ordinances 140, 65

Section 1. Speed:

The speed limit for motor vehicles and other vehicles within the limits of the City of Newell shall be twenty (20) miles per hour except as otherwise posted, due care shall be maintained at all street intersections and crosswalks.

Section 2. Parking:

The parking area on Gerard Avenue between Second and Third Streets shall be the center of the street. On all other streets in the City cars shall be parked at the curb excepting spaces where parking is forbidden by special signs or signals. It shall be unlawful for any operator of a motor vehicle to park said vehicle otherwise than provided herein.

For the purpose of this Section, parking a car is defined as leaving it without an occupant and with the motor not running. Nothing in this Chapter is intended to prohibit a motor vehicle being driven to the curb and left standing with the motor running while said vehicle is being loaded with passengers or with merchandise, or while operator is filling gasoline or radiator or inflating tires. Cars in motion must be driven on the right hand side of the street and in parking at curb must be parked at the curb on the right hand side.

Section 3. Lights

Every motor vehicle shall, between sunset and sunrise, display at least two (2) lighted lamps on the front, and one (1) red in the rear of such car.

Section 4. Dimmers:

Electrically lighted cars shall be equipped with headlight dimmers to diffuse the rays and prevent glare.

Section 5. Brakes:

Every motor vehicle shall be equipped with adequate brakes in good working order.

Section 6. Muffler:

Every motor vehicle shall be provided with a muffler, and it shall at no time be cut out or disconnected.

Section 7. Horn or Bell:

Every motor vehicle shall be equipped with a suitable horn, bell or other device for signaling.

Section 8. Age of Driver:

No person shall drive a motor car who is under fifteen (15) years of age, unless accompanied by owner.

Section 9. State Regulations:

All road rules and other regulations by the State of South Dakota concerning motor vehicles are hereby required to be obeyed within the City of Newell.

Section 10. Penalty:

Any operator of a motor vehicle and the owner of said motor vehicle in case of violation of any of the provisions of this Chapter shall be guilty of a misdemeanor and shall upon conviction thereof be fined not less than two (\$2.00) dollars nor more than one hundred (\$100.00) dollars for each offense, together with the costs of prosecution, and shall stand committed until such costs and fines are paid.

7. ANIMAL CONTROL

Section 1. General Provisions:

A. Pound Established: (Repealed by: Ordinance 04-01)

The City Commissioners shall have the power to establish a public pound. If the Commissioners do not establish a pound, the Chief of Police shall place any impounded animals with some suitable person at the expense of the City.

B. Certain Animals Prohibited:

No person shall allow, bring, keep or maintain, into or within the corporate limits of this City, whether under control or at large; any horse, cow, mule, swine, sheep, goat or fowl except as otherwise provided in Section C.

C. Exceptions:

The animals mentioned in the previous Section shall be allowed within the corporate limits of the City only when:

1. They are used or are a part of a legally authorized circus, menagerie or carnival.
2. They are used in or are a part of a legally authorized parade, provided that such animals shall only be allowed within the limits of said City for said purposes for the length of time necessary to participate in said parade.
3. They are in the process of being transported from one area within or outside of the City limits to another, in which case they shall be in constant supervision and control of the owner, manager or driver and such transporting shall be done with all due speed and care. Horses are only permitted to be ridden on streets or arenas.
4. They are on the premises of a duly authorized livestock exchange, livestock ring or Veterinarian hospital.
5. They are part of a legally authorized livestock show or exhibition.
6. Animals within Agriculture-Residential Zoned Districts, except swine and goats which are excluded from these Districts also.

Section 2. Animal Control:

A. Running At-Large Prohibited:

No owner of any dog or other animal held as a domestic pet in the City shall permit such animal to run at-large at any time, and such any animal found at large may be impounded by a Police Officer of the City or by any other person authorized by the City Commission (SDCL 9-29-12).

B. Compulsory Immunization of animals for rabies:

Every dog, cat or other animal held in the City, six (6) months of age or older, shall be immunized against rabies by a licensed Veterinarian. Immunization against rabies shall be given at such intervals to guarantee immunity, and the minimum time period between vaccinations shall be

determined by the available vaccine and based upon the recommendations and approval of the State Veterinarian.

Any owner acquiring a dog, cat or other animal by purchase, gift, birth or otherwise, shall have such animal immunized against rabies within one (1) month following acquisition or when such animal reaches the age of six (6) months.

Any animal impounded shall not be released to any person until such animal has been immunized against rabies, provided, however, no animal so impounded shall be immunized if the owner can present a certificate of current immunization having been previously performed.

All Veterinarians or other qualified persons designated to immunize animals against rabies shall provide the owner at the time of immunization with a certificate or metallic tag showing the date of the immunization.

Whenever metallic tags are so given for immunizations, such metallic tags shall be worn by all animals on a collar, harness or chain when off the premises of the owner.

C. Responsibility of Owner to Place Animal for Observation:

When any person owning or harboring a dog, cat or other animal has been notified that said animal has bitten or attacked any person, the owner shall within twenty four (24) hours place the animal under the care and observation of a Law Enforcement Officer or a licensed Veterinarian for a period not less than ten (10) days.

At the end of the ten (10) day observation period, the animal shall be examined by a licensed Veterinarian and, if cleared by the Veterinarian, may be reclaimed by the owner upon paying the expenses incident thereto.

Any animal impounded or placed for observation, showing active signs of rabies, suspected of having rabies, or known to have been exposed to rabies, shall be confined under competent observation for such time as may be deemed necessary to determine diagnosis.

No person shall knowingly harbor or keep any animal infected with rabies or any known to have been bitten by an animal known to have infected with rabies.

Any person within the City receiving information or reports of suspected rabies in wild animals or domestic animals shall report such information to a Law Enforcement Officer.

D. Dogs Barking:

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

Upon signed complaint to the Police Department that any person is keeping or harboring any dog which disturbs the peace as herein set forth, it shall be the duty of said Police Department to notify the owner of said dog in writing of said complaint, and after such owner has been given forty eight

(48) hours notice of such violation and the violation is continuing, any Police Officer or person of proper authorization is hereby authorized and empowered to go upon the premises and impound any such dog or animal so disturbing the peace. In addition to the impounding of such animal or other penalties prescribed, the owner shall be subject to a fine as set by Ordinance or Resolution.

E. Stray, Abandoned or Unkempt Animals:

No person shall harbor or keep any stray animals within the City. Animals known to be strays shall be reported to a Law Enforcement Officer immediately (SDCL 9-29-12)

F. Cruelty To Animals:

No person shall within the limits of this City, cruelly beat any animal or wantonly or maliciously torture or injure or torment any animal in any way, or shall neglect to properly take care of or feed any such animal. (SDCL 9-29-11)

G. Fights Between Animals Prohibited:

No person shall willfully allow any fight between or among any animals in this City, nor shall any person keep any house, pit or other place to be used in permitting any fight between animals.

H. Vicious or Dangerous Dogs:

It shall be unlawful for any person to keep, maintain or allow to run at-large, any dog of ferocious, vicious or dangerous habit or disposition. Any such animal within the limit of this City may be killed or impounded by any Police Officer or other official under proper authority.

I. Limitations:

A maximum of four (4) pets, over the age of six (6) months, per residence (not including fish and birds) may be kept, maintained, harbored or in the custody of a person within City limits. If pet weighs more than twenty five (25) pounds, only two (2) such animals may be kept.

Section 3. Licensing:

A. License Required:

It shall be unlawful for any person or persons within the City of Newell to keep, maintain or have in his custody or control any dog (or animal of the dog kind hereinafter included in the definition of dog), without first having obtained a license from the City Finance Officer as herein after provided.

B. Application:

Any person desiring to keep, maintain or have custody or control within the City of Newell of any dog shall make application to the City Finance Officer for a license on or before the first day of July (July 1st) each year, or within two (2) weeks of acquiring the dog or at six (6) months of age. Such application shall include a certificate from a licensed Veterinarian describing the dog for which the license is being applied and certifying that the dog so described has been inoculated with modified live virus for the prevention of rabies within two (2) years prior to the expiration of the license. Licenses expire on the thirtieth of July (July 30th) each year.

C. Fee Tag:

This application shall, at the time of making such application pay to the City Finance Officer as a License Fee the sum of ten (\$10.00) dollars for each sexed dog and a Fee of five (\$5.00) dollars for each unsexed dog. It shall be the duty of the City Finance Officer to furnish and deliver to said applicant a metallic tag which shall be and constitute the license above mentioned, and upon which tag shall be stamped and engraved the registered number of the dog and the year when registered. It shall then be the duty of the owner of the dog to place a collar around the neck of such dog on which collar shall be securely fastened the metallic tag. In case of the loss of any tag so issued, the City Finance Officer is authorized to issue a duplicate upon payment of an additional five (\$5.00) Fee.

Section 4. Enforcement:

A. Impounding:

It shall be the duty of the Chief of Police or any Police Officer or by any other person authorized by the Board Of Commissioners of the City to impound every animal found in violation of the provisions of this Ordinance, and; any person claiming any animal so impounded shall pay to the City Finance Officer for its discharge from the place of impoundment all cost incurred in the apprehension, feeding, caring for and housing of such animal. The city shall have lien for the cost of keeping and caring for such; impounded animals in the amount it would take to have said animals discharged under the provisions herein. The City may foreclose said lien as by Law provided for the foreclosure of liens against chattels.

B. Retrieval or Destruction of Animals Running At-large:

Every animal impounded under the provisions of Section A of this Ordinance shall be kept in possession of the City or the pound as designated. During this period of possession, any person, by paying the cost of impounding, as described above and by paying an additional Fee to the City Finance Officer the sum of forty (\$40.00) dollars and in the case of dogs, by purchasing a current dog license, may redeem and obtain possession of the animal. If after forty eight (48) hours an impounded animal has not been claimed, the animal may be put to death in a humane manner. If an animal is impounded two (2) times within one (1) year, the additional Fee to retrieve the animal shall be sixty (\$60.00) dollars. If an animal is impounded three (3) times within one (1) year, the additional Fee to retrieve animal shall be one hundred (\$100.00) dollars. If, at anytime within one (1) year period from the initial impounding of an animal, it has need for impounding a fourth (4th) time, that animal may be destroyed without any further notice to the owner thereof.

C. Dogs Muzzled:

Whenever Law Enforcement Officer or other authorized official shall have determined that there is danger of the existing or spread of rabies in the City, such facts shall be made known to the City Commissioners. The Board of Commissioners upon receipt of said facts may by proclamation, in the interest of the public safety and general welfare of the citizenry, order all animals muzzled when off the premises of the owner. Forty-eight (48) hours after the approval of said proclamation all animals found off the premises of the owner not muzzled shall be seized and impounded or may be immediately destroyed if all reasonable efforts to seize said animals fail. All animals seized and impounded shall be held for observation as herein provided for not less than ten (10) days, and if cleared by a licensed Veterinarian, may be claimed by the owner upon paying the expenses incidental thereto. Any animal not claimed may be disposed of as herein before provided.

8. CURFEW REPEALED

Repealed by: Ordinance 02-81

Section 1. Preamble:

Section 2. Minors Under Fifteen (15) Years of Age:

Section 3. Minors Over fifteen (15) Years of Age:

Section 4. Helping, Aiding or Abetting Any Violations:

Section 5. Penalties:

9. PARKS

Section 1. Location:

All of Blocks thirty (30) and thirty two (32), Original Plat of Newell Town site, are hereby declared City parks, and in addition thereto all that space in every Street and Avenue between the private property line and the curb line as officially established, not occupied by sidewalks, shall be and is parking space under the control of the City of Newell.

Section 2. Tree Setting:

The setting of trees in the Streets and Avenues between sidewalk and curb shall be done under supervision of the City Council committee having this matter in charge, and trees shall be spaced according to the Rule and placed in a straight line. The trimming of trees growing in the Streets and Avenues shall be done according to Regulation of the Committee of the City Council have this matter in charge. In case the City shall desire and vote to beautify any certain Street or Avenue by contracting for the setting on such Street or Avenue of a certain kind of trees or shrubs, the City shall have power to carry out such contract without interference from owners of abutting property.

Section 3. Injuring Trees:

It shall be unlawful for any person to climb any tree or break or pluck or cut any branches or twigs from any tree or shrub, root up or disturb and shrub, flower or bulb, placed in any City Park or parking space, except as ordered by the custodian or person in charge of said Park.

Section 4. Weeds:

It shall be the duty of every owner or occupant of Lots in the Business or Residence Section of the City of Newell at the proper time to see that all weeds and tall grass are cut and removed from said property, and the City Council committee having charge of Parks shall look after the enforcement of the Provision.

Section 5. Rubbish:

It shall be the duty of every owner or occupant of Real Estate in the City of Newell to at least once a year and at any time that he shall be directed by the committee of the City Council having the matter in charge to see that said Real Property occupied or owned by himself or herself is cleared of all rubbish, particularly tin cans, old scrap iron or other similar material, waste paper or other combustible material. In case of failure or refusal to comply with the Provisions of this Section, the committee in charge shall have the power to cause said property to be cleaned up as provided herein and cost of same shall be assessed to the property.

Section 6. Penalty:

Any person violating any of the Provisions of this Chapter shall upon conviction thereof be subject to a Fine of not less than five (\$5.00) dollars and not over twenty five (\$25.00) dollars and costs, and shall stand committed until such Fine and Costs are paid.

10. ANIMALS, POUND **REPEALED**

Repealed by: Ordinance 04-01, 04-2007

Section 1. General Provisions;

Section 2. Animal Control:

Section 3. Licensing:

Section 4. Enforcement:

*See Chapter 7

Repealed by: Ordinance 04-01

11. OBSTRUCTIONS

Section 1. Erection of Poles:

No person, firm or corporation shall erect any poles or posts to carry telegraph, telephone or electric light wires or for any other purpose whatsoever in any street or alley in this City without first obtaining a Permit therefore from the City Council.

Section 2. Rubbish:

No person shall throw into or upon, or place in any street, alley or sidewalk or other public place in the City of Newell any ashes, slops, manure, filth, trash, waste paper or any other material that will annoy the public or impede the passage on any such public place.

Section 3. Merchandise:

No person shall place any goods or merchandise for sale or exhibition upon any sidewalk or suspend any goods over the same for show, or deposit thereon or cause to suffer to be deposited thereon any cask, barrel, case, box or other package; except that it shall be lawful for any person to place on five (5) feet in width at the outer edge of the sidewalk in front of the premises for a period not exceeding twelve (12) hours any goods or merchandise which he may be in the act of delivering or receiving, provided that no goods or merchandise or trucks or scales or other articles shall be left on or over such sidewalk during the night.

Section 4. Awnings:

No person shall set any post, or other obstruction in any street, alley or sidewalk for the purpose of fastening any awning or sign; nor shall any person within the Business District of the City of Newell hereafter construct or cause to be constructed or maintain any wooden or iron or steel awnings or shed in or over any street, alley or sidewalk, or drop any awning of any material or suffer the same to approach nearer to the surface of the sidewalk than seven (7) feet.

Section 5. Signs:

No person shall place, hang or maintain on or over any sidewalk, street or alley, any sign which shall extend over such sidewalk, street or alley, more than thirty six (36) inches, or suffer the same to approach nearer to the surface of the sidewalk than seven (7) feet.

Section 5. Gas and Oil Pumps:

No apparatus for use in delivering any kind of oil or gasoline or any similar contrivance shall be allowed to be placed permanently upon any sidewalk in this City except at the outer edge thereof.

Section 7. Hay Wagons:

No wagons or other vehicles loaded with hay shall be allowed to stand in any of the Streets or Avenues of this City so as to obstruct free and normal passage in such Street or Avenue.

Section 8. Wagons or Tools in Street:

No wagons or vehicles including motor vehicles nor any other machinery or tools shall be allowed to remain on any Street in this City as to obstruct free and uninterrupted passage on such Street or Avenue, provided that nothing here contained shall be a bar to the parking of motor or other vehicles as provided in Chapter 6 on Traffic.

Section 9. Horse-drawn Vehicles:

Horse-drawn vehicles of every description shall be subject to Regular Traffic Rules applying to motor vehicles concerning driving on the right hand side of the Street, and in hitching horses attached to vehicles care shall be taken not to obstruct regular traffic. To this end hitching shall be done at places provided for that purpose by the City.

Section 10. Penalty:

Any person violating any of the provisions of this Chapter shall upon conviction thereof be subject to a Fine of not more than one hundred (\$100.00) dollars and Costs, and shall stand committed until such Fine and Costs are paid.

12. BUILDING REGULATIONS

Amended by: Ordinance 132

Section 1. Department of Building Inspection:

There is hereby established a Department of Building Inspection in and for the City of Newell.

Section 2. Appointment of Building Inspector:

The Mayor shall have the power to appoint an Officer as the head of the Department of Building Inspection, and to be known as the Building Inspector.

Section 3. Compensation of Building Inspector:

The compensation of the Building Inspector shall be Fees to be collected from the owner of the work inspected and such Fees shall be fully paid before the Inspector is required to approve the work, provided that his Fees shall be subject to the approval of the City Council.

Section 4. Building Permit:

Any person, persons, firm or corporation desiring to construct a new building or to repair or remodel to the extent of fifty (50%) percent of the original value any old building or move any old building within the Corporate Limits of the City of Newell shall make application for a Permit therefore to the Department of Building Inspection, which application shall state the name of the owner of the building, the exact location where the building is to be constructed or repairs made, the dimensions and the material and the use to which said building is to be devoted. In case of moving a building such application shall state its present location and the exact location to which it is desired to move the building.

Section 5. Granting Permit:

Whenever the application for Building Permit sets forth conditions in accord with the Building Regulations of this City, including all Fire Regulations and the restrictions of the Fire District, a Building Permit shall be granted and issued by the Department of Building Inspection, signed by the Building Inspector, or in case of vacancy in that Office or his absence from town shall be signed by the Mayor.

Section 6. Livery Barns and Blacksmith Shops:

No person or persons shall erect or cause to be erected, or locate any livery barn or feed stable or blacksmith or machine shop upon Girard Avenue from First Street to Fifth Street, or upon Third Street from Harvard Avenue to Dartmouth Avenue, nor any pool or billiard hall within either Block 41 or Block 44.

Section 7. Ice House:

It shall be unlawful for any person, persons, firm or corporation to keep in storage within the Fire Limits any ice except that which is unpacked and for immediate use.

Section 8. Cesspools and Privies:

No cesspool or privy shall be constructed within the City Limits without a Permit from the Building Inspector.

Section 9. Eaves pipes:

No person shall place or maintain any pipes leading from the eaves of any building or any part of any building in the City of Newell 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, or on to the property of an adjoining Lot owner in such a way as to work injury to the adjoining property.

Section 10. Penalty:

Any person violating any of the provisions of this Chapter shall upon conviction thereof be subject to a Fine of not less than five (\$5.00) dollars and over fifty (\$50.00) dollars and Costs, and shall stand committed until such Fine and Costs are paid.

13. SIDEWALKS

Section 1. General Rule:

It is hereby made the duty of the owner of all property fronting or abutting any of the Streets or Avenues of the City of Newell to maintain and keep in good repair in front of or abutting said property a good and substantial sidewalk as provided in this Chapter

Section 2. When to Construct:

All sidewalks already constructed at the time of passage of this Ordinance, which walks meet the provisions of this Chapter as to specifications, shall be maintained in good repair, and old sidewalks shall be replaced or repaired and new sidewalks constructed under Regulations and by order of the City Council as they deem advisable.

Section 3. Material:

All sidewalks hereafter constructed in the City of Newell shall be built of concrete, cement or other equally permanent material and the work shall be done according to a Standard of Specifications laid down by the City Council.

Section 4. Width:

Along Third Street from Harvard Avenue to Fisk Avenue and along Gerard Avenue from Second Street to Fourth Street the width of the sidewalk shall be twelve (12) feet. All other walks with that territory bounded on the north by Sixth Street, on the east by Indiana Avenue, on the south by the First Street and on the west by Cornell Avenue, excluding the Streets and Avenues named, shall be five (5) feet in width. All other walks within the City not included in above described territories shall be four (4) feet in width.

Section 5. Failure to Construct or Repair:

Any person or persons failing to comply with the provisions of this Chapter for two (2) weeks in case of construction and for three (3) days in case of repairing, after having been served with a written or printed notice under Order of the City Council, shall be guilty of maintaining a nuisance, and upon conviction thereof shall be subject to a Fine of not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars for each offense, together with the Costs, and shall stand committed until such Fine and Costs are paid.

Provided further, that nothing herein contained shall prevent the City from assessing the Cost of construction or repair of said sidewalks against the property or the owner thereof, and collecting the same as provided by the Laws of the State of South Dakota, and the assessment of said expense against said property shall not be a bar to the prosecution of any person offending against the provision of this Ordinance. Each and every day's maintenance of such nuisance as provided in this Section shall be deemed a new and separate Offense.

Section 6. Grades:

All sidewalks shall be constructed on grades as provided in the Special Chapter covering this subject.

Section 7. Location:

The outer edge of all walks twelve (12) feet in width shall form a straight line parallel to and exactly twelve (12) feet from the line of abutting property. The outer edge of all walks five (5) feet in width shall form a straight line parallel to and exactly five (5) feet and six (6) inches from the line of the abutting property. The outer edge of all walks four (4) feet in width shall form a straight line parallel to and exactly five (5) feet and six (6) inches from the line of the abutting property.

Section 8. Penalty:

Any person or persons violating any of the provisions of this Chapter shall upon conviction thereof be subject to a Fine of not less than five (\$5.00) dollars and not over fifty (\$50.00) dollars and Costs, and shall stand committed until such Fine and Costs are paid.

14. CEMETERY

Amended by: Ordinance 145

Section 1. Name:

The City cemetery, consisting of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼ NE1/4) of Section Thirty one (31) in Township Nine (9) North of Range six (6) EBHM and area which may be added hereafter thereto, shall be known as Hope Cemetery.

Section 2. Plat:

The Plat of the cemetery shall be carefully preserved by the Sexton under the control of the City Council. This Plat shall show all burial Lots sold and unsold, occupied and unoccupied, also all Streets and Alleys therein. A duplicate Plat shall be on file in the Office of the City Auditor.

Section 3. Care and Management:

The care and management of the cemetery shall be under the control of the City Council or such Committee or Sexton as it may appoint.

Section 4. Permit to Use Cemetery:

No dead body of any human being shall be interred in said cemetery until a Permit for the interment of such body shall be obtained from the Mayor or City Auditor, which Permit shall be given without charge upon receipt by him of the Certificate of Death from the Physician in attendance of other proper evidence, and no Sexton or Undertaker shall assist in or about the interment of such body until a Permit for the interment of such body shall have been obtained as aforesaid; which Permit shall give the name of the deceased, sex, nativity, date of birth, date of death, age and cause of death, and shall be signed by the Officer issuing the same; which Permit shall be delivered to the Sexton at or before the interment and shall be by the Sexton returned to the Auditor immediately after interment, with a memorandum thereon showing the Lot and portion of the Lot on which the grave is situated, and the Auditor shall keep a record of said Permit and Memorandum.

Section 5. Price of Lots:

The Price of each Lot shall be priced at one hundred (\$100.00) dollars marked upon the Plat of said Cemetery on file in the Office of the City Auditor.

Section 6. Digging of Graves:

The digging of all graves shall be done by or under the supervision of the Sexton and at the expense of the Lot owner.

Section 7. Trespass:

No driving shall be permitted in said Cemetery except on the Streets and Alleys thereof. Trespass in any part of the Cemetery by livestock running loose and any other depredations committed by any livestock or any human being shall be punishable as provided in Section 9 of this Chapter.

Section 8. Care of Monies Received: (Amended Ordinances 02-82, 02-91, 05-05)

Perpetual Care Certificates shall be sold by the City of Newell for four hundred (\$400.00) Dollars per Lot. All monies received from sale of Cemetery Lots and Perpetual Care Certificates shall be paid to the City Treasurer for deposit in the Cemetery Fund of the City, and all expenditures from this Fund

for the care of and improvement of the Cemetery shall be by regular City Warrant drawn on the Cemetery Fund.

Section 9. Penalty:

Any person violating any of the provisions of the Chapter shall upon conviction thereof be subject to a Fine of not less than five (\$5.00) dollars and not over one hundred (\$100) dollars and Costs, and shall stand committed until such Fine and Costs are paid.

15. SABBATH DESECRATION

Section 1. Pool and Billiard Halls and Card Rooms:

It shall be unlawful for any person or persons to operate or to permit to be operated any pool or billiard table or card table, or any game of pool or billiards or cards in any public pool or billiard hall or card room in the City of Newell on Sunday.

Section 2. Theatrical or Moving Picture Show:

Amended by: Ordinance 62

Section 3. Penalty:

Any person violating any of the provisions of this Chapter shall upon conviction thereof be subject to a Fine of not less than five (\$5.00) dollars and not over one hundred (\$100.00) and Costs, and shall stand committed until such Fine and Costs are paid.

Ordinance 2000: Open Container:

Amended the Penalty for violation of this Ordinance

Ordinance 02-2002: Allow Sunday Liquor Sales:

Section 1: Authorizes the sale of on-sale liquor on Sundays per SDCL 34-4-.1 under the following conditions:

1. Only for special occasions at the Mangers discretion
2. The Manger notifies and receives authorization from the Council prior to the event
3. That SD State hours of opening and closing are followed
4. According to all Federal, Sate and City Laws.

16. FIRE

Section 1. Fire Limits: Amended by: Ordinance 130

Section 2. Building Permits:

No building of any description shall be constructed or moved, nor shall any building be remolded or repaired to an extent in excess of fifty (50%) percent of it s present value without a Building Permit, as proved in Chapter 12 of this Ordinance.

Section 3. Material: Amended in Ordinance 91

Section 4. Electrical Installations: Amended in Ordinance 100

Section 5. Electrician's License:

No person or persons shall engage in the business of installing electric wiring or apparatus for light, power or heating purposes connected with any building in the City of Newell without first obtaining a

license from the Department of Building Inspection, and no license shall be granted without a payment of an annual License Fee of ten (\$10.00) dollars and the furnishing of a good and sufficient Bond of five hundred (\$500.00) dollars, to meet the approval of the City Council, as a guarantee that all work done by the electrician will be done in compliance with this Chapter.

Section 6. Defective Wiring:

Whenever it shall appear to the satisfaction on the Building Inspector that any electric wiring is defective in quality or manner of installation, whether the same be now installed or hereafter proposed to be installed, so as to make such wiring dangerous to life or property, said Inspector shall have power and it shall be his duty to cut off the eclectic currant from such wring until the defect shall have been remedied.

Section 7. Chimneys:

All chimneys hereafter erected, altered or rebuilt within Fire Limits shall have walls not less then eight (8) inches thick unless it is lined on the inside with well-burnt terra cotta or ;fie clay chimney tiles set in Portland cement motor, in which case the wall shall be not less than four (4) inches thick. The lining shall be continuous from the bottom of the fire flue to its extreme height. No chimneys shall be corbelled out more than eight (8) inches from a brick wall and such corbelling shall consist of at least five (5) courses of brick. Brick set on edge shall not be allowed tin chimney construction. No chimney shall be set on a wooden support or any kind. Support shall be incombustible and rest on the foundation or on the ground. All chimneys shall project a least three (3) feet above the point of contact with a flat roof, or two (2) feet above the ridge of a pitched roof. No smoke pipe shall be allowed to pass through any lath and plaster or other wooden partition or floor or roof, but shall pass directly into a brick chimney.

Section 8. Fire Escapes

All public buildings, including schoolhouses, hospitals, hotels or rooming house and public meeting halls or two (2) or more stories in height, shall be provided with either one or more metallic ladders or other suitable metallic fire escape, subject to the approval of the Building Inspector, or shall be provided with two (2) or more stairway exists of good construction, safe-guarded by guard rails from the top to the bottom.

Section 9. Exits in Public Halls:

Every public hall designated to accommodate two hundred (200) people or more shall have at least two (2) exits, one of which shall be at least five (5) feet wide and the other at least two (2 1/2) feet six (6) inches wide, and the doors to at least one (1) exit shall open outward. If the floor of such hall is

more than two (2) feet from the surface of the ground at the exits, suitable steps for making exit shall be provided.

Section 10. Hay or Straw:

No person shall stack hay or straw in the open air within the Fire Limits of this City.

Section 11. Burning of Refuse:

It shall be unlawful to burn within the Fire Limits any waste paper, sweepings, trash, straw or any other combustible material on either Streets, Avenues, Alleys or vacant Lots within said Fire Limits provided that any such waste material may be burned within said District between sun-up and sun-down in a metallic waste paper burner approved by the Building Inspector.

Section 12. Ashes:

It shall be unlawful for any person or persons to place or allow to be placed in any building or vacant Lot within the Fire Limits any ashes unless same are deposited and kept in some metallic or other fire-proof receptacle, provided that dead ashes that have been placed in such receptacle and left there for three (3) or more days until they have become cold and free from fire risk may be deposited on private grounds subject to the approval of the owner thereof. No ashes shall be dumped in any Street, Avenue or Alley.

Section 13. Fireworks: (Updated by Ordinance 07-2006)

- A. Storage: The City of Newell shall have power to regulate or prohibit the storage of combustible or explosive material, the use of open flame lights, building of bonfires and the use or sale of fireworks (SDCL 9-33-1).
- B. Discharging Limits: No person or persons, associations, partnerships or corporations shall set off or give cause to set off any fireworks, sky rocket, roman candle, torpedo or any other kind of fireworks or pyrotechnic display within the City Limits or within one (1) mile thereof except that such discharging will be allowed between the
hours of eight (8:00) A. M. and eleven (11:00) P.M. on July 3rd, 4th and 5th of each year.
- C. Fire Chief: The Newell City Fire Chief may, at his discretion, declare as off limits for the discharging of fireworks; any Section or Parcel within the City Limits or within one (1) mile thereof, without regard for those times otherwise permitting such discharges.

- D. Reckless Discharge: It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.
- E. Fines: Any person failing to comply with the provisions of this Ordinance shall be punishable by a Fine not to exceed two hundred (\$200.00) dollars and shall stand committed until such Fine and Costs are paid.

Section 14. Fire Department:

The Newell Volunteer Fire Department, while duly organized and active, shall have care and supervision of the fire-fighting equipment of the City, subject to the legal ownership; and control by the City, and in cases of fire shall take complete charge thereof as provided in the Constitution and By-Laws of the Fire Department.

Section 15. Penalty:

Any person violating any of the provisions of this Chapter shall upon conviction thereof be subject to a Fine of not less than five (\$5.00) dollars and not more than one hundred (\$100.00) dollars and Costs, and shall stand committed until such Fine and Costs are paid.

17. WATERWORKS

Section 1. How Superintended:

The City Council, either directly or by special Waterworks Committee or by a Superintendent of Waterworks, shall have charge of the waterworks system belonging to the City of Newell.

Section 2. Compensation:

The compensation of the Superintendent of Waterworks shall be fixed by, and subject to change by, the City Council.

Section 3. Application of Water:

Every person desiring installation of City water services shall make Application there for to the Superintendent of Waterworks in such a Form as prescribed by the City Council, such Application to be filed and Tapping Fee paid in advance at the Office of the City Auditor.

Section 4. Tapping Fee:

The charge to tapping a City water main and delivery of water by the City to the property line, including the furnishing of a curb box by the City, shall be fixed free time-to-time by the City Council, provided that such charge shall not be less than the average cost to the City.

Section 5. Meters:

Amended By: Ordinances 67, 71

Section 6. Water Rates: Amended by: Ordinance 67

Minimum Water Rate: \$15.75 per month for Residential and Commercial usage. This entitles each used up to and including one thousand (1,000) gallons of water

Additional Rate: \$1.75 per one thousand (1,000) gallons of water will be assessed each month for water usage over the Minimum amount.

A monthly Fee of \$3.00 for irrigation water and maintenance entitles each user to irrigation water for seasonal watering and becomes due as part of the monthly utility bill.

A \$5.00 monthly Fee is applied to all City utility customers who request their meters be read by the City Employees. Any customer who does not provide the City with a meter reading or payment by the 10th of each month shall pay a reading Fee of \$25.00

A Reconnection Fee of \$25.00 will be assessed for reconnections during the hours of 8:00 AM to 3:30 PM Monday through Friday (regular scheduled hours). And a reconnection Fee of \$35.00 for after hours and holidays.

Monthly Statement will be sent on the 15th of each month. IF not paid by the 10th of the following month, it shall be considered delinquent and a late payment charge of \$25.00 will be assessed. If payment is not received at the Finance Office at 8:00 AM on the 15th of each month you will be disconnected and will be required to pay the amount in full including payment of the reconnection Fee of \$25.00 as stated above, before your water will be reconnected.

Payment Application to the Utility Bill shall be as follows: garbage payment, sewer payment (s), Water Bond, Irrigation Fee, water payment.

Section 7. Rates for Joint Service Delivery:

Amended by Ordinance No. 67

Section 8. Special Deliveries of Water:

Water sold by delivery at the City Pump House into water tanks shall be at the rate of one (\$1.00) dollar per tank of approximately four hundred (400) gallons, provided that that no sale shall be made or deliveries allowed to any person or agent in violation of the provisions of this Chapter.

Section 9. Restrictions on Sale:

Amended by: Ordinance No. 67

Section 10. Collecting:

Amended by Ordinance No. 07-03

Ordinance 137 Establishes Irrigation Rates and Land Classification

Section 11. Penalty for Non-payment:

(Amended by Ordinance 07-03)

All water rents shall be due and payable upon presentation of bills for same, and in case of failure of any person, firm or corporation taking water from the meter system of the City to pay their water rent by the 10th of each month after the same shall turn the water off from such delinquent's premises, and the same shall remain turned off until all rental due, including a penalty or additional charge of thirty-five (\$35.00) dollars, shall be been paid.

Section 12. Plumber:

No Permit will be granted to any person, firm or corporation, to lay service pipe in any Street, Avenue or Alley or otherwise in the City for connection with any water main, or insert a stop-cock or ferrule therein, except to a plumber duly licensed and qualified as hereinafter prescribed.

Section 13. Plumber's License:

Any person desiring a License as a plumber shall make Application in writing therefore to the City Council, giving his name, or in case of applicant being a firm or corporation, the name of each member thereof with place of business; said Application stating his willingness to be governed in all respects by Rules and Regulations of the Council now adopted or hereafter to be adopted concerning his business, and furnish the Council evidence that he is or has in his employ a person regularly trained and educated in the plumbing trade and that he is in all respects a suitable person to receive such a License. If satisfied that the applicant is properly qualified a License maybe issued by the City Auditor upon the applicant's meeting the requirements of this Section and payment of a License Fee of ten (\$10.00) dollars.

Section 14. Plumber's Bond:

No License shall be issued to any plumber until he shall have first delivered to the City Auditor a good and sufficient Bond approved by the City Council in the sum of five hundred (\$500.00) dollars, guaranteeing that he shall indemnify and hold harmless the City of Newell from any all damages that may be suffered by any person in consequence of any opening that may be made by him or under his direction in any Street, Avenue or Alley or elsewhere within the City Limits, for the purpose of putting in service pipes or for any other purpose; that he will in every case when he shall have an exaction in any Street, Avenue or Alley for any purpose restore the street, pavement or ground to as good a condition as that in which he found it; and that in doing work or business as a plumber under his License he will in all respects conform to the Regulations established by the City Council concerning Waterworks; that he will pay all damages that the City at any time may suffer by reason of failure on his part or any of his employees on account of either negligence or unskillful ness to perform or protect any work done under his License; and will pay the damages sustained by the City or any person by whom he may be employed by reason of unfaithful or unskillful work done under his License.

Section 15. Plumber's Report:

Within forty eight (48) hours after laying any service pipe and making connection with any water main the plumber shall file in the Office of the City Auditor a full and true and complete report in which he shall show by description and diagram the exact location of the tap and service pipe, the Lot and Block number, where said work has been done, and any other such information as may be required by the City Auditor or the City Council to enable them to determine accurately the Location of any and every tap and service pipe.

Section 16. Excavations:

No excavations in any Street or public place shall be made without the direction of the Waterworks Superintendent or the proper committee of the City Council, and all such excavation if necessary to be left open over night shall be guarded by light signals and barriers during the night sufficient to avoid accidents. In case the excavation work is contracted to any plumbing

Company or firm it shall be the duty of that company or firm to see that the excavations are properly filed as soon as connections are made, and that the filing is done and maintained until the loose dirt is again settled so as to preserve an even grade in the Street where said excavation was made.

Section 17. Power to Examine:

The Superintendent of Waterworks or any person designated by the City Council or Mayor of the City shall at all times have the right to inspect for approval or disapproval the work of any plumber done under License. Such Inspector shall also have right at all reasonable hours to enter any premises or buildings supplied through the water system of the City for the purpose of reading meters or inspecting of same, or any waterworks fixtures pertaining to the system.

Section 18. Liability of City:

The City shall not be liable under any circumstances for any deficiency or failure in the supply of water to the consumer whether occasioned by shutting the water off for the purpose of making repairs or connecting or for any cause whatever. In case of fire or an alarm of fire or making repairs or constructing new works the Superintendent may shut off the water and keep it shutoff so long as he shall deem it necessary.

Section 19. Penalty:

Any person violating any of the provisions of the Chapter or hindering in the carrying out of the provision of same shall upon conviction thereof be subject to a Fine of not over one hundred (\$100.00) dollars and Costs, and shall stand committed until such Fine and Costs are paid.

18. REPEALING CLAUSE

Section 1. Ordinances Repealed:

All Ordinances and parts of Ordinances of the City of Newell, SD, heretofore enacted, the same being Ordinances 1 to 55, from 1910 – 1922, both inclusive, are hereby repealed.

NUMBERED ORDINANCES

NO. 57 TAX LEVY FOR 1924

The annual appropriation ordinance for appropriating such sums as are deemed necessary to meet lawful expenses and liabilities of the City of Newell, S. Dak., for the ensuing year of 1924 and the annual tax levy therefore.

Be it ordained by the COUNCIL of the City of Newell, South Dakota, as follows:

1. GENERAL FUND:

For election expenses, salaries of officers, Police Department, Fire Department, Printing, Irrigation, City Light and Power and Misc.

7 mills, or \$3135.76

2. WATERWORKS FUND:

For maintenance and repair.

2 mills, or \$895.93

3. SINKING FUND:

For Redemption of bonds.

2 mills, or \$895.93

4. INTEREST FUND:

For interest on bonds and warrants.

4 mills, or \$1791.87

TOTAL APPROPRIATION

\$6719.49

SECTION 2. That there be and hereby is levied for the purpose of defraying the expenses and liabilities of the City of Newell S. Dakota for the fiscal year 1924, the following sums of money upon all taxable property in the City, for the following purposes, to wit:

For City General	\$3135.76
For Waterworks	\$895.93
For Sinking Fund	\$895.93
For Interest Fund	\$1791.87

\$6719.49 TOTAL APPROPRIATION

SECTION 3. That the sum of \$6719.49 appropriated in Section 1 for which levy is made in Section 2, is hereby appropriated. And divided among the four funds above mentioned.

SECTION 4. That any and all moneys received during the fiscal year 1924 from sources other than tax levy herein made, shall be and hereby is appropriated for credit to the funds for General City Purposes.

SECTION 5. That the City Auditor is hereby authorized and directed to certify the tax levy herein made in Section 2, to the Auditor of Butte County, South Dakota as provided by law, immediately upon passage and publication of this ordinance.

Past First Reading, September 4th 1923

Past Second Reading, September 14th 1923

Approved, September 14, 1923

NO. 58 FIRE HYDRANTS

Section 1. It shall be unlawful for any person or persons to hitch horses, park cars or vehicles, or leave any obstruction within thirty (30) feet of any fire hydrant in the City of Newell.

Section 2. Any person found guilty of violating any of the above provisions shall be Fined twenty-five (\$25.00) dollars and Costs and shall stand committed until such Fine and Costs are paid.

Approved: January 7, 1924

NO. 59 CONSOLIDATE WARDS

Section 1. That, where as the number of legal voters in the three (3) Wards of the City of Newell, SD, do not exceed two hundred fifty (250), as determined by the last annual election, the tree (3) Wards of the City of Newell, SD be and the same are hereby consolidated into one (1) Precinct for voting. Amended Ordinance 56, Chapter 1, Section 2.

Section 2. This Ordinance shall take effect upon its passage and publication according to law.

Approved: March 10, 1924.

NO. 60 PROHIBITING BEES IN CITY LIMITS

Chapter 1

Section 1. It shall be unlawful for any person or persons to keep and maintain any bees or stands of bees within the City Limits.

Section 2. Any person violating any of the provisions of this Chapter, shall upon conviction thereof be subject to a Fine of not over ten (\$10.00) dollars and Costs, and shall stand committed until such Fine and Costs are paid.

Approved: September 9, 1924

NO. 61 TAX LEVY FOR 1925

The annual appropriation ordinance for appropriating such sums as are deemed necessary to meet lawful expenses and liabilities of the City of Newell, S. Dak. For the ensuring year of 1925 and the annual tax levy therefore.

Be it ordained by the COUNCIL of the City of Newell, South Dakota, as follows:

Section 1. That there is hereby appropriated by this Council of this City of Newell, S. Dak. For the period January 1st, 1925 until December 31st, 1925, the following sums of money, which are necessary to meet all lawful expenses and liabilities of the City of Newell for said period, to wit:

1. GENERAL FUND: For election expenses, salaries of officers, police department, fire department, printing, irrigation, city light and power, and miscellaneous.

7 mills, or \$2987.30

2. WATERWORKS FUND: For maintenance and repair

2 mills, or \$853.51

3. SINKING FUND: For redemption of bonds

2 mills, or \$853.51

3. INTEREST FUND: For interest on bonds and warrants

4 mills, or \$1707.03

TOTAL APPROPRIATION

Section 2. That there be and hereby is levied for the purpose of defraying the expenses and liabilities of the City of Newell, S. Dak. For the fiscal year 1925, the following sums of money, upon all taxable property in the City, for the following purposes, to wit:

For City General	\$2987.30
For Waterworks	\$853.51
For Sinking Fund	\$853.51
For Interest Fund	\$1707.03

\$6401.35 TOTAL APPROPRIATION

Section 3. That the sum of \$6401.35 appropriated in Section 1 for which levy is made in Section 2, is hereby appropriated, and divided among the four funds above mentioned.

Section 4. That any and all moneys received during the fiscal year 1925 from sources other than tax levy herein made, shall be and hereby is appropriated for credit to the funds for General City purposes.

Section 5. That the City Auditor is hereby authorized and directed to certify the Tax Levy herein made in Section 2, to the Auditor of Butte County, South Dakota as provided by law, immediately upon passage and publication of this ordinance.

Passed first reading, September 9th 1924

Passed second reading, October 6th 1924

Approved, October 6th 1924

NO. 62 AMENDS SECTION 2 OF CHAPTER 15, (1923)

Section 1. That Section 2 of Chapter 15 of the Revised Ordinance of 1923 of the City of Newell, be amended so as to read as follows: It shall be unlawful for any persons or person to engage in or allow to be operated on Sunday in the City of Newell, any Theatrical performance, as a condition for witnessing which an admission Fee of money or anything of value be given directly or indirectly.

NO. 63 TAX LEVY FOR 1926

The annual appropriation ordinance for appropriating such sums as are deemed necessary to meet lawful expenses and liabilities of the City of Newell, S. Dak. for the ensuring year of 1926 and the annual tax levy therefore.

Be it ordained by the COUNCIL of the City of Newell, South Dakota, as follows:

Section 1. That there is hereby appropriated by this Council of this City of Newell, S. Dak. For the period January 1st, 1926 until December 31st, 1926, the following sums of money, which are necessary to meet all lawful expenses and liabilities of the City of Newell for said period, to wit:

2. GENERAL FUND: For election expenses, salaries of officers, police department, fire department, printing, irrigation, city light and power, and miscellaneous.

7 mills, or \$2902.84

2. WATERWORKS FUND: For maintenance and repair

2 mills, or \$829.38

3. SINKING FUND: For redemption of bonds

2 mills, or \$829.38

4. INTEREST FUND: For interest on bonds and warrants

4 mills, or \$1658.76

TOTAL APPROPRIATION

Section 2. That there be and hereby is levied for the purpose of defraying the expenses and liabilities of the City of Newell, S. Dak. For the fiscal year 1926, the following sums of money, upon all taxable property in the City, for the following purposes, to wit:

For City General	\$2902.84
For Waterworks	\$829.38
For Sinking Fund	\$829.38

For Interest Fund \$1658.76

\$6220.36 TOTAL APPROPRIATION

Section 3. That the sum of \$6220.36 appropriated in Section 1 for which levy is made in Section 2, is hereby appropriated, and divided among the four funds above mentioned.

Section 4. That any and all moneys received during the fiscal year 1926 from sources other than tax levy herein made, shall be and hereby is appropriated for credit to the funds for General City purposes.

Section 5. That the City Auditor is hereby authorized and directed to certify the Tax Levy herein made in Section 2, to the Auditor of Butte County, South Dakota as provided by law, immediately upon passage and publication of this ordinance.

Passed first reading, September 8th 1925

Passed second reading, September 15th 1925

Approved, September 15th 1925

NO. 64 TAX LEVY FOR 1927

The annual appropriation ordinance for appropriating such sums as are deemed necessary to meet lawful expenses and liabilities of the City of Newell, S. Dak. for the ensuing year of 1927 and the annual tax levy therefore.

Be it ordained by the COUNCIL of the City of Newell, South Dakota, as follows:

Section1. That there is hereby appropriated by this Council of this City of Newell, S. Dak. For the period January 1st, 1927 until December 31st, 1927, the following sums of money, which are necessary to meet all lawful expenses and liabilities of the City of Newell for said period, to wit:

3. GENERAL FUND: For election expenses, salaries of officers, police department, fire department, printing, irrigation, city light and power, and miscellaneous.

4 mills, or \$1653.72

2. WATERWORKS FUND: For maintenance and repair

4 mills, or \$1653.72

3. SINKING FUND: For redemption of bonds

2 mills, or \$826.86

5. INTEREST FUND: For interest on bonds and warrants

6 mills, or \$2480.58

TOTAL APPROPRIATION

Section 2. That there be and hereby is levied for the purpose of defraying the expenses and liabilities of the City of Newell, S. Dak. For the fiscal year 1927, the following sums of money, upon all taxable property in the City, for the following purposes, to wit:

For City General	\$1653.72
For Waterworks	\$1653.72
For Sinking Fund	\$826.86
For Interest Fund	\$2480.86

\$6614.88 TOTAL APPROPRIATION

Section 3. That the sum of \$6614.88 appropriated in Section 1 for which levy is made in Section 2, is hereby appropriated, and divided among the four funds above mentioned.

Section 4. That any and all moneys received during the fiscal year 1927 from sources other than tax levy herein made, shall be and hereby is appropriated for credit to the funds for General City purposes.

Section 5. That the City Auditor is hereby authorized and directed to certify the Tax Levy herein made in Section 2, to the Auditor of Butte County, South Dakota as provided by law, immediately upon passage and publication of this ordinance.

Passed first reading, September 8th 1926

Passed second reading, September 15th 1926

Approved, September 15th 1926

NO. 65 AMENDS: SECTION 2 OF CHAPTER 6 (REVISED 1923)

Section 1. That Section 2 of Chapter 6 of the Revised Ordinances of 1923 of the City of Newell be amended so as to read as follows: The parking area on all the Streets in the City shall be at the curb, excepting spaces where parking is forbidden by special signals.

NO. 66 TAX LEVY FOR 1928

The annual appropriation ordinance for appropriating such sums as are deemed necessary to meet lawful expenses and liabilities of the City of Newell, S. Dak. for the ensuring year of 1928 and the annual tax levy therefore.

Be it ordained by the COUNCIL of the City of Newell, South Dakota, as follows:

Section1. That there is hereby appropriated by this Council of this City of Newell, S. Dak. For the period January 1st, 1928 until December 31st, 1928, the following sums of money, which are necessary to meet all lawful expenses and liabilities of the City of Newell for said period, to wit:

4. GENERAL FUND: For election expenses, salaries of officers, police department, fire department, printing, irrigation, city light and power, and miscellaneous.

4 mills, or \$1719.78

2. WATERWORKS FUND: For maintenance and repair

4 mills, or \$1719.78

3. SINKING FUND: For redemption of bonds

2 mills, or \$859.89

6. INTEREST FUND: For interest on bonds and warrants

6 mills, or \$2579.67

TOTAL APPROPRIATION

Section 2. That there be and hereby is levied for the purpose of defraying the expenses and liabilities of the City of Newell, S. Dak. For the fiscal year 1928, the following sums of money, upon all taxable property in the City, for the following purposes, to wit:

For City General	\$1719.78
For Waterworks	\$1719.78
For Sinking Fund	\$859.89
For Interest Fund	\$2579.67

\$6879.12 TOTAL APPROPRIATION

Section 3. That the sum of \$6879.12 appropriated in Section 1 for which levy is made in Section 2, is hereby appropriated, and divided among the four funds above mentioned.

Section 4. That any and all moneys received during the fiscal year 1928 from sources other than tax levy herein made, shall be and hereby is appropriated for credit to the funds for General City purposes.

Section 5. That the City Auditor is hereby authorized and directed to certify the Tax Levy herein made in Section 2, to the Auditor of Butte County, South Dakota as provided by law, immediately upon passage and publication of this ordinance.

Passed first reading, September 19 1927

Passed second reading, September 26 1927

Approved, September 26 1927

NO. 67

Repeals Sections 6, 7, 9 and 10 and Repeals Section 5 of Chapter 17 of Ordinance 56. (Water works)

NO. 68 TAX LEVY FOR 1929

The annual appropriation ordinance for appropriating such sums as are deemed necessary to meet lawful expenses and liabilities of the City of Newell, S. Dak. for the ensuring year of 1929 and the annual tax levy therefore.

Be it ordained by the COUNCIL of the City of Newell, South Dakota, as follows:

Section1. That there is hereby appropriated by this Council of this City of Newell, S. Dak. For the period January 1st, 1929 until December 31st, 1929, the following sums of money, which are necessary to meet all lawful expenses and liabilities of the City of Newell for said period, to wit:

1. GENERAL FUND: For election expenses, salaries of officers, police department, fire department, printing, irrigation, city light and power, and miscellaneous.

4 mills, or \$1561.47

2. WATERWORKS FUND: For maintenance and repair

4 mills, or \$1561.47

3. SINKING FUND: For redemption of bonds

6 mills, or \$2342.20

4. INTEREST FUND: For interest on bonds and warrants

5 mills, or \$1951.84

5. BOND FUND: For support of municipal bond

1 mill, or \$390.36

TOTAL APPROPRIATION

Section 2. That there be and hereby is levied for the purpose of defraying the expenses and liabilities of the City of Newell, S. Dak. For the fiscal year 1928, the following sums of money, upon all taxable property in the City, for the following purposes, to wit:

For City General	\$1561.47
For Waterworks	\$1561.47
For Sinking Fund	\$2342.20
For Interest Fund	\$1951.84
For Bond Fund	\$390.36

\$7807.34 TOTAL APPROPRIATION

Section 3. That the sum of \$7807.34 appropriated in Section 1 for which levy is made in Section 2, is hereby appropriated, and divided among the four funds above mentioned.

Section 4. That any and all moneys received during the fiscal year 1929 from sources other than tax levy herein made, shall be and hereby is appropriated for credit to the funds for General City purposes.

Section 5. That the City Auditor is hereby authorized and directed to certify the Tax Levy herein made in Section 2, to the Auditor of Butte County, South Dakota as provided by law, immediately upon passage and publication of this ordinance.

Passed first reading, August 19 1928

Passed second reading, September 6th 1928

Approved, September 6th 1928

NO. 69 PROHIBITION, MANUFACTURING AND TRAFFICKING OF INTOXICATING LIQUOR

Section 1. The term "intoxicating liquor" as used in this Ordinance shall mean any beverage containing alcohol, the sale of which is violation of the Laws and Constitution of the United States or the State of South Dakota.

Section 2. It shall be unlawful for any person either by himself, clerk, servant, employee or agent within the corporate Limits of the City of Newell to make, brew, distill or manufacture or to aid in making, brewing, distilling or manufacturing or to sell, offer for sale, barter or trade or give away or furnish or keep for sale, barter or gift, or to keep for sale, trade, barter or gift or to aid in selling, offering for sale, barter, trade or gift, and intoxicating liquor as defined in this Ordinance.

Section 3. It shall be unlawful for any person to keep or have for personnel use or otherwise, or to use or permit another to have, keep or use, intoxicating liquor in any public place; within the City of Newell, provided that nothing in this Ordinance shall be construed to prohibit the keeping and use of intoxicating liquors by drug stores, hospitals, state education institutions, universities, colleges or high schools for the purpose and in the manner specified in the laws of the state of South Dakota.

Section 4. It shall be unlawful for any person by himself or his employee, servants or agents, to keep or carry around on his person or in any vehicle, or leave in any place for another to secure, intoxicating liquor with intention to sell or dispose of the same by gift or otherwise.

Section 5. It shall be unlawful to keep, store or give away any intoxicating liquors, or any shift of devise whatever to evade the provisions of this article shall be deemed unlawful.

Section 6. Every person found intoxicated in any public place within the corporate Limits of the City of Newell, is guilty of a misdemeanor.

Section 7. It shall be unlawful for any person to carry or transport any intoxicating liquor, except such transportations as may be legal under the laws of the state of South Dakota, in any wagon, buggy, automobile, truck or vehicle of any kind, and it shall be unlawful to transport upon the person any intoxicating liquor from any point within the corporate Limits of the City of Newell, to any other point within the corporate Limits of the City of Newell.

Section 8. Any person who shall violate any of the provisions of the above Ordinance shall be guilty of a misdemeanor and shall be Fined in a sum not exceeding one hundred (\$100.) dollars.

Approved: March 4, 1929

NO. 70 GRANTING TELEPHONE COMPANY RIGHT-OF-WAY

Section 1. That the Project Telephone Company, a corporation, its successors assigns, are hereby granted the right to use and occupy the streets, Avenues, and alleys and other public places in the City of Newell, for a term of twenty (20) years from the effective date hereof, for the purpose of constructing, maintaining and operating a general telephone and telegraph system within the City.

Section 2. The rights herein granted and subject to the exercise the police power as the same now is or may hereafter be conferred upon said City.

Section 3. That the Project Telephone Company shall upon demand, pay the cost of publishing this Ordinance and of holding the election hereinafter ordered to.

Section 4. That this Ordinance shall be in full force and effect and shall constitute a binding contract between the City of Newell, and the Project Telephone Company when the same shall have been approved by a majority of electors of said City voting thereon, and when the provisions hereof shall have been accepted in writing by the Project Telephone Company and such acceptance filed with the City Auditor.

Approved: March 14, 1929.

NO. 71 ESTABLISHING WATER RATES AND RULES FOR WATER USERS

(And Amending Chapter 17 or Ordinance 56, Sections 6 and 10. Amended Ordinance 67, Sections 1 and 4)

Section 1. That Section 6 of Chapter 17 of Ordinance 56, as amended by Section 1 of Ordinance 67, City of Newell, be and the same hereby amended to read as follows: Section 6 The users of water from the City water works shall be divided into seven (7) classes by the Board of Commissioners, and the users in such Class shall pay a flat Fee Rate as follows:

Class 1: \$3.00 per month

Class 2: \$3.50 per month

Class 3: \$4.00 per month

Class 4: \$4.50 per month

Class 5: \$5.00 per month

Class 6: \$7.50

Class 7: Shall consist of those who contract for City water a year at a time and the Rate for annual service shall be fixed by the Board of Commissioners.

Section 2. That Section 10 Chapter 17 Ordinance 56, as amended by Section 4 of Ordinance 67, of said City, be and the same is hereby amended to read as follows: Section 10. Collection: Water rents shall be payable in advance on the first day of each calendar month and shall be paid to the City Treasurer or to any authorized collector of the Board of Commissioners; and when the water rent is not paid within 10 days after the same becomes due, the water shall be shut off. No reduction in water rent on account of absence of water users shall be made unless the Board of Commissioners is notified in writing in advance.

Section 3. In case two or more persons or families are supplied with water from the same hydrant or service pipe, the owner of the property on which the tap is located shall be responsible for all the water service there at, and charges therefore;; and water shall be turned off form such service pipe until the water rent and penalty is paid.

Section 4. It shall be unlawful for any user of City water to supply water to any other persons or families or to permit such other persons or families to take City water without first obtaining permission from the Board of Commissioners. A violation of this Section shall be cause for shutting off the water from such water user.

Section 5. If at any time the water supply of any person or persons is shut off for non-payment of water rent, or other violations of the Ordinance, the sum of one (\$1.00) dollar as penalty, together with all back charges, shall be paid when the water is turned on again.

Section 6. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

NO. 72

An ordinance entitled "An ordinance providing for annual tax levy upon the taxable property within the City of Newell, Butte County, South Dakota, to pay the principal and interest upon water bonds of the City of Newell, to be issued as of the date of July 15, 1929"

BE IT ORDAINED by the City Commissioners of the City of Newell, Butte County, South Dakota:

SECTION 1. That due steps having been taken pursuant to the statutes and the Constitution of the State of South Dakota for the issuance of Water Bonds of the City of Newell, Butte County, South Dakota, for the purpose of providing water for domestic uses and other purposes in said City, by a repair and replacement of the present water system, and the City Commissioners of said City of Newell, having by resolution dated the 10th day, of July 1929, authorized the issuance of water bonds of the said City of Newell in the sum of \$16000.00, in sixteen serial bonds of \$1000 each with interest at 5% per annum, payable semi-annually, said bonds to be paid as follows: Bond no.1 to be paid on the 15th day of July, 1931 and one bond on the 15th day of July of each year thereafter for fifteen consecutive years, each bond to bear interest from the 15th day of July 1929.

SECTION 2. That there is hereby levied by the City Commissioners of the City of Newell, Butte County, South Dakota, an annual levy sufficient to pay the interest of said bonds as
the same shall mature and become due, as follows:

For the year 1930,	\$800.00
For the year 1931,	\$1800.00
For the year 1932,	\$1750.00
For the year 1933,	\$1700.00
For the year 1934,	\$1650.00
For the year 1935,	\$1600.00
For the year 1936,	\$1550.00
For the year 1937,	\$1500.00

For the year 1938,	\$1450.00
For the year 1939,	\$1400.00
For the year 1940,	\$1350.00
For the year 1941,	\$1300.00
For the year 1942,	\$1250.00
For the year 1943,	\$1200.00
For the year 1944,	\$1150.00
For the year 1945,	\$1100.00
For the year 1946,	\$1050.00

SECTION 3. The City Treasurer of the City of Newell is hereby required to pay on presentation said bonds and interest coupons as they mature, out of the funds levied for that purpose, as the same shall become due and payable.

SECTION 4. That this Ordinance is necessary for the support of the municipal government and its existing public institutions and that the same shall be in full force and effect from and after the passage and publication thereof.

Approved: July 22, 1929.

NO. 73 TAX LEVY 1930

The annual appropriation ordinance for appropriating such sums as are deemed necessary to meet lawful expenses and liabilities of the City of Newell, S. Dak. for the ensuing year of 1930 and the annual tax levy therefore.

Be it ordained by the COUNCIL of the City of Newell, South Dakota, as follows:

Section1. That there is hereby appropriated by this Council of this City of Newell, S. Dak. For the period January 1st, 1930 until December 31st, 1930, the following sums of money, which are necessary to meet all lawful expenses and liabilities of the City of Newell for said period, to wit:

1. GENERAL FUND: For election expenses, salaries of officers, police department, fire department, printing, irrigation, city light and power, and miscellaneous.

6 mills, or \$2584.90

2. WATERWORKS FUND: For maintenance and repair

3 mills, or \$1292.45

3. SINKING FUND: For redemption of bonds

12.5 mills, or \$5385.22

4. INTEREST FUND: For interest on bonds and warrants

6.5 mills, or \$2800.31

6. BOND FUND: For support of municipal bond

1 mill, or \$430.81

TOTAL APPROPRIATION

Section 2. That there be and hereby is levied for the purpose of defraying the expenses and liabilities of the City of Newell, S. Dak. For the fiscal year 1930, the following sums of money, upon all taxable property in the City, for the following purposes, to wit:

For City General	\$2584.90
For Waterworks	\$1292.45
For Sinking Fund	\$5385.22
For Interest Fund	\$2800.31

For Bond Fund \$430.81

\$12493.69 TOTAL APPROPRIATION

Section 3. That the sum of \$12493.69 appropriated in Section 1 for which levy is made in Section 2, is hereby appropriated, and divided among the four funds above mentioned.

Section 4. That any and all moneys received during the fiscal year 1930 from sources other than tax levy herein made, shall be and hereby is appropriated for credit to the funds for General City purposes.

Section 5. That the City Auditor is hereby authorized and directed to certify the Tax Levy herein made in Section 2, to the Auditor of Butte County, South Dakota as provided by law, immediately upon passage and publication of this ordinance.

Passed first reading, September 10th 1929

Passed second reading, September 23rd 1929

Approved, September 23rd 1929

NO. 74 REGULATION, INSTALLATION, AND OPERATION OF ELECTRICAL

AND MECHANICAL DEVICES

Section 1. That on and after the passage of this Ordinance it shall be unlawful for any person, firm or corporation to install or operate power light plants or transmission lines, telephone plants or line, motors or other electrical or mechanical devices within the City of Newell, which create in the operation thereof, preventable atmospheric disturbances, which interfere with radio reception, or any such device which in any other manner interferes with radio reception, within the City of Newell.

Section 2. That on and after the passage of this Ordinance, it shall be unlawful to operate in the City of Newell, any radio receiving equipment in such a manner as to cause electrostatic or electromagnetic waves to radiate from the antenna in such a manner as to result in interferences with radio reception.

Section 3. The Mayor shall appoint a Radio Commissioner who shall serve without pay, whose term of office shall expire at the option of the Mayor and Council. Such appointment to be confirmed by Council.

Section 4. The Radio Commissioner shall have full power and authority to enter upon any premises within the City of Newell, at all daylight hours to make examinations of, and test, all radio receiving equipment, power or light plants, or transmission lines, telephone plants or lines, and all motors of other electrical or mechanical devices now or hereafter installed and in operation in the City of Newell, and to inspect the installation of any such devices, and upon finding that any such radio receiving equipment, power or light plants, transmission lines, telephone plants or lines, motors or other mechanical or electrical device is interfering with radio reception in the City of Newell, he shall forthwith notify in writing such person, firm or corporation owning or operating the same of such interference with radio reception, and if such interferences is preventable such person, firm or corporation shall within thirty (30) days after the receipt of such notice cause such radio interference to cease.

Section 5. That any person, firm or corporation failing to cause such preventable radio interference to cease within thirty (30) days from and after the receipt of the Notice herein before provided for, shall be guilty of a violation of this Ordinance and upon conviction shall be Fined not less than ten (\$10.00) dollars or more than fifty (\$50.00) dollars for each day thereafter that such radio interference continues.

Approved: February 17, 1930.

NO. 75 TAX LEVY 1931

The annual appropriation ordinance for appropriating such sums as are deemed necessary to meet lawful expenses and liabilities of the City of Newell, S. Dak. for the ensuing year of 1931 and the annual tax levy therefore.

Be it ordained by the COUNCIL of the City of Newell, South Dakota, as follows:

Section1. That there is hereby appropriated by this Council of this City of Newell, S. Dak. For the period January 1st, 1931 until December 31st, 1931, the following sums of money, which are necessary to meet all lawful expenses and liabilities of the City of Newell for said period, to wit:

1. GENERAL FUND: For election expenses, salaries of officers, police department, fire department, printing, irrigation, city light and power, and miscellaneous.

5 mills, or \$2011.19

2. WATERWORKS FUND: For maintenance and repair

2 mills, or \$804.47

3. SINKING FUND: For redemption of bonds

12.5 mills, or \$5027.98

4. INTEREST FUND: For interest on bonds and warrants

6.5 mills, or \$2614.55

5. Secondary Waster Fund: For waterworks supplies

2 mill, or \$804.47

TOTAL APPROPRIATION

Section 2. That there be and hereby is levied for the purpose of defraying the expenses and liabilities of the City of Newell, S. Dak. For the fiscal year 1930, the following sums of money, upon all taxable property in the City, for the following purposes, to wit:

For City General	\$2011.19
For Waterworks	\$804.47
For Sinking Fund	\$5027.98
For Interest Fund	\$2614.55
For Secondary Water	\$804.47

\$11262.66 TOTAL APPROPRIATION

Section 3. That the sum of \$11262.66 appropriated in Section 1 for which levy is made in Section 2, is hereby appropriated, and divided among the four funds above mentioned.

Section 4. That any and all moneys received during the fiscal year 1931 from sources other than tax levy herein made, shall be and hereby is appropriated for credit to the funds for General City purposes.

Section 5. That the City Auditor is hereby authorized and directed to certify the Tax Levy herein made in Section 2, to the Auditor of Butte County, South Dakota as provided by law, immediately upon passage and publication of this ordinance.

Passed first reading, September 8th 1930

Passed second reading, September 22ND 1930

Approved, September 22ND 1930

NO. 76 APPROPRIATIONS 1932

Approved: September 22, 1931.

NO. 77 APPROPRIATIONS 1933

NO. 78 APPROPRIATIONS 1934

NO. 79 APPROPRIATIONS 1935

NO.80 APPROPRIATIONS 1936

NO.82 INTERFERENCE ON AIRPORT AREA

Section 1.No person shall willfully break, injure, destroy, or remove and of the fences or gates which enclose the Airport area in the City of Newell, without written permission of the Mayor of said City.

Section 2. Any person violating the provisions of this Ordinance shall upon conviction thereof be Fined any amount, not exceeding one hundred (\$100.00) dollars, or imprisonment for a period not exceeding thirty (30) days or by both such Fine and imprisonment.

Approved: December 28, 1936.

NO. 83 CONNECTIONS OF PRIVATE DRAINS OR SEWERS TO CITY SEWERS OR DRAINS

Section 1. Connections Permitted:

All connections of private drains or sewers with the sewers of the City of Newell, or the construction or modification of appurtenances to sewer or sewer connections, shall be made in accordance with the Rules and Regulations approved by the City Commissioners and embodied in this Ordinance and such further Rules as may from time-to-time be adopted.

Section 2. Permit:

All Permits for laying drain or sewer pipes, or any excavation relating to making connections with the City sewers, or plumbing in connection with the appurtenances to sewer connections, or any changes in connections with the said appurtenances or pipes, shall be issued by the Sewer Commissioner or other duly Authorized Officer.

Section 3. Special Permit:

No excavation of trenches for sewer pipes, or work in connections with such pipes, attachments, appurtenances for modifications thereof, shall be done by any licensed person or Corporation without a Special Permit.

Section 4. License:

No person, persons or corporation shall open, uncover or in any manner make any connections with, or lay any sewer drain or attach or modify any appurtenances to sewer connections to sewers within the City Streets, Avenues, Alleys or other grounds of the City of Newell unless duly licensed therefore, or operating under a Special Contract with the City of Newell for such work.

Section 5. To Who Issued:

Any competent mechanic with experience in laying drain or sewer pipes, may upon Application and approval of the City Commissioners receive a License to lay drain or sewer pipes, or modify any attachment or make connection there to; provided no Application for License under this Ordinance shall be considered unless accompanied by a Bond in the sum of five hundred (\$500.00) dollars, with two (2) resident sureties, each owning real estate in the County, of the value of five hundred (\$500.00) dollars, above all exemptions and liabilities, and who shall justify accordingly, or by Bond of Surety Company. Said Bond and Sureties shall be approved by the City Mayor to secure the City against damages that may arise by virtue of the carelessness or neglect of such persons or corporation to execute properly their work, or for any violation of this or any other Ordinance of the City, or for any Penalties that may be imposed during the period of such License under the provisions of this Ordinance.

Section 6. Application to Connect:

Applications for Permits to connect construct or modify attachments to the City sewers or their appurtenances, shall be made in writing on Forms furnished by the City, such Applications to show the exact location of the proposed connections and the appurtenances thereto. A Record shall be kept by such plumber or drain layer covering complete details of such work and a return shall be filed with the City Clerk on the first of each month of all such work completed during the previous month. Said return to be made on special Forms furnished by the City for this purpose. All such work shall be done under and in compliance with the direction of the Sewer Commissioner, Inspector or Officer, as herein specified and in strict conformity with the Rules and Regulations hereto attached, or such additional Rules or Modifications thereof as may be hereafter adopted by the Mayor and City Commissioner. Willful violations of the said Rules or of the direction of the Sewer Commissioner, Inspector or other Officer assigned to the supervision of such work, shall be cause for the suspension of the License of the offender by the City Commissioners in addition to any Penalties that may be imposed under this Ordinance and such suspension shall operate until restored by the City Commissioners

Section 7. Liability for Damages:

The Licensed plumber or drain layer who connects with the City sewer shall be held responsible for any damage he may cause to the sewers or City Streets, Avenues or Alleys. He shall restore the Streets, Avenue, or Alleys to the satisfaction of the Sewer Commissioner, Inspector or other Officers in charge and make good any settlement of the ground caused by excavation during eight (8) months after completion of work made by said plumber pr drain layer under or by virtue of any Permit issued under the provisions of this Ordinance.

Section 8. Sewer Commissioner:

The Mayor and City Commissioners shall have the power to appoint a Sewer Commissioner to whom they may delegate any of all powers essential to the proper supervision and enforcement of the provisions of this Ordinance.

Section 9. Penalty:

Any person or persons who shall be found guilty of violating any of the Provisions of this Ordinance, or any part of the Regulations in connection therewith, or who shall fail or neglect to comply with any of such Provision, Rules or Regulations shall be guilty of a misdemeanor and upon conviction thereof shall be Fined in any sum not less than five (\$5.00) dollars, nor more then fifty (\$50.00) dollars for each Offense and twenty five (\$25.00) dollars for each day such person shall continue to violation thereof.

Section 10. Rules:

The following Rules and Regulations are hereby adopted and approved, for immediate preservation of public health and safety and the support of the City Government, to-wit:

Rule II. All Applications for Permits to plumbers or drain layers shall be filed with the City Auditor or other duly Authorized Officer before their issuance.

Rule II. Trenches in City Streets, Avenues or Alleys shall be excavated so as to impede City travels as little as possible. The crossings of gutters and all other ways shall be left in such shape as to admit of the ready escape of water during storms. Planks shall always be provided where sidewalks or crossings are opened so as to facilitate easy crossing over trenches, with proper protection to pedestrians.

Rule III. Red lights shall be kept around all unfinished work at night and red flags during the day and sufficient barricades against accidents shall be placed around excavations at all times.

Rule IV. Work on City Streets, Avenues or Alleys shall not be unnecessarily delayed and when so directed by the Sewer Commoner, the number of workmen shall be increased to hasten the work to the extent that the Sewer Commissioner any deem necessary for City interests.

Rule V. Trenches in depth of six (6) feet or over, and trenches in all made or otherwise, in treacherous soil or near buildings, shall be properly braced and the party excavating and his Bondsman shall be liable for all damages arising by reason of any neglect in this respect. All sewer lines to residences or businesses places shall enter twelve (12) inches below basement floor unless by written permission of the Sewer Commissioner.

Rule VI. The refilling of all trenches in Streets, Avenues or Alleys shall be well and thoroughly done in uniform layers of not exceeding nine (9) inches and tamped with a tamper or flushed with water, as may be directed by the Sewer Commissioner or other Agents of the City entrusted with the supervision of such work, so as to replace excavated material and leave the surface in as good a condition as found before the commencement of the work.

Rule VII. Drain layers or plumbers will be required to keep on hand a spirit level in proper order, where work is being done in connections with City sewers and their returns must show the actual depth below the surface and fall per foot to which their pipes have been laid. No pipes shall be allowed to connect with City sewers with a less fall than one fourth ($1/4^{\text{th}}$) inch per foot, except with the permission of the Sewer Commissioner.

Rule VIII. Connections with the sewers must be of a First Class quality of not less than six (6) inch vitrified clay pipes, without reducers, laid to a uniform grade, with gasket joints in cement and in good workmanlike manner; pipes laid form a joint four (4) feet outside of building walls into the building to be of good quality of cast iron soil pipe, not less than four (4) inches in diameter. No traps shall be allowed outside of the building throughout the entire line and the soil pipe must be continuous for ventilation purposes to a point above the roof of the building, such soil pipes to be coated with an improved tar or an asphalt preparation. All connections with said pipes shall be properly trapped with a water seal not less than one and one half ($1 \frac{1}{2}$) in depth, such seal to be protected against siphoning by connection with said pipe above the outer upper end of the trap. All joints shall be tightly and thoroughly caulked with lead, to prevent the leakage of any gases. The provision of this Rule may be changed to meet conditions, with consent of the Sewer Commissioner.

Rule IX. Steam exhaust must be discharge into catch basins and not direct into the sewer pipe.

Rule X. No junction pipe shall be cut or taken up for connections without Special Permit and then only in the presence of an Inspector.

Rule XI. Changes of direction of pipes must be made by properly curved pipes and not by edging or cutting. No storm water connections to conduct water from yards or roofs will be permitted in the system of sewers.

Rule XII. Sewer pipe connections both inside and outside of buildings must be Y's and not T's except as herein provided.

Rule XIII. Accidents to sewers by caving, or in cleaning of private connections must be promptly reported to the Sewer Commissioner.

Rule XIV. Entrances into manholes or the opening of the same, except by Order of the Sewer Commissioner is strictly prohibited.

Rule XV. Any defective or other work in connection with sewers or appurtenances, disapproved by the Sewer Commission is strictly prohibited.

Rule XVI. The Sewer Commissioner shall have access at all times to any building connected with any sewer, properly to examine the same.

Rule XVII. All pipes for the installation and use of water shall be lead pipe of the weight known to their trade as "strong", or galvanized "wrought" iron, or steel pipe, and all joints in the pipe must be extra strong and well made. All pipes used shall be strong enough to stand a hydro-static pressure of not less than one hundred fifty (150) pounds to the square inch. In connecting lead pipe with iron pipe, a brass connecting fitting must be used, and in no case shall lead pipes be soldered to iron. Self-closing bibs shall be used in all places where required by the Inspectors.

Rule XVIII. All house sewers shall be run as directly as possible, with a fall of at least one-fourth (1/4) inch per foot unless otherwise permitted by the Sewer Inspector. All changes of direction shall be made at an angle of not over forty five (45) degrees, with proper fittings. The size of the house sewer must not be less than four (4) inches in diameter. All underground connections shall be made with "Y" branches. Sanitary "T's" may be used on vertical lines; necessary offsets must not be made at an angle of over forty-five (45) degrees.

Rule XIX. The main soil or waste pipe shall be at least four (4) inches in diameter; discharge pipes from water closets shall be at least four (4) inches in diameter and from any other fixtures except wash basins, at least one and one half (1½) inches in diameter. Waste pipes from wash basins may be one and one-fourth (1¼) inches and court drains must be at least two (2) inches in diameter. No wrought iron or steel pipes shall be used for waste or discharge, and no waste or discharge pipes shall be smaller than the fixture trap.

Rule XX. The main drain and soil lines (and branches of same when over twenty (20) feet) shall be carried undiminished in size to a point at least two (2) feet above the roof and not less than five (5) feet above any window within fifteen (15) feet and shall be cast iron, tat coated.

Rule XXI. The plumbing of every building shall be separately and independently connected with the City sewer when such sewer is accessible; if impracticable to connect each building separately and independently, then two (2) more buildings may be connected with the City sewer, through one

(1) pipe not less than six (6) inches in diameter, subject to the approval of the Sewer Commissioner, Inspector or other Officer in charge.

Rule XXII. No person shall cover or conceal any part of the work until after it has been examined and approved by the Sewer Commissioner. The plumber or drain layer shall send notice to the Sewer Commissioner when the work is ready for inspection.

Rule XXIII. All pipes used in connection with plumbing system except as specified herein shall be of the quality known to the trade as "Standard" and must be lead, cast or galvanized iron, steel or brass, and no brick, earth ware or sheet metal will be permitted.

Rule XXIV. Every plumbing fixture shall be separately trapped as close as possible to the fixture and every trap, except earth ware traps shall have an accessible clean-out; a suitable grease trap shall be constructed under the sink of every hotel, eating house, restaurant, or other cooking establishment in such manner as to easily accessible for inspection and cleaning, and all garages shall have proper sand and grease traps as deemed necessary in estimation of Sewer Commissioner; no trap shall be placed at the foot of a vertical soil or waste pipe. No bell trap or any other trap not approved by the Inspector will be permitted. Bath tubs must have a drum trap and waste from one (1) trap shall not pass through another trap before entering the main soil or waste pipe (except in the case of areaway drain traps, must be fed from fixture). A drum trap should be at least four (4) inches in diameter.

Rule XV. All connections between lead pipes and between lead and brass pipes must be made by means of a wiped or solder nipple or bras or combination ferrule wiped or soldered to the lead, screwed or caulked to the iron pipe. Every point in the cast iron bell and spigot pipe shall be made with packed oakum and molten lead.

Rule XVI. Water closets must be supplied from a tank or cistern and shall have a flushing pipe of not less than one and a fourth ($1 \frac{1}{4}$) inches in diameter. Water closets shall not receive their supply direct from the main, except by permission of the Sewer Commissioner. All water closets must have flushing ring bowls and no pan, valve, plunger, long hopper or other closets, whose walls are not thoroughly washed, at each discharge, will be permitted, except by permission of the Sewer Commissioner.

Rule XVII. All fixtures shall be constructed of non-absorbent material, and all iron water closets or urinals must be porcelain lined.

Rule XVIII. No steam exhaust, bow-off drop pipe, refrigerator, waste pipe or tank over-flow, shall connect with the sewer, soil or waste pipe, but shall be connected to properly trapped water supplied sink or tray.

Rule XIX. No person shall throw, deposit, or cause to permit to be thrown or deposited, in any vessel or receptacle connected with the City sewer, gasoline, or any explosive material, garbage, hair, ashes, fruit or vegetable peelings, cotton, refuse, rags, sticks, newspaper or course paper of any kind, cinders or any other matter or things whatever, except human excrement, urine, the necessary toilet and liquid house slops.

Rule XXX. The Fee to be paid to the Auditor of the City of Newell, for the Permit to make connections with the said sewer system, shall be the sum of one hundred (\$100.00) dollars for each Lot fronting Girard Avenue in Blocks 39,40,41,42,43,44,45 and 46, and for each Lot fronting Third Street in Blocks 40, 41, 44 and 45 shall be the sum of fifty (\$50.00) dollars per Lot in all other Blocks of said City.

Rule XXXI. Every person who applies for a Permit to connect with the City Sewer system or who has no such connections or drain connecting such system with his premises, shall, as a part of his Application and Permit, agree that the City is relieved from any and all liability and damage resulting to his property through any flooding of his property or premises from said sewer caused by any obstruction therein, break or any accident or defective condition therein arising at any time, and the City shall not be liable for any damage caused by such flooding, breaks or stoppage in the sewer, to any person whatever connected with the said sewer system and no person shall be allowed to connect with the said sewer system or to make any use thereof who shall refuse to have a provision inserted in the Permit absolutely releasing the City from all damages whatsoever to their property system at any time.

Approved: December 28, 1936

NO. 84 REGULATING STREET TRAFFIC

Section 1. Passing to the right: The driver of any horse, vehicle or motor vehicle meeting the river of another horse, vehicle or motor vehicle shall pass to the right.

Section 2.Overtaking: The driver of any horse, vehicle or motor overtaking another shall pas to the left and shall not putt over to the right until clear of the overtaken horse, vehicle or motor vehicle.

Section 3. Turning corners:

- A. The driver of a horse, vehicle or motor vehicle turning into a street to the right shall turn the corner as near the right hand curb as practicable.
- B. The driver of a horse, vehicle or motor vehicle turning into a street to the right shall before turning pass at least fifteen (15) feet from the left hand curb or the right of the street marker.
- C. No vehicle or motor vehicle shall be turned around on any arterial highway, except at street intersections where U turns are not forbidden as hereinafter provided.
- D. The driver of a vehicle or motor vehicle to turn shall give timely signal by hand or by sounding his horn.

Section 4. Vehicle leaving curbs:

No parked vehicle or motor vehicle shall enter traffic upon any street without the operator or driver of such vehicle or motor vehicle giving proper signal of the intention of the driver to enter this line of traffic.

Section 5. Right side of the street:

Every person using any vehicle or motor vehicle on any street shall operate, ride or drive such vehicle or motor vehicle on the portion of the street to the right of the center of the street, and shall keep over as near as practicable to the right hand curb.

Section 6: Arterial highways:

Federal highways No.212 and No.79 are hereby designated as arterial highways and it shall be the duty of the operator or driver of any horse, vehicle or motor vehicle to bring such horse, vehicle or motor vehicle to a full stop before entering upon any such arterial highway.

Section 7. Use of street by garage owners:

It shall be unlawful for the owner of any garage or any dealer in machinery, automobiles or other motor propelled vehicles to use the streets of the City of Newell as a place of display of such machinery, or motor vehicles held in stock or offered for sale or to use the streets of this City of Newell as a place to park such machinery or motor vehicles so held in stock or offered for sale.

Section 8. Parking of Trucks and With Trailers:

- A. It shall be unlawful for any truck exceeding in length of 16 feet to park upon Girard Avenue in the City of Newell.
- B. It shall be unlawful for any cars with trailers to park upon Girard Avenue in the City of Newell

Section 9. Use of horns:

It shall be unlawful for the operator or driver of any motor vehicle to use his horn in an unseemly manner after the hour of 9:00 o'clock P.M. or before the hour of 8:00 o'clock A.M.

Section 10. Stopping:

- A. No vehicle or motor vehicle shall stop with its left side to the curb.
- B. No horse, vehicle or motor vehicle shall be allowed to stand upon any street within fifteen (15) feet from the line of an intersecting street
- C. A horse, vehicle or motor vehicle shall not be stopped or left within fifteen (15) feet of a fire hydrant, nor in such a position as to obstruct street crossing.
- D. No horse, vehicle or motor vehicle shall be stopped or left standing in front of any theater within the City of Newell, or within designated spaces marked off as prohibited stopping or parking spaces.
- E. No double parking or double stopping of any vehicle or motor vehicle, shall be permitted anywhere in the City of Newell unless driver remains in vehicle.
- F. No truck or wagon shall be allowed to back the rear and of such or unload for the period of time greater than twenty minutes and any truck or wagon backing up to the curb shall be immediately removed upon direction of the Mayor, or any member of the Police Department.
- G. Passenger buses operating on regular schedule desiring to stop for the purpose of taking on or letting off passengers, on any street, may stop for such purpose at street intersections.

Section 11. Pedestrians crossing streets:

It shall be unlawful for any person to cross any street within the City of Newell, except at pedestrian traffic lines or at a street intersection and only by walking at right angles across said street.

Section 12. Traffic and parking signs:

All traffic and parking signs on this public streets of Newell shall be placed upon such streets by the City of Newell, and no such traffic or parking signs of any description either restricting or prohibiting traffic shall be permitted to be placed anywhere upon the public streets of the City of Newell, except by or under the supervision of the City of Newell.

Section 13. Age of driver:

No person shall drive or operate a motor vehicle who is under fifteen year of age unless such person is accompanied by the owner of the vehicle being operated.

Section 14. Brakes and signals:

Every motor vehicle operated or driven upon the streets, avenues or public highways or the City of Newell shall be provided with adequate brakes in good working order and sufficient to control such motor vehicle at all times when the same is in use, and a suitable and adequate horn or other devise for signaling.

Section 15.Lights:

Every motor vehicle operated or driven upon the streets, avenues or public highways of this City shall during the period of one-half hour after sunset to one-half hour before sunrise, display at least two lighted lamps on the front and one on the rear of such motor vehicle; which rear lamp shall display a red light plainly visible from the rear of it; provided, that each motorcycle or motor bicycle shall be required to display but one on the front. The rays of such rear lamp shall shine upon the number plate carried on the rear of such motor vehicle in such a manner as to render the numerals thereon plainly visible, and the number plates on such vehicle shall be cleaned off at all times so as to be plainly legible.

Section 16. Dimmers:

Every driver of an electrically lighted motor vehicle shall equip such vehicle with headlight lenses of such mechanical devices as will properly deflect or diffuse the light so as not to permit a glare from such headlight to be thrown into the eyes of persons using the streets. Spotlights shall not be used except when projecting their rays directly upon the ground and at a distance not exceeding fifty feet.

Section 17. Speed of motor vehicles:

It shall be unlawful for any persons to drive any motor vehicle upon the streets, alleys or public highways of the City of Newell, at a greater rate of speed than twenty-five (25) miles per hour.

Section 18. Care and prudence in driving motor vehicles:

Every person operating a motor vehicle on the streets, alleys or public highways of the City of Newell, shall drive the same in a careful and prudent manner, and at a rate of a speed so as not to endanger the life, safety or property of another person; provided, that the rate of speed in excess of that prescribed and permitted in Section 17 of this Ordinance, shall be presumptive evidence of driving at a rate of speed which is not careful and prudent in case of injury to the person or property of another.

Section 19. Careless driving:

No person shall drive or operate any horse, vehicle or motor vehicle upon any street within the City of Newell at a reckless or dangerous rate of speed or in a careless or negligent manner.

Section 20. Driving vehicle intoxicated:

It shall be unlawful for any person to drive or operate or attempt to drive any horse, vehicle or motor vehicle within the City of Newell while such person is in an intoxicated condition, or under the influence of liquor.

Section 21. Interfering with funeral processions:

No owner or driver of any horse, vehicle or motor vehicle shall drive through or otherwise interfere with any funeral procession upon any of the streets of the City of Newell, and it shall be the duty of every person driving any horse, vehicle or motor vehicle in said City to stop when they reach a street or avenue on which is passing a funeral procession, and to wait until such funeral procession has entirely passed by.

Section 22. Muffler:

Every motor vehicle using gasoline, or other explosive mixtures as motive power, shall use a "muffler" which shall be sufficient to deaden effectively the sound of the explosion, and such muffler shall not be disconnected or cutout while such motor is being operated upon any streets, alleys or public highways of the City of Newell.

Section 23. Right-of-way:

Upon the approach of any fire apparatus or ambulance, every vehicle or motor vehicle shall draw up as near as possible to the right curb of the street, and shall remain at a stand-still until such apparatus or ambulance shall have passed. The provisions of this Ordinance shall not apply to the Fire Department, or any ambulance, or any extremely heavily loaded vehicle.

Section 24. Signal and stop signs: Amended by: Ordinance 161

That the City of Newell shall establish, upon such streets as shall be deemed necessary, signals, stop signs and other warnings for the protection of the public and as are necessary for the regulation of traffic and which are determined by the City Authorities to be needful for the regulation of the traffic, and any person who shall violate any of the said stop signs, signals or warnings shall be guilty of a violation of this Ordinance. At all stop signs, the driver and operator of the motor vehicle, or other vehicle, shall come to a full stop and that any warning or signal given, either by signs or by notice from a Police Officer of the City of Newell, shall come to a stop and ascertain the meaning of said signal, and failure to do so, shall constitute a violation of this Ordinance.

Section 25. Safety Zones:

The City of Newell may establish Safety Zones in and about School grounds, hospitals, and other places requiring modification for any purpose of regulating traffic laws, and such Safety Zones shall mark the area of space also set aside within a highway for the exclusive use of pedestrians and such institutions as require a modification, or a special care in connection with the traffic, and said Safety Zones shall be so plainly marked or indicated by proper signs so as to be plainly visible at all times while set apart as a Safety Zone, and within said Safety Zone all drivers, owners or operators of motor vehicles or other vehicles, shall modify their speed and drive carefully and prudently while passing in from one end of a Safety Zones until passing out the other end. Any reckless driving of any automobile, motor vehicle, or other vehicles within said Safety Zone shall constitute a violation of this Ordinance.

Section 26. Those Exempt from the speed limit:

The Speed limit set forth in this Ordinance shall not apply to vehicles or motor vehicles when operated with due regard and safety under the direction of the Police officers or other officers in the chase of apprehension of violators of the law, or persons charged with or suspected of any such violation, nor to the Fire Department, or Fire Patrolled vehicles when traveling in response to a fire alarm, nor in public or private ambulance when traveling in an emergency, nor to physicians or surgeons when traveling on emergency cases. This exception shall not, however, protect the driver of any motor vehicle from the consequences of a reckless disregard of the safety of others.

Section 27. Stopping on highways:

- A. No person shall park or leave standing, any vehicle or motor vehicle whether attended or unattended, upon the paved or improved or main traveled portion of any street within the City of Newell, outside of a Residence or Business District, when it is practicable to leave such vehicle standing off the paved or improved or main traveled portion of such highway; provided, in no event shall any person leave parked or standing any vehicle upon any street or highway unless a clear and unobstructed width of not less than fifteen (15) feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for free passage of other vehicles thereon, nor; unless a clear view of such vehicle may be obtained from a distance of one hundred (100) feet in such direction upon said highway.
- B. Whenever any Peace Officer or Policeman shall find a vehicle standing on a highway or street in violation of this Provision, of the Section, he is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to move such vehicle to a position permitted under this Section.

Section 28. Parking

No person having control or charge of a motor vehicle or other vehicle shall allow such vehicle to stand on any highway unattended within the City of Newell or upon any Street, Avenue or Alley within the City of Newell without first effectively setting the brakes thereon and stop the motor of such vehicle and when standing upon any grade without turning the front wheels of such vehicle to the curb or side of the highway.

Section 29. Accidents:

- A. The driver of any vehicle or motor vehicle involved in an accident, resulting in the injury or death of any person, shall immediately stop such vehicle at the scene of such accident, and any person violating
- B. This Provision shall, upon conviction, be punished for violation of this Ordinance.
- C. The driver of any vehicle or motor vehicle involved in an accident resulting in damage to property, shall immediately stop such vehicle at the scene of such accident, and any person violating this Provision shall, upon conviction, be punished in the manner provided by this Ordinance.
- D. The driver of any vehicle involved in an accident resulting in injury or death to any person, or damage to property, shall also give his name, address and the number of the vehicle, and shall render to any person injured in such accident, reasonable assistance, including the carrying of such person to a physician or surgeon for medical treatment, if it is apparent that such treatment is necessary, or requested by the injured person.

Section 30. Penalty:

Any person violating any of the Provisions of this Ordinance shall, upon conviction, be punished by a Fine of not to exceed one hundred (\$100.00) Dollars, or by imprisonment not to exceed thirty (30) days, or by both such Fine and imprisonment in the discretion of the Court.

NO. 85 TAX LEVY FOR 1938

Section 31. Repealed:

All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

NO 86 AMENDS SECTION 17, CHAPTER 5, ORDINANCE 56 **REPEALED**

Parts of this Ordinance was repealed by Ordinance 141

Ordinance repealed by Ordinance 02-2003

NO. 87 ANNUAL APPROPRIATIONS FOR 1939

NO.88 PROHIBIT TRANSIENT MERCHANTS FROM PRIVATE RESIDENCES

Section 1. The practice of being in and upon private residences in the City of Newell, by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not have been requested or invited so to do by the owner or owners, occupant or occupants of said private residence, for the purpose of soliciting orders for the sale of goods, wares or merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance, and punishable by such nuisance as a misdemeanor.

Section 2. The Town Marshal and Police Force of the City of Newell are hereby required and directed to suppress the same, and to abate any such nuisance as is described in Section 1 of this Ordinance.

Section 3. Any person convicted of perpetrating a nuisance, as described and prohibited in Section 1 of this Ordinance, upon conviction thereof shall be Fined a sum not less than Twenty five (\$25.00) dollars or more than One hundred (\$100.00) dollars together with Costs of proceedings, which said Fine may be satisfied, if not paid in cash by execution against the person of anyone convicted or committing the misdemeanor as herein prohibited.

Section 4. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 5. It being deemed by the City Commissioners of the City of Newell that an emergency exists, this Ordinance shall be in full force and effect from and after its passage and approval.

NO.89 TAX LEVY FOR 1940

NO.90 ANNUAL APPROPRIATIONS FOR 1940

NO. 91 RELATING TO BUILDING MATERIALS IN FIRE ZONE

Amending Section 3, Chapter Ordinance 56

Section 1. That Section 3 of Chapter 16 of Ordinance 56, relating to material, be amended so as to read as follows:

Section 3. No permit shall be granted affecting building within the Fire Limits unless the material comprising the present construction, or comprising the proposed new construction shall be of fire-proof material, including storm, brick, hollow tile, terra cotta, cement or cement blocks, stucco or approved fireproof composition siding or shingles; provided that it shall be lawful to construct one-story skeleton iron-clad buildings, covered with iron on both roof and walls, to be located on the extreme rear end of Lot next to Alley, to be used for storage or warehouse purposes only and in no case to be heated by stoves of any description; size of any such buildings not to exceed a total one floor space of 720 square feet, floor to be of dirt or cement. A skeleton building as herein referred to

shall mean a building in which the framework is of timbers at least two feet apart on the walls and roof and covered with iron.

NO.92 ANNUAL APPROPRIATIONS FOR THE YEAR 1941

NO.93 ANNUAL APPROPRIATIONS FOR THE YEAR 1942

NO.94 ANNUAL APPROPRIATIONS FOR THE YEAR 1943

NO.95 ANNUAL APPROPRIATIONS FOR THE YEAR 1944

NO.96 ANNUAL APPROPRIATIONS FOR THE YEAR 1945

NO.97 ANNUAL APPROPRIATIONS FOR THE YEAR 1946

NO.98 ANNUAL APPROPRIATIONS FOR THE YEAR 1947

NO.99 ANNUAL APPROPRIATIONS FOR THE YEAR 1948

NO.100 ELECTRICAL INSTALLATIONS

Amends Section 4, Chapter 16 Ordinance 56

Section 1. That Section 4, Chapter 16 of Ordinance 56 of the City of Newell, be and the same is hereby amended to read as follows:

Section 2. Electrical Installations: all electrical installations shall be in accordance with the National Electrical Code regulations of the National Board of Fire Underwriters for electric wiring and apparatus, and shall meet the approval of the Building Inspector.

No person, firm or corporation shall connect electric service to any building within the Corporate Limits of the City of Newell, unless the electric wiring installations in such building have been fully approved by the Building Inspector or a competent Deputy who may be appointed by the Building Inspector.

The compensation of the Building Inspector or Deputy thereof shall be Fees collected from the owner of the building inspected and shall be fully paid before the Inspector is required to approve the work, provided that the Fee for such inspection shall not exceed five (\$5.00) dollars.

NO.101 REGULATING THE SALE AND USE OF FIREWORKS WITHIN CITY LIMIT **REPEALED**

Section 2 was amended by Ordinance 116

This Ordinance Was Repealed by Ordinance 04-90

NO.102 ANNUAL APPROPRIATIONS FOR THE YEAR 1949

NO.103 GRANTING NORTHWESTERN BELL TELEPHONE COMPANY RIGHT-OF-WAY

Section 1. That Northwestern Bell Telephone Company, a corporation; its successors and assigns, are hereby granted the right to use and occupy the Streets, Alleys and other public places of the City of Newell, for a term of twenty (20) years from the effective date hereof, for the purpose of constructing, maintaining and operating a general telephone and telegraph system within said City.

Section 2. That the rights herein granted are subject to the exercise of the City Police power as the same now is or may hereinafter be conferred upon said City.

Section 3. That Northwestern Bell Telephone Company shall, upon demand, pay to the city of Newell, the Cost of publishing this Ordinance and of holding the election hereinafter referred to.

Section 4. That this Ordinance shall be in full force and effect and shall constitute a binding contract between the City of Newell and Northwestern Bell Telephone Company when the same shall have been approved by a majority of the electors of said City voting thereon at the election provided for herein, and when the provisions hereof shall have been accepted in writing by Northwestern Telephone Company and such acceptance filed with the City Auditor.

Section 5. That the proposition of granting a franchise to Northwestern Bell Telephone Company, in accordance with the term of this Ordinance shall be submitted to a vote of the electors of this City at a special election, to be held not sooner than thirty (30) days after the publication of this Ordinance, which special election shall be called for that purpose by a Resolution of this City Council adopted after the publication of this Ordinance.

Approved: June 13, 1949.

NO.104 ANNUAL APPROPRIATIONS FOR THE YEAR 1950

NO.105 ANNUAL APPROPRIATIONS FOR THE YEAR 1951

Approved: September 18, 1950.

NO.106 FIXING SALARY FOR THE MAYOR AND COMMISSIONERS **REPEALED**

Approved: September 25, 1950

Repealed by Referendum Petition 11-14-1950

NO.107 FIXING SALARY FOR THE MAYOR

Approved: February 19, 1951.

NO.108 FIXING SALARY FOR CITY EMPLOYEES

NO.110 REPEALED

Amends Section 27, Chapter 5 Chapter 56

This Ordinance was Repealed by Ordinance 02-2003

Section 1. That Section 27 of Chapter 5 of the Revised Ordinances of 1923 of the City of Newell be amended so as to read as follows: The annual Dog License as provided in Section 1 of Chapter 10 of this Ordinance shall be three (\$3.00) dollars for each male, three (\$3.00) dollars spayed female, unsprayed female any age fifteen (\$15.00) Dollars.

NO.111 ESTABLISHING RESIDENTIAL AREA AND PROHIBITING COMMERCIAL THEREIN

Amended by Ordinance 121

Section 1. That Blocks 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 35, 54, 57 and 58 Original Tow of Newell, Butte County, South Dakota, are Residential areas only, and that no buildings, other than Residents or apartment buildings maybe constructed or maintained upon the same.

Section 2. That said premises or any buildings to be erected thereon shall not at any time be used for the purpose of any trade, manufacture or business of any description, nor shall any place of trade, manufacture or business of any kind or character be maintained on said above described Lots within the City of Newell.

Section 3. That each violation of this Ordinance shall be punished by a Fine not exceeding one hundred (\$100.00) dollars or by imprisonment not exceeding thirty (30) days in the City Jail, or by both such Fine and imprisonment.

Approved: June 2, 1952

NO.112 ANNUAL APPROPRIATIONS FOR THE YEAR 1953

NO.113 SALARY FOR CHIEF OF POLICE REPEALED

(Repealed by Ordinance 129)

NO.114 CITY EMPLOYEE SALARY

Amended Section 5, Ordinance 108

NO.115 ANNUAL APPROPRIATIONS FOR THE YEAR 1954

NO.116 REPEALED

Amends Section 2 of Ordinance 101

(This Ordinance was Repealed by Ordinance 04-90)

Section 1. That Section 2 of Ordinance 101 of the City of Newell be amended so as to read as follows:

It shall be unlawful for any person, firm or corporation to furnish, sell, offer for sale, or display, any fireworks as described in Section 1 hereof, within the City of Newell, except from the Twenty-seventh day of June (June 27th) and the first of July (July 1st), inclusive, all in the same year. All other provisions of Ordinance 101 shall remain in force.

NO.117

Amended Section 1 of Ordinance 108

Section 1.

That Section 1 of Ordinance 108 be amended so as to read as follows:

That the City Auditor of the City of Newell shall receive a salary or not more than six hundred (\$600.00) dollars per annum, payable at the rate of fifty (\$50.00) dollars per month.

Approved: May 18, 1954.

NO.118 ANNUAL APPROPRIATIONS FOR THE YEAR 1955

NO. 119 REPEALED

Amends Ordinance 114

(Repealed by Ordinance 129)

Section 1. That Section 1 of Ordinance 114 of the city of Newell, be amended so as to read as follows:

That the pump house Operator of the City of Newell shall receive a salary of not more than twenty-seven hundred (\$2700.00) per annum payable at the rate of two hundred twenty-five (\$225.00) per month.

Approved: January 21, 1955.

NO. 120 ANNUAL APPROPRIATIONS FOR THE YEAR 1956

NO.121

Amends Section 1, Ordinance 111

(Amended by Ordinance 147)

Section 1. That Section 1 of Ordinance 111 of; the City of Newell, be amended to read as follows:

“Section 1. Blocks 3, 4, 5, 6, 7, 8, 9, 11, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 33, 34, 35, 36, 54, 57, 58 Original Town of Newell, and Blocks 1, 2, 3, 5, 6, and 7 Fairview Heights Addition to the City of Newell, Butte County, South Dakota are Residential areas, only, and that no buildings, other than residences or apartment buildings may be constructed or maintained upon the same.”

Approved: November 7, 1955.

NO.122 PARKING TRAILER HOUSES IN CITY

Section 1. That it shall be unlawful to park or locate within the areas of the City of Newell designated as Residential blocks any trailer house, trailer coach or house trailer to be used for sleeping or living quarters or for the conduct of any business, profession, occupation or trade.

Section 2. Non-conforming use: That the lawful use of a Residential Lot or Lots existing at the time of the passage of this Ordinance, although such use does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued for a period of sixty (60) days, any future use of said Lots for such purpose shall be in violation of this Ordinance.

Section 3. Penalties: Any person, firm or corporation who violates, disregards, omits, neglects or refuses to comply with, or who resists enforcement of any of the provisions of this Ordinance shall upon conviction therefore be Fined in a sum of not to exceed One hundred (\$100.00) dollars for each offense, or imprisonment for a term not exceeding Thirty (30) days in the City Jail, or by both such Fine and Imprisonment. After notification by the City Building Inspector that a violation exists under the provisions of this Ordinance, the continuance of such violation after such notification shall constitute a separate offense for each day thereafter beyond the expiration of the time designated in said notice for correction of same.

Section 4. Penalty Provision: The penalty provision of this Ordinance shall not be the exclusive remedy for enforcement of the provisions here of, and the City may pursue any or all civil remedies in law or equity, to enforce the provisions of this Ordinance which may be available under the Laws of this State.

NO.123 TO SET SALARY FOR CITY FOREMAN **REPEALED**

To Amend Section 4, Ordinance 108

(This Ordinance was repealed by Ordinance 129)

NO.124 TO SET SALARY FOR CITY AUDITOR

To Amend Section 1 of Ordinance 117

(This Ordinance was repealed by Ordinance 129)

NO.126 REPEALED

To Amend Section 18 of Chapter 5

(This Ordinance was repealed by Ordinance 141)

(This Ordinance was repealed by Ordinance 02-2003)

Section 1. That Section 18 of Chapter 5 of the City of Newell be amended to read as follows:

Any person or persons, owners or keepers of, billiard or pool tables or tables of similar nature, who desire to operate them for profit or for Public use shall pay a license Fee as follows: Ten dollars (\$10.00) per year for the first table and five (\$5.00) dollars per year for each additional table, payable Semi-annually in advance.

NO.127

To Amend Ordinance 110

Annual Dog Fees and License:

Section 1. That Ordinance 110 of the City of Newell, be amended by addition of the following paragraph: "Provided that, upon presentation of evidence that said animals have been vaccinated for rabies since August first of the preceding year, the Annual Dog License shall be One (\$1.00) dollar per each male, one (\$1.00) dollar for each spayed female and thirteen (\$13.00) dollars for any unsprayed female."

NO.128 AUTHORIZES POWER & LIGHT AND TELEPHONE UTILITIES TO CUT BRANCHES

That Power and Light and Telephone Utility Companies are hereby granted the right to cut and trim branches from trees, in a reasonable manner, along the Streets, Alleys and public ways of the City of Newell, in order to remedy any interference with electric and/or telephone wires, and to further permit the full and unobstructed use of street lighting facilities of the City of Newell.

NO.129

To amend Section 2 of Ordinance 108; Section 1 of Ordinance 119; Section 1 of Ordinance 124 and to Repeal and Rewrite Ordinances 113 and 123 and to fix the Salary of City Employees.

(This Ordinance set Salaries for City Employees.)

NO.130 FIRE LIMITS

To amend Section 1 Chapter 16

Section 1. Fire Limits: That Section 1 of Chapter 16 of the City of Newell be amended to read as follows: The following are hereby declared to be the Fire Limits of the City of Newell, to-wit: All of blocks 40, 41, 44, 45, and the South half (S1/2) of Block 31, Lots 1 to 12 inclusive of Block 38, Lots 1 to 6 inclusive of Block 37, Lots 1 to 6 inclusive of Block 36, Lots 1 to 12 inclusive Block 43.

NO.131 ANNUAL APPROPRIATIONS FOR THE YEAR OF 1958

NO.132

To amend Ordinance 56, Chapter 12

Section 9A. Uniform Numbering: All buildings erected in compliance with this Ordinance shall be numbered uniformly in accordance with numbering system for Streets and Avenues on file in the Office of the City Auditor. Such numbers shall be of 4 inch reflectorized or Scotch-light plainly visible from abutting Street and positioned above main entrances in the Business area of the City or at elevations between four and seven feet and within three feet of the principle entrance to Residential buildings and on the opening side of principal door wherever possible.

NO.133 ANNUAL APPROPRIATIONS FOR 1959

NO.134 REPEALED

To amend Chapter 8 of Ordinance 56

This Ordinance was repealed by Ordinance 02-81

NO.135 AUTHORIZES ISSUANCE OF BONDS FOR SEWER DISPOSAL

NO.136 ESTABLISHES NAMES OF STREETS IN FAIRVIEW HEIGHTS

1. That the Street designated as Monroe Street on the City map be officially name Fisk Avenue
2. That the Street designated as Todman Avenue on the City map be
officially named Elmira Avenue.
3. That the Street designated as Lucern Avenue on the city map be officially name Ash Street
4. That the Street designated as Ardel Avenue on the city map be officially named Birch Street.

Approved: May 4, 1959.

NO.137 ESTABLISHES WATER RATES FOR IRRIGATION ON AGRICULTURE CLASS LAND

1.The following described parcels of land within the City Limits of the City of Newell are hereby classified as agriculture land: All of Block 93, all of Block 66, part of Lots 1 to 4, Block 94, all of Blocks 67, 68, and 71, part of Block 105; all of Blocks 102 and 109; all of Blocks 110 and 111; all of Blocks 50 and 53 and Lot 1, Block 54; all of Blocks 51 and 52 and Lots 2, 3, 4, 5 and 6, block 55.

2. In order to provide funds for maintenance of irrigation facilities for agriculture for agriculture land within the City Limits, each owner or renter of land classified as agriculture land shall be billed, on or before April 1st of each year, an Advance Charge for irrigation water, as a special assessment, at the rate of two (\$2.00) dollars per acre of irrigatable land. If the amount of the Advance Charge is not

paid within thirty (30) days of the date of billing no water will be turned upon the land until the advance charge or any previous charge is paid in full.

3. On or before November 1st of each year each owner or renter of agriculture land within the City Limits shall be billed for the acre feet of water used minus the amount of the Advance Charge paid. Any unpaid balance shall be levied as a special assessment against such lands. No refunds shall be made if the Advance Charge exceeds the charge per acre feet.

Approved: May 11, 1959.

NO.138

To Amend Sections 5 and 6 of Ordinance 129

Section 1. That Section 5 of Ordinance 129 of the City of Newell, be and is hereby amended to read as follows: That the City Foreman of the City of Newell shall receive a salary of not more than four thousand (4000) dollars per annum, effective September 1, 1959, at the rate of not more than two hundred sixty (\$260) per month.

Section 2. That Section 6 Ordinance 129 of the City of Newell, be and is hereby amended to read as follows:

That the City Truck Diver and Utility man shall receive a salary of not more than three thousand one hundred twenty (\$3120) dollars per annum, effective September 1, 1959, at the rate of not more than two hundred sixty (\$260) dollars per month.

Approved: September 8, 1959.

NO.139 ANNUAL APPROPRIATIONS FOR 1960

NO.140

To amend Section 1 of Chapter 6 of Ordinance 56

Section 1. That Section 1 of Chapter 6 of Ordinance 56 of the City of Newell be and is hereby amended to read as follows:

That the Speed Limit of motor and other vehicles within the Limits of the City of Newell shall be twenty (20) miles per hour except as otherwise posted, provided due care shall be maintained at all Street intersections and crosswalks.

NO.141 CONCERNING COIN OPERATED MECHANICAL AMUSEMENTS **REPEALED**

Repeals Section 11, 19, 24 and 25 of Chapter 5 Ordinance 56
And Ordinances 86, and 126

(This Ordinance was Repealed by 02-2003)

NO.142 ANNUAL APPROPRIATIONS FOR THE YEAR 1961

NO.143 CONCERNING CURFEW **REPEALED**

(This Ordinance was Repealed by Ordinance 02-81)

NO.144 TO FIX CITY EMPLOYEE SALARIES

Amending Section 1 and 2 of Ordinance 138

NO.145 FIXES PRICE FOR CEMETERY LOTS AND SETS-UP PERMANENT CARE FUND

To amend Chapter 14 Ordinance 56

(This Ordinance was amended by Ordinances 02-82 and 02-91)

NO.146 ANNUAL APPROPRIATIONS FOR THE YEAR 1962

NO.147 SETTING RESIDENTIAL AREA

To Amend Section 1 of Ordinance 121

(Amended by Ordinance 135)

Section 1. That Section 1 of Ordinance 121 of the City of Newell be amended to read as follows:

“That Blocks 3, 4, 5 6, 7, 8 9, 11, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,28, 29, 31, 33, 34, 35, 50, 51, 552, 53, 54, 55, 56, 57, 58, 59, 60 and all Lots located west of the Alley in Blocks 37, 38, 42, and Lots 12, thru 16, inclusive, in Block 38, Original Townsite of Newell, and Blocks 1, 2, 3, 5, 6, and 7, Fairview Heights Addition to the City of Newell, are Residential Areas, only, and no buildings other than Residential or apartment buildings may be constructed or maintained upon the same.”

NO.148 ANNUAL APPROPRIATIONS FOR THE YEAR 1963

NO.149 TO PROVIDE SUPPLEMENTAL BUDGET APPROPRIATIONS FOR STREET REPAIR

NO.150 TO PROVIDE SUPPLEMENTAL APPROPRIATIONS FOR CONSTRUCTION OF A CITY
WATER WELL

NO.151 ANNUAL APPROPRIATIONS FOR THE YEAR OF 1964

NO.152 TO ESTABLISH SALARIES FOR CITY OFFICIAL AND EMPLOYEES

NO.153 TO PROVIDE SUPPLEMENTAL APPROPRIATIONS TO REHABILITATE CITY WELL NO.

1

NO.154 TO AUTHORIZE REVENUE BONDS TO IMPROVE WATERWORKS

NO.155 EXCLUDING CERTAIN LOTS FROM RESIDENTIAL CLASSIFICATION

Amends Section 1 of Ordinance 147

That Section 1 of Ordinance 147 is hereby amended to exclude from the Residential Classification the following property located within the City Limits of Newell: All Lots within Blocks 51, 58, 59, and 60.

NO.156 ANNUAL APPROPRIATIONS FOR THE YEAR 1965

NO.157 TO AUTHORIZE BONDS FOR IMPROVEMENT OF MUNICIPAL WATERWORKS

NO.158 TO ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES

NO.159 GRANTING BLACK HILLS POWER AND LIGHT RIGHT-OF-WAY

Section 1. That there is hereby granted to Black Hills Power and Light Company, a corporation, (hereinafter referred to as The Company) its successors and assigns, the right for a period of twenty (20) years from the effective date hereof, to locate, maintain and operate in the City of Newell, and in all additions to said City hereinafter annexed to the City, subject to the limitations hereinafter specified and provided by law, an electric system to generate, transform, transmit, distribute and sell electric energy for light, heat and power and any other uses to which electric energy may be applied and, without obstructing public travel, to freely use and occupy for the purpose of generating, transmitting, distributing and selling electricity during the term thereof, the Streets, Alleys and public places of said City and its additions; provided however, that the rights herein granted shall not be exclusive.

Section 2. That in consideration of the rights and privileges herein granted, The Company, its successors and assigns, shall at all times during the terms of this grant, maintain a proper and efficient electric power and light system for the purpose of supplying the City and inhabitants thereof with electric energy at such Rates as shall be reasonable and fixed and determined in the manner provided by law, and further shall be liable for all damages and save the City harmless from all liability arising out of its negligence in the erection, operating and maintaining of its electric system within in said City.

Section 3. That the proposition of whether or not said rights shall be granted shall be submitted to a vote of the electors of said City at a Special Election called for that purpose not sooner than thirty (30) days after the publication of this Ordinance shall not become effective unless the proposal to grant said rights be approved at such election by a majority of the vote of such electors of the City voting thereon and unless The Company shall file its acceptance in writing with the City Auditor of said City within thirty (30) days after the official canvass of the votes of the electors approving said Ordinance.

NO.161 REGULATING TRAFFIC WITHIN IN CITY LIMITS

Amends Section 24 of Ordinance 84

Section 24 of Ordinance 84 is hereby amended to read: "Signals and Stop Signs: That the City of Newell shall establish, upon such Streets as shall be deemed necessary, signals, stop signs and other regulatory signs for the protection of the public and as are necessary for the regulation of traffic and which are determined by the City Authorities to be needful for the regulation of the traffic, and any person who shall violate any of the said stop signs, signals of other regulatory signs shall be guilty of violation of this Ordinance. At all stop signs, the driver and operator of the motor vehicle, or other vehicle, shall come to a full stop and that any warning or signal given, either by the signs or by a notice from a Police Officer of the City of Newell, shall come to a stop and ascertain the meaning of said signal, and failure to do so, shall constitute a violation of this Ordinance."

NO.162 ANNUAL APPROPRIATIONS FOR THE YEAR 1967

NO.163 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES

NO.164 ANNUAL APPROPRIATIONS FOR THE YEAR 1968

NO.165 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES

NO.166 ANNUAL APPROPRIATIONS FOR THE YEAR 1969

NO.167 ESTABLISHING SALARIES FOR CITY OFFICIALS AND EMPLOYEES

NO.168 GRANTING NORTHWESTERN BELLE TELEPHONE COMPANY RIGHT-OF-WAY

Section 1. That Northwestern Belle Telephone Company, a corporation, its successors and assigns, are hereby granted the right to use and occupy the Streets, Alleys and other public places of the City

of Newell, for a term of twenty (20) years from the effective date thereof, for the purpose of constructing, maintaining and operating a general telephone and telegraph system within said City.

Section 2. The rights herein granted are subject to the exercise of the Police Power as the same now is or may hereafter be conferred upon said City.

Section 3. That Northwestern Belle Telephone Company shall, upon demand, pay to the City of Newell the cost of publishing this Ordinance and of holding the election hereinafter referred to.

Section 4. That this Ordinance shall be in force and effect, and shall constitute a binding contract between the City of Newell and Northwestern Bell Telephone Company and such acceptance filed with the City

Auditor.

Section 5. That the proposition of granting a franchise to Northwestern Belle Telephone Company, in accordance with the terms of this Ordinance shall be submitted to a vote of the electors of this City at a special election, to be held not sooner than thirty (30) days after the publication of this Ordinance, which Special Election shall be called for that purpose by Resolution of this City Council adopted after the publication of this

Ordinance.

NO.169 ANNUAL APPROPRIATIONS FOR THE YEAR OF 1970

NO.170 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES

NO.171 PROVIDES SUPPLEMENTAL FUNDS TO REPLACE EQUIPMENT

NO.172 ANNUAL APPROPRIATIONS FOR THE YEAR 1971

NO.173 ANNUAL APPROPRIATIONS FOR THE YEAR 1972

NO.174 ESTABLISHES SALARIES FOR CITY OFFICIAL AND CITY EMPLOYEES

NO.175 PROVIDING SUPPLEMENTAL APPROPRIATIONS FROM GENERAL FUND

NO.176 ANNUAL APPROPRIATIONS FOR THE YEAR 1973

NO.177 ESTABLISHES SALARIES FOR CITY OFFICERS AND EMPLOYEES

NO.178 ANNUAL APPROPRIATIONS FOR THE YEAR 1974

NO.179 SUPPLEMENTAL APPROPRIATIONS FROM GENERAL FUND FOR AIRPORT FUND

NO.179 ESTABLISHES SALARIES FOR CITY OFFICIAL AND EMPLOYEES

NO.180 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES

NO.181 ZONING **REPEALED**

Amended: 02-88; 04-88, 05-94; 03-95

Repealed Section 2 by Ordinance 02-93

NO.182 ANNUAL APPROPRIATIONS FOR THE YEAR 1975

NO.183 EXHIBITION DRIVING

Any person who drives a vehicle within the Limits of the City of Newell, in such a manner that creates or causes unnecessary noise or squeal, skid or slide upon acceleration or stopping, or that stimulates a temporary race; or that causes the vehicle to unnecessarily turn abruptly or sway shall be guilty of Exhibition Driving. Upon conviction such person shall be punished by a Fine of not to exceed one hundred (\$100.00) dollars and/or a jail sentence not to exceed thirty (30) days.

This Ordinance is necessary for the immediate preservation of the public peace, health, safety and support of the Municipal Government and its existing public institutions; wherefore, an emergency exists, and this Ordinance shall take effect upon passing and publication thereof.

NO.184 ESTABLISHING SALARIES FOR CITY OFFICIALS AND EMPLOYEES

NO.185 APPROPRIATIONS FOR 1976

NO.186 ESTABLISHING SALARIES FOR CITY OFFICIALS AND EMPLOYEES

NO.187 DESTRUCTION AT GOLF COURSE AND GOLF COURSE LAKE

No Trespassing at Golf Course Lake and Golf Course one (1) hours after sundown till sunrise. Upon conviction punishable by a maximum Fine of one hundred (\$100.00) dollars or ten (10) days

in jail.

This Ordinance is necessary for the immediate preservation of the public peace, health, safety and support of thee municipal government and its existing public institutions;

Wherefore, an emergency exists and this Ordinance shall take effect upon passing and publication thereof.

NO.188 APPROPRIATIONS FOR 1977

NO.189 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES

NO.190 APPROPRIATIONS FOR 1978

NO.191 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES

NO.192 IMPOSING MUNICIPAL SALES AND SERVICE TAX

Section 1. Purpose:

The purpose of this Ordinance is to provide additional needed revenue for the City of Newell, 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.

Section 2. Effective Date:

From and after the 1st day of July 1978, there is hereby imposed as a municipal retail occupational sales and service tax upon the privilege of engaging in business a tax of one percent (1%) on the gross receipts of all persons engaged in business within the jurisdiction of the City of Newell, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto.

Section 3. Collection:

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

Section 4. Exemptions From Taxation:

In addition to gross receipts exempted by state law and thereof from tax imposed hereunder, there are hereby specifically exempted from the provisions of this Ordinance and from computation of the amount of tax imposed by it, the following:

- a. Farm machinery and irrigation equipment used exclusively for agricultural purposes.
- b. Gross receipts from vending machines, including but not limited to pinball machines, phonographs and all other mechanical devices for amusement.
- c. Sales of tangible personal property and taxable services to purchasers residing or doing business outside the city provided that delivery is made to such purchaser outside the city by common carrier or by the conveyance of the seller by the United States Mail, and provided that the articles so purchased and delivered are used outside the city. Sales of tangible personal property to a construction company for use of its business operations outside the City if delivery thereof is made to a truck of the construction company within the City.

Section 5. Use Tax:

In addition, there is hereby imposed an excise tax on the privilege of the use, storage and consumption within the jurisdiction of the City of tangible personal property purchased from and after the 1st day of July 1978, 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.

Section 6. Interpretation:

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

Section 7. Penalty:

Any person failing or refusing to make reports on 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 one hundred (\$100.00) dollars or imprisonment in the City Jail for thirty (30) days or both such fine and imprisonment. In addition, all such collection remedies authorized by SDCL 1-45, and act 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.

Section 8. Separability:

If any provision of this Ordinance is declared unconstitutional or the application thereof to any person or circumstance held invalid the constitutionality of the remainder of the Ordinance and applicability thereof to other persons or circumstances shall not be affected thereby.

NO.193 APPROPRIATIONS FOR 1979

NO.194 ANNUAL APPROPRIATIONS FOR THE YEAR 1980

NO.195 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES

NO.196

Repeals Curfew Ordinances 134, 143

NO.197 ANNUAL APPROPRIATIONS FOR THE YEAR 1981

NO.198 ANNUAL APPROPRIATIONS FOR THE YEAR 1982

NO.200

Amends Penalty Section 10 Chapter 11 Ordinance 56

To read as follows: Any person violating any of the provisions of this Chapter shall upon conviction thereof, be subject to a Fine of not more than one hundred (\$100.00) Dollars and Cost and shall stand committed until such Fine and Costs are paid.

NO.201 IMPOSING A CURFEW ORDINANCE FOR THE CITY OF NEWELL

How, therefore it be ordained by the Board of Newell City Commissioners of Newell, South Dakota that a Cerfew ordinance be imposed for the City of Newell as follows:

Section 1. It shall be unlawful for any boy or girl under sixteen years of age to be abroad upon the streets, alleys or public grounds of the City of Newell, either afoot or in a vehicle, between the hours of 10:00pm MST and 6:00 AM MST and for any public school student over the age of 15 regardless of age, between the hours of 11:00pm MST and 6:00am MST to be abroad upon the streets, alleys or public grounds either afoot or in a vehicle unless accompanied by or having written permission of parents, guardian or employer. He or she shall not loiter on the way or make any undue noise to disturb the peach and quiet of the city.

NO.202 ANNUAL APPROPRIATIONS FOR THE YEAR 1983

NO.203 MINIMUM FINE FOR VIOLATIONS

Now therefore, bi it ordained by the Board of Newell City Commissioners that the fine for the volitions of Curfew Ordinance be established at a

minimum of thirty-five (\$35.00) dollars.

ORDINANCES BY YEAR STARTING IN 1981

01-1981 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES

Ordinance 02-81

02-1981 NEW CURFEW

Repeals Curfew Ordinance Chapter 5 Ordinance 56

Amended by Ordinances 134, 143, 201

02-1982

Amends 145 (Cemetery)

Also, By Ordinance 05-2005

03-1982 SUPPLEMENTS BUDGET FOR AUDIT

04-1982 ANNUAL APPROPRIATIONS 1983

05-1982 GRANT CUSTOM CABLE COMPANY RIGHT-OF-WAY

Granting Custom Cable of Colorado to erect, operate and maintain a cable television system in the City of Newell.

01-1983 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES

02-1983 RAISE SALARY FOR LIBRARIAN

03-1983 ANNUAL APPROPRIATIONS FOR THE YEAR 1984

01-1984 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES

02-1984 ANNUAL APPROPRIATIONS FOR THE YEAR 1985

01-1985 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES

02-1985 GRANTS PERMIT TO CABLE TELEVISION

Grant Right-of-way Franchise to Custom TV Cable Systems

(Repealed by Ordinance 05-2005)

Section 1. Purpose:

The purpose of this Ordinance is to amend Section 4,
Exemptions from Taxation part a. of Ordinance 192 to read as follows:

- a. Farm machinery and irrigation equipment used exclusively for agricultural purposes, parts or repairs on said machinery and equipment and agricultural animal health products and medicines.

Section 2. Effective date:

This Ordinance shall become effective from and after the 1st day of October 1985.

04-1985 ANNUAL APPROPRIATIONS FOR THE YEAR 1986

05-1985 ESTABLISHING WATER AND GARBAGE RATES

01-1986 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES

02-1986 TRANSFER RIGHT-OF-WAY TO TV CABLE COMPANY

Granting the right-of-way Franchise to Mid-continent Cable Systems Company, Aberdeen SD,
from Custom Cable System.

03-1986 AMEND SALARY FOR CITY BAR MANAGER

04-1986 ANNUAL APPROPRIATIONS FOR THE YEAR 1987

05-1986 AMENDS ZONING ORDINANCE 181

01-1987 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEE

02-1987 NUISANCE **REPEALED**

(Repealed by Ordinance 01-2003)

03-1987 AMENDS ZONING ORDINANCE 181

04-1987 AMENDS ZONING ORDINANCE 181

05-1987 ANNUAL APPROPRIATIONS FOR THE YEAR 1988

06-1987 ESTABLISHES PROCEDURE FOR EQUITABLE SEWER RATES

Article I. Purpose:

Section 1. The purpose of this Ordinance shall be to repeal previous Rate structures (if any) and to establish methods and procedures to establish Rate Schedules which generate sufficient revenue to pay all Costs for the operation, maintenance and debt retirement of the complete wastewater.

Section 2. The Costs shall be distributed to all users of the wastewater system in proportion to each user's contribution to the total loading of the treatment facility. The factor of volume shall be considered as the basis for the User's contribution to ensure a proportional distribution of operation and maintenance cost to each class of user.

Article II, Determine Total Annual Cost of Operation and Maintenance:

Section 1. The City or its City Engineer shall determine the total annual costs of operation and maintenance of the wastewater collection and treatment facility which are necessary to maintain the capacity and performance during the service life of the complete facility.

Section 2. The total annual cost of operation and maintenance shall include but not limited to labor, repairs, equipment replacement, maintenance, power, sampling, laboratory tests, reasonable Contingency Fund, billing and debt retirement.

Section 3. The city shall review the total annual cost of operation and maintenance as well as each user's or class of user's proportionate share of the annual cost not less often than once every two (2) years and will revise the system as necessary to assure equity of the user rates and surcharges, and that there is sufficient funds to adequately operate and maintain the complete facility.

Section 4. If a significant user, such as an industry, is added to or dropped from or alters his wastewater discharge, the City shall review the total annual costs and his percentage of contribution to them and revise the rate accordingly.

Article III, Determining Each Users Wastewater Contribution Percentage:

Section 1. The City or its City Engineer shall determine each user's or class or user's average daily volume of wastewater. The user's volume of wastewater shall then be divided by the total volume of wastewater to determine each user's volume contribution percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow.

Section 2. Each user's or class of user's volume contribution percentage shall be multiplied by the annual operation and maintenance costs for the complete wastewater facility's total volume flow.

Article IV, Determining Each User's Wastewater Service Charge and Payment:

Section 1. Each user's or class of user's wastewater treatment cost contributions as determined in Article III shall be used to determine such user's annual wastewater service charge. Residential users may be considered to be one class of user and an equitable service charge may be determined for each other class of user based upon an estimate of the total wastewater contribution by this class of user. The City may classify industrial, commercial and other non-residential establishments as a residential user, provided that the wastewater from these establishments are equivalent to the wastes from the average residential user with respect to volume. Each user's wastewater treatment cost contribution will be assessed in accordance with the attached rate schedule (Appendix B.)

Article V, Determination At To Wastewater volume Entering Sewer System:

Section 1. All water recorded on the City of Newell's water meters will be deemed as having entered the sewer system for the purpose of compiling total gallons to be charged to each user where there is a City sewer available for use.

Section 2. Any user who wishes to claim water as having not entered the City sewer system must install a separate water line and meter for recording this usage.

Section 3. All such installations shall be subject to inspection and approval by the City of Newell.

Article VI, Validity:

Section 1. All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2. The invalidity of any Sections, Clause, Sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Article VII, Ordinance in Force:

Section 1. This Ordinance shall be in full force and effect from and after the passage, approval, recording and publication as provided by law.

Section 2. Passed and adopted by the Board of City Commissioners of the City of Newell on 21st day of September, 1987.

06-1987 SEWER USE CHARGES – APPENDIX A

Section 1. Sewer Rate charges for the classification of user

Section 2. All users for the purpose of this sewer rate will be considered Residential Class 1 (R1).

Section 3. A minimum charge of one dollar and fifty cents (\$1.50) per month will be assessed against all sewer system users. An additional charge of fifty cents (.50) per thousand gallons of water used per month will be collected.

Section 4. All sewer charges will be paid monthly in conjunction with each user's water bill. Sewer use charges and water use charges will be considered as part of an individual whole and one cannot remain unpaid without both bills becoming delinquent. The procedure for shutting down service of water will be used in the event that either water or sewer or both are not kept current.

06-1987 SEWER USE CHARGES – APPENDIX B

Section 1.

Sewer Rate Schedule for the classification of user.

Section 2.

This Appendix B is attached to the original Ordinance; updated Sewer Rate Schedule shall be attached as enacted.

Classification of Users:

Residential Class 1 (R-1): Residential Class Users (R-1) are the base user upon which other class of users are proportioned to. A Residential Class I User is a single family dwelling.

Residential Class 2 (R-2): A residential Class 2 user is a multiple family dwelling. The rate shall be the rate determined for a (R-1) user times the number of units occupied.

Non-Residential Class 1 (N-R1): Non-Residential Class 1 user is an industrial, commercial, or other non-residential user whose volume is not greater than that of an (R-1) user.

Non-Residential Class 2 (N-R-2): Non-Residential Class 2 user is an industrial, commercial, or other non-residential user show volume is greater than that of an (R-1) user.

07-1987 AMENDING SALARIES

08-1987 AMENDS MUNICIPAL SALES TAX ORDINANCE 192

Section 1. Purpose:

The purpose of this Ordinance is to amend Ordinance 192, a sales tax ordinance, to bring it in compliance with recent changes made in the State Law.

Section 2. Delete Wording:

Delete in its entirety, Part b. of Section 4, Ordinance 192.

Section 3. Effective Date:

This Ordinance shall become effective immediately, upon passage and publication according to law.

09-1987 AMENDED ANIMAL CONTROL **REPEALED**

General Provisions

1.01. Pound Established:

The City Commissioners shall have the power to establish a public pound. If the Commissioners don't establish a pound, the Chief of Police shall place any impounded animals with some suitable person at the expense of the City.

1.02. Certain animals Prohibited:

No person shall allow, bring, keep or maintain, into or within the corporate limits of this City, whether under control or at-large, any horse, cow, mules, swine, sheep, goat, fowl or pigeons except as otherwise provided in Section 1.03.

1.03. Exceptions:

The animals mentioned in the previous Section shall be allowed within the corporate limits of the City when:

- A. They are used or are part of a legally authorized circus, menagerie or carnival.
- B. They are used in or are part of a legally authorized parade, provided that such animals shall only be allowed within the limits of said City for said purpose for the length of time necessary to participate in said parade.
- C. They are in the process of being transported from one area outside of the City limits to another, in which case they shall be in constant supervision and control of the owner, manager or driver and such transporting shall be done with all due speed and care.
- D. They are on the premises of a duly licensed stock exchange, livestock sale ring or veterinarian hospital.
- E. They are part of a legally authorized livestock show or exhibition.
- F. Animals within Agriculture-Residential Zoned Districts, except swine and goats which are excluded from these Districts also.

1.04. Animals to be impounded; Redemption:

It shall be the duty of the Chief of Police or any Police Officer of the City to impound every animal found in violation of the provisions of this Ordinance, and any person claiming any animal so impounded shall pay to the City Finance Officer for its discharge from the place of impoundment all cost incurred in the apprehension, feeding and housing of such animal. The City shall give lien for the cost of keeping and caring for such impounded animals against the animals in the amount it would take to have said animals discharged under the provisions herein. The City may foreclose said lien as by law provided for the foreclosure of liens against chattels.

1.05. Cruelty to Animals:

No person shall within the limits of this City, cruelly or immoderately beat any animal or wantonly or maliciously torture or injure or torment any animal in any way; or shall neglect or properly take care of or feed any such animal.

1.06. Fights Between Animals Prohibited:

No person shall willfully allow any fight between or among any animals, birds or fowls in this City, nor shall any person keep any house, pit or other place to be used in permitting any fight between animals, birds or fowl.

Dogs

2.01. License Required:

It shall be unlawful for any person or persons within the City of Newell to keep, maintain or have in his custody or control, any dog or animal of the dog kind, without first having obtained a license from the City finance Officer to keep such dog.

2.02. Application:

Any person or persons desiring to keep, maintain or have in his custody or control by himself or agent writhing the City of Newell any dog shall on or before the first day of July of each year make application to the City Finance Officer to keep such dog.

2.03. (Same) Rabies Certificate:

Every person who keeps, maintains or has in his custody or control any dog or animal of the dog kind with in the City of Newell, shall have said dog inoculated for the prevention of rabies at least once every two years with modified live virus, and notwithstanding any provision of law to the contrary, a person applying for the license gives to the City Finance Officer, or other City Official who is issuing the dog license tags, a certificate from a licensed veterinarian describing the dog for which the tag is being applied and certifying that the dog so described has been inoculate with modified live virus for the prevention of rabies within two years prior to the expiration of the license tag for which said person is applying. The city's dog licensing officer shall keep and file said rabies certificates and mark each certificate with the number of the license tag issued for the dog described in the certificate.

2.04. (Same) Fee, Tag:

The applicant shall, at the time of making such application pay to the City Finance Officer as a license fee the sum of \$1.00 for each ;neutered dog which has been certified as such by a licensed veterinarian, and the sum of \$10.00 for each un-neutered dog for which such license is sought. It shall be the duty of the City Finance Officer to furnish and deliver to said applicant a metallic tag which shall be and constitute the license above mentioned, and upon which tag shall b stamped

and engraved the registered number of the day and year when registered. I shall then be the duty of the owner of the dog to place a collar around the neck of such dog so owned or kept by him on which collar shall be securely fastened the metallic tag so furnished by the City Finance Officer, provided, that in case of the loss of any tag so issued, the said City Finance Officer is authorized to issue a duplicate thereof upon payment to him of the original cost of the same upon application being made therefore and upon satisfactory proof that such tag has been lost.

2.05. Dogs Running At-large:

Any person who owns or has under his care a dog or animal of the dog kind shall not allow said dog to run at-large in the City of Newell, and said dog while present within the City of Newell shall either be on a leash in control of a person or properly secured to a leash which has been tied to an immovable object, or confined within an enclosure sufficient to keep said dog restrained from escaping such enclosure. No dog shall be leashed to an immovable object so as to permit the dog to walk on or over any public sidewalk or street or any property of another person other than that of the owner of said dog. Any dog not confined by leash or enclosure as set forth herein is hereby declared to be running at-large and is declared to be a public nuisance.

2.06. Impounding:

Any dog found running at-large as defined in Section 2.05, or any untagged dog may be impounded by any Police Officer of the City or any other person authorized by the City Commission; and if the owner of said dog can be discovered by an examination of any dog license which may be affixed to the dog, or by inquiry of any person residing in the immediate vicinity where the dog was first taken into possession, notice, either oral or written of the impounding of the dog shall be given to the owner, but if the owner can not be discovered by a reasonable application of this method, no notice need be given.

2.07. Redemption or Destruction of Dogs Running At-large or Untagged Dogs:

Every dog impounded under the provision of Section 2.06 shall be kept in possession of the City for a period of 48 hours from the time of impounding. During this period of possession, any person, by paying the cost of impounding, as described in Section 1.04 of this Ordinance and by paying an additional fee to the City Finance Officer the sum of \$15.00 and by purchasing a current dog license, may redeem and obtain possession of a dog which was untagged and thereby impounded for running at-large, any by paying the cost of impounding as described in Section 1.04 of this Ordinance and by paying an additional fee to the City Finance Officer the sum of \$15.00, may redeem and obtain possession of said dog. If after the said 48 hours period an impounded dog has not been claimed, said dog shall be put to death in a humane manner and the body properly disposed.

If, at any time within a 6 month period from the initial impounding of a dog, it has need for impounding a second time, any person may, by paying the City Finance Officer the sum of \$25.00, redeem and obtain possession of a dog.

If, at any time within 1 year period from the initial impounding of a dog, it has need for impounding a third time, any person may, by paying the City Finance Officer the sum of \$50.00, redeem and obtain possession of a dog.

If, at any time within a 1 year period from the initial impounding of a dog, it has need for impounding a fourth time, that dog shall be destroyed forthwith without any further notice to the owner thereof.

2.08. Vicious or Dangerous Dogs:

It shall be unlawful for any person to keep, maintain or allow to run at-large, or suffer to be kept, maintained or allowed to run at-large, any dog or animal of the dog kind of ferocious, vicious or dangerous habit or disposition. Any such animal which is found running at-large within the limits of this city may be killed or impounded by any Police Officer or other official under proper authority.

2.09. Dogs of Destructive Habits:

It shall be unlawful for any person to permit or suffer to run at-large within the limits of the City of Newell, any dog or animal of the dog kind of a destructive habit or disposition, or which is in the habit of destroying shrubbery, flower gardens or other such property. Any Police Officer, or official of proper authority, is hereby authorized and empowered to impound any such animal.

2.10. Barking Dogs:

No person owning or possessing any dog, licensed or unlicensed, confined on the premises, or otherwise, shall suffer to permit such a dog to disturb the peace and quiet of the neighborhood by continuous barking or howling or making other loud or unusual noises. It shall be the duty of any person in possession of any such dog which disturbs the peace and quiet to dispose of the disturbance even if disposing of the dog is the only effective means.

2.11. Dogs Muzzled: When:

Whenever hydrophobia, or other contagious epidemic, exists among the dogs of this City or whenever the Mayor of said City may apprehend that there is a danger of the existence or the spread of hydrophobia, or other contagious epidemic, within the limits of said City, to muzzle such animal for a term not less than 30 days no more than 90 days ensuing the date of such proclamation, or until the said order is revoked by the Mayor. Upon the issuing of such proclamation it shall be the duty of all person owning, possessing or harboring or having the care of any animals of the dog kind during the term mentioned in said proclamation to muzzle said dog so as to prevent the animal from biting persons or other animals.

2.12. (Same) Unmuzzled Dogs Killed:

Upon the issuing of any proclamation by the Mayor in pursuance of the preceding Section, it shall be the duty of the Police Department to kill any animal of the dog kind found running at-large without being securely muzzled as required by this Ordinance.

3.01. Validity:

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

3.02. Ordinance in Force:

This Ordinance shall be in full force and effect from and after the passage, approval, recording and publishing as provided by law.

Approved: January 4, 1988

Repealed by Ordinance 04-01

10-1987 SUPPLEMENTAL APPROPRIATIONS

11-1987 ANIMAL CONTROL

To Add Pit Bull dogs

01-1988 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES

02-1988 AMENDING ZONING ORDINANCE 181

03-1988 ISSUANCE OF MALT BEVERAGE LIQUOR LICENSES CODE

Amended by Ordinances 02-90, 03-90

04-1988

Amend Zoning Ordinance 181, 04-87 and 05-86

05-1988 ANNUAL APPROPRIATIONS FOR THE YEAR 1989

01-1989 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES

02-1989 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES

03-1989 ANNUAL APPROPRIATIONS FOR THE YEAR 1990

04-1989 ESTABLISHES WATER AND GARBAGE RATES

The minimum rate for water service is hereby established at \$7.50 per month. The minimum rate entitles each user up to and including one thousand gallons of water. An additional rate of \$1.25 per thousand gallons of water will be assessed each month for water usage over the minimum amount.

Garbage Rates are hereby established as follows:

Residential users:	\$ 2.00	Per month
Light Commercials Users:	\$ 7.00	Per month
Medium commercial Users:	\$12.00	Per Month
Heavy commercial Users:	\$20.00	Per Month
Dumpsters:	\$12.00	Per Month

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect with the January 1990 water bill which will be due by February 10, 1990.

05-1989 AMENDS MUNICIPAL SALES TAX ORDINANCE 192 **REPEALED**

Repealed by Ordinance 07-2005

Section 1. Purpose:

The purpose of this Ordinance is to amend Ordinance No 192, a municipal sales tax ordinance, to bring it in compliance with the Department of Revenue Rule 64:06:01.03.

Section 2. Delete Wording:

Delete the words (tangible personal property) as shown in the last sentence of Part c., Section 4, Ordinance 192 and insert the words (construction materials) in there stead.

Section 3. Effective Date:

This Ordinance shall become effective immediately, upon passage and publication according to law.

01-1990 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES

02-1990 ADOPTING A MUNICIPAL MALT BEVERAGE LICENSE CODE

Amends Ordinance 03-1988

Section 1. Purpose:

The purpose of this Ordinance is to amend Section 1.02 Limitation of licenses issued of Ordinance 03-88 to read s follows:

- A. The City of Newell shall issue no more than three (3) Malt Retail Licenses during any license period, for any combination of the classifications in Section 1.01

Section 2. Effective Date:

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

03-1990 ADOPTING A MUNICIPAL MALT BEVERAGE LICENSE CODE

Amending Ordinance 03-88

Section 1. Purpose:

The purpose of this Ordinance is to amend Section 1.02 Limitations of licenses issued, or Ordinance 03-88 to read as follows:

- A. The City of Newell shall issue no more than three (3) malt Beverage Retail Licenses during any license period, for Malt Beverage Retailers who hold an on-off sale malt beverage license.
- B. The City of Newell shall issue not more than ten (10) Malt Beverage Retail Licenses during any license period, for Malt Beverage Retailers who hold an off sale malt beverage license.

Section 2. Effective Date:

This Ordinance shall be in full force and effect for and after its passage and publication as provided by law.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

04-1990 LIMITING THE DISCHARGE OF FIREWORKS **REPEALED**

Repealed by Ordinance 07-2006

Section 2.01. Storage of Combustible Material -Open Fires-Fireworks:

The municipality of Newell shall have power to regulate or prohibit the storage of combustible or explosive material, the use of open flame lights, the building of bonfires, and the use or sale of fireworks. SDCL 9-33-1

2.02. Discharging Fireworks Limited:

No person or persons, associations, partnerships or corporations shall set off or give cause to set off any fireworks, sky rocket, roman candle, torpedo or any other kind of fireworks or pyrotechnic display within the City Limits or with one (1) mile thereof except that such discharging will be allowed between the hours of 8:00 A.M. and 11:00 P.M. on July 3rd, 4th and 5th of each year.

2.02.01. Fire Chief Authorization:

The Newell City Fire Chief may, at his discretion, declare as off limits for the discharging of fireworks; any section or parcel within the City Limits or within one (1) mile thereof; without regard for those times other-wise permitting such discharges.

2.03. Validity:

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

2.04. Ordinance in Force:

This Ordinance shall be in full force and effect from and after the passage, approval, recording, and publication as provided by law.

06-1990 ANNUAL APPROPRIATIONS FOR THE YEAR 1991

01-1991 ESTABLISH SALARIES FOR CITY OFFICIALS AND EMPLOYEES

02-1991 CEMETERY

Amends Chapter 14, Ordinance 56

Amends Ordinance 02-82

Section 5. Price of lots: The price for lots shall be one-hundred (\$100.00) dollars per lot.

Section 8-A: Permanent Care Certificates: the price of Permanent Care Certificates shall be sold by the City of Newell at the rate of one hundred (\$100.00) dollars per lot.

All Ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

03-1991 IRRIGATION WATER CHARGES

Article I. Purpose:

Section 1. The purpose of this Ordinance shall be to repeal previous rate structures (if any) and to establish methods and procedures to establish a rate schedule which will generate sufficient revenue to pay all cost for the operation, maintenance and debt retirement of the complete irrigation pipe system and the cost of purchasing water to be distributed through this system.

Section 2. The costs shall be distributed to all users of the pipe irrigation system in proportion to the number of turn-outs under the control of each individual user.

Article II. Determining The Total Annual Cost of Operation

And Maintenance.

Section 1. The City or its City Foreman shall determine the total annual costs of operation and maintenance of the piped irrigation facility which are necessary to maintain the capacity and performance during the service life of the complete facility.

Section 2. The total annual cost of operation and maintenance shall include but not be limited to labor, repairs, equipment replacement, maintenance, water cost, power, reasonable contingency fund, billing and debt service.

Section 3. the city shall review the total cost of operation and maintenance, as well as such user's proportionate share of the annual cost, not less often than once every two (2) years and will revise the system as necessary to assure equity of the user rates, and that there is sufficient funds to adequately operate and maintain the complete facility.

Article III. Determining Each User's Irrigation Water Contribution Percentage:

Section 1. The City or its City Foreman shall determine each user's annual irrigation water charge. The total annual operation and maintenance cost shall be divided by the total number of turn-outs to determine the amount of annual charge to be assessed upon each turn-out.

Approved: May 6, 1991

03-1991 PIPE IRRIGATION WATER CHARGE – APPENDIX A

Section 1. An annual irrigation water charge of twenty (\$200.00) dollars will be charged for the installation of a Newell Irrigation water tap.

Section 2. The request for an irrigation water tap will be approved on an individual basis. The Newell City Commissioners reserve the right to approve or disapprove any requests for such taps.

(Repealed by Ordinance 03-2003)

(Repealed by Ordinance 07-2005)

Sections:

1. Purpose
2. Retail occupational and service Tax-Exceptions-Use of revenue
3. Use Tax
4. Food tax exemptions
5. Additional exemptions
6. Restriction of use
7. Collections
8. Interpretation
9. Violation – Penalty
10. Separability

1. Purpose:

The purpose of this Chapter is to provide additional needed revenue for the City of Newell, by imposing an additional Sales 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. This amended Ordinance is intended to fully supersede Ordinance 192 of the Newell Codified Ordinance Sections 1 through 8 inclusive.

2. Retail Occupational Sales and Service Tax-Exceptions-Use

of Revenue:

Effective Date and Enactment of Amount of Tax. From and after the first day of the next calendar quarter beginning at least sixty (60) days after the authorities of the City of Newell notify the Secretary of Revenue that the Ordinance codified in this Chapter has been enacted, there is impose as a municipal retail occupational sales and service tax upon the privilege of engaging business, a tax measured by two percent (2%) of the gross receipts of all persons engaged in the business

within the jurisdiction of the City of Newell, who are subject to the South Dakota retail occupational sales and service act, SDCL 10-45 and acts amendatory there to. (SDCL 10-52-2).

3. Use Tax:

In addition there is imposed an excise tax on the privilege of use, storage and consumption within the jurisdiction of the City of tangible personal property or services purchased from and after the 1st day after the City has notified the Secretary of the Department of Revenue that the Ordinance codified in this Chapter has been enacted, 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.

4. Food Tax Exemption:

Notwithstanding the above rate, the rate of tax upon receipts from sales of food as defined by the food Stamp Act of 1977, as amended through January 1, 1983, is one percent (1%). (SDCL 10-52-2.5).

5. Additional Exemptions:

In addition to gross receipts exempted by state law therefore from tax imposed hereunder, there are hereby specifically exempted from the provisions of this Ordinance and from computation of the amount of tax imposed by it, the following:

- a. Farm machinery and irrigation equipment, including parts, services and repairs and veterinary supplies, used exclusively for agricultural purposes
- b. Sales of tangible personal property or services to purchasers, residing or doing business outside the City, provided that delivery is made to such purchaser outside the City by a common carrier or by the conveyance of the seller or by United States mail; sales of construction materials to a construction company for the use of its business operations outside the City if delivery thereof is made to a truck of the construction company within the City. (SDCL 10-52-2.9)

6. Restriction of Use:

Any revenues received under this Chapter to excess of the amount received if the rate of tax in Section 2 were one percent (1%) shall be used only for capital improvements, land acquisition and debt retirement.

(SDCL 10-52-2)

7. Collection:

Such tax I levied pursuant to authorization granted by SDCL 10-52 and acts amendatory thereto, and shall be collected by the South Dakota Department of Revenue 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 of the State Of south Dakota shall lawfully prescribe.

8. Interpretation:

It is declared to be the intention of this Chapter and the taxes levied hereunder that the same shall be interpreted and construed in the same manner as all Sections of the South Dakota Retail Occupational Sales and Service Act, SDCL 10-45 and acts amendatory thereto, and that this shall be considered a similar tax except for the rate thereof to that tax.

9. Violation - Penalty:

Any person failing or refusing to make reports or payments prescribed by this Chapter and the rules and regulations relating to the ascertainment and collect of the tax herein levied shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred (\$100.00) dollars with each day the violations continues to constitute a separate offense. In addition, all such collection remedies authorized by 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.

10. Separability:

If any provision of this Chapter is declared unconstitutional or the application thereof to any person or circumstances held invalid, the constitutionality for the remainder of this Chapter and applicability there of to other person or circumstances shall not be effected hereby.

05-1991 ANNUAL APPROPRIATIONS FOR THE YEAR 1992

01-1992 ESTABLISHES SALARIES FOR CITY OFFICIALS AND EMPLOYEES

Amends Section 18, Chapter 3 Ordinance 56

Section I. Defacing City Property:

It shall be unlawful for any person or persons to in any way injure, deface, tamper or meddle with maliciously any city property. This includes but is not limited to the water town, pump house, well houses or any other parts of the City water system, all city equipment, buildings, street signs barricades, sewage lagoon, and other City property not specifically mentioned herein.

Section II. Climbing the Water Tower:

It shall be unlawful for any unauthorized person or persons to climb, attempt to climb, or trespass in the vicinity of the Newell City Water Tower.

Section III. Penalty:

Any person or persons violating any of the provisions of the Ordinance or failing to comply with any of the provisions herein shall, upon conviction, be punished by a Fine not to exceed One hundred (\$100.00) dollars. SDCL 9-19-3

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. The invalidity of any Section, Clause, Sentence or provision of the Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section I. Water Rates:

The minimum rate for water service is hereby established at \$9.50 per month. The minimum rate applies to both residential and commercial users. The minimum rate entitles each user up to and including one thousand gallons of water. An additional rate of \$1.25 per thousand gallons of water will be assessed each month for water usage over the minimum amount.

Section II. Sewer Rates:

The minimum rate for sewer rental is hereby established at \$3.00 per month. The minimum rate applies to both residential and commercial users. The minimum rate entitles each user up to and including one thousand gallons of water. An additional rate of .50 per thousand gallons of water used will be assessed each month for sewer rental over the minimum amount.

Section III. Garbage Rates

Garbage rates are hereby established as follows:

Residential Users:	\$ 7.50 per month
Light commercial Users:	\$15.00 per month
Medium Commercial Users:	\$25.00 per month
Heavy Commercial Users:	\$50.00 per month
X-heavy Commercial Users:	\$75.00per month

Section IV. Payment Due Date:

Each month's combined water, sewer and garbage bill becomes due upon the 1st day of the month following the month of usage and will be considered delinquent for the purpose of applying a penalty for late payment if it is not received at the City Office before the 21st day of the month in which the bill became due.

Section V. Penalty:

For each whole or part month payment is not made when required, there will be a penalty of 5% of the amount that should have been paid. The maximum penalty is 25% of each monthly bill. The penalties will not be charged if there is an acceptable reason for failing to file or pay.

01-1993 ANNUAL APPROPRIATIONS FOR THE YEAR 1994

02-1993

Repeals Section 2 of Ordinance 181: Zoning Ordinance

01-1994 REGULATING SNOWMOBILES

An Ordinance regulating the operating of snowmobiles within the Newell City Limits.

Be it ordained by the Board of Commissioners of City of Newell, Butte County, State of South Dakota, as follows:

Section 1. General Provisions:

No Person or persons shall operate a snowmobile on any street, alley, sidewalk or any other public property not specifically mentioned herein, within the Newell City limits.

Section 2. Penalty:

Any person or persons violation any of the provision of this ordinance or failing to comply with any provision herein shall, upon conviction, be punished by a fine not to exceed one hundred dollars (\$100). Authority SDCL 9-19-3.

Section 3. Validity:

All Ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this ordinance shall not effect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 4. Ordinance in Force:

The ordinance shall be in full force and effect from and after the passage, approval, recording, and publication as provided by law.

Passed and adopted by the Board or Commissioners of the City of Newell, SD on February 14, 1994.

02-1994 APPROPRIATIONS FOR 1995

03-1994 TRANSFER OF VALBE TV FROM VANTAGE TO GALAXY TELECOM

04-1994 SUPPLEMENTAL APPROPRIATIONS TO 1994 BUDGET

05-1994 AMENDS ORDINANCE 181: ZONING ORDINANCE

02-1995 REGULATING THE COLLECTION AND DISPOSAL OF HOUSEHOLD GARBAGE AND
RESTRICTED USE OF LANDFILL ITEMS

A. Household Garbage:

1. Household garbage defined:

a. General definition: All garbage or refuse normally associated with maintaining a household or business.

b. Specific items to be excluded from the general definition of household garbage are as follows:

1. Grass clippings, leaves, branches, twigs and yard waste of any kind.
2. Batteries (all sizes), waste oil and tires
3. White goods, furniture, building debris and rubble

2. Method of collection and disposal:

a. All household garbage eligible for collection will be picked-up by the Newell City Public Works Department on a weekly basis and transported to the Newell City Transfer Station for disposal at the NWSD Regional Landfill.

b. Household garbage eligible for collection will be those households and businesses within the corporate limits of the City of Newell.

3. Garbage Rates: Garbage rates are hereby established as follows:

a. With the passage and approval of this Ordinance. The same rates now in effect.

b. After January 1, 1996:

Residential Users:	No Charge
Light Commercial Users:	\$ 7.50 per month
Medium Commercial Users:	\$15.00 per month
Heavy Commercial Users:	\$25.00 per month
X-heavy Commercial Users:	\$50.00 per month

4. Garbage collection regulations:

a. All house hold garbage must be bagged, boxed, placed in containers of thirty gallons or less or deposited in an approved dumpster and placed in a designated location for pick up.

b. It shall be unlawful for any person to deposit refuse, garbage, offal, trash, rubbish or rubble outsides of the fence of adjacent to the landfill or transfer station.

c. It shall be unlawful for any person to conceal or attempt to conceal within their garbage, any of the items described as excluded under Section A (1) b (1,2,3) of this Ordinance.

d. It shall be unlawful to place household garbage at the designated location for pick-up in anything other than a cat and dog proof container except during the morning of such designated pick-up.

e. It shall, at all times, be the responsibility of the owner of household garbage to prevent it from becoming strewn about, for whatever reason, and in the event such strewing occurs the owner shall be responsible for its repackaging as outlined under A (4) (a) of this Ordinance.

B. Rubble Site Landfill:

1. Permitted items at rubble site:

a. trees, tree branches, shrubbery and twigs.

b. Building debris (except materials containing asbestos).

c. White goods, tires, ashes and rubble

d. Animal carcasses and commercial slaughter waste.

e. Scrap iron (except fencing or wire fence-type materials will be allowed).

2. Rubble site Fees: The landfill charges for depositing permitted items at the rubble site shall be as follows:

a. A gate fee of \$5.00 will be charged each time the rubble site is entered by a Newell City or Nisland Town resident. A gate charge fee of \$10.00 will be in effect for all other rubble site users.

b. In lieu of the gate fee charges there will be a per item charge for the following items: White goods* (appliances) without refrigeration systems, stoves, washers and dryers: \$10.00.

*For refrigeration appliances (refrigerators, freezers, air conditioners, etc.) to be accepted at the rubble site they must be accompanied by the appropriate paperwork and signed by a certified specialist that the refrigerant (Freon) has been removed in a manner and in full compliance with E.P.A. regulations.

c. Domestic livestock (excluding dogs, cats and household pets): \$25.00.

d. Tires up to sixteen inches: \$2.00, tires up to thirty inches: \$5.00, and for tires thirty inches or over: \$10.00.

3. Rubble Site Landfill Hours of Operation:

a. the rubble site landfill, with an attendant present, will be open for customer use, from 9:00 A.M. until noon and from 1:00 P.M. until 3:00 P.M. on Saturdays only.

b. The rubble site landfill may be used, by special appointment only, with the Newell City Public Works Department. Such use by appointment will require a payment that is twice the rates that will be charged during regular scheduled hours of operation.

C. Penalty:

Any person violating or failing to comply with any provision of this Ordinance for which no penalty is provided shall upon conviction thereof be punished by a fine not exceeding Two hundred (\$200.00) dollars.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect, after passage, approval, recording and publication as provided by law.

03-1995 AMEND ORDINANCE 181

Changing the Zoning of Lot 1, 2, 3, and A division of Lot 6, Block 6, Fairview Heights Addition from its present zoning of General Residential to General Commercial.

04-1995

Repealing Section b of Section A

Household Garbage of 02-95

Regulating the Collection and Disposal of Household Garbage and Restricted Use of Landfill Items:

Section I. That Section of Ordinance 02-95 described as part b. of item 3 of Part A be repealed.

And all other parts of Ordinance 02-95 remain in full force and effect.

01-1996 OPTING OUT OF WASTE REDUCTION TARGETS ESTABLISHED

By SDCL & 34A-6-67

Whereas, the Common Council of the City of Newell has considered the costs involved in recycling all office and computer paper by July 1, 1996, all printed paper products and corrugated cardboard by January 1, 1997, and all containers made from glass, plastic, aluminum or steel by July 1, 1997; and

Whereas, in the course of considering the foregoing, the Common Council of the City of Newell conducted a public meeting and accepted comments with respect to each of the involved target dates; and

Whereas, after hearing the comments of the public the Common Council determined that the cost of recycling the above described items by the target dates listed for each will be more than the true and total cost of unsubsidized land filling, including long-term costs of all options analyzed in the waste evaluation; and

Whereas, upon making that determination, the Common Council further adopted a resolution opting out of the waste reduction targets for each of the three dates listed above; and

Whereas, the Common Council will review this Ordinance in two years time for each of the waste reduction targets specified herein; and

Whereas, the Codified Laws of South Dakota (SDCL & 34A-6-67) require the adoption of an Ordinance as part of the opt out process;

Now Therefore Be It Ordained that the Common Council of the City of Newell opts out of the waste reduction targets for all office and computer paper, all printed paper products and corrugated cardboard, and all containers made from glass, plastic, aluminum or steel.

02-1996 ESTABLISHING WATER, SEWER AND GARBAGE RATES

Section I. Water Rates:

The minimum rate for water service is hereby established at \$10.50 per month. The Minimum rate applies to both residential and commercial users. The minimum rate entitles each user up to and including one thousand gallons of water. An additional rate of \$1.50 per thousand gallons of water will be assessed each month for water usage over the minimum amount.

Section II. Sewer Rates:

The minimum rate for sewer rental is hereby established at \$3.00 per month. The minimum rate applies to both residential and commercial users. The minimum rate entitles each user up to and including one thousand gallons of water. An additional rate of .50 cents per thousand gallons of water used will be assessed each month for sewer rental over the minimum amount.

Section III. Garbage Rates:

Garbage Rates are hereby established as follows:

Residential Users:	\$ 11.50	per month
Light Commercial Users:	\$ 22.50	per month
Medium Commercial Users:	\$ 37.50	per month
Heavy Commercial Users:	\$ 75.00	per month
X-Heavy Commercial Users:	\$112.00	per month

Section IV. Payment Due Date:

Each month's combined water, sewer and garbage will become due upon the 1st day of the month following the month of usage and will be considered delinquent for the purpose of applying a penalty for late payment if it is received at the City Office after the 21st day of the month in which the bill became due.

V. Penalty:

For each whole or part month a payment is not made when required, there will be a penalty of 5% of the amount that should have been paid. The penalties will not be charged if there is an acceptable reason for failing to file or pay by the due date stated above.

Be it further ordained that all users of City water, who reside within the Newell City Limits, will be considered a recipient of garbage collection service and required to pay the monthly garbage rates. Garbage collection and hauling services shall be mandatory for every City householder, without exception.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect, after passage and approval, with the July, 1996 water bill which will be due August 20, 1996.

03-1996 ANNUAL APPROPRIATIONS FOR THE YEAR 1997

04-1996 SUPPLEMENTAL APPROPRIATIONS FOR 1996

05-1996 MODIFY CERTAIN APPROPRIATIONS FOR 1996

01-1997 ANNUAL APPROPRIATIONS FOR THE YEAR 1998

02-1997 APPROPRIATING SUPPLEMENTAL SUMS TO BUDGET

01-1998 ANNUAL APPROPRIATIONS FOR THE YEAR 1998

02-1998 ANNUAL APPROPRIATIONS FOR THE YEAR 1999

01-1999 APPROPRIATING SUPPLEMENTAL FUNDS

02-1999 ANNUAL APPROPRIATIONS FOR THE YEAR 2000

01-2000 APPROPRIATING SUPPLEMENTAL FUNDS

01-2001 TV CABLE TRANSFER

Ordinance providing for and approving the transfer of the cable television franchise in the City Of Newell, (the City) granted pursuant of Ordinance 2/86, dated 4-April-86, (the "Franchise Ordinance").

02-2001 ANNUAL APPROPRIATIONS FOR THE YEAR 2001

03-2001 ESTABLISH TERMS OF OFFICE OF 3 YEARS **DID NOT PASS**

This Ordinance did not pass.

04-2001 ANIMAL CONTROL

General Provisions

1.01. Pound Established:

The City Commissioners shall have the power to establish a public pound. If the Commissioners don't establish a pound, the Chief of Police shall place any impounded animals with some suitable person at the expense of the City.

1.02. Certain Animals Prohibited:

No person shall allow, bring, keep or maintain, into or within the corporate limits of this City, whether under control or at-large, any horse, cow, mule, swine, sheep, goat or fowl except as otherwise provided in Section 1.03.

1.03. Exceptions:

The animals mentioned in the previous Section shall be allowed within the corporate limits of the City only when:

- A. They are used or are part of legally authorized circus, menagerie, or carnal.
- B. They are used in or are a part of a legally authorized parade, provided that such animals shall only be allowed within the limits of said City of said purpose for the length of time necessary to participate in said parade.
- C. They are in the process of being transported from one area outside of the City limits to another, in which case they shall be in constant supervision and control of the owner, manager, or driver and such transporting shall be done with all due speed and care.
- D. They are on the premises of a duly licensed stock exchange, livestock ring or veterinarian hospital.
- E. They are part of a legally authorized livestock show or exhibition.
- F. Animals within Agriculture-Residential Zoned Districts, except swine and goats which are excluded for these Districts also.

1.04. Animals to be Impounded:

It shall be the duty of the Chief of Police or any Police Officer of the City to impound every animal found in violation of the provisions of this Ordinance, and any person claiming any animal so impounded shall pay to the finance Officer for its discharge from the place of impoundment all cost and incurred in the apprehension, feeding, caring for and housing of such animal. The City shall have a lien for the cost of keeping and caring for such impounded animals in the amount said lien as by law provided for the foreclosure of liens against chattel.

1.05. Cruelty to Animals:

No person shall within the limits of this City, cruelly beat any animal or wantonly or maliciously torture or injure or torment any animal in any way, or shall neglect to properly take care of or feed any such animal.

1.06. Fights Between animals Prohibited:

No person shall willfully allow any fight between or among any animals in this City, nor shall any person keep any house, pit or other place to be used in permitting any fight between animals.

Dogs

2.01. License Required:

It shall be unlawful for any person or persons within the City of Newell to keep, maintain or have in; his custody or control, any dog (or animal of the dog kind hereinafter included in the definition of dog), without first having obtained a license from the City Finance Officer as herein after provided. No dwelling may house more than 4 dogs and no more than 2 dogs weighing 25 pounds or more.

2.02. Application:

Any person desiring to keep, maintain or have custody of control within the City of Newell of any dog shall on or before the first day of July in each year make application to the City Finance Officer for a license. Such application shall include a certificate from a licensed veterinarian describing the dog for which the license is being applied and certifying that the dog so described has been inoculated with modified live virus for the prevention of rabies within two years prior to the expiration of the license.

2.03. Rabies Certificate:

Every person who keeps, maintains or has in his custody or control any dog within the City of Newell, shall have said animal inoculated for the prevention of rabies at least once every two years with modified live virus. The City's licensing officer shall keep and file the rabies certificate and mark each certificate with the number of license tag issued for the dog described in the certificate.

2.04. Fee Tag:

The applicant shall, at the time of making such application pay to the City Finance Officer as a license fee the sum of \$10.00 for each sexed dog and a fee of \$5.00 for each unsexed dog.

It shall be the duty of the City Finance Officer to furnish and deliver to said applicant a metallic tag which shall be and constitute the license above mentioned, and upon which tag shall be stamped and engraved the registered number of the dog and the year when registered. It shall then be the duty of the owner of the dog to place a collar around the neck of such dog on which collar shall be securely fastened the metallic tag. In case of the loss of any tag so issued, the City Finance Officer is authorized to issue a duplicate upon payment of another \$10.00 fee.

2.05. Dogs Running At-large:

Any person who owns or has under his care a dog shall not allow said dog to run at-large in the City of Newell, and said dog while present within the City of Newell shall either be on a leash in control of a person, properly secured to a leash which has been tied to an immovable object, or confined within an enclosure sufficient to keep the dog from escaping. No dog shall be leashed to an immovable object so as to permit the dog to walk on or over any public sidewalk or street or any property of another person. Any dog not confined by leash or enclosure as set forth herein is hereby declared to be running at-large and is declared to be a public nuisance.

2.06. Impounding:

Any dog found running at-large, as defined in Section 2.05 or any untagged dog may be impounded by any Police Officer of the City or any other person authorized by the City Commission. If the owner of said dog can be discovered by an examination of the dog license, or by inquiry of any person residing in the immediate vicinity where the dog was first taken into possession, notice, either oral or written of the impounding of the dog shall be given to the owner.

2.07. Retrieval or Destruction of Dogs Running At-large or untagged Dogs:

Every dog impounded under the provisions of Section 2.06 shall be kept in possession of the City. During this period of possession, any person, by paying the cost of impounding, as described in Section 1.04 of this Ordinance and by paying an additional fee to the City Finance Officer the sum of \$40.00 and by purchasing a current dog license, may redeem and obtain possession of the dog. If after 48 hours an impounded dog has not been claimed, the dog may be put to death in a humane manner.

If a dog is impounded twice within 1 year, the additional fee to retrieve the dog shall be \$60.00.

If a dog is impounded three times within 1 year the additional fee to retrieve the dog shall be \$100.00.

If, at any time within a 1 year period from the initial impounding of a dog, it has need for impounding a fourth time, that dog may be destroyed without any further notice to the owner thereof.

2.08. Vicious or Dangerous dogs:

It shall be unlawful for any person to keep, maintain or allow to run at-large, any dog of ferocious, vicious or dangerous habit or disposition. Any such animal within the limits of this City may be killed or impounded by any Police Officer or other official under proper authority.

2.09. Barking Dogs:

No person may own or possess any dog which disturbs the peace and quiet of the neighborhood by continuous barking or howling or making other loud or unusual noises. It shall be the duty of any person in possession of any such dog which disturbs the peace and quiet to dispose of the disturbance even if disposing of the dog is the only effective means.

2.10. Dogs Muzzled (When)

Whenever a contagious epidemic exists among the dogs of this City or whenever the Mayor of the City may apprehend that there is danger of the existence or the spread of a contagious epidemic, the Mayor, may issue a proclamation to muzzle such animals for the term of not less than 30 nor more than 90 days or; until said order is revoked by the Mayor. Upon the issuing of such proclamation, it shall be the duty of all persons owning, possession or harboring, or having the care of any dog to muzzle said dog so as to prevent the animal from biting persons or other animals.

2.11. Unmuzzled Dogs Killed:

Upon the issuing of any proclamation by the Mayor in pursuance of the preceding Section, it shall be the duty of the Police Department to kill any dog found without being securely muzzled as required by this Ordinance.

2.12. Validity:

All Ordinance or part of Ordinances in conflict herewith is hereby repealed. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

2.13. Ordinance in Force:

This Ordinance shall be in full force and effect from and after the passage, approval, recording and publication as provided by law.

Approved: September 10, 2001

05-2001 ANNUAL APPROPRIATIONS FOR THE YEAR 2001

06-2001 ANNUAL APPROPRIATIONS FOR THE YEAR 2002

07-2001 APPROPRIATING SUPPLEMENTAL FUNDS

01-2002 ESTABLISHING WATER, SEWER AND GARBAGE RATES **REPEALED**

Repealed by 01-2007

Section I. Water Rates:

The minimum rate for water service is hereby established at \$15.75 per month. The minimum rate applies to both residential and commercial users. The minimum rate entitles each user up to and including one thousand gallons of water. An additional rate of \$1.75 per thousand gallons of water will be assessed each month for water usage over the minimum amount.

Section II. Sewer Rates:

The minimum rate for sewer rental is hereby established at \$5.00 per month. The minimum rate applies to both residential and commercial users. The minimum rate entitles each user up to and including one thousand gallons of water. An additional rate of \$1.00 per thousand gallons of water will be assessed each month for sewer rental over the minimum amount.

Section III. Garbage Rates:

Garbage rates are hereby established as follows:

Residential Users:	\$ 11.50 per month
Light Commercial Users:	\$ 22.50 per month
Medium Commercial Users (1 dumpster):	\$ 37.50 per month
Heavy Commercial Users (2 dumpsters):	\$ 75.00 per month
X-Heavy Commercial Users:	\$112.00 per month

Section IV. Payment Due Date:

Each month's combined water, sewer and garbage bill becomes due upon the 1st of the month following the month of usage. It will be considered delinquent for the purpose of applying a penalty for late payment if it is not received at the City Finance Office by the 20th day of the month in which the bill became due.

Section V. Penalties:

For each whole or part of a month a payment is not made when required, there will be a penalty of 5% of the amount that should have been paid. This will accrue for each month not kept current.

Section VI. Disconnection:

If the bill becomes more than 60 days delinquent a notice will be sent to advise the user that it is delinquent and they have 30 days to bring the account current. If the account is not brought

current the services will be disconnected. The user will be required to pay the account in full and pay a \$15.00 reconnect fee.

Be it ordained further that all users of City Water, who reside within the Newell City Limits, will be considered a recipient of garbage collection service and required to pay the monthly garbage rates. Garbage collections and hauling services shall be mandatory for every City household, without exception.

All Ordinance or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect, after passage and approval, with the September 2002 water bill, which will be due by October 2002.

02-2002 ALLOW SUNDAY LIQUOR SALES

The Board of Commissioners hereby authorizes the sale of on-sale liquor on Sundays per SDCL 34-4-2. under the following conditions:

1. Only for special occasions at the Manager's discretion
2. The Manager notifies and receives authorization from the Board prior to the event.
3. That State hours of opening and closing are followed.
4. According to all Federal, State and City Laws.

All Ordinance or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect, after passage and approval.

03-2002 ANNUAL APPROPRIATIONS FOR THE YEAR 2003

04-2002 ESTABLISHES SPECIAL APPROPRIATIONS

Repealed by 01-2007

Set penalty amount on delinquent water bills and determination of delinquent notice to customer and disconnection of service.

01-2003 NUISANCE **REPEALED**

Repealed by 01-2004 (This Ordinance repeals Ordinance 02-87)

Section I. Authority to Declare and Abate:

The municipality of Newell shall have the power to declare what shall constitute a nuisance and prevent, abate and remove the same as is permitted by SDCL 9-29-13 and 21-10-6.

Section II. Definition:

General Definition

A. Nuisance: A nuisance consists of unlawfully doing an act, or omitting to perform a duty, which act or omission or either: annoys, injures or endangers the comfort, repose, health or safety of others; Offends decency; unlawfully interferes with, obstructs or renders dangerous for passage, any lake or navigable water, bay stream, canal or basin, or public park, square, street, highway; in any way renders other persons insecure in life, or in the use of property. SDCL 21-10-1.

B. Public Nuisance: One which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal. Every other nuisance is private. SDCL 21-103

Nuisance per Se.

It is hereby declared that one or more of the following conditions, either alone or in combinations with others constitutes a nuisance per se, however, this enumeration shall not be deemed to be exclusive:

G. Undressed Hides: undressed hides kept longer than twenty-four (24) hours, except at a place where they are to be commercially processed or manufactured, or in storeroom or basement approved by the South Dakota Department of health. They may not be put into the City garbage.

H. Breeding Place for Flies: The accumulation of manure, garbage, refuse or anything whatever that provides a harboring place or breeding area for flies.

I. Dead Animals: A dead animal, or any part thereof, permitted to remain undisposed of longer than twenty-four (24) hours after its death.

J. Plants: The existence of any tree, shrub or foliage, unless by consent of the City, which is apt to destroy, impair, interfere with, or restrict; streets, sidewalks, sewers, utilities or other public improvements, and visibility on or free use of, or access to such improvements. The existence of any vines or climbing plants growing into or over any public hydrant, utility pole or transformer, or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, standpipe, or any other such appliance or facility provided for fire protection purposes, in such a way as to obscure the view thereof or impair the access thereto.

K. Refuse and Garbage:

The erecting, maintaining, using, placing depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the City, any on or more of the following places, conditions or things;

5. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, the whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter; but nothing shall prevent the temporary retention of waste in appropriate, fly-proof, covered receptacle;
6. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from insects and rodents, or which emit foul or pungent odors;
7. Any filthy, littered or trash-covered dwellings, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises
8. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, broken stone or cement broken crockery, broken glass broken plaster and all such trash or abandoned materials, unless it is kept in approved covered bins or galvanized iron receptacles;
9. Any trash, litter, rags, accumulation of empty barrels, boxes, crates, paper, packing cases, mattresses, bedding, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard.

L. Burning: The depositing or burning or causing to be deposited or burned in any street, alley sidewalk, park, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish material.

M. Wells and Cisterns: The existence on any premises of any abandoned or unused well, cistern or storage tank without securely closing or barring the entrance thereto or filling any well or cistern or capping the same with sufficient security to prevent access by children. 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.

N. Dilapidated Building or Structure: Any building or structure that is kept or maintained in an unsafe, incomplete, abandoned, damaged or dilapidated condition. Included in this definition are structures or buildings which have been destroyed or rendered unsafe by natural disaster or fire and buildings or structures for which the building permits have expired and/or construction has not been completed.

O. Junk: Any deteriorated, wrecked or derelict property in unusable condition, having no value other than nominal scrap or junk value, if any, and which has been left unprotected from the elements outside of a permanent structure. This shall include, without being so restricted, deteriorated, wrecked, inoperative or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, appliances and any other similar articles in such condition.

P. Vegetation: All weeds or plants declared to be state or local noxious weeds or all other weeds and grasses growing upon any lot or parcel of land in the city to a greater height than fourteen (14) inches or which have gone to or are about to go to seed. Fallen tree limbs, dead trees, and dead tree limbs which constitute a health, safety or fire hazard are declared a nuisance. This does not prohibit the cultivation of crops or vegetation grown in gardens, wildflower display garden or undeveloped, unpopulated area.

Q. Livestock Truck or Trailers: Parking or permitting a livestock truck or trailer to remain for an extended period 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.

R. Vehicles: No person owning, in charge of or in control of any real property within the City whether as owner, tenant, occupant, lessee or otherwise, shall allow an abandoned vehicle or vehicle which is partially dismantled, non-operating, wrecked, junked, without current license plates or in a state of substantial disrepair to remain on such property longer than thirty (30) days; except that this Section shall not apply with regard to a vehicle in an enclosed building, or to a vehicle on the premises of such a business enterprise that is operated in a lawful place and manner.

Section III. Notice of Violation:

Whenever the City Commission shall find that a nuisance exists within the City, they shall give written notice to the person creating, permitting or maintaining such a nuisance. SDCL 21-10-6

The notice of violations shall state the following:

- A. Name and address of the property owner;
- B. The address and legal description of the property upon which the nuisance exists;
- C. Nature of the violation and Section of the City Ordinance which is violation;
- D. A statement as to how many days the person has to abate the nuisance;

- E. A statement that, if the violation is not corrected, the City may issue a criminal complaint, pursue civil action, and/or abate the nuisance and charge the costs of abatement plus any costs and attorney's fees against the property by special assessment.
- F. An appeal of the notice of violation must be made, in writing to the City Council within fifteen (15) days of receipt of notice. Said written appeal must be received at the City Office in writing no later than 4:00 P.M. on the fifteenth (15th) day from the notice of violation.
- G. The notice of violation may be served by personal services, certified mail or if the address or location of the offending party cannot be ascertained, such notice may be served by conspicuously posting a copy of the notice of violation upon the premises where the nuisance exists.

After the time for voluntary abatement has expired, an authorized representative shall re-inspect the offending property to determine if the nuisance was abated.

Section IV. Appeal:

If the alleged offending party files an appeal to the City Commissioners in a timely manner, the City Commissioners shall at the next regular Commissioners meeting conduct a hearing to review the alleged nuisance. The City commissioners shall make a decision and the appealing party will be notified of the decision within ten (10) days of the meeting.

Section V. Noncompliance of Notice to Abate:

If the alleged offending party does not appeal the notice of violation to the City commissioners and/or fails to abate the nuisance within the time limited given in the notice of violation, a police officer may issue a criminal citation for violation of this Ordinance to the landowner and/or the person who created, permitted or maintained the nuisance. The city may also abate the nuisance and charge the costs of abatement plus any costs or attorney fees against the property by special assessment. An authorized City representative may secure the services of a contractor to abate the nuisance.

Upon completing abatement of the nuisance, the City shall bill the landowner for all related receipts, administrative, legal and investigative fees and expenses. If the landowner fails, neglects or refuses to pay this bill within thirty (30) days, the City Finance Officer shall file a special assessment against the property for the abatement costs that have not been reimbursed to the City.

Section VI. Immediate Abatement Authorized:

Nuisances which are determined by the City Commissioners to be an immediate threat to public health and safety may be abated immediately without following the procedures set forth in this Ordinance. Furthermore, law enforcement officials may immediately issue a citation for violating

this Ordinance if a nuisance exists which poses an immediate threat to public health and safety without serving the notice of violation referenced herein.

Section VII. Penalties:

In addition to the action set forth in this Ordinance, the City may, at its discretion, pursue remedies set forth in SDCL 21-10-5 including civil action or complaint for violation of this Ordinance in Magistrate Court. Any person found guilty of violating this Ordinance shall be fined one hundred (\$100.00) dollars, with each day the violation continues constituting a separated offense and an additional one hundred (\$100.00) dollars fine. SDCL 9-19-3

02-2003 RESTRICTION OF "JAKE BRAKES" NOT APPROVED

Restriction of the use of Jake brakes within the city Limits. Died for lack of action or support

03-2003 IMPOSING MUNICIPAL SALES, SERVICE AND USE TAX

(Also Repeals Ordinance 04-91)

Section 1. Purpose:

The purpose of this Ordinance is to repeal Ordnances 192, 03-85, 08-87 and 05-89 and put into effect this tax Ordinance to bring the Municipality of Newell into compliance with recent changes made in the State Law.

Section 2. Effective Date and Enactment of Tax:

From and after the First of January, 2004, 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 (2%) percent on the gross receipts of all persons engaged in business within the jurisdiction of the Municipality of Newell, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto. Tax will not be applied to items specifically exempt under SDCL 10-52-2.5, 10-52-11 and 10-52-12. Items exempted from municipal tax include: Farm Machinery and Irrigation Equipment, parts or Repairs for Farm Machinery, Agricultural Animal Health Products and Medicine.

Transportation Service, Collection and Disposal of Solid Waste, Veterinarian and Animal Specialty Services and Air Transportation.

Section 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 2004, at the same rate as the municipal sales and services 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.

Section 4. Collection:

Such tax is levied pursuant to authorization granted by SDCL 10-52 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 Regulations of the State of South Dakota shall lawfully prescribe.

Section 5. 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 Retail Occupational Sales and Service Act, SDCL 10-45 and acts amendatory thereto and the South Dakota Use Tax, SDCL 10-46 and acts mandatory hereto, and that this shall be considered a similar tax except for the rate thereof to that tax.

Section 6. 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 two hundred (\$200.00) dollars or imprisonment in the county jail for thirty (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 authorized for the collection of these excise taxes by the Department of Revenue and Regulation.

Section 7. 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 hereby.

04-2003 ANNUAL APPROPRIATIONS FOR THE YEAR 2004

05-2003 INCREASE COST OF GARBAGE COLLECTION

06-2003 APPROPRIATE ADDITIONAL FUNDS

Additional funds from second penny sales tax account to pay balance of the fire truck.

01-2004 NUISANCE

Repeals Ordinance 01-2003

Section I. Authority to Declare and Abate:

The municipality of Newell shall have the power to declare what shall constitute a nuisance and prevent, abate and remove the same as is permitted by SDCL 9-29-23 and 21-10

Section II. Definition:

General Definition

- A. Nuisance: a nuisance consists of unlawfully doing an act or omitting to perform a duty, which act or omission or either: annoys, injures or endangers the comfort, repose, health or safety of others: Offends decency, Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any lake or navigable water, by steams, canal or basin or public park, square, street, highway; in any way renders other person insecure in life, or in the use of property. SDCL 21-10-1

- B. Public Nuisance: One which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal. Every other nuisance is private. SDCL 21-10-3

Nuisance Per Se:

It is hereby declared that one or more of the following conditions, either alone or in combination with others, constitutes a nuisance per se, however, this enumeration shall not be deemed to be exclusive:

- A. Undressed Hides: Undressed hides kept longer than twenty-four (24) hours, except at a place where they are to be commercially processed or manufactured, or in a storeroom or basement approved by the South Dakota Department of Health. They may not be put into the city Garbage.
- B. Breeding Place for Flies: The accumulation of manure, garbage, refuse or anything whatever that provides a harboring place or breeding area for flies.
- C. Dead animals: A dead animal, or any part thereof, permitted to remain undisposed of longer than twenty-four (24) hours after its death.
- D. Plants: The existence of any tree, shrub or foliage, unless by consent of the City, which is apt to destroy, impair, interfere with, or restrict: streets, sidewalks, sewers, utilities or other public improvement, and visibility on or free use of, or access to such improvements. The existence of any vines or climbing plants growing into or over any public hydrant, utility pole or transformer, or the existence of any shrub, vine, or plant growing on, around or in front of any hydrant or standpipe, or any other appliance or facility provided for fire protection purposes, in such a way as to obscure the view thereof or impair the access thereto.
- E. Refuse and Garbage: The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the City, any on or more of the following places, conditions or things;
 - 1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins the whole or part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter; but nothing shall prevent the temporary retention of waste in appropriate, fly-proof, covered receptacle;
 - 2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from insects and rodents, or which emit foul or pungent odors;
 - 3. Any filthy, littered or trash-covered dwellings, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises;
 - 4. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, broken stone or cement, broken crockery, broken glass, broken plaster and all such trash or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles;

5. Any trash, litter, rags, accumulation of empty barrels, boxes, crates, paper, packing cases, mattresses, bedding, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard.
- F. Burning: The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish material.
- G. Wells and Cistern: The existence on any premises of any abandoned or unused well, cistern or storage tank without securely closing or barring the entrance thereto or filling any well or cistern or capping the same with sufficient security to prevent access. 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.
- H. Dilapidated Building or Structure: any building or structure that is kept or maintained in an unsafe, incomplete, abandoned, damaged or dilapidated condition. Included in this definition are structures or buildings or structures for which the building permits have expired and/or construction has not been completed.
- I. Junk: any deteriorated, wrecked, or derelict property in unusable condition, having no value other than nominal scrap or junk, if any, and which has been left unprotected from the elements outside of a permanent structure. This shall include, without being so restricted, deteriorated, wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, appliances, and any other similar articles in such condition.
- J. Vegetation: All weeds or plants declared to be state or local noxious weeds, or all other weeds and grasses growing upon any lot or parcel of land in the City to a greater height than fourteen (14) inches, or which have gone or are about to go to seed. Fallen tree limbs, dead trees, and dead tree limbs which constitute a health, safety or fire hazard are declared a nuisance. This does not prohibit the cultivation of crops or vegetation grown in gardens, wildflower display garden or undeveloped, unpopulated area.
- K. Livestock Truck or Trailers: parking or permitting a livestock truck or trailer to remain for an extended period 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.
- L. Vehicles: No person owning, in charge of or in control of any real property within the City whether as owner, tenant, occupant, lessee or otherwise, shall allow an abandoned vehicle, or vehicle which is partially dismantled, non-operating, wrecked, junked, without current license plates or in a state of substantial disrepair to remain on such property longer than thirty (30) days; except that this Section shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of such a business enterprise that is operated in a lawful place and manner or seasonal vehicles in good repair.

Section III. Notice of Violation:

Whenever the City Commission shall find that a nuisance exists within the city, they shall give written notice to the person creating, permitting, or maintaining such a nuisance.

The notice of violation shall state the following:

- A. Name and address of the property owner;
- B. The address and legal description of the property upon which the nuisance exists;
- C. Nature of the violation and Section of the City Ordinance which is violated;
- D. A statement as to how many days the person has to abate the nuisance;
- E. A statement that, if the violation is not corrected, the City may issue a criminal complaint, pursue civil action, and/or abate the nuisance and charge the costs of abatement plus any costs and attorney's fees against the property by special assessment;
- F. An appeal of the notice of violation must be made, in writing to the City Council within fifteen (15) days of receipt of notice. Said written appeal must be received at City Hall in writing no later than 4:00 P.M. on the fifteenth (15th) day from the notice of violation.

The notice of violation may be served by personal service, certified mail, or if the address or location of the offending party cannot be ascertained, such notice may be served by conspicuously posting a copy of the notice of violation upon the premises where the nuisance exists.

After the time for voluntary abatement has expired, an authorized representative shall re-inspect the offending property to determine if the nuisance was abated.

Section IV. Appeal:

If the alleged offending party files an appeal to the City Commissioners in a timely manner, the City Commissioners shall at the next regular Commissioners meeting conduct a hearing to review the alleged nuisance. The City Commissioners shall make decision and the appealing party will be notified of the decision within ten (10) days of the meeting.

Section V. Immediate Abatement Authorized:

Nuisances, which are determined by the City Commissioners to be an immediate threat to public health and safety, may be abated immediately without the procedures set forth in this Ordinance. Furthermore, laws enforcement official may immediately issue a citation for violating this Ordinance if a nuisance exists which poses an immediate threat to public health and safety without serving the notice of violation referenced herein.

Section VI. Penalties:

- A. Any person who maintains, commits or fails to abate a nuisance as required under the provisions of this Ordinance shall be subject to a maximum penalty of thirty (30) days in jail or a two hundred (\$200.00) dollar fine, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

- B. In addition, the City of Newell may also use the remedies of civil action and abatement as set forth in SDCL 21-10-5 through SDCL 21-10-9.

Section VII. Severability:

If any provision of this Ordinance shall be held invalid, it shall not effect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of the Ordinance are hereby declared to be severable.

02-2004 RENEW CABLE TV FRANCHISE

Whereas: Galaxy Cable Inc. operates a cable television system within the City of Newell, under the franchise Ordinance 02-86 passed by the City Council on April 14, 1986 as thereafter amended and assigned; and

Whereas: said franchise was granted for a period of eighteen (18) years and is due to expire December 23, 2004; and

Whereas, Galaxy Cable Inc. has requested that the City of Newell renew the franchise to operate the cable television system with the City for an additional fifteen (15) years.

Now, therefore, bi it resolved by the City Council of the City of Newell, that;

Section 1: The request of Galaxy Cable Inc. to renew the cable television franchise dated April 4, 1986, as assigned and amended, and to change the expiration date thereof to December 23, 2019, is hereby granted.

Section 2: Except to the extent affected herein, the Franchise Ordinance dated April 4, 1986 as assigned and amended shall continue in full force

and effect.

03-2004 ANNUAL APPROPRIATIONS FOR THE YEAR 2005

02-2005 REPEALED

Repealed by 01-2007

03-2005 NUISANCES

Repeals Ordinance 01-2004

Section I. Authority to Declare and Abate:

The municipality of Newell shall have the power to declare what shall constitute a nuisance and prevent, abate and remove the same as is permitted by SDCL 9-29-13 and 21-10-6.

Section II. Definition:

General Definition:

- C. Nuisance: a nuisance consists of unlawfully doing an act, or omitting to perform a duty, which act or omission or either; annoys, injures or endangers the comfort, repose, health or safety of others; offends decency; unlawfully interferes with, obstructs or renders dangerous for passage, any lake or navigable water, bay stream, canal or basin or public park, square, street, highway; in any way renders other persons insecure in life, or in the use of property. SDCL 21-10-1
- D. Public Nuisance: One which affects the same time an entire community or neighborhood, or any considerable number of person, although the extent of the annoyance or damage inflicted upon the individuals may be unequal. Every other nuisance is private. SDCL 21-10-3

Nuisance Per Se.

It is hereby declared that one or more of the following conditions, either alone or in combination with others, constitutes a nuisance per se, however, this enumeration shall not be deemed to be exclusive:

- M. Undressed Hides: Undressed hides kept longer than twenty-four (24) hours, except at a place where they are to be commercially processed for manufacture, or in a storeroom or basement approved by the South Dakota Department of Health. They may not be put into the City Garbage.

- N. Breeding Place for Flies: The accumulation of manure, garbage, refuse or anything whatever that provides a harboring place or breeding area for flies.
- O. Dead Animals: A dead animal, or any part thereof, permitted to remain indisposed of longer than twenty-four (24) hours after its death.
- P. Plants: the existence of any tree, shrub or foliage, unless by consent of the City, which is apt to destroy, impair, interfere with or restrict: streets, sidewalks, sewers, utilities or other public improvements, and visibility on or free use of, or access to such improvements. The existence of any vines or climbing plants growing into or over any public hydrant, utility pole or transformer, or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, standpipe, or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view of thereof or impair the access thereto.
- Q. Refuse and Garbage: The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the City, any on or more of the following places, conditions or things:
1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, the whole or any part of any dead animal, fish or fowl, or waste part of fish, vegetables, or animal matter; but nothing shall prevent the temporary retention of waste in appropriate, fly-proof, covered receptacles;
 2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from insects and rodents, or which emit foul or pungent odors;
 3. Any filthy, littered or trash-covered dwellings, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises;
 4. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, broken stone or cement, broken crockery, broken glass, broken plaster and all such trash or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles;
 5. Any trash, litter, rags, accumulation of empty barrels, boxes, crates, paper, packing cases, mattresses, bedding, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard.
- R. Burning: the depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, park, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish material.
- S. Wells and Cistern: The existence on any premises of any abandoned or unused well, cistern or storage tank without securely closing or barring the entrance thereto or filling any well or cistern or capping the same with sufficient security to prevent access thereto by children. 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.

- T. Dilapidated Building or Structure: Any building or structure that is kept or maintained in an unsafe, incomplete, abandoned, damaged or dilapidated condition. Included in this definition are structures or buildings which have been destroyed or rendered unsafe by natural disaster or fire and buildings or structures for which the building permits have expired and/or construction has not been completed.
- U. Junk: Any deteriorated, wrecked, or derelict property in unusable condition, having no value other than nominal scrap or junk value, if any, and which has been left unprotected from the elements outside of a permanent structure. This shall include, without being so restricted, deteriorated, wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, appliances and any other similar articles in such condition.
- V. Vegetation: All weeds or plants declared to be state or local noxious weeds, or all other weeds and grasses growing upon any lot or parcel of land in the City to a greater height than fourteen (14) inches, or which have gone or are about to go to seeds. Fallen tree limbs, dead trees, and dead tree limbs which constitute a health, safety or fire hazard or declared a nuisance. This does not prohibit the cultivation of crops or vegetation grown in gardens, wildflower display garden or undeveloped, unpopulated area.
- W. Livestock Truck or Trailers: Parking or permitting a livestock truck or trailer to remain for an extended period on any street, alley, 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.
- X. Vehicles: No person owning, in charge of or in control of any real property within the City whether as owner, tenant, occupant, lessee or otherwise, shall allow an abandoned vehicle, or vehicle which is partially dismantled, non-operating, wrecked, junked, or vehicle without current license plates or in a state of substantial disrepair to remain on such property longer than thirty (30) days; except that this Section shall not apply with regard to a vehicle in an enclosed building, or to a vehicle on the premises of such a business enterprise that is operated in a lawful place and manner.

Section III. Notice of Violation:

Whenever the City Commission shall find that a nuisance exists within the City, they shall give written notice to the person creating, permitting or maintaining such a nuisance. SDCL 21-10-6

The Notice of violation shall state the following:

- A. Name and address of the property owner;
- B. The address and legal description of the property upon which the nuisance exists;
- C. Nature of the violation and Section of the City Ordinance which is violated;
- D. A statement as to how many days the person has to abate the nuisance

- E. A statement that, if the violation is not corrected, the City may issue a criminal complaint, pursue civil action, and/or abate the nuisance and charge the costs of abatement plus any costs and attorney's fees against the property by special assessment.
- F. An appeal of the notice of violation must be made, in writing to the City Council within fifteen (15) days of receipt of notice. Said written appeal must be received at City Hall in writing no later than 4:00 PM on the fifteenth (15th) day from the notice of violation.

The notice of violation may be served by personal service, certified mail or if the address or location of the offending party cannot be ascertained, such notice may be served by conspicuously posting a copy of the notice of violation upon the premise where the nuisance exists.

After the time for voluntary abatement has expired, an authorized representative shall re-inspect the offending property to determine if the nuisance was abated.

Section IV. Appeal:

If the alleged offending party files an appeal to the City Commissioners in a timely manner, the City Commissioners shall at the next regular Commissioners meeting conduct a hearing to review the alleged nuisance. The City Commissioners shall make a decision and the appealing party will be notified of the decision within ten (10) days of the meeting.

Section V. Noncompliance of Notice to Abate:

If the alleged offending party does not appeal the notice of violation to the City Commissioners and/or fails to abate the nuisance within the time limit given in the notice of violation, a police officer may issue a criminal citation for violation of this Ordinance to the landowner and/or the person who created, permitted or maintained the nuisance. The City may also abate the nuisance and charge the costs of abatement plus any costs or attorney fees against the property by special assessment. An authorized City representative may secure the services of a contractor to abate the nuisance.

Upon completing abatement of the nuisance, the City shall bill the landowner for all related receipts, administrative, legal and investigative fees and expenses. If the landowner fails, neglects or refuses to pay this bill within thirty (30) days, the City Finance Officer shall file a special assessment against the property for the abatement costs that have not been reimbursed to the City.

Section VI. Immediate Abatement Authorized:

Nuisances, which are determined by the City Commissioners to be an immediate threat to public health and safety, may be abated immediately without following the procedures set forth in this Ordinance. Furthermore, law enforcement officials may immediately issue a citation for violating

this Ordinance if a nuisance exists which poses and immediate threat to public health and safety without serving the notice of violation referenced herein.

Section VII. Penalties:

In addition to the action set forth in this Ordinance, the City may, at its discretion, pursue remedies set forth in SDCL 21-10-5 including civil action or complaint for violation of this Ordinance in Magistrate Court. Any person found guilty of violating this Ordinance shall be fined one hundred (\$100.00) dollars, with each day the violation continues constituting a separate offense and an additional one hundred (\$100.00) dollar fine. SDCL 9-19-3

04-2005 ESTABLISH REMOTE READ WATER METER FEE **REPEALED**

Repealed by 02-2007

Be it ordained and enacted by the Board of Commissioners of the city of Newell as follows:

That a five (\$5.00) dollar monthly reading fee be applied to all City utility customers having water meters read by the City.

05-2005

Amends Ordinance 02-82

06-2005 ANNUAL APPROPRIATIONS FOR YEAR 2006

07-2005 MUNICIPAL SALES, SERVICE AND USE TAX

Repeals 192, 03-85, 05-89 and mends 03-2003

Section 1. Purpose:

The purpose of this Ordinance is to repeal Ordinance 192, 03-85, 08-87 and 05-89 and put into effect this tax ordinance to bring the Municipality of Newell into compliance with recent changes in the State Law.

Section 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 Newell, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 1-45 and acts amendatory thereto.

Section 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 services 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.

Section 4. Collection:

Such tax is levied pursuant to authorization granted by SDCL 10-52 and acts amendatory thereto, and shall be collected by the South Dakota Department of Revenue and Regulations 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 Regulations of the State of South Dakota shall lawfully prescribe.

Section 5. 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 Retail 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.

Section 6. 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 misdemeanor and upon conviction shall be fined not more than two hundred (\$200.00) dollars or imprisonment in the county jail for thirty (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 authorized for the collection of these excise taxes by the Department of Revenue and Regulation.

Section 7. Separability:

If any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstances held invalid the persons or circumstances shall not be affected thereby.

08-2005 SUPPLEMENTAL APPROPRIATIONS

03-2006 TO INCLUDE SECTION VII, WATER SURCHARGE **REPEALED**

Amends 01-2002

Section VII. Water Surcharge:

Be it ordained that all residential and commercial users of City of Newell water services will be required to pay a monthly surcharge of three (\$3.00) dollars. The assessed charge will entitle each household the use of irrigation water for seasonal watering and becomes due as a part of the monthly water bill payment.

Be it further ordained that all users of City Water will be considered a recipient of irrigation water service and will be required to pay the monthly charge. Exceptions may be granted by action of the Newell Board of City Commissioners, acting at a City meeting, for those agricultural acreages that are assessed directly by the Belle Fourche Irrigation District. Further exceptions may be granted by the Board of City Commissioners if the City finds it unable to provide the water service to any user.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect, after passage and approved with the May water bill which will be due June 1, 2006.

Approved: April 12, 2006

04-2006 ESTABLISHING SCHEDULE OF FINE FOR CITY ORDINANCE VIOLATIONS

2006 City of Newell Codes & Fine Schedule

Effective June 1, 2006

City Violations:

Animal Not Licensed:	\$	96.00
Animal At-Large:		96.00
Animal Disturbing the Peace:		96.00
Animal in City Parks/animal Waste:		96.00
Littering:		96.00
Illegal Discharge of Fireworks: Mandatory Court Appearance (MCA)		
Disorderly Conduct:	- MCA-	96.00

Moving /Traffic Violations:

Littering from Motor Vehicle:	Ord. ____ Sec. ____	\$	96.00
Stop Sign/Light Violation:	Ord. 84 Sec. 6 & 24		94.00
Driving: Wrong side of Street:	Ord. 84 Sec. 5		94.00
Illegal Overtaking & Passing:	Ord. 84 Sec. 2		90.00
Illegal U-turn:	Ord. 84 Sec. 3c		94.00
Careless Driving:	Ord. 84 Sec. 19		94.00
Illegal Muffler:	Ord. 84 Sec. 22		69.00
Passing Funeral Procession:	Ord 84 Sec. 21		94.00

Prohibited Parking: (Ordinance 84. Section 10)

Fire Hydrant:	\$ 69.00
Parking Against Traffic:	69.00
Double Parked:	69.00
Parked in No Parking Zone:	69.00
Improper Parking:	69.00
Handicapped Only Parking:	75.00

Section 30. Penalty:

a. any person violating any of the provisions of the Ordinance shall, upon conviction, be punished by a fine of not to exceed one hundred (\$100.00) dollars, or by imprisonment not to exceed thirty (30) days, or both such fine and imprisonment in the discretion of the Court.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect, after passage and approval.

Approved: May 10, 2006

Fines and Penalties for Defacing City Property

Cemetery:	\$ 100.00
Golf Course:	100.00
Water Tower:	100.00
Vagrancy:	5.00 to 100.00

05-2006 ANNUAL APPROPRIATIONS FOR THE YEAR 2007

06-2006 BUILDING REGULATIONS & FEES

Repealing Chapter 12 Ordinance 56

Building Regulations:

Section 1. Building Inspector:

A Building Inspector or designee shall be appointed by the mayor. When it shall become necessary in the performance of the duties of that office, the Inspector or designee shall be authorized to enter any building, or property, in the City at any reasonable hour. The Inspector or designee shall be authorized to stop the construction of any building or structure in the City which is being built or placed in violation of the Ordinances of the City, or when construction is dangerous to life or damaging to property.

Section 2. Compensation of Building Inspector:

Compensation of the Building Inspector shall be set by Resolution.

Section 3. Building Codes:

All building construction within the City shall be done and regulated in accordance with the 2003 Edition of the Uniform Building Codes Standards as published by the International Conference of Building Officials, except as modified by this Ordinance.

Section 4. Building Permits:

Any person, persons, firm or corporation or any organization desiring to construct a new building or remodel or repair the inside or outside of an existing building or move any building within the corporate limits of the City of Newell shall make application for permit to the Building Inspector, which application shall state the name of the owner of the building, the contractor(s) involved in the project, the exact location where the building is to be constructed or repairs or remodeling made, the dimensions and the material and the use to which said building is to be devoted. In case of moving a building such application shall state its present location and the exact location to which it is desired to move the building. This includes the placing of mobile homes. No work or installation can commence prior to the issuance of a permit or you may be subject to a fine and/or be required to remove such work or installation. Permits become null and void if work or construction is not commenced within 60 days, or if suspended or abandoned for 180 days after commencement, or if work is not completed within one year from date of issue. An extension may be granted by the governing body for extenuating circumstances.

Permits Are Not Required for the Following:

- * Retaining walls are not over four (4) feet in height measured from grade on the exposed side to the top of the wall.
- * Platforms, walks and driveways not more than 30 inches above grade and not over any basement or story below.
- * Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

- * Swings and other playground equipment accessory to a family dwelling.
- * Window awnings supported by an exterior wall which do not project more than 54 inches from the wall and do not require additional support.
- * Electrical, plumbing and mechanical repairs and alterations.

Section 5. Building Permit Fees:

Building Permit Fees shall be set by Resolution of the Common Council of the City of Newell.

Section 6. Construction or Modification of Fences:

A building permit shall be required for all fences. A statement from adjacent property owner(s) shall be submitted to the Building Inspector prior to the issuance of a building permit. No fences shall be erected in a public right-of-way except as approved by the Building Inspector. Visibility requirements at alley and private drive approaches on the street side of all lots where an alley or driveway enters the street right-of-way are as follows:

- * A ten (10) foot sight triangle is required on both sides of an access way formed by the intersection of access way and the public right-of-way. No fence, wall, plant material or earthen berm shall be placed or maintained within the above defined clear vision zone which exceeds two and one-half (2 1/2) feet in height above the crown of the adjacent roadway.
- * Regardless of other provisions of this Section, no fence, wall, plant material or earthen berm shall be erected or maintained in any yard which impedes the vision of vehicles entering an abutting street.
- * No electric fences shall be permitted within any zoning district.
- * No barbed wire fencing shall be permitted in any Residential Zoning Districts. Barbed wire fencing materials may be used as a fence in Commercial or Industrial Zoning Districts when such material is located not less than six (6) feet above the ground.

Section 7. Granting Permit:

Whenever the application for building permit sets forth conditions in accord with the building regulations of this City, including all of the fire regulations and the restrictions of the Fire District, a building permit shall be granted and issued and signed by the Building Inspector or in case of vacancy in that office or his absence from town shall be signed by the Mayor or his designee.

Section 8. Eaves pipes:

No person shall place or maintain any pipes leading from the eaves of any building or any part of any building in the City of Newell 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, or allow drainage on to the property of an adjoining lot owner in such a way as to work injury to the adjoining property.

Section 9. Penalty:

Any person violating any of the provisions of this Chapter shall upon conviction thereof be subject to a fine not to exceed two-hundred (\$200.00) dollars. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Ordinances of the City of Newell is committed, continued or permitted by any such person, and is punishable accordingly.

Published: January 24, 2007

Defeated by Referred Vote: April 10, 2007

07-2006 LIMITING THE DISCHARGE OF FIREWORKS

1. Storage of combustible Material – Open fires – Fireworks:

The municipality of Newell shall have power to regulate or prohibit the storage of combustible or explosive material, the use of open flame lights, the building of bonfires, and the use or sale of fireworks.

SDCL 9-33-1

2. Discharging Fireworks Limited:

No person or persons, associates, partnerships, or corporations shall set off or give cause to set off any fireworks, sky rocket, roman candle, torpedo or any other kind of fireworks or pyrotechnic display within the City Limits or within one (1) mile thereof except that such discharging will be allowed between the hours of 8:00 A.M. and 11:00 P.M. on July 3rd, 4th and 5th of each year.

3. Fire Chief Authorization:

The Newell Fire Chief may, at his discretion, declare as off limits for the discharging of fireworks; and section or parcel within the City Limits or within one (1) miles thereof; without regard for those times otherwise permitting such discharges.

4. Reckless Discharge:

It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

5. Fines:

Any person failing to comply with the provisions of this Ordinance shall be punishable by a Fine not to exceed two hundred (\$200.00) dollars.

6. Validity:

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

7. Ordinance in Force:

This Ordinance shall be in full force and effective from and after the passage, approval, recording and publication as provided by law.

Approved: December 13, 2006

08-2006 SUPPLEMENTAL APPROPRIATIONS

01-2007 ESTABLISHES WATER, SEWER GARBAGE RATES

The following Ordinances are hereby repealed:

01-2002: an Ordinance establishing water, sewer and garbage rates, 05-2002 water, sewer and garbage penalty and disconnections.

02-2005: water, sewer and garbage payments due dates:

Be it ordained and enacted by the Board of Commissioners of the City of

Newell as follows:

That all of the above Ordinances shall be repealed and the following will be in full force and effect:

All sewer rates, penalties, payment schedules and disconnections shall be set by Resolution.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect, after passage and approval, with the May 2007 utility bill, which will be due in June, 2007.

Approved: May 16, 2007.

02-2007 ESTABLISHES WATER, SEWER AND GARBAGE RATES & DISCONNECTIONS

01-2002: An Ordinance Establishing Water, Sewer and Garbage Rates, 05-2002 Water, Sewer and Garbage Penalty and Disconnections.

02-2005: Water, Sewer, and Garbage Payments Due

04-05: An Ordinance Establishing Remote Read Water Meter Fees

03-2006: Amendment To Ordinance 01-2002; to include Section VII Water Surcharge.

Be it ordained and enacted by the Board of Commissioners of the City of Newell, as follows: That all of the above Ordinances shall be repealed and the following will be in full force and effect:

All water rates, penalties, payment schedules and disconnections shall be set by resolution.

Be it further ordained: that all users of City water will be considered recipients of irrigation water service and will be required to pay the monthly charge that is assessed. Exceptions may be granted for those agricultural acreages that are assessed directly by the Belle Fourche Irrigation District, by action of the Newell Board of City Commissioners acting at a City Council meeting. Further exceptions may be granted by the Board of City Commissioners if the City finds it unable to provide the water service to any user.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect, after passage and approval, with the May 2007 utility bill, which is due in June, 2007.

Approved May 16, 2007

03-2007 ESTABLISHES WATER RATES

Water Rates:

Minimum water rate shall be \$15.75 per month for Residential and Commercial usage.

This entitles each user up to and including one thousand (1,000) gallons of water.

An additional rate of \$1.75 per thousand (1,000) gallons of water will be assessed each month for water usage over the minimum amount.

A monthly fee of \$3.00 for irrigation water and maintenance entitles each user to irrigation water for seasonal watering and becomes due as part of the monthly utility bill.

A \$5.00 monthly reading fee is applied to all city utility customers who request their meters be read by the city employees. Any customer who does not provide the city with a meter reading of payment by the 10th of each month shall pay a reading fee of \$25.00.

A reconnection fee of \$25.00 will be assessed for connections during the hours of 8:00 AM to 3:30 PM Monday – Friday (regular scheduled hours).

Be it further resolved: a monthly statement will be sent on the 15th of each month. If not paid by the 10th of the following month, it shall be considered delinquent and a late payment charge of \$25.00 will be assessed. If payment is not received at the Finance Office at 8:00 AM on the 15th of each month you will be disconnected and will be required to pay the amount in full including payment of the reconnection fee of \$25.00 as stated above, before your water will be reconnected.

Be it further resolved: that payment application to the utility bill shall be as follows: garbage payment, sewer payment(s), water bond, irrigation fees, water payment.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Approved: May 16, 2007

04-2007 ANIMAL CONTROL

1. General Provisions:

- 1.01.** Pound Established: The City Commissioners shall have the power to establish a public pound. If the Commissioners do not establish a public pound, the Chief of Police shall place any impounded animals with some suitable person at the expense of the City.
- 1.02.** Certain Animals Prohibited: No person shall allow, bring, keep or maintain, into or within the corporate limits of this City, whether under control or at-large, any horse, cow, mule, sheep, swine or fowl except as otherwise provided in Section 1.03.
- 1.03.** Exceptions: The animals mentioned in the previous Section shall be allowed within the corporate limits of the City only when:
- A. They are used or are a part of a legally authorized circus, menagerie or carnival.
 - B. They are used in or are a part of a legally authorized parade, provided that such animals shall only be allowed within the limits of said City for said purpose for the length of time necessary to participate in said parade.
 - C. They are in the process of being transported from one area within or outside of the City limits to another, in which case they shall be constant supervision and control of the owner, manager or driver and such transportation shall be done with all due speed and care. Horses are only permitted to be ridden on streets or arenas.
 - D. They are on the premises of a duly licensed stock exchange, livestock sale ring or veterinarian.
 - E. They are a part of a legally authorized livestock show or exhibition.
 - F. Animals within Agricultural-Residential Zoned Districts, except swine and goats which are excluded from these Districts also.

2. Animal Control:

2.01. Running At-large Prohibited: No owner or any dog or other animal held as a domestic pet in the City shall permit such animal to run at-large at any time, and any such animal found at-large may be impounded by a Police Officer of the city or by any other person authorized by the City Commission. SDCL 9-29-12

2.02. Compulsory Immunization of Animals For Rabies: Every dog, cat or other animal held in the City six months of age or older, shall be immunized against rabies by a licensed veterinarian. Immunization against rabies shall be given at such intervals to guarantee immunity, and the minimum time period between vaccinations shall be determined by the available vaccine and based upon the recommendations and approval of the State Veterinarian.

Any owner acquiring a dog, cat or other animal by purchase, gift, birth or otherwise, shall have such animal immunized against rabies within one month following acquisition or when such animal reaches the age of six months.

Any animal impounded shall not be released to any person until such animal has been immunized against rabies, provided, however, no animal so impounded shall be immunized if the owner can present a certificate of current immunization having been previously preformed.

All veterinarians or other qualified persons designated to immunize animals against rabies shall provide the owner at the time of immunization with a certificate or metallic tag showing the date of the immunization.

Whenever metallic tags are so given for immunization, such metallic shall be worn by all animals on a collar, harness or chain when off the premises of the owner.

2.03. Responsibility of Owner to Place Animal for Observation: When any person owning or harboring a dog, cat or other animal has been notified that said animal has bitten or attacked any person, the owner shall within twenty-four (24) hours place the animal under the care and observation of a laws enforcement officer or a licensed veterinarian for a period not less than ten (10) days.

At the end of the ten (10) day observation period, the animal shall be examined by a licensed veterinarian and, if cleared by the veterinarian, may be reclaimed by the owner upon paying the expenses incident hereto.

Any animal impounded or placed for observation, showing active signs of rabies, Suspected of having rabies, or known to have been exposed to rabies, shall be confined under competent observation for such time as may be deemed necessary to determine diagnosis.

No person shall knowingly harbor or keep any animal infected with rabies or any animal know to have been bitten by an animal known to have infected with rabies.

Any person within the City receiving information or reports of suspected rabies in wild animals or domestic animals shall report such information to a law enforcement officer.

2.04. Dogs Barking: No person owning any dog, licensed or unlicensed, confined or on the premises, or otherwise, shall suffer to permit such dog to disturb the peace and quiet of the neighborhood by continuous barking or making other loud or unusual noises.

Upon signed complaint to the Police Department that any person is keeping or harboring any dog which disturbs the peace as herein set forth, it shall be the duty of said Police Department to notify the owner of said dog in writing of said complaint, and after such owner has been given forty-eight (48) hours notice of such violation and the violation is continuing, any Police Officer or person of proper authorization is hereby authorized and empowered to go upon the premise and impound any such dog or animal so disturbing the peace. In addition to the impounding of such animal or other penalties prescribed, the owner shall be subject to a fine as set by Ordinance or resolution.

2.05. Stray, Abandoned or Unkempt Animals: No person shall harbor or keep any stray animals within the City. Animals known to be strays shall be reported to a Law Enforcement Officer immediately. SDCL 9-29-12

2.06. Cruelty to Animals: No person shall within the limits of this City cruelly beat any animal or wantonly or maliciously torture or injure or torment any animal in any way, or shall neglect to properly take care of or feed any such animal SDCL 9-29-11

2.07. Fights Between Animals: No person shall willfully allow any fight between or among any animals in this City, nor shall any person keep any house, pit or other place to be used in permitting any fight between animals.

2.08. Vicious or Dangerous Dogs: It shall be unlawful for any person to keep, maintain, or allow to run at-large, any dog of ferocious, vicious or dangerous habit or disposition. Any such animal within the limits of this City may be killed or impounded by any Police Officer or other official under proper authority.

2.09. Limitations: A maximum of four (4) pets, over the age of six (6) months per residence (not including fish and birds) may be kept, maintained, harbored, or in the custody of a person within City Limits. If pet weighs more than twenty-five (25) pounds, only two (2) such animals may be kept.

3. Licensing:

3.01. License Required: It shall be unlawful for any person or persons within the City of Newell to keep, maintain or have in his custody or control, any dog (or animal of the dog kind hereinafter included in the definition of dog), without first having obtained a license from the City Finance Officer as herein after provided.

3.02. Applications: Any person desiring to keep, maintain or have custody or control within the City of Newell of any dog shall make application to the City Finance Officer for a license on or before the first day of July each year; or within 2 weeks of acquiring the dog or at 6 months of age. Such application shall include a certificate from a licensed veterinarian describing the dog for which the license is being applied and certifying that the dog so described has been inoculated with modified live virus for the prevention of rabies within two years prior to the expiration of the license. Licenses expire on June 30th of each year.

3.03. Fee Tag: The applicant shall at the time of making such application; pay to the Finance Officer as a license fee the sum of \$10.00 for each sexed dog and a fee of \$5.00 for each unsexed dog.

It shall be the duty of the City Finance Officer to furnish and deliver to said applicant a metallic tag which shall be and constitute the license above mentioned, and upon which tag shall be stamped

and 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 such dog on which collar shall be securely fastened the metallic tag. In case of the loss of any tag so issued, the City Finance Officer is authorized to issue a duplicate upon payment of an additional \$5.00 fee.

4. Enforcement:

4.01. Impounding: It shall be the duty of the Chief Of police or any Police Officer or by any other person authorized by the Board of Commissioners of the City to impound every animal found in violation of the provisions of this Ordinance, and any person claiming any animal so impounded shall pay to the City Finance Officer for its discharge from the place of impoundment all cost incurred in the apprehension, feeding, caring for and housing of such animal. The city shall have a lien for the cost of keeping and caring for such impounded animals in the amount it would take to have said animals discharged under the provisions herein. The City may foreclose said lien as by law provided for the foreclosure of liens against chattels.

4.02. Retrieval or Destruction of animals Running At-large:

Every animal impounded under the provisions of Section 4.01 of this Ordinance shall be kept in possession of the City or the pound as designated. During this period of possession, any person, by paying the cost of impounding, as described above and by paying an additional fee to the City Finance Officer the sum of \$40.00 and in the case of dogs, by purchasing a current dog license, may redeem and obtain possession of the animal. If after 48 hours an impounded animal has not been claimed, the animal may be put to death in a humane manner.

If an animal is impounded twice in 1 year, the additional fee to retrieve animal shall be \$60.00.

If the animal is impounded three times within 1 year the additional fee to retrieve the animal shall be \$100.00. If, at any time within a 1 year period from the initial impounding of an animal, it has need of impounding a fourth time, that animal may be destroyed without any further notice to the owner thereof.

Dogs Muzzled: Whenever laws enforcement officer or other authorized official shall have determined that there is danger of the existence or spread of rabies in the City, such facts shall be made known to the City Commissioners. The Board of Commissioners, upon receipt of said facts, may by proclamation, in the interest of public safety and general welfare of the citizenry, order all animals muzzled when off the premises of the owner. Forty-eight (48) hours after the approved of said proclamation all animals found off the premises of the owner unmuzzled shall be seized and impounded or may be immediately destroyed if all reasonable efforts to seize said animals fail. All animals seized and impounded shall be held for observation as herein before provided for not less than ten (10) days, and if cleared by a licensed veterinarian, may be claimed by the owner upon paying the expenses incidental thereto. Any animal not claimed may be disposed of hereinbefore provided.

Validity: All Ordinances or parts of Ordinance in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this Ordinance shall not effect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Ordinance in Force: This Ordinance shall be in full force and effect from and after the passage, approval, recording and publication as provided by law.

Approved: July 11. 2007

04-2007 REGULATING CITY COUNCIL MEETINGS

Chapter 2 Section 1 of Ordinance 56, be amended and the following will be full force and effect.

Section 1. Regular Meeting:

The City Council shall hold its Regular meetings on the second (2nd) Monday of each month.

Approved : January 16, 2008

12-2007 SUPPLEMENTAL APPROPRIATIONS

02-2010 ESTABLISHING TERMS OF OFFICE

An Ordinance establishing terms of office for Mayor and Commissioner of three years BE IT ORDAINED and enacted by the Board of Commissioners of the City of Newell State of South Dakota as follows: That the Board of Commissioners deem it necessary to set forth by Ordinance and to change the terms of office that were previously utilized for the Mayor and Commissioners from 5 year terms to 3 year terms.

WHEREAS, the terms of office will be in full force and effect as follows;

Commencing in 2015, all terms of Mayor shall be three years.

The office currently held by Commissioner Parker shall end in 2011 and all terms thereafter shall consist of three years.

The office currently held by Commissioner Stapp shall end in 2011 and all terms thereafter shall consist of three years.

The office currently held by Commissioner Hocking shall end in 2012 and then run for a four year term ending in 2016 and all terms thereafter shall consist of three years.

The office currently held by Commissioner Wolff shall end in 2013 and all terms thereafter shall consist of three years.

Acting Mayor Mike Wolff
Finance Officer Jennifer Parrow

06-2010 LIMIT ON MUNICIPAL MALT BEVERAGE LICENSES

“An Ordinance establishing a limit on the number of
Municipal Malt Beverage Licenses given during any license period”.

BE IT ORDAINED by the Board of Commissioners of the Town of Newell State of South Dakota that the Board of Commissioners deem it necessary to change the number of malt beverage license limitation that was set forth in Ordinance NO. 03-90 as follows:

The Town of Newell shall issue no more than (3) Malt Beverage Retail Licenses during any license period for Malt Beverage Retailers who hold an on-off sale malt beverage license.

The Town of Newell shall issue no more then (4) Malt Beverage Retail Licenses during any license period for Malt Beverage Retailers who hold an off sale malt beverage license.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Mayor Mike Wolff

Finance Officer Jennifer Parrow

03-2013 SUMP PUMP ORDINANCE

An Ordinance Amending Ordinance No. 83 Section 5. To whom Issued Rule XI
Be it ordained to include the wording sump pumps in the following paragraph. Changes of direction of pipes must be made by properly curved pipes and not by edging or cutting. No storm water connections to conduct water from yards or roofs or sump pumps will be permitted in the system of sewers.

Jennifer Parrow, Finance Officer
Mike Wolff, Mayor

05-2013 UNIFORM NUMBERING

AN ORDINANCE TO AMEND ORDINANCE NO. 132 OF THE CITY OF NEWELL SECTION 9A.
UNIFORM NUMBERING.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF NEWELL,
SOUTH DAKOTA.

1. Designation of Addresses

- a. An address for all building and building sites located on public and private streets/roads within the City of Newell shall be assigned by the County 911 Office.
- b. The County 911 Office shall keep a record of all numbers assigned under this ordinance.
- c. The County 911 Office or Auditors Office shall set up fee and be responsible to send a fee billing notice for such address assigned to the owner of the building.

2. Posting of Designated Addresses

- a. The owner or occupant or person in charge of any house or building to which an address has been assigned will be notified by the County 911 Office or the Finance Officer of the address assigned to the same at any time after the adoption of this ordinance.

- b. Within sixty (60) days after the receipt of such notification from the County 911 Office or the Finance Officer, the owner or occupant or person in charge of the structure to which an address has been assigned shall affix the address to the structure, if visible from the road, in such a way that the address can be clearly seen from the roadway.
- c. In the event that the owner or occupant or person in charge of any house or building refuses to comply with the terms of this ordinance by failing to affix the address assigned within (60) days after notification, a second notice will be provided to the land owner, occupant or person in charge of the structure. If compliance does not occur within ten (10) days of second notice, the County 911 Office or Finance Officer shall post the appropriate address on the premises. The cost of such posting will then be assessed to the land owners and if not paid within thirty (30) days, a lien will be placed on any property owned by said landowner in the City of Newell.
- d. Each principle building shall display the address assigned to the frontage on which the front entrance is located. In case of principle building is occupied by more than one business or family dwelling unit, each separate dwelling or unit must display a separate address.
- e. Numbers indicating the official address for each principle building or each front entrance to such building shall be posted in a manner as to be legible and distinguishable from the street on which the property is located, with letters painted or applied, of contrasting color to the background, not less than three (3") in height. If a building or dwelling is situated in such a way that the address cannot be 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 private driveway and placed in such a way that it can be easily seen from the roadway.

3. New Structures

- a. An address shall be assigned to each proposed lot or tract at the time the owner or developer obtains a building permit from the Finance Officer or approved by the Town Building Inspector/Ordinance Officer. The final building site and driveway entrance point shall be established and marked accurately.
- b. At the time a building permit is issued for any structure, the applicant shall know that an additional fee will be imposed from the County 911 Office or County Auditor's Office in order to obtain the address required by this Ordinance.

4. Penalties

A violation of this ordinance is a petty offense punishable by a fine not to exceed \$200.00. A second violation of this ordinance is a class two misdemeanor, carrying a maximum penalty of thirty (30) days in jail and a two hundred dollar (\$200.00) fine. Each day that the violation exists shall be a separate and distinct offense.

06-2013 CEMETARY

AN ORDINANCE AMENDING CHAPTER 14 CEMETERY SECTION 2 PLAT, SECTION 3 CARE AND MANAGEMENT, SECTION 4 PERMIT TO USE CEMETERY, SECTION 5 PRICE OF LOTS, SECTION 6 DIGGING OF GRAVES, SECTION 7 TRESPASS, SECTION 8 CARE OF MONEY RECEIVED AND SECTION 9 PENALTY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF NEWELL
SOUTH DAKOTA.

Section 1. Name – The City Cemetery, consisting of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼ NE 1/4) of Section Thirty-one (31) in Township Nine (9) North of Range Six (6) E.B.H.M. and areas which may be added hereafter thereto, will be known as Hope Cemetery.

Section 2. Plat – The plat of the Cemetery shall be carefully preserved by the Finance Officer. This plat shall show all burying lots sold and unsold occupied and unoccupied, also all streets and alleys therein and shall be stored in a locked fire proof vault in the Finance Office.

Section 3. Care and Management - The Cemetery, owned and operated by the city, shall be governed, managed, and operated under the control of the City Commissioners and Mayor. It shall be the duty of the public works department to mark the grave sites and to only oversee the digging of the graves; to properly care for and irrigate all trees and grass growing in the cemetery; to keep the driveways, walks and fences in good condition; and to see that the provisions of this ordinance, rules and regulations of the Commissioners and Mayor governing the cemetery are complied with in every way. The Administration and operation of the cemetery shall be under the Finance Officer and Public Works Foreman who may make day to day rules and regulations, which shall be subject to the approval by the Commissioners and Mayor and kept on file in the public works office and in the Finance Office.

Section 4. Permit to use the Cemetery – Only human remains may be interred in the Newell Cemetery. No remains or ashes of any human being shall be interred in said cemetery until a permit for the interment is obtained from the Finance Officer. This permit will be given without charge upon the receipt by Finance Officer of the Certificate of Death from the physician in attendance or other proper authority. No Finance Officer shall assist in the interment of such remains until a permit for the interment has been obtained. The permit shall give the name of the deceased, place and date of birth, sex, date of death, age, and cause of death. The permit must be issued by the Finance Officer before the interment. The Finance Officer will send the permit to the county auditor immediately after the interment with a memorandum showing the lot and portion of the lot on which the grave is situated, and the County Auditor shall keep a record of said permit and memorandum. The Finance Office shall keep all records of the cemetery and shall procure suitable books, blank forms, or other records. The Finance Officer will account for all cemetery funds in accordance with applicable state and local laws. A map of the cemetery shall be kept in a fire proof locked vault in the Finance Office. All cemetery lots or graves spaced shall be paid for at the time of purchase. No burials shall be made upon a lot for which the city has not received settlement. Upon receipt of full payment, a perpetual care certificate will be issued. All cemetery lots or grave spaces shall be used for burial purposes only and shall not be resold without the consent of the designated city employee. No “stack burials,” which means two or more burials in one space are permitted, except as follows: up to four cremains are allowed for each permitted space and infants and stillborn are permitted in the foot space if a normal burial is to be allowed later. A limit of one (1) infant or stillborn will be allowed per permitted space.

When the ashes of a cremated body are to be interred in the cemetery, the ashes must be in a durable urn or in a strong metal or concrete case. When burying the container shall be no larger than one (1) foot by one (1) foot. No remains shall be buried in the cemetery unless the casket is enclosed in a concrete or steel container. No wooden or fiberglass outside containers shall be allowed.

There is to be no planting of any living trees, shrubs, flowers or plants allowed upon grave units, lots or in alleyways. Existing plantings located on graves or in alleyways will not be replaced. Permanent vases will only be placed within the grave space on the sides of the concrete monument bases. One (1) upright marker shall be allowed per space. Flowers, items, and decorations on lots or graves will be removed when they become unsightly, damaged, or are not placed in compliance with these regulations. The City will not be held responsible for articles, which may be left on any lot or grave. In all cases, the right is given to the City to remove from any lot or grave any article, which is unsightly or otherwise objectionable.

Concrete borders around graves are allowed and corner markers, if desired, may be placed at the property owner's expense and must be flush with the ground. Corner markers may be no larger

than four (4) square inches in surface area. All headstones and markers in any "new" area of the cemetery must be flush with the ground.

Any person who purchases any cemetery lot shall, by such purchase, be deemed to have agreed, on behalf of himself and his heirs and assigns, to hold the city harmless for any damages resulting from an inadvertent burial on the wrong lot or for any damage to any stone, marker or other improvement placed on the lot so purchased.

Section 5. Price of Lots – The prices for lots shall be \$100.00 per lot plus the county filling fee and Perpetual Care for \$400.00 plus sales tax.

Section 6. Digging of Graves - The digging of all graves shall be done by or under the supervision of the Funeral Home Director at the expense of the lot owner. No one other than a funeral director or a city employee may dig in the cemetery. Anyone seen or caught digging may be fined under section 9.

Section 7. Trespass - No driving is permitted on cemetery except on the streets and alleys. No Live stock may be allowed to be on any part of this cemetery.

Section 8. Care of Money Received – All money received from sale of Cemetery lots shall be paid to the City Finance Officer for deposit in the Cemetery fund of the city, and all expenditure from this fund for the care of the cemetery shall be by regular city warrant drawn on the cemetery fund.

Section 9. Penalty - Any person violating any of the provisions of this ordinance shall upon conviction thereof be subject to a fine of not less than \$100.00 and not over \$200.00 and costs, and shall stand committed until such fine and costs are paid.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be in full force and effect from and after its passage and publications as provided by law.

Approved this 10th day of February, 2014.

Finance Officer Jennifer Parrow

Mayor Mike Wolff

01-2015 PROHIBITING JAKE BRAKES

AN ORDINANCE PROHIBITING THE USE OF DYNAMIC BRAKING DEVICES WITHIN THE CITY LIMITS OF THE TOWN OF NEWELL, BUTTE COUNTY, SOUTH DAKOTA.

BE IT ORDAINED BY THE CITY OF NEWELL, BUTTE COUNTY, SOUTH DAKOTA:

That it shall be unlawful for any person or persons to operate a dynamic braking device (commonly referred to as a Jacobs brake or Jake brake) on any motor vehicle, within the city limits or parts of Highway 79 and Highway 212 that passes through the jurisdiction of the Town of Newell, except to avert imminent danger. A Jacobs brake device is any device that converts the internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. Any violation of this section shall be a Class 2 Misdemeanor with penalties as defined in SDLC 22-6-2. This Ordinance shall not apply to vehicles of any municipal fire department or ambulance, whether or not responding to an emergency.

The Town Foreman shall have authority to post appropriate signs consistent with these provisions. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

02-2015 AMENDS ZONING DEFINITIONS

An Ordinance amending the "Zoning ordinance of the Town of Newell Section 5 Definitions of Terms

BE IT ORDAINED and enacted by the Board of Commissioners of the City of Newell, State of South Dakota as follows;

Section 5. Definitions of Terms as an addition between Bldg. permit & Camping Units

Camping Units - RV's, Motor Homes, Campers, Camper Trailers & Tents.

03-2015 OCCUPATION OF RESIDENTIAL CAMPING UNITS

An Ordinance for Occupation of Residential Camping Units on
Property Inside the Town of Newell

BE IT ORDAINED and enacted by the Board of Commissioners of the Town of Newell, State of South Dakota as follows:

Camping: No more than one RV, motor home, camper, camping trailers, or two (2) tents can temporarily camp on a residential/commercial property within the city limits of the Town of Newell for a period of time not to exceed fourteen (14) consecutive days for a total of two (2) times per year. Except as per sec 8c and 9c; as permitted on review.

Residential/Commercial Parcel: This shall mean a lot within the city limits of the Town of Newell, as shown by the records at the Butte County Office of Equalization, which lot is used or occupied as a single family home and used or occupied by the owner as a year-round residence or for a lot as shown by the records at the Butte County Office of Equalization used for commercial purposes.

Front setback shall be at least five (5') feet from the back of the sidewalk or the front lot line and shall be located so as to allow a ten (10') foot access lane to an entry door of the residence. This allows for no slide units on camping doors opening over sidewalks. No camping units shall be located within five (5') feet of any public right-of-way. Any easement dedicated for public use or any publicly owned property shall require prior authorization by the City Commissioners.

All waste water or gray water resulting from any temporary toilet or bathing facilities for camping shall be disposed of only at an approved dump station or similar facility open to the public, or by the use of a temporary-type facility, where allowed by City Commissioners. The Town of Newell has a dump station site at the Town of Newell Campground.

Penalty: As provided for in SDCL 9-19-3 and SDCL 22-6-6(2), any person found guilty of violating any of the provisions of this Ordinance shall be subject to a maximum fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for a period not to exceed thirty (30) days, or by both such fine and imprisonment. Each day of public camping in violation of this Ordinance shall constitute a separate violation.

04-2015 APPROPRIATIONS ORDINANCE FOR 2016

Members of the Town of Newell Commission recognize they are state officials of local government, elected to provide leadership to the citizens of their community. Members understand that they alone have no authority unless convened as a Commission at a legal meeting. They provide governance to the town and strive to improve the Town of Newell. In working to do so, the following standards of conduct will serve as a guide for Commission members.

1. Comply with both the letter and spirit of the laws and policies affecting operations of the city government;
2. Be independent, impartial and fair in their judgement and actions;
3. Use their public office for the public good and not for personal gain or revenge; and
4. Conduct public deliberations and processes openly (unless legally confidential), in an atmosphere of respect and civility.

In order to meet these goals, the Mayor and Commissioner will be expected to follow the Code of Ethics stated below:

1. An elected official shall not perform any labor or furnish equipment or supplies to the Town for compensation. The elected official shall not be interested directly in any contract with the Town which may have remunerative awards for the Town official.
2. No elected official may participate in discussing or voting on any issue in which the official has a conflict of interest. Each elected official shall decide if any potential conflict of interest requires such members to be disqualified from participating in discussion or voting. However, no elected official may participate in discussing or voting on an issue if the following circumstances apply.
 - a. The elected official has a direct pecuniary interest in the matter before the Town Commission; or
 - b. At least two thirds of the Town Commission votes that an elected official has an identifiable conflict of interest that should prohibit the member from discussing and voting on a specific matter.
 - c. If an elected official with a direct pecuniary interest participates in the discussion or votes on a matter before the Town Commission that official's vote will be invalidated.
3. Every Elected official shall maintain the confidentiality of all matters pertaining to open meeting laws, executive session laws and other related laws and regulations.
4. Recognizing that honest differences of opinion will occur, every elected official will work with other elected officials in a spirit of harmony and cooperation. Every elected official shall respect and abide by the decisions of the Commission and shall not undermine or diminish decisions reached by a majority of the Commission.

5. Every elected official shall confine his or her official efforts to those that apply to his or her office. Specifically, Commission members shall confine their actions in the form of policy making, ordinance enacting, authorizing action by Town officers and employees, and evaluation; and the Mayor is the executive elected official who is to confine his or her actions to those of conducting meetings, executing decisions and agreements of the Commission, and overseeing the general administration of the Town's affairs through cooperation with the assistance of the Town Finance Officer. Every elected official must recognize that it is not his or her responsibility to run the day to day affairs of the Town.
6. Each elected official must recognize and adhere to the tenet that authority rests only with the Town Commission assembled in a meeting, and not with any individual elected official. No elected official shall make a personal promise not take any action which may compromise the Commission or the Town. Individual members of the Town Commission, outside of regularly constituted meeting of the Town Commission shall have no authority to make decisions, to commit the Commission to action, to inquire into any issues beyond those of which any member of the public may properly inquire, or to supervise or direct the day-to-day Town activities.
7. Every elected official shall uphold and enforce all applicable laws, rules, regulations, and court orders affecting the Town, including ordinances and policies of the Town.
8. Every elected official shall refer all complaints through the proper "chain of command" within the Town to determine if an informal and/or administrative can be obtained. In the event that an informal and/or administrative solution is not obtained, then the issue may be brought before the Town Commission for resolution. No elected official should otherwise become involved in the resolution of any matter that may come before the entire Town Commission for official action.
9. Every elected official shall respect and treat professionally all officers and employees of the Town. No individual elected official shall pressure, threaten, or intimidate, directly or indirectly, and officer or employee, or any other elected official to do a certain thing or act in a certain way.
10. Elected officials shall follow normally accepted business practices when dealing with Town property. No elected official should accept cash or goods in payment for an obligation due to the Town.
11. Elected officials shall comply with this code of ethics. Failure to abide by this code of ethics is a breach of the public trust.

Sanctions

If an elected official is accused of violating the code of ethics, the Town Commission may investigate said allegations. If the investigations reveals a possible violation, the Commission may conduct a hearing in an executive session after giving notice to the elected official accused of violating this code of ethics. If, after such hearing, the Commission determines that a violation has occurred, the Town Commission determines that a violation has occurred, the Town Commission shall have the authority to impose one of the sanctions.

1. With the concurrence of a majority of the Town Commission, to privately reprimand, in executive session, the elected official who violated the code of ethics, in which case no official record of the matter will be kept.
2. With the concurrence of a majority of the Town Commission, to privately reprimand. In executive session, the elected official who violates the code of ethics, and to maintain an official written record of the matter.
3. With the concurrence of a majority of the Town Commission, to issue a public censure, in open session following the hearing, to the elected official who violated the code of ethics, which shall be made part of the minutes of the Town Commission.
4. With regard to a member of the Town Commission, pursuant to SDCL 9-8-5, with the concurrence of two thirds of the Town Commission, the Commission may expel the Commission member and declare a vacancy in that office. The Town Commission does not have the authority to expel the elected Mayor from office.

In any case, if the Town Commission determines it to be appropriate, in addition to and apart from any one of the foregoing sanctions, the Town Commission shall have the authority to disavow by official resolution the improper acts or statements by an individual elected official, said action to be taken in open session and placed in the minutes of the Town Commission.

The Town Commission recognizes that outside the scope of this ordinance, removal of an elected official may be done for a reason provided by law, and only through such process as the law defines, including particularly cases of misfeasance, malfeasance, or other applicable violations of South Dakota law.

01-2016 GENERAL INDUSTRIAL DISTRICT USE REGULATIONS

An Ordinance to Amend Section 10. General Industrial District (GI) Use Regulations C. Uses Permitted on Review # 8 of the Zoning Ordinance of the Town of Newell, South Dakota.

Be it ordained that after 7 Section 10 letter C Uses Permitted on Review in the Zoning Ordinance for the Town of Newell the following language will be set forth temporary grazing for weed and grass control.

Section 10. GENERAL INDUSTRIAL DISTRICT (GI) USE REGULATIONS

A. General Description

This district is intended to contain a wide range of heavy commercial and light industrial activities of a non-nuisance nature, which by reason of these land requirements are separated from the general commercial district, but may in some uses be compatible with such district.

B. Permitted Uses

1. Manufacturing, processing, fabrication, sales, service, repair, warehousing and wholesaling of goods, including farm products, of a non-nuisance nature without limitation of floor space:

2. Utility, facility and maintenance especially those connected with electricity, gas, fuel, oil, sewer, water, drainage, communications, telegraph, telephone, public transport, police, fire or postal services;
 3. Public utilities compatible with industrial zone;
 4. Service stations;
 5. Restaurants and eating places including drive-ins; and
 6. Incidental uses and building normally associated with the above.
- C. Uses Permitted on Review – Uses permitted upon review by the governing body on a conditional basis include:
1. Intensive agricultural products processing;
 2. Motor freight, mail and water transportation facilities;
 3. Planned industrial parks incorporating a range of industrial uses;
 4. Sanitary landfills;
 5. Similar uses upon a finding of compatibility by the governing body;
 6. Outdoor advertising and sign subject to size, type and placement restrictions especially when viewed from residential districts; and
 7. Incidental uses and buildings normally associated with the above
 8. Temporary grazing for weed and grass control.
- D. Lot Width and Area Requirements – There shall be no minimum width and area requirements except that main and accessory structures shall occupy no more than 75 percent of the lot area.
- E. Height Limitation – No structure shall be erected to exceed a height of 35 feet. Certain structures – silos, grain elevators or other structures used for the storage of raw products – shall be exempt from these height restrictions.
- F. Yard Requirements
1. Front yard- Minimum of 25 feet.

2. There shall be no side or rear yard requirements, except where this district abuts a residential district, a side and/or a rear yard of 25 feet shall be provided.

01-2017 DISCHARGING FIREWORKS

AN ORDINANCE TO AMEND THE DISCHARGING FIREWORKS LIMITED OF ORDINANCE 07-2006 FIREWORKS ORDINANCE. AN ORDINANCE REGULATING FIREWORKS BE IT ORDAINED and enacted by the Board of Commissioners of the City of Newell, State of South Dakota as follows:

that discharging fireworks limited be amended and the following will be in full force and effect.

DISCHARGING FIREWORKS LIMITED. No person or persons, associations, partnerships or corporations shall set off or give cause to set off any fireworks, sky rocket, roman candle, torpedo or any other kind of fireworks or pyrotechnic display within the City limits or within one (1) mile thereof except that such discharging will be allowed between the hours of 10:00 A.M. and 12:00 A.M. on July 1st, 2nd, 3rd, 4th and 5th of each year.