MUNICIPAL ORDINANCES

TOWN OF HARROLD, SOUTH DAKOTA

ORDINANCE # \_\_\_\_\_\_\_

Effective Date: \_\_\_\_\_\_\_\_

AN ORDINANCE IN REVISION OF THE MUNICIPAL ORDINANCES

OF THE TOWN OF HARROLD, SOUTH DAKOTA

ORDINANCE #\_\_\_\_\_\_\_\_\_\_

AN ORDINANCE IN REVISION OF THE MUNICIPAL ORDINANCES OF THE TOWN OF HARROLD, SOUTH DAKOTA

BE IT ORDAINED BY THE TOWN OF HARROLD, SOUTH DAKOTA:

Pursuant to SDCL 9-19-16 and 9-19-17, this Ordinance in Revision of the Municipal Ordinances of the Town of Harrold, revising regulations as set forth in the document title “Revised Municipal Ordinances”, is hereby read, approved, and adopted as follows:

First Reading \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Second Reading and Adoption: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Publication Date(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Effective Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Dean Becker, Town Board President Sarah Rheinbolt, Finance Officer

MUNICIPAL SEAL:

**NOTICE OF ADOPTION**

AN ORDINANCE IN REVISION OF THE MUNICIPAL ORDINANCES OF THE TOWN OF HARROLD, SOUTH DAKOTA

Notice is hereby given Ordinance # 2021-001, an Ordinance in Revision of the Municipal Ordinances of the Town of Harrold, was duly adopted by the Town Board on May 10, 2021, and shall become effective May 20, 2021, according to South Dakota law.

The Ordinance revises the Municipal Ordinances of the municipality heretofore adopted, and repeals all ordinances or parts of ordinances in conflict therewith. The ordinance does not repeal special ordinances, appropriation ordinances, levying ordinances for the issuance of bonds, and other special ordinances of like character. Such ordinances not included in the revision and still having force and effect may be found in the Finance Office.

A copy of the Revised Municipal Ordinance is available for public inspection by contacting Sarah Rheinbolt at 605-875-3218 or [harroldtown@venturecomm.net](mailto:harroldtown@venturecomm.net) or by visiting the town’s web site at www.harroldsd.com

Sarah Rheinbolt, Finance Officer

(Publication Date(s) May 20, 2021)

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**TITLE 1 – ADMINISTRATIVE CODE**

**Chapter 1.01 – Municipal Employees**

**Chapter 1.02 – Town Board of Trustees**

**Chapter 1.03 – Town Board Meetings/Rules**

**Chapter 1.04 – Fire Department – Police Department**

**Chapter 1.05 – Finance Regulations**

**CHAPTER 1.01 – MUNICIPAL EMPLOYEES/SUPERVISORS/LIAISON**

1.0101 Appointment of Officers. At the regular meeting of the Town Board each January, there shall be appointed a Finance Officer, Maintenance Superintendent and such other officers as may be provided by ordinance, to hold office until the appointment and qualifications of successors. All such appointments shall be made by the Town Board. The Town Board may by resolution enter into a contract pursuant to SDCL 9-14-23 with an attorney to provide legal services to the Town as the Town Attorney. (SDCL 9-14)

Supervision of Departments. The Town Board President shall act in a supervisory capacity over all departments/employees and shall report the conditions of the departments to the remaining board members.

Employees Not Provided by Ordinance. All full and part-time employee positions, including seasonal, to be hired by the municipality shall be approved in advance by a majority vote of the governing body. Supervisory capacity of said positions shall be determined at that time.

1.0102 Compensation. The annual salary of the Town Board President, trustees and appointed officers and employees shall be set by resolution of the Town Board at the regular meeting in January. (SDCL 9-14-28)

Rate of Pay and Overtime. The municipality, in reference to employees of the Town of Harrold shall comply with applicable state or federal wage and hour laws.

1.0103 Bonds. The Financial Officer shall be bonded in such sum to be approved by the Town in accordance with state law, conditioned for the faithful performance of the duties of such office. The bond costs shall be payable by the municipality. (SDCL 9-14-6.1)

**CHAPTER 1.02 – TOWN BOARD OF TRUSTEES/GOVERNING BODY**

1.0201 Class of Municipality. The Town of Harrold shall be considered a third class municipality with a population less than 500. (SDCL 9-2-1)

Change of Classification. The Town of Harrold may change its classification if the territory of the municipality has changed substantially since the last preceding census. The governing body by resolution may authorize and direct its finance officer to determine the population by filing in his or her office a certificate showing the whole number of persons who voted at the last preceding annual municipal election, which number multiplied by three shall constitute the population for the purpose of classification until the next federal census shall have been completed. (SDCL 9-2-2)

1.0202 Form of Government/Composition. The Town Board shall consist of three Trustees, elected at large. Each Trustee shall be elected for a term of three (3) years. (SDCL 9-2-3 and 9-7-3)

Trustee Qualifications. A Trustee must be a citizen of the United States, a qualified voter of Harrold and an individual residing within the municipal boundary limits of Harrold for a minimum of three months prior to his/her election or appointment. Neither can a person owe money to the municipality or be delinquent on any funds owed the municipality of Harrold. (SDCL 9-14-2)

1.0203 President of Board. On an annual basis, at the first regular meeting after the town’s annual election, the members of the Town Board shall elect one of their members as President (chief elected official) of the Board of Trustees to serve for one year. (SDCL 9-7-5).

Vice President. On an annual basis, at the first regular meeting after the town’s annual election, the members of the Town Board shall elect one of their members as Vice-President of the Board of Trustees to serve for one year

1.0204 Regular and Special Meetings. On the 2nd Monday of each month at 7:00 p.m., the Town Board shall meet at the designated meeting place, to consider, take under advisement, and act upon such business as may come before it. Special meetings may be called at any time by the Board President or in his absence, by the acting Board President, or the Finance Officer. (SDCL 9-7-6)

1.0205 Town Board President – Duties. The President shall preside at all meetings of the Town Board. The President shall perform such other duties as may be prescribed by laws and ordinances and ensure that such laws and ordinances are faithfully executed.

Town Board Vice-President –Duties. The Vice-President in the absence of the Town Board President shall be the presiding officer at the town board meetings during the absence of the Town Board President and in the temporary absence of the Town Board President shall perform the duties of the Town Board President as provided by state law or ordinances of the Town of Harrold including signing any necessary paperwork and financial documents.

1.0206 Compensation – Town Board. The Town Board members are to be allowed compensation as set by resolution of the Town Board. Compensation of the Town Board members as herein set forth shall be paid at such times as may be decided upon by the Board. (SDCL 9-14-28)

1.0207 Vacancies. If a vacancy occurs for a government body member/Trustee, the remaining members shall appoint a replacement to serve until the next annual municipal election, except as described below.

1. If any trustee who is incapacitated by illness or an accident which causes the members to be unable to attend meetings of a governing body or fulfill the duties of the office, the member may elect to temporarily resign from the governing body. Notice of such shall be in writing to the Municipal Finance Officer. If the member or officer is unable to give notice, the member’s/officer’s spouse or guardian or any person who has durable power of attorney for the member or officer may give notice of resignation. A temporary member may then be appointed by the remaining trustees who shall serve until the member or officer is able to fulfill the requirements of office or until the expiration of the member’s term, whichever comes first. (SDCL 3-4-9)
2. If any board member/trustee is also a member of the National Guard or reserved component of the armed forces of the United States and is called into active duty which causes the trustee to be unable to attend meetings of the governing body, the member may elect to temporarily resign from the governing body. Notice of temporary resignation shall be in writing to the Finance Officer. A temporary replacement shall then be appointed by the remaining trustees. The temporary member shall serve until the member returns from active duty or until the expiration of the member’s term, whichever occurs first. (SDCL 3-4-8)
3. Any appointee to fill an unexpired term must meet the qualifications as identified in 1.0202.

**CHAPTER 1.03 – TOWN BOARD MEETINGS/RULES**

1.0301 Meetings Unless otherwise determined and announced, regular monthly meetings of the Town Board shall be held at the designated meeting place on the second Monday of each month at 7 p.m. Should the meeting fall on a legally designated holiday, the meeting will be held the following day at 7 p.m. or on another day so designed at the previously month meeting of the town board.

1.0302 Special Meeting. Special meetings may be called at any time by the Town Board

President or Finance officer by oral or written notice to its members to consider such matters as mentioned in the call for the meeting. (SDCL 9-7-6)

1.0303 Notice of Regular and Special Meetings. The municipal Financial Officer shall issue written notice of with the proposed agenda at least 24 hours prior to any meeting by posting a copy of the notice, visible to the public, at the designated meeting place and post office. The municipal Financial Officer shall provide in advance of each special or rescheduled meeting via person, mail or by telephone the information in the notice to members of the local news media who have requested notice. (SDCL 1-25-1.1) For special and/or rescheduled meetings, the town shall try to meet the provision of this section.

1.0304 Quorum. A majority of the members of the Town Board shall constitute a quorum. No act of the board shall be effective unless agreed to by a majority of the members. (SDCL 9-7-7)

1.0305 Record of Meetings. The Town Board/Governing Body shall sit with open doors, unless otherwise allowed by SDCL and shall keep a written record of its proceedings.

1.0306 Votes. The yeas and nays shall be recorded by individual upon the passage of all ordinances and upon any proposal to create a liability or for the expenditure of money, and in all other cases at the request of any member. No municipal official(s) may participate in discussions or vote on any issue in which the official(s) have a conflict of interest and/or if the following circumstances apply: 1) the official has a direct monetary interest in the matter before the Town Board/Governing Body; or 2) at least two-thirds of the governing body vote that an official has an identifiable conflict of interest that should prohibit such official from voting on a matter. If an official with a direct monetary interest participates in discussions or votes on the matter, the legal sole remedy shall be to invalidate the official’s vote. (SDCL 6-1-17)

**CHAPTER 1.04 – FIRE DEPARTMENT – POLICE DEPARTMENT**

1.0401 Fire Department. The Harrold Rural Fire Department, Inc. shall be the designated Fire Department for the Town of Harrold.

1.0402 Police Department. The Town of Harrold does not operate its own police department; therefore, municipal ordinances may be enforced by the Town Board President and any other certified law officer of the state of South Dakota or federal government.

**CHAPTER 1.05 – FINANCE REGULATIONS**

1.0501 Revenues and Special Funds. All money belonging to the Town from taxation, licenses, fines, permits, the operation of utilities, or from any other source, shall be paid into the Town treasury, and the Town Board shall designate by ordinance to what fund or funds such money shall be applied. The Finance Officer shall keep full, true and just accounts of all financial affairs of such form and in such manner as from time to time is required by the South Dakota Department of Revenue (SDCL 9-14-18)

1.0502 Records Retention and Destruction. The Records Retention and Destruction Schedule Manual, authorized for South Dakota municipalities by the Office of Records Management, Bureau of Administration, State of South Dakota, shall be adopted by the Town Board, and a printed copy of such manual shall be filed with the Finance Officer.

1.0503 Annual Reports by Boards. Each of the boards appointed, if any, and acting for the Town shall make an annual report of its receipts, disbursements and activities to the Board as soon as practicable after the close of the fiscal year, such reports to be filed with the Finance Officer.

1.0504 Sale of Personal Property. Whenever the Town deems it necessary in the best interest of the Town that personal property belonging to the Town be sold, said property having been abandoned or about to be abandoned for public use, the property shall be sold to the highest bidder upon such terms as may be determined by the Town Board.

Notice of such sale shall be given publication once a week for two successive weeks in the official newspaper of the Town, which said notice shall contain a description of the personal property to be sold at the time and place where bids shall be received by the Board for said sale: and the Board may at such time sell said personal property to the highest bidder therefore, or may, in its discretion, reject the bids.

1.0505 Claims. All claims against the Town of Harrold shall be in writing and upon forms provided by the Finance Officer and in such form as required by statute of the State of South Dakota. Prior to passage or payment by the Board, claims shall bear the approval of the board.

1.0506 Supplies. The Finance Officer shall purchase supplies, shall have charge thereof, and shall make all sales therefrom; provided no purchase involving an expenditure of more than $500 shall be made without the consent of the Town Board, before being first obtained. The Maintenance Superintendent may purchase supplies up to $500 without previous approval of the Town Board. A bill with the price thereof shall immediately be filed with the Finance Officer, and shall bear the endorsement of such officer or agent showing in what respect, if any, the material or articles failed to correspond with the material or article ordered.

**TITLE 2 – BOUNDARIES, WARDS, AND PRECINCTS**

**Chapter 2.01 – Boundaries**

**Chapter 2.02 – Wards and Voting Precincts**

**CHAPTER 2.01 – BOUNDARIES**

2.0101 Boundaries. The corporate limits of the Town are declared to be such as have been legally established and amended by law and ordinances of the Town as shown on the official map on file in the office of the Finance Officer. Such map shall be incorporated in this ordinance by reference and adopted as the official map showing the boundaries and limits of the Town.

**CHAPTER 2.02 – WARDS AND VOTING PRECINCTS**

2.0201 Wards and Voting Precincts. The Town shall be comprised of one election precinct for the purpose of holding all municipal elections. The Harrold Town Hall/Community Center shall be the voting place, unless another voting place is so designated.

**TITLE 3 – HEALTH AND SANITATION**

**Chapter 3.01 - Nuisances**

**Chapter 3.02 – Collection of Garbage**

**CHAPTER 3.01 – NUISANCES**

3.0101 Definitions. For the purpose of this Chapter, the following terms are hereby defined.

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

B. “Solid Waste” – Any garbage, refuse, sludge from waste treatment plant, water supply treatment plant or air pollution control facility and other discarded materials, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial and agricultural operations, and from community activities… including, but not limited to wood and other construction materials, appliances, yard waste, tires, scrap iron, chemicals or fuel. (SDCL 34A-6-1.2)

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

D. “Abandoned property” – Any junk car, car bodies or equipment of any type, except in an authorized junk yard, or any accumulations of other unsightly trash or junk which would constitute a health hazard, a rodent harborage, a breeding area for insects or rodents, a dangerous place for children to play in and around or which tends to be unsightly and which does or tends to lower the value of adjacent real property because of its unsightliness.

E. “Abandoned vehicle” – Any vehicle that is left unattended or stored on any public property in the same or substantially same place within the Town for a longer period than 24 hours.

F. “Inoperable vehicle” – Any vehicle which is not in operation condition due to damage, removal or inoperability of one or more tires and wheels, the engine or other essential parts required for the operation of the vehicle, or which does not have lawfully affixed thereto unexpired license plates, or which constitutes an immediate health, safety, fire or traffic hazard.

G. “Nuisance” – Unlawfully doing an act, or omitting to perform a duty, which act or omission: (1) annoys, injures, or endangers the comfort, repose, health or safety of others; (2) in any way renders other persons insecure in life, or in the use of property; (3) renders the ground, the water, the air, or food a hazard or any injury to human health; and in addition (4) the specific acts, conditions and things listed in Section 3.0102 are hereby declared to constitute public nuisances, but such acts, conditions and things shall not be deemed to be exclusive (SDCL 21-10-1)

H. “Private property” – Any real property within the Town that is privately owned and which is not public property.

I. “Public property” – Any street, alley or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and also means any other publicly owned property or facility.

J. “Removal agency” – Any public body, private or nonprofit organization authorized, hired or appointed by the Town to remove and salvage vehicles.

K. “Unsightly trash or junk” – Property which is deteriorated, wrecked or derelict property in unusable condition, having no value other than nominal scrap or junk value, if any, and which is left outside of a permanent, enclosed structure and which shall include, without limitation, motors, lawn mowers, campers, refrigerators and other household appliances, furniture, household goods and furnishings, scrap metals or lumber or other similar articles in such condition.

L. “Vehicle” – Any conveyance, whether or not self-propelled, and which is designed to travel along the ground or in or on the water and shall include, but not limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks tractors, pull trailers, go-karts, golf cars, boats, jet skis, campers and trailers.

3.0102 Acts, Omissions and Conditions Prohibited. No person, whether an owner, occupant, tenant or other person in charge of any real property within the corporate limits of the Town shall create, commit, maintain, or permit to be created, committed, or maintained, any public nuisance, to include, without limitation, the following specific acts, conditions and things, each and all of which are hereby declared to constitute a nuisance: (SDCL 9-32-1)

A. Depositing, accumulating, or permitting to be accumulated upon any public or private property, any household wastewater, sewage, garbage, refuse, rubbish, offal, excrement, decaying fruit, vegetables, fish, meat, bones; any fowl, putrid, or obnoxious liquid substance; any chemical or hazardous material; or decaying and non-decaying animal or vegetable wastes or solid wastes, or any other waste material which constitutes or tends to create a danger to public health, safety, and welfare. (SDCL 9-32-10, SDCL 34A-7-9)

B. The accumulation of manure, garbage, or anything whatsoever which may be breeding areas for flies, mosquitoes, or rodents. (SDCL 9-32-10)

C. The growth of weeds or plants declared to be primary or secondary noxious weeds by the State Weed and Pest Control Commission, all weeds declared to be locally noxious by the Town Board, and all other weeds and grasses growing upon any real property in the Town to be a height greater than 8 inches, or which have gone or are about to go to seed, or the dense growth of brush or grasses which may constitute a health, safety or fire hazard, shall be deemed noxious, dangerous and unhealthful vegetation and are hereby declared to be a nuisance. Fallen tree limbs, diseased or dead trees, and dead tree limbs shall also be declared dangerous and a secondary noxious weed and is being grown as hay for livestock consumption, as a native prairie display garden, or as a wildflower display garden, or other nature areas, so long as the same are approved to be used as such by the Town Board, shall not constitute a nuisance. (SDCL 9-32-12)

D. For the owner of a dead animal to permit it to remain undisposed of longer than twenty-four (24) hours after its death. (SDCL 9-29-13)

E. Any excavation, trench, or open basement in which stagnant water is permitted to collect or which may jeopardize the life, limb, or safety of the general public. (SDCL 9-29-13)

F. Throwing or letting fall on or permitting to remain on any street, alley, or public ground any manure, garbage, rubbish, filth, fuel or wood while engaged in handling or removing any such substance. (SDCL 9-32-10)

G. Keeping or maintaining any building or enclosure where livestock or fowl are kept unless a special permit is requested and such is approved by the Town Board. (SDCL 9-29-13)

H. Disposing of garbage, waste, or refuse by open burning, or causing, allowing, or permitting the conducting of a salvage operation by open burning in the Town. The following types of open burning shall be permissible for a specific purpose when conducted in conformity with the subsections set forth below:

1. Fires set for the elimination of a fire hazard, which cannot be abated by any other means when authorized by the Fire Chief of the Town Volunteer Fire Department.

2. Fires purposely set by the town maintenance personnel for the purposes as authorized by the Fire Chief of the Town Volunteer Fire Department.

3. Fires purposely set by the Town Volunteer Fire Department personnel and authorized by the Fire Chief for the purpose of training and conducted in accordance with the live fire-training standards.

4. Campfires and other fires used solely for recreational purposes, for ceremonial occasions, and for outdoor preparation of foods.

I. Maintaining, or causing or permitting the same, any building or premises which is determined to be dangerous or dilapidated. Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous or dilapidated building, if such conditions or defects thereby annoy, injure or endanger the comfort, repose, health, or safety of others or, if such conditions or defects exist to the extent that the life, health, property, value of property or safety of the public or its occupants are jeopardized.

1. Whenever any building or structure is (i) vacant and unoccupied for the purpose for which it was erected and; (ii) the building is unfit for the occupancy as it fails to meet minimum housing standards and; (iii) the building has remained substantially in such condition for a period in excess of six months.

J. Maintaining or permitting to be maintained on any private or public property any abandoned property or unsightly trash or junk, abandoned vehicle, or inoperable vehicle or parts thereof. It shall be unlawful to keep or place any of such vehicles or vehicle parts;

1. Upon public streets or property except on an emergency basis.

2. Upon the private property of any person owning, in charge of, or in control of any real property within the Town, whether as an owner, tenant, occupant, lessee or otherwise, for longer than 14 days unless it is within a fully enclosed building or structure. A carport, tarpaulin, tent, or other similar temporary structure shall not be deemed to satisfy the requirements of this section.

In no event shall an inoperable vehicle that constitutes an imminent health, safety or fire hazard be kept or located on any real property.

K. The requirements of paragraph J shall not apply to the following:

1. One inoperable vehicle kept on private property without being shielded from public view if licensed and kept on a private driveway. If this inoperable vehicle is in a state of externally visible disrepair or disassembly, it shall not be kept on the private driveway longer than 14 days.

2. Filling stations, automobile repair shops or any other motor vehicle related businesses in compliance with the applicable Town ordinances may place inoperable vehicles being repaired or offered for sale on the premises.

3. Junkyards operated and maintained in compliance with applicable Town ordinances.

4. Any vehicle specifically designed and used for operation on drag strips or raceways that remains on private property.

5. Any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town or authorized by the Town.

3.0103 Diseased Vegetation. Any owner, occupant, or person in charge of any property under the jurisdiction of the Town shall remove at his own expense any trees, brush, wood, or debris infected with Dutch Elm disease or other infestations or infectious disease found thereon when so notified by the Town to do so. The Town Board shall cause to be mailed to such owner, occupant, or person, written notice that they may appear before the said Town Board at an appointed time not less than fourteen (14) days from the date of the mailing of said written notice to show cause why said trees, brush, wood, or debris should not be declared a nuisance.

At said meeting the Town Board may resolve and declare the same to be a public nuisance and may order its removal by said owner, occupant, or person within twenty-one (21) days from the date of service of said resolution and order on said owner, occupant, or person.

3.0104 Littering in Public Places. No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the Town except in authorized public or private receptacles. The following further identifies acts and conditions that constitute nuisances and are therefore prohibited.

A. No person shall sweep into or deposit in any gutters, streets, or other public place within the Town, the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property or places of business shall keep the sidewalk in front of such premises free of litter.

For purposes of this Chapter, a public nuisance shall also include snow and ice when deposited or allowed to accumulate in conflict with the provisions of this section.

B. No persons, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place or upon private property within the Town.

No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or public place.

C. No person shall throw or deposit litter on any occupied, open, or vacant private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being deposited upon any streets, sidewalk, or other public place or upon any private property.

3.0105 Removal of Abandoned or Inoperable Vehicles – Public Property. Whenever the Town or any law enforcement officer for the Town finds an abandoned or inoperable vehicle on public property within the Town, a written notice shall be placed on the vehicle that it will be removed to a garage or place of safety unless the owner removes the vehicle from public property within 24 hours of the giving of the notice. After the expiration of the 24-hour period, the vehicle may be removed by a removal agency to a garage or place of safety. Nothing in this section precludes the Town or any law enforcement officer for the Town from immediately removing a vehicle that constitutes an imminent health, safety or fire hazard.

3.0106 Disposal of Unclaimed Vehicles. The removal agency shall have the rights and obligations conferred upon it by SDCL 32-36 in regard to titling or disposition of such unclaimed, abandoned or inoperable vehicle, except that, if not otherwise provided by state law, it shall have a possessory lien upon any vehicle removed under provisions under this chapter for the costs or reasonable charges in taking custody of and storing such vehicles.

3.0107 Duty of Private Property Owners. No person owning, in charge of or in control of any real property within the Town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any abandoned or inoperable vehicle of any kind to remain on such property longer than 14 days.

3.0108 Notice Procedure. A written notice shall be placed on the abandoned or inoperable vehicle by the Town or by any law enforcement officer for the Town requesting the removal of such motor vehicle in the time specified in this Chapter. Written notice shall also be placed on the front door of any dwelling located on the private property requesting the removal of such motor vehicle in the time specified in this Chapter. In the event the owner and the occupant or tenant of the real property are not the same person, written notice shall be given to the owner by certified mail requesting the removal of such motor vehicle in the time specified in this Chapter. In the event the private property is not occupied, written notice shall be given to the owner by certified mail requesting the removal of such motor vehicle in the time specified in this Chapter.

3.0109 Responsibility for Removal. Upon notice having been given, the owner of the abandoned or inoperable vehicle and the owner or occupant of the private property on which the vehicle is located, either or all of them, shall be responsible for its removal.

3.0110 Content of Notice. The notice in section 3.0108 shall request removal of the abandoned or inoperable vehicle within 14 days after the date of the posting or mailing of such notice, and the notice shall advise that failure to comply with the notice to remove shall be a violation of this Chapter, that the Town may take steps to abate the same, and that in addition to abatement directly or by civil action, the Town may pursue criminal fines and penalties against the owner, occupant, tenant or other person in charge of the real property as provided in this Chapter.

3.0111 Public and Private Nuisance Defined. A public nuisance is one that 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)

3.0112 Remedies Against Nuisances. The Remedies against any nuisance shall be: (1) A civil action; (2) Abatement; and (3) In cases of public nuisance only, the additional remedy of indictment or information as prescribed by the Chapter or by the South Dakota Codified Laws, and the rules relating thereto. (SDCL 21-10-5)

3.0113 Abatement. A public nuisance may be abated without civil action by the Town Board or by any officer authorized thereto by law. Any private person may likewise abate a public nuisance which is especially injurious to him or her, or any private nuisance injurious to him or her in a manner by removing, or, if necessary, destroying that which constitutes the nuisance, without committing a breach of the peace or doing unnecessary injury. If a private nuisance results from a mere omission of the wrongdoer, and cannot be abated without entering upon his or her land, reasonable notice shall be given to him before entering to abate it. The Town may defray the cost of abating a public nuisance by taxing the cost thereof by special assessment against the real property on which the nuisance occurred. When the nuisance abated is an unsafe or dilapidated building, junk, trash, debris or similar nuisance arising from the condition of the property, the Town may commence a civil action against the owner of the real property for its costs of abatement in lieu of taxing the cost by special assessment (SDCL 21-10-6)

3.0114 Public Nuisance Penalty and Remedy. Any person who creates, commits, maintains or fails to abate a public nuisance as required under the provisions of this Chapter shall be subject to a maximum penalty of thirty (30) days in jail or a five hundred dollar ($500.00) fine, or both. A separate offence shall be deemed committed on each day during or on which a violation occurs or continues. In addition, the Town may also use the remedies of civil action and abatement as set forth in SDCL 21-10-5 through 21-10-9.

**CHAPTER 3.02 – COLLECTION OF GARBAGE**

3.0201 Definitions. The following definitions shall define the terms used in Chapter 3.02

A. Bulky Items. Large items such as white goods or furniture.

B. Commercial Solid Waste. Solid waste generated by stores, offices, restaurants, warehouses, printing shops, service stations, and other non-manufacturing, non-household sources

C. Garbage. Solid and semisolid putrefiable animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving, and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, from all public and private establishments and from all residences.

D. Household Waste. Solid waste derived from households, including single and multiple residences, but not waste from commercial activities that is generated, stored, or present in a household.

E. Rubble. Stone, brick, concrete, or similar inorganic material, excluding ash, waste tires, and asbestos-containing waste materials.

F. White Goods. Discarded refrigerators, ranges, washers, water heaters, and other similar domestic and commercial appliances.

3.0202 Removal of Garbage, Commercial Solid Waste and Household Waste. The owner, resident, operator or member of each individual household or residence, multi-family dwelling, business, association or corporation, within the Town of Harrold, South Dakota shall utilize the approved collection service designed by the Town of Harrold for the regular removal and disposal of all garbage, commercial solid waste and household waste. No owner, operator or member of an individual household or residence, multi-family dwelling, business, association or residence shall attempt to dispose of garbage, commercial solid waste, and household waste other than by collection of the town’s designated contractor(s) or a contractor approved by the town board or taken to a permitted South Dakota Landfill.

3.0203 Garbage Fee. The Town of Harrold does not collect a garbage fee, but each town’s designated contractor shall bill each household, residence, or business for the collection of garbage, commercial and household waste as defined in Section 3.0201. If a property is located within the municipal boundaries it must also be served by the town’s designated garbage provider(s) or may be taken to a South Dakota approved landfill at own expense and in a travel method that includes coverage of waste so that it does not disperse along road right of way along other individuals property.

3.0204 Removal of rubble, Bulky Items, and White Goods. Each person and/or business shall remove their own rubble, bulky items, and white goods, provided the rubble, bulky items, and white goods are disposed of in an appropriately permitted facility. At its discretion, the town board may periodically provide a construction dumpster.

3.0205 Bagging and Tying of Garbage. All garbage, commercial solid waste, and household waste shall be bagged, and household waste shall be bagged, tied and placed in a suitable container at the curbside or alley side adjacent to the residence or business in accordance with the wishes of and at the times directed by the Town of Harrold. Suitable containers are those receptacles equipped with a lid to prevent the contents of the containers from being blown out and scattered.

3.0206 Permitted Exempt Site. The Town of Harrold operates a permitted exempt site in accordance with South Dakota rules and regulations. Items that will be accepted at the site are only trees, trees limbs and leaves. Town residents may utilize the tree and leaves for composting, mulch, firewood, and other uses as permitted by the town board anytime.

**TITLE 4 – LICENSES**

**Chapter 4.01 – General Provisions**

**Chapter 4.02 – Peddlers**

**Chapter 4.03 – Alcoholic Beverages**

**Chapter 4.04 – Adult Businesses**

**CHAPTER 4.01 – GENERAL PROVISIONS**

4.0101 Licenses Required. No person shall engage in any activity for which a license is required, or for which a fee is prescribed, by this Chapter or other ordinance, without first having obtained such license. (SDCL 9-34-1)

4.0102 Application for License. Any person, persons, firm or corporation wishing to obtain a license as herein provided, shall make written application to the Town Board stating the name of the applicant, address, purpose of the activity, the length of time for which said license is wanted, and the particular place at which said license is to be used.

Fees for all licenses shall be fixed by the Town Board where not specified in this Chapter, and all license fees shall be paid in full at the time of application in such manner as approved by the Town Board.

4.0103 License Expiration. Any licenses granted under the provisions of this Chapter shall expire on the 31st day of December next following the granting thereof, except as otherwise provided, and shall not be granted for any sum less than the annual rate. There shall be no rebate made on the termination of said calling, vocation, or kind of business for which said license was issued.

4.0104 Revocation. The Town Board shall have the authority at any time to suspend or revoke any license granted under the provision of this Chapter whenever the Town Board shall be satisfied upon written complaint that such calling, vocation, or kind of business for which said license has been issued, has been made or conducted in an improper or illegal manner, and in case of such revocation, the Town Board may refund to the holder of such license such proportionate amount of money paid therefore as the Town Board shall deem just.

4.0105 Issuance of License. Except as otherwise provided, all licenses shall be issued by the Finance Officer after it has been approved by the Town Board and the applicant shall have complied with all requirements for issuance of such license. Unless otherwise provided, all licenses shall be signed by the Finance Officer and shall have affixed thereto the official seal of the Town.

4.0106 Record of Licenses. The Finance Officer shall keep a record of all licenses issued by the Town stating when and to who issued, for what purpose and for what length of time, the amount of money paid for said license, and the place where such activity is to be carried on. (SDCL 9-34-1)

**CHAPTER 4.02 – PEDDLERS**

4.0201 Definitions. For the purpose of this Chapter, the following terms are hereby defined.

A. “Peddler” – any person, whether a resident of this Town 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 of goods, products or services, other than agricultural products produced or processed in this state; and shall also mean and include any person transaction a temporary business within the Town. Peddler shall also mean hawker, transient merchants, ticket scalpers, and solicitors.

B. “Temporary business” – shall not include bona fide garage or rummage sales which are not conducted at the same location more than four times per year; the duration of each sale shall not exceed four days.

4.0202 Application for License. Any peddler wanting to do business in the Town shall complete and file an application with the Finance Officer containing the following:

1. Whether the applicant, upon a sale or order, receives payment or a deposit in advance of final delivery;

2. The period of time the applicant wishes to engage in business within the Town;

3. The local, and permanent address of the applicant;

4. The kind of goods, products, or services the applicant wishes to sell;

5. The last five cities or towns the applicant has worked in;

6. Proof of a valid, effective sales tax license; and

7. An application fee of $50.00 to be paid to the Town Finance Officer.

4.0203 Granted License. The application shall be submitted to the Town Board for review. If the Town Board grants the license, it shall be issued to the peddler and valid until December 31st of that year. If the Town Board does not grant the peddler a license, the Finance Officer shall refund the application fee to the applicant. The application may be renewed by filing a renewal application and the payment of a $35.00 fee with the Finance Officer on or before December 31st of the year in question.

4.0204 Exceptions. The provisions of this ordinance shall not apply to the following:

1. Solicitations, sales or distributions made by charitable, educational, or religious organizations.

2. Traveling salespersons doing business exclusively with retail merchants, manufacturers, jobbers or public officials.

3. Member of professions licensed by the state which have continuing education requirements.

4. Persons Selling or delivering personal property to regular customers on established routes.

4.0205 Unlawful conduct. The following conduct shall be deemed unlawful:

1. For any peddler to remain upon premises after having been told by the owner or possessor of the premises to leave.

2. For any peddler to make false or fraudulent statements concerning the quality or nature of his goods, products, or services.

3. To enter upon any premises posted with a sign stating “No Peddlers Allowed” or “No Soliciting”.

4. To engage in business of peddling between the hours of 8 p.m. and 9 a.m., or anytime on Sunday, except by specific appointment or invitation.

5. For any peddler to engage in business within the Town without first obtaining a license to do so.

6. For any peddler to fail to display his license upon the request of any person.

4.0206 Revocation. Any license issued under the provisions of this Chapter may be revoked for the violation by the licensee of any provision of this Chapter or state law. Upon such revocation, such license shall immediately be surrendered to the Town Board President, Hughes County Sheriff’s Department or the Town’s Finance Officer.

**CHAPTER 4.03 – ALCOHOLIC BEVERAGES**

4.0301 License Required. No person shall sell, offer for sale, keep for sale, exchange, distill, manufacture, produce, bottle, blend, or otherwise concoct, within the Town any alcoholic beverage as defined by statute, without having a license as is required by South Dakota Laws. (SDCL 9-29-7 and SDCL 35-2-2.1)

4.0302 Operating Agreement. The Town of Harrold retains the licenses to sell, both “on and off-sale” liquor and enters into operating agreements for the specific purpose of operating the on and off-sale establishments for the municipality. (SDCL 35-4-19).

4.0303 Application and License Fees. In any instances in which applications may qualify, applications for licenses for the sale of wine and malt beverages and temporary licenses in the Town shall be submitted as prescribed by South Dakota Laws. (SDCL 35-2)

4.0304 Location of Business. The Town Board shall not issue any licenses to any person(s), business or group where the location of such a business would not be considered desirable in accordance with South Dakota Laws and local regulations. (SDCL 35-2-6.1, SDCL 35-2-6.2)

4.0305 Hours of Business. No one/business operating with an on or off-sale liquor operating agreement, on or off-sale wine and malt beverage license including retailer and package dealers, restaurant license, or special events/temporary alcoholic license may sell, serve or allow to be consumed any alcoholic beverage between the hours of 2:00 a.m. and 7:00 a.m. On-sale/off sale malt beverage/beer and wine beverages may be served between the hours of 7:00 a.m. and midnight on Sunday and Memorial Day. (SDCL 34-4-81 and 35-4-81.2)

4.0306 Violations. Any person, firm, or licensee in violation of any of the provisions of this Chapter shall be deemed guilty of a misdemeanor. Failure to correct any violation when applicable, after notice, each day of failure to do so shall constitute an addition separate offence. Whenever any person acting as clerk, servant, agent, or employee of any other person or establishment violated any of the provisions of this Chapter that person shall also be deemed as guilty as a principal. Failure to comply with all existing requirements, including the provisions in this Chapter, shall provide cause for revocation of any license granted under the provisions of South Dakota Laws. (SDCL 35-2-10)

4.0307 Sanitation Facilities. Every on sale dealer shall maintain upon his licensed premises, toilets properly connected with the Town sewer system with separate facilities for men and women. In each such facility there shall be maintained running water and towels for use by the users of such facilities (or approved sanitary drying facilities). Every licensee shall have such facilities equipped and maintained so as to pass state and/or local health requirements at all times. (SDCL 34-18-22)

4.0308 Indecent Exposure or Simulation Thereof Prohibited.

A. It is unlawful for any person on any premises licensed or having a municipal operating agreement for the sale of alcoholic beverages, while in the presence of any other person, to:

1. Fail to conceal, with a fully opaque covering, the sexual parts of such person’s body, to include the genitals, pubic area and anus of any person, or the nipple and areola of the female breast.

2. Expose any device, costume or covering which gives the appearance of, or simulates, the genitals or pubic area of the male or female body, or the nipple or areola of the breast.

B. It is unlawful for any person/business holding an on-sale and/or off-sale liquor store operating license with the Town of Harrold to cause, allow or permit any person on the licensed premises to violate the provisions of subsection (A) of this section.

**CHAPTER 4.04 - ADULT BUSINESSES**

4.0401 Adult Uses. It is recognized that there are some businesses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated thereby having an adverse effect of adjacent areas. To ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods/area.

1. None of the following permitted uses may be established, operated or maintained within one-quarter mile of a residential district, a church, a school meeting all of the requirements of the compulsory education laws of the state of South Dakota, or a public park:
2. Adult Bookstore, adult theater, or adult photo studio.
3. Any use which has as a part of its operation adult entertain or amusement, including but not limited to, a restaurant or eating place, a bar, lounge or tavern.
4. Any use intended to provide adult amusement or entertainment.
5. Not more than two of the following permitted uses may be established, operated or maintained within one-quarter (1/4) mile of each other as measured from the closest point of the outside wall of the building, or tenant space.
6. Adult bookstore, adult theater, adult photo studio, liquor store, or bar.
7. Any use which has a part of its operation adult entertainment or amusement including, but not limited to, a restaurant or eating place, a bar, lounge or tavern.
8. Any use intended to provide adult amusement or entertainment.
9. The one-quarter (1/4) mile restriction provided for in 4.0401 B above may be waived and a permit issued upon proper application if the Town and County find:
10. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of these ordinances shall be observed.
11. That the proposed use not be at a place of business, or premises licenses for the sale of alcoholic beverages.
12. That all applicable SDCL, county and municipal ordinances be observed by said business.

**TITLE 5 – OFFENSES**

**Chapter 5.01 – Offenses Against Public Welfare**

**Chapter 5.02 – Animals**

**Chapter 5.03 – Firearms/Fireworks**

**Chapter 5.04 – Minors**

**Chapter 5.05 – Indecency/Public Nudity**

**Chapter 5.06 - Begging**

**CHAPTER 5.01 – OFFENSES AGAINST PUBLIC WELFARE**

5.0101 Disorderly Conduct. A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place:

A. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of life, limb or health.

B. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged.

C. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another, except in exhibitions duly authorized and licensed by law.

D. Interferes with another’s pursuit of a lawful occupation by acts of violence.

E. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way or place when ordered to do so by a law enforcement officer or other authorized official.

F. Is in a public place under the influence of an intoxicating liquor or drug in such a condition as to be unable to exercise care for his/her own safety or the safety of others.

G. Resists or obstructs the performance of duties by a law enforcement officer or other authorized official.

H. Incites, attempts to incite, or is involved in attempting to incite a riot.

I. Addresses abusive language or threats to any law enforcement officer, or any other authorized official of the Town who is engaged in the lawful performance of his duties, or any other person when such words have direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment shall not be permitted.

J. Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.

K. Makes or caused to be made any loud, boisterous, and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road or common, whereby the public peace is broken or disturbed or the traveling public is annoyed.

L. Fails to obey a lawful order to disperse by a law enforcement officer or other authorized official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened.

As used above, the following definitions shall apply:

A. Public Place. Any place to which the general public has access in the right resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the use of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or place of business and also public grounds, areas or parks.

B. Riot. A public disturbance involving (i) an act or acts of violence by one or more persons part of an assembly of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of another person or to the person or any other individual; or (ii) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

1. Inciting Riots. Shall mean, but is not limited to, urging or instigating other persons to riot, but shall be deemed to mean the mere oral or written advocacy of ideas or expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness, or the right to commit, any such act or acts. This Section shall not be construed to suppress the right of lawful assembly, picketing, public speaking, or lawful means of expressing public opinion. (SDCL 9-29-3 and 22-18-35)

5.0102 Open Containers. It shall be unlawful to consume any beer or alcoholic beverage or to possess any glass, can or other container containing beer or any alcoholic beverage on which the seal has been broken, in any public place, vacant building, automobile, street, alley, sidewalk or place of amusement or business establishment not authorized to sell beer or alcoholic beverages, unless approved by the Town Board. (SDCL 35-1-5.3, SDCL 35-1-9.1, SDCL 35-1-9.3)

5.0103 Injury or Removal of Public or Private Property. No person shall willfully, maliciously, wantonly, negligently, or otherwise injure, deface, destroy, or remove real property or improvements thereto or movable or personal property belonging to the Town or to any person in the Town. (SDCL 22-34-1)

5.0104 Tampering in General. No person in the Town shall tamper with, injure, deface, destroy or remove any sign, notice, marker, fire hydrant, topographical survey marker or monument, or any other personal property erected or placed by the Town.

(SDCL 22-34-1)

5.0105 Indecency. No person shall expose her breasts, his or her genitals, anus or pubic area under circumstances in which such person knows or reasonably should know that the conduct is likely to cause annoyance or alarm, nor shall any person urinate or defecate in any public place other than at facilities provided for that purpose.

5.0106 Excessive Noise, Including Radios, Television Sets, Musical Instruments, and Such Similar Devices Prohibited. Using, operating, or permitting the use of operation of any radio receiving set, television set, musical instrument, drum, or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle anywhere within the limits of the Town, is prohibited.

**CHAPTER 5.02 – ANIMALS**

5.0201 Definitions. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. At Large.

a. An animal when off or away from the premises and not under the control of the owner, possessor, keeper, agent, servant, or a member of his immediate family by a leash.

b. An animal when on the premises of the owner, possessor, keeper, agent, or servant if not attended by a competent person unless the animal is chained, restrained, enclosed, or confined in a manner preventing it from leaving the premises.

2. Leash. A cord, thong, or chain, not to exceed six (6) feet in length, by which an animal is controlled by the person accompanying it.

3. Owner. Any person harboring or keeping an animal and who is the head of the household of the residence or the owner or manager in charge of the establishment or premises at which an animal remains or returns to.

4. Person. Any individual, association, partnership, cooperative, corporation, government agency or other legal entity.

5. Dangerous or Vicious Dog. Any dog that bites or attempts to bite any person while such dog is at large, or any dog that attacks or attempts to attack any other dog or other animal while such dog is at large or chases any dog or person. All such dogs shall be conclusively presumed to be a dangerous or vicious dog.

5.0202 Types of Allowable Animals. No person shall keep, maintain, harbor, picket or have in custody or under their control or within any structure any animal for any length of time within the Town of Harrold, except as otherwise provided in this title. Neither shall any structures be constructed for the purpose of housing or maintaining any animals that are designated unlawful to be kept inside the municipal boundary limits of Harrold.

1. Allowable small animals/pets include those that can be bought from a commercial pet store in the State of South Dakota; except alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snakes or any snake not native to South Dakota, prairie dogs, poisonous insects, hybrids, member of the feline species other than domestic cat (felis domesticus), member of the canine species other than domestic dog (canis familiaris) or any other animal that would require a standard of care and control greater than that required for customary household pets; are allowable animals authorized by this ordinance and can be kept within the Town of Harrold municipal boundaries.
2. No large domesticated livestock or domesticated fowl of any kind including but not limited to, horses, cows, goats, swine (including pot belly pigs), sheep, ducks, geese, chicken, pigeons, turkeys, guineas, etc. are allowed to be kept within the town limits except during special events or with special permission of the Town Board. During special events no person shall stake any domestic animal in such a manner as to permit it to approach within 100 feet of any residential dwelling or building used for human habitation other than that of the owner of such animal.

5.0203 Running at Large Prohibited. It shall be unlawful for any person to have any animal which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by him or under his or their control to be at large and to go in or upon the private premises of others or upon any public property. The fine for an animal running at large is fifty ($50.00) dollars. It shall be one hundred ($100.00) dollars for each additional offence for same animal.

Allowing an animal to run at large as defined in the provisions of this section, shall also constitute a Class 2 misdemeanor. Notwithstanding any other provision, any animal not having a visible tag and running at large may be deemed a stray and destroyed immediately.

5.0204 Impoundment. The Town Board shall be authorized to enter into a contract with some person, association or Humane Society to establish, operate and maintain an animal shelter for the Town. Such contract shall provide for the enforcement of this chapter, for the impounding, destroying and disposal of animals, for a schedule of fees to be charged for services rendered, and for a monthly amount to be paid by the Town. The Town may, in lieu of the provisions of this section, maintain its own impoundment area or quarters, under the supervision of the Town Board. All services incurred by the Town will be reverted to the owner of said animal.

An owner reclaiming an impounded animal shall pay the actual cost of impoundment plus the following fee: First impoundment shall be $25.00; second impoundment within a twelve (12) month period shall be $50.00; any subsequent impoundment within a twelve (12) month period shall be $100.00. Upon impounding, the owner of such animal may at any time within five (5) working days after the same shall have been impounded, reclaim the animal by paying the expense of keeping such animal in addition to the fee prescribed by this section. If any animal so impounded shall not be reclaimed within five (5) working days and reasonable efforts to locate the owner have failed, the Town is authorized to destroy, sell, or otherwise dispose of such animal.

No person shall hinder, delay, or obstruct any law enforcement officer or other authorized official when engaged in capturing, securing or impounding any animal.

5.0205 Compulsory Vaccination of Animals for Rabies. Every dog, cat or other animal susceptible to rabies, held as a domestic pet in the Town, six months of age or older, shall be vaccinated against rabies by a licensed veterinarian. Vaccination against rabies shall be given at such intervals that 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 vaccinated against rabies within one month following acquisition or when the animal reaches the age of six months.

Any animal impounded shall not be released to any person until such animal has been vaccinated against rabies; provided, however, no animal so impounded shall be vaccinated if the owner can present a certificate of a current vaccination.

All veterinarians or other qualified persons designated to vaccinate animals against rabies shall provide the owner at the time of vaccination with a certificate or metallic tag showing the date of the vaccination. Whenever metallic tags are so given for vaccination, such metallic tags shall be worn by all animals on a collar, harness, or chain when off the premises of the owner.

5.0206 Responsibility of owner to Place Animal for Observation. When any person owning or harboring a dog, cat, or other animal has been notified that the animal has bitten or attacked any person, the owner shall within twenty-four (24) hours place the animal under the care and observation of the animal control officer or a licensed veterinarian for a period of not less than ten (10) days.

At the end of ten (10) days 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 or 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 a diagnosis.

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

Any person who shall suspect that any animal in the Town is infected with rabies, shall report the animal to the animal control officer, the Town, or other health authority, describing the animal and giving the name and address of the owner if known.

Whenever the animal control officer, a law enforcement officer or other authorized official shall have determined that there is danger of the existence or spread of rabies in the Town, such facts shall be made known to the Town Board in writing. The Town Board, 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 proclamation is issued, all animals found off the premises of the owner un-muzzled shall be seized and impounded or may be immediately destroyed if all reasonable efforts to seize said animal fail. All animals seized and impounded shall be held for observation as hereinbefore 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 hereinbefore provided.

5.0207 Vicious Animals.

A. An animal may be declared to be vicious by the animal control officer, a law enforcement officer or other authorized official, under the following guidelines:

1. An animal which, in a vicious or terrorizing manner approaches in an apparent attitude of attack, or bites, inflicts injury, assaults or otherwise attacks a person or other animal upon the streets, sidewalks, or any public grounds or places; or

2. An animal which, on private property, in a vicious or terrifying manner, approaches in an apparent attitude of attack, or bites, or inflicts injury, or otherwise attacks a mailman, meter reader, serviceman, journeyman, delivery man, an employed person of the Town of Harrold, law enforcement official, or any person or animal who is on private property by reason of permission of the owner or occupant of such property or who is on private property by reason of a course of dealing with the owner of such private property.

3. No animal may be declared vicious if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or who was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.

B. Any mammal, reptile or fowl which is not naturally found in a domestic setting, and because of its size or other characteristic would constitute danger to human life or property is automatically deemed vicious.

C. No person may own, possess, keep or maintain a dangerous or vicious dog as defined in this ordinance within the city limits of the Town of Harrold. The presence of such dangerous or vicious dog on public or private property is hereby declared a public nuisance which may be abated as such in accordance with this ordinance.

D. Notice to Remove. Whenever it comes to the attention of the Town of Harrold

Board of Trustees, or any officer of employee of the Town of Harrold that any nuisance as defined in this ordinance exists in the Town of Harrold, a notice in writing shall be served upon the person owning, possessing, keeping or maintaining such nuisance notifying them of the existence of the nuisance and demanding its removal in the time specified in the ordinance.

E. Responsibility for Removal. Upon proper notice the person owning, possessing,

keeping or maintaining the nuisance shall be responsible for its removal from the city limits of the Town of Harrold, In the event of the removal and disposition of the dog by the city, such person shall be liable for the expenses incurred.

F. Notice and Procedure. The Finance Officer of the Town of Harrold shall give the

notice of removal to the person owning, possessing, keeping or maintaining the nuisance at least fourteen (14) days before the time of compliance. It shall constitute sufficient notice when the notice is sent by registered mail to the person owning, possessing, keeping or maintaining the nuisance at their last-know address. The notice shall contain the demand for removal of the nuisance from the city limits of the Town of Harrold by the time specified in this ordinance, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall impound such dangerous or vicious dog in any animal shelter designated by the Town Board of Trustees and immediately destroyed in a humane manner by the Town Board of Trustees, their designee or any veterinarian.

G. Abatement of Public Nuisance upon Failure to Comply with Notice to Remove. If

the violation as described in this ordinance has not been remedied in the fourteen day period of compliance, the Town Board of Trustees or its designee shall have the right to enter upon private property and take possession of the dangerous or vicious dog and impound the same in any animal shelter designated by the Town Board of Trustees. Any dangerous or vicious dog thus impounded shall be immediately destroyed in a humane manner by the Town Board of Trustees, their designee or any veterinarian. It shall be unlawful for any person to interfere with, hinder or refuse to allow such person or persons to enter upon private property for the purpose of abating a nuisance under this section, and upon conviction thereof, shall be punished by a fine of not more than five hundred & No/100 ($500.00) dollars, or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

H. If the person accused of owning, keeping, or maintaining a dog described herein

wants to contest the allegation, that person shall request a hearing, in writing, and deliver said request in person or by registered mail to the City Finance Officer prior to the expiration of ten (10) days from the date of the notice. A hearing shall be held within five (5) days from the service of the request for hearing before the animal review board, which shall consist of at least three (3) Town Board Trustee members. A decision shall be issued by the Town Board of Trustees within five (5) days of the hearing, and findings shall be served in person or by registered mail upon the accused. In the event that the Town Board of Trustees determines beyond a reasonable doubt that the accused did own, possess, keep or maintain a dangerous or vicious dog as defined in this ordinance, the finding shall include an additional ten (10) day period for the accused to abate the nuisance, and if it isnot abated within the time prescribed, the abatement procedure under Section eight (8) shall occur.

I. . Persons Owning Dangerous or Vicious Dogs Prior to the Effective Date,

Requirement for Liability Insurance, Result of Failure to Comply. Any person who owns, possesses, keeps or maintains a dangerous or vicious dog as defined in this ordinance before the effective date hereof must furnish written proof of ability to respond in damages for liability arising out of owning, possessing, keeping or maintaining said dangerous or vicious dog in the amount of $100,000.00 because of bodily injuries to or death of any person. Such proof must be maintained continually during the time the dangerous or vicious dog is within the city limits of the Town of Harrold. Such proof shall be given to the finance office of the city within fourteen (14) days after the effective date of this ordinance, and the finance officer shall maintain a record of all damages for liability. It shall be the responsibility of the person owning, possessing, keeping or maintaining a dangerous or vicious dog to provide the finance office with written proof that the ability to respond to damages as provided in this Section is being continually maintained. If any person fails to give proof or maintain proof as required by this section, the dangerous or vicious dog owned, possessed, kept or maintained by such person shall be declared a public nuisance and such nuisance shall be abated as set out in Sections 3 through 8 of this ordinance.

This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

5.0208 Cruelty to Animals. No person shall maltreat or abuse or neglect any animal or fowl. Any animal control officer, law enforcement officer or authorized official finding an animal or fowl mistreated as described in this section shall have the power to lawfully enter the premises where the animal is kept and demand to examine such animal and to take possession of such animal, when in his opinion, the animal requires humane treatment.

5.0209 Poisoning Animals. It shall be unlawful for any person to willfully or maliciously administer or cause to be administered, poison of any sort whatsoever to any animal, the property of another, with the intent to injure or destroy such animal, or to willfully or maliciously place any poison or poisoned food where such is accessible to any such animal. (SDCL 9-29-11)

5.0210 Stray, Abandoned, or Unkept Animals. No person shall harbor or keep any stray animals or abandon any animal within the Town. Animals known to be strays shall be immediately reported to the animal control officer, a law enforcement officer or authorized official. (SDCL 9-29-12)

5.0211 Number of Pets Limited. It shall be unlawful for any person to have or to keep more than six domestic pets over the age of six months, except birds and fish, on any lot or premises in the Town, unless such person residing on or in the lot or premises has a valid kennel license issued by the Town. Refer to 5.0201.

**CHAPTER 5.03 – FIREARMS AND FIREWORKS**

5.0301 Discharging Weapon. No person shall discharge any pistol, gun, revolver, or other firearm, or any bow and arrow, or any device capable of firing a projectile either by air or compressed gas or any other means which would likely cause injury to any person, or discharge any dangerous weapon, within the Town limits. Law Enforcement officers in the performance of their duties are exempted. The Town Board may grant exceptions for special events or activities.

5.0302 Sale and Use Prohibited. It shall be unlawful to keep for sale, display or use any fireworks within the municipal limits of Harrold for retail purposes, except as hereinafter permitted and licensed by the SD Department of Public Safety. Wholesale dealers may operate within the municipality provided a license has been granted by the SD Department of Public Safety and shall operate the business in accordance with state law. Wholesale dealers must also meet any special conditions of the Town Board including location for safety reasons. The term fireworks under this chapter shall refer to fireworks that are authorized by state law to be used by or sold to the general public.

5.0303 Authorized Period of Retail Sale.

The fireworks as set out in this section shall be sold only from June 27th of each year up to and including the 5th day of July of each year, and from December 28 through January 1 of each year, except that smoke balls and snakes sold toy cap pistols and toy caps may be sold at any time.

5.0304 Retail Use and Sale

1. The use and sale of the following described fireworks and firecrackers will be permitted as hereinafter set forth: sparklers, Vesuvius fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells, without explosive charge for the purpose of making a noise, roman candles, rockets, star mines, color wheels, Chinese-made soft shell firecrackers not exceeding one and five-eighths inches in length and one-fourth inch outside diameter, toy cap pistols and toy caps where the caps used therein do not contain more than thirty-five hundreds grain of explosive material in each one.
2. It shall be unlawful for any person to use any fireworks described in this chapter, within the city of Harrold except from June 27th through the first Sunday after July 4th of each year. And from December 28 through January 1st of each year. No fireworks may be discharged later than 10 p.m., except for July 4th and December 31.

5.0305 Special Exceptions. Application for a special exception to this section for a fireworks display at any other time may be made to the City Council and the council may grant the application setting forth any conditions and restrictions, as they may deem appropriate.

**CHAPTER 5.04 – MINORS** [SDCL Title 26]

5.0401 Curfew Hours and Exceptions. It shall be unlawful for any person under the age of eighteen (18) to be on the streets, alleys, or public grounds of the Town between the hours of 10:00 p.m. and 6:00 a.m. [Sunday – Thursday] and between the hours of 1:00 a.m. and 6:00 a.m. [Friday – Saturday], unless accompanied by the individual’s parents or legal guardian, or unless such person shall be upon some necessary errand by written permission of a parent, guardian, or employer, in which event, the person so permitted to be outdoors shall have with him or her such written permission and shall upon request of any law enforcement officer of the Town exhibit the same to said law enforcement officer. An exception to the curfew will be made in the case of activities officially sponsored by schools, churches, or the Town; the curfew will extend one-half (½) hour beyond the time the activity ends in such cases. (SDCL 9-29-13)

5.0402 Responsibility of Officers. It shall be the duty of any law enforcement officer of the Town to arrest and detain any person who violates any of the provisions of this chapter and to keep such person detained until his or her parents, guardian, or person in control will appear before the police or other authorized personnel to answer to the charge of having violated this Chapter.

5.0403 Responsibility of Parents or Guardians. It shall be unlawful for the parents, guardian or other adult person having the care and custody of a minor under the age of eighteen (18) years to knowingly permit such a minor to be or remain in or upon the public streets, alleys, parks, playgrounds, public grounds, public places, public buildings, public places of amusement and entertainment, vacant lots or other unsupervised public places within the Town between the hours of 12:00 a.m. and 6:00 a.m. of the following day, except if the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor or when the minor is upon an emergency errand or legitimate business directed or authorized by his or her parent, guardian or other adult person having the care and custody of the minor.

**CHAPTER 5.05 –INDECENCY/PUBLIC NUDITY**

5.0501 Prohibited Generally. It is a violation of this Chapter for any person to knowingly or intentionally, in a public place:

1. Engage in sexual intercourse; or

2. Engage in deviant sexual conduct; or

3. Appear in a state of nudity; or

4. Fondle the genitals of himself, herself or another person

5.0502 Definitions. As used in this Chapter, the following definitions shall apply:

1. Nudity or State of Nudity. The showing of the bare human male or female genitals, anus or pubic area with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of the areola; or the showing of the male genitals in a discernibly turgid state.

2. Public Place. Any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public, public places include, but are not limited to streets, sidewalks, parks, beaches, businesses and commercial establishments (whether for profit or not-for-profit) and whether open to the public at large or where entrance is limited by a cover charge or membership requirement, bottle clubs, hotels, motels, restaurants, night clubs, country clubs, cabarets and meeting facilities utilized by any religious, social, fraternal, or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place. Public place shall not include movie theaters, enclosed single sex public restrooms, enclosed single sex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor’s offices, portions of hospital and similar places in which nudity or exposure is necessarily protected therein; nor shall it include a person appearing in a state of nudity in a modeling class operated by: (1) a proprietary school licensed by the State of South Dakota; a college, junior college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation, or an accredited private college.

5.0503 Operations. It shall be unlawful for any person or entity maintaining, owning or operating any public place to operate and knowingly, or with reason to know, permit or allow any person to appear nude in such public place or to permit unlawful touching as prohibited by Section 5.504 thereof.

5.0504 Physical Contact. It shall be unlawful for any male or female dancer, stripper or performer to engage in physical contact with patrons or customers while dancing or performing, to include but limited to, placing of money in the dancers’ or strippers’ wearing apparel. All such dancers or performers shall be confined to a stage or designated area separate and apart from the seating area for patrons and customers.

5.0505 Refuse Admittance. It shall be a violation of this Chapter for any person or entity to refuse admittance without fee to any on duty law enforcement officer at any time when patrons or customers remain in said premises.

5.0506 Underage Admittance. No person under twenty-one (21) years of age shall be permitted access to any public place defined herein which shall permit nude dancing, which otherwise complies with the provisions hereof.

5.0507 Urinating. No person shall urinate or defecate in any public place other than in facilities provided for that purpose.

5.0508 Conduct. The contents of the Chapter shall constitute contemporary community standards as they pertain to public nudity and obscene live conduct.

5.0509 Penalty. A violation of this Chapter shall be punishable by a fine of up to Five Hundred dollars ($500.00) or thirty days in jail, or both for each offence.

5.0510 Violations. Operation of an establishment in violation of this Chapter shall constitute a public nuisance and in addition to all other remedies provided herein, the Town Attorney may, by civil process, seek permanent abatement of said nuisance.

**CHAPTER 5.06 –BEGGING**

5.0601 Begging.No person shall beg upon any public street or in any public place. For the purposes of this section “begging” means solicit money or other valuable consideration without giving valuable consideration in return. Solicitation consists of communication by words, signs or other conduct of a desire to receive charity. Begging shall not include solicitations by a bona fide veterans’, religious, charitable, educational or fraternal organization, local civic or service club, political party or volunteer fire department or political committee; provided, however, that the proceeds there from do not accrue to the benefit of any individuals, and the person making the solicitation identifies, prior to the solicitation, the organization for which he/she is soliciting. It is unlawful for any person to falsely identify himself/herself as soliciting on behalf of any bona fide organization. (SDCL9-29-10).

5.0602 False Identification. It Is unlawful for any person to falsely identify himself/herself as

soliciting on behalf of any bonafide organization as designated in Section 5.0601.

**TITLE 6-BUILDING AND SIGNS**

**Chapter 6.01 – Building and Building Regulations**

**Chapter 6.02 – Signs**

**Chapter 6.03 – Building Permits**

**Chapter 6.04 – Moving of Buildings**

## CHAPTER 6.01 – BUILDING AND BUILDING REGULATIONS

6.0101 Prohibited Construction. The construction of grain bins and other structures designed and used for the storage of bulk fertilizer, bulk feed, bulk seed, or bulk grain is hereby prohibited in any zone other than Agricultural Bulk Storage (ABS) zones within the Town limits of Harrold.

## CHAPTER 6.02 – SIGNS

6.0201 Regulation of Off-Premises Advertising Signs. Any off-premises outdoor advertising sign situated within the Town of Harrold, erected along any city right-of-way, or portion of any state, or county system located in this city shall be subject to the regulations and standards set out in this article.

Off-premises outdoor advertising signs shall be permitted within commercial (C), residential (R) and agricultural bulk storage (ABS) zoning districts. The planning and zoning commission may grant a conditional use permit for off-premises outdoor advertising signs in park and recreational (PR) zoning districts. Off-premises signs for these type uses shall not exceed thirty-two (32) square feet in size.

6.0202 Prohibited Signs and Sign Locations. Roof, "piggy back," i.e., stack signs, side-by-side, multiple-panel signs, and back-to-back signs are hereby prohibited. No off-premises sign shall contain more than two (2) faces per structure.

No off-premises advertising structure shall be located or situated in such a manner as to obscure or otherwise physically interfere with the effectiveness of any official traffic sign, signal or device, or obstruct or physically interfere with the driver's view of approaching or merging traffic.

No off-premises sign shall be erected, placed, or maintained within the triangular area formed by the intersecting roadway pavement lines and a straight line joining said roadway and pavement lines at points which are forty (40) feet from the point of intersection, measured along said roadway/pavement lines.

6.0203 Location and Size Standards of Off-Premises Signs along State and U.S. Highways. An off-premises sign must be located within one hundred fifty (150) feet of the highway right-of-way. An off-premises sign must be set back at least five (5) feet from the highway right-of-way. An off-premises sign including the face shall be set back a minimum of ten (10) feet from any structure or building.

An off-premises sign is not allowed within or nearer than one hundred (100) feet of a residential zoned district abutting the same highway to which the sign is oriented.

In adjoining or intersecting roadways, the minimum distance between any off-premises sign shall be no less than three hundred (300) feet in any direction from any other off-premises sign.

The maximum area of any off-premises sign face shall be eight hundred (800) square feet, with a maximum height of the face of twenty (20) feet and a maximum length of forty-eight (48) feet, including temporary embellishments in size, height and length, inclusive of any border and trim and excluding the base supports or other members, but not to exceed one (1) display panel per sign face.

The lowest point of any off-premises sign shall extend not less than five (5) feet and the highest point shall extend not more than sixty (60) feet measured from either the ground level at its support or the nearest edge of the main traveled way, whichever is higher in elevation.

No two (2) off-premises outdoor advertising structures shall be spaced less than seven hundred fifty (750) feet apart where the sign face exceeds two hundred fifty (250) square feet. When the sign face is two hundred fifty (250) square feet or less, the structures shall be spaced no less than five hundred (500) feet apart.

6.0204 Location and Size Standards of Off-Premises Signs along County Highways other than U.S. Highways. An off-premises sign must be located within one hundred (100) feet of the highway right-of-way. An off-premises sign must be back at least five (5) feet from the highway right-of-way. An off-premises sign including the face shall be set back a minimum of ten (10) feet from any structure or building.

An off-premises sign is not allowed within or nearer than one hundred (100) feet of a residentially zoned district abutting the same highway to which the sign is oriented.

In adjoining or intersecting roadways, the minimum distance between any off-premises sign shall be no less than three hundred (300) feet in any direction from any other off-premises sign.

The maximum area of any off-premises sign shall be three hundred (300) square feet, with a maximum height of the face of twelve (12) feet and a maximum face length of twenty-five (25) feet.

The lowest point of any off-premises sign shall extend not less than five (5) feet and the highest point of any off-premises sign shall extend not more than forty-five (45) feet measured from either the ground level at its support or the nearest edge of main traveled way of the highway, whichever is higher in elevation.

No two (2) off-premises outdoor advertising structures shall be placed less than five hundred (500) feet apart.

6.0205 Lighting and Standards. Off-premises signs may be illuminated, subject to the following restrictions: No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. Flashing devices shall not be permitted upon a sign.

External lighting, such as flood lights, thin line and goose neck reflectors are permitted provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main travel way of the highway system.

The illumination of any off-premises sign within one hundred (100) feet of a residential zone lot line shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts.

V-type off-premises signs shall be permitted provided said sign is located on one (1) structure with no more than two (2) supports at an angle which shall not exceed forty-five (45) degrees, and each sign face shall conform to the maximum size limitations as per the roadway classification.

6.0206 Regulation of On-Premises Signs. These regulations are meant to ensure that signage in the Town of Harrold does not constitute a visual blight on the landscape and character of the town and poses no hazard to vehicular or pedestrian traffic. No person shall develop, install, locate, or construct any sign in the Town of Harrold except as expressly authorized in this section and in conformance with all other ordinances of the town. Any owner, authorized agent, or contractor who desires to construct, install, enlarge, or erect an on-premises sign structure must first make application with the planning and zoning commission and obtain the required permit(s) for the work. Site drawing shall be submitted with the application for permit and shall show the location of all buildings, existing signs, and boundary lines. Measurements shall be included along with the distance from property lines from improved streets. The site plan shall also include the proposed location of the new structure.

6.0207 Location and Size Standards of On-Premises Signs. No portion of any sign shall be located within any 25 (twenty five) foot sight triangle required in, of this chapter, nor shall any sign otherwise be located or installed in such manner as to create a traffic hazard. No portion of any sign or sign structure shall be located within a distance of five (5) feet from the right-of-way line or within twenty (20) feet of the edge of pavement or roadway surface of any public street or highway and provided further that no portion of any sign shall project or extend into or over any public right-of-way.

No portion of any sign or structure shall exceed the following maximum heights:

a) Freestanding signs or sign structures shall not exceed a height of forty (40) feet

b) Signs mounted on or integrated into the facade of a building shall not extend above the top of such facade, nor shall above-the-roof or on-the-roof signs be permitted

Not more than one (1) freestanding sign or sign structure shall be located on any parcel (lot) of land, except those parcels(lot) having more than one (1) frontage on streets shall be permitted one (1) freestanding sign or sign structure for each frontage.

The following applies to any on-premises sign in any zoning classification. A variance may be granted for the amount of signage face not to exceed 20 square feet of the maximum allowed. The amount of signage face applies to both free standing signs and sign structures. The total amount of signage face area visible from any single point of view shall not exceed the average of the following with a minimum of fifty (50) square feet of signage, whichever is greater. Variances can be granted according to the following criteria

a) One (1) square foot per two hundred (200) square feet of land area;

b) One (1) square foot per fifty (50) square feet of gross floor area;

c) One (1) square foot per two (2) linear feet of street frontage

6.0208 Erection and Maintenance of Signs. The following signs shall not be allowed to remain or to be erected:

1. Signs which are obsolete, including outdoor advertising that has been blank for twelve (12) months, out-of-date political advertising and advertising of defunct businesses, and signs or structures which have been erected without a development permit having been issued

2. Signs which are illegal under state laws or regulations

3. Signs which are not clean and in good condition

4. Signs which are not securely fixed on a substantial structure

5. Signs which attempt or appear to attempt to regulate, warn or direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device

6. Signs which are not consistent with the standards in this section

7. Signs located on public property, unless placed thereon under lease arrangements or otherwise permitted by legal authority.

8. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features

9. Signs which are nonconforming and damaged or destroyed to an extent of more than sixty (60) percent of fair market value

10. Signs which prevent free ingress or egress from any door, window, or fire escape; or which are attached to a standpipe, fire escape

6.0209 General Prohibition of Signs in Right of Way. The erection, installation, maintaining, or otherwise placing or permitting to remain within the right-of-way, including the ditches and the banks thereof on the outer or far side thereof, of any advertising sign, poster or other object which has instructions or directions, or the attracting of attention, is prohibited, except insofar as specifically excepted according to the provisions made in this article.

The prohibition above shall not apply to the following:

1. Signs placed by the city or by order of the county to direct, warn, caution or inform the traveling public for the convenience and safety thereof;

2. Signs placed by the state department of transportation or other state agency for the purpose of informing or warning the public of a regulation made pursuant to law by such agency in keeping with its purposes, the safety, convenience or welfare of the public;

3. Signs placed by railroad companies at or near railroad crossings, where required or permitted by law.

If the council, by resolution or ordinance, grants a special permit, either temporary or permanent, for the placement of any sign in the right-of-way of any road, such resolution or ordinance shall not be deemed a repeal of this article, but shall be deemed an exception to its provisions.

Any such temporary permit shall be in writing and signed by the issuing officer, and it shall provide that after the outing or other gathering is held, all such signs shall be removed by the person to whom the temporary permit is issued; a sum estimated as sufficient to defray the expense of removing the signs if such permittee fails to do so, the security to be returned when satisfactory evidence of the removal of such signs by permittee has been presented to the issuing official.

6.0210 Procedures for the Removal of Structures, Signs, Obstacles, Objects, Deposits or Things within the Right-Of-Way. The following procedures will be followed for the removal of existing and future signs both on and off premises.

A. *Apparent Value*. When structures, signs, obstacles, etc., are of a permanent nature with significant value, the owner will be notified by certified mail to remove it within five (5) days or such other period as may be agreed upon. When items do not have significant value but do retain some apparent value, the owner shall be notified orally or in writing to remove it within five (5) days or such other period as may be agreed upon. All signs of significant or apparent value will be marked with an approved sticker as "ILLEGAL" at the time of owner notification. If the owner is unknown or cannot be found, a written notice "OBJECT ENCROACHMENT" sticker shall be affixed to the object setting forth that it must be removed within five (5) days from the date specified. Failure to remove within the specified period of time serves as forfeiture of all rights thereto, and the council may remove the object for its own use, dispose of it at a private or public sale, destroy it, or dispose of it in any way deemed necessary. The owner and any other person responsible therefore remain liable for any damages to the public property or expenditure of public funds resulting from the installation or removal of such items.

B. *No apparent value*. Structures, signs, obstacles, etc., that have no apparent value will be summarily removed and destroyed or disposed of in the most cost effective manner available. Items in this category are wooden stake signs, small cardboard signs, light paper signs, and signs nailed to utility poles, trees, etc.

C. *Political, real estate, or similar type signs*. Political, real estate, or similar type signs shall not be located within the public right-of-way. Large signs (e.g. plywood with 2 by 4 supports, or signs that exceed four (4) square feet in surface area) will be tagged "ILLEGAL" and removed after five (5) days. The ultimate disposition of political, real estate, or similar type signs will be as provided for in paragraph (b) above.

D. *Potential traffic hazard of obstacle to maintenance*. Any structure, sign, headwall, obstacle, object, deposit, or thing which is potentially hazardous or interferes with road or structure maintenance because of its location or type of construction will be removed as provided for in either paragraph (a) or (b) above.

For each violation of this article, the offender shall, on conviction, be punished as provided in this Code.

6.0211 Permits and Inspections. No off-premises or on-premises outdoor advertising structure shall be erected, nor shall construction commence thereon, without first obtaining a development permit from the city. The application therefore shall be on a form prepared by said office which shall be uniform and consistent with the provision hereof. An inspection fee for on- and off-premises outdoor advertising sign required hereunder shall be ten dollars ($10.00), which amount must be attached to the application for development permit, in addition to development permit fees. An inspection shall be completed within twenty-four (24) working hours for an on-premise sign and five (5) working days for an off-premise sign based on a completed application. Said inspections shall be completed by a designated city employee.

6.0212 Enforcement. The commission or designee, is hereby authorized, empowered and directed to enforce all provisions. Any sign in violation shall be removed within five (5) calendar days of receipt of a written notification by certified mail, return receipt requested, to be sent by the division of planning and development. If the person owning or responsible for the placement of the sign fails to remove such sign within five (5) calendar days, the commission may remove the sign at the expense of the owner or responsible party. Any person feeling aggrieved by the receipt of said notice to remove may, within ten (10) calendar days of the receipt of the notice, file an application for appeal directly to the commission. Any person violating any of these provisions shall be guilty of a misdemeanor, and upon conviction, shall be punished to the extent the law allows.

6.0213 Registration. All on- and off-premises outdoor advertising structures located within the city shall be registered with the commission within ninety (90) days of the adoption of these provisions. The purpose of this registration is to identify those structures which do not conform to these provisions. The registration application shall be on a form prepared by the commission. If the owner fails to register the structure, the commission may recommend removal of the structure.

### CHAPTER 6.03 – BUILDING PERMITS

6.0301 The General Rule. No owner or contractor or builder shall attempt to proceed with any work or improvement of any kind for which a permit is herein required without first having obtained a permit therefore. Building permits must be acquired fourteen (14) days before work is set to begin.( SDCL 9-33-6)

6.0302 Enforcement. The Town Board shall enforce the provisions of this title. Permits for construction or use which are a special exception or variance to requirements of this title or Town zoning requirements shall be issued only upon order by the Town Board.

6.0303 Building Permits Required. There shall be no building or structure erected, added to, or structurally altered unless there has been a permit issued by the Town Board. Except a written request from the Board, no such building permit or certificate of occupancy shall be issued for any building where said construction, addition or alteration or use thereof will not conform to the regulation of this ordinance. The application provided for in this section shall give an approximate date as to when construction will start and when it will be completed. Such completion date may be extended by the Town Board, upon a proper showing that such extension is asked for in good faith by the applicant, and not for the purpose of causing an unnecessary delay in the construction of the building.

Lots must be surveyed in order to become eligible to apply for a building permit. With all applications for building permits there shall be submitted one copy of layout or plat, plat drawn to scale showing actual dimension of the lot to be built upon the exact size and location on the lot of the building and accessory buildings to be erected and any other information necessary to determine and prove for the enforcement of this zoning ordinance. A careful record of these applications and plat and plan shall be kept in the office of City Finance Officer.

A building permit shall not be required for the following:

1. One story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet and the entire structure can be moved and is not permanently fastened to a concrete slab or the ground.

2. Fences not over four feet high.

3. Moveable cases, counters, cabinets, and partitions not over five feet, nine inches high.

4. Retaining walls which are not over four feet in height.

5. Painting, papering, floor covering, and similar finish work.

6. Repair without changing existing footprint.

7. Permits for other minor work may be exempted by the Town Board.

6.0304 Off Street Parking Facilities for Residence Buildings. At least one off-street parking space sufficient to accommodate a passenger automobile shall be provided for each dwelling unit in a residence building constructed after the date of the adoption of this Code.

6.0305 Sewer Hookup Fee. New buildings must have their sewer lines connected to the Town’s city sewer. The cost to connect a building’s sewer line to the Town’s city sewer shall be covered by the owner. The fee for a sewer hookup required by this article shall be five hundred dollars ($500), which shall be paid prior to the hookup. The Town shall maintain the portion of the line on city property after the line is installed, while the owner shall maintain the portion of the line located within the property.

6.0306 Fee. The fee for a permit required by this article shall be twenty-five dollars ($25.00), which fee shall be paid at the time the application for the permit is filed. Permit will be in force for 1 year from date of issue. If project needs an extension, another permit and fee will be required. (SDCL 9-33-6)

6.0307 Cancellation. The Town Board shall have the authority to cancel any building permit issued under this article, when the applicant is not carrying out the terms of the permit in accordance with the application submitted.

6.0308 Penalty Provisions. A violation of this ordinance shall be considered a misdemeanor punishable by a fine not exceeding the maximum established for violation of Class 2 misdemeanor as set forth by South Dakota codified law. Each day that the violation continues to exist shall constitute a separate offense.

The fine for violating the building permit requirements shall be set at one hundred dollars ($100) per day.

### CHAPTER 6.04- MOVING OF BUILDINGS

6.0401 Required. No person, firm, or corporation, except such as may be a licensed house or building mover, shall remove from the limits of the Town of Harrold, or move from one lot to another within said Town, any building or part of building, and every person, firm, or corporation shall annually before engaging in the occupation of house or building mover attain a permit therefore from the Town of Harrold, provided, however, that this ordinance shall not apply to the moving of a building within the confines of a lot or contiguous lots without moving the same over the public streets or alleys, or over and across the property of another than the owner.

6.0402 Application. Any person, firm, or corporation desiring to obtain a building moving permit as a house or building mover shall make written application therefore to the Town Board and such application shall be granted by the affirmative vote of a majority of all of the members of the Town Board. Lots must be surveyed in order to become eligible to apply for a moving permit. Moving permits must be obtained at least fourteen (14) days prior to the moving of any building.

6.0403 Fee. The applicant for a permit for house or building mover shall pay to the Finance Officer of the Town of Harrold, before the issuance of such permit a fee of twenty-five dollars ($25.00) for any period up to six (6) months, and no holder of such a permit shall operate beyond the period of time for which licensed.

6.0404 Bond. The applicant for a license for house or building moving shall, before the issuance of such a license by the town, file with the Finance Officer an indemnifying bond to said town issued by a surety company licensed to do business in the State of South Dakota, or by at least two sureties, who shall be freeholders of Hughes County, South Dakota, to be approved by the Town Board, in the sum of ten thousand dollars ($10,000.00) conditioned that applicant will conform to and comply with the requirements of this ordinance, or such ordinance as may hereafter be established by the Town Board, and that he will promptly fill all basements or excavations left as a result of the moving; leave the premises vacated, free from hazard and unsanitary conditions; repair in a good and workmanlike manner any defect or damage to any sidewalks, crosswalks, hard-surfaced streets or highways, hydrants, or injury to property done or caused by the said licensee, his servants or employees in connection with the raising, loading or removal of any building, and to indemnify and save harmless the Town of Harrold against any and all liability for damages of any character, costs, or expenses incident to any claims or litigation arising there from by reason of any negligence on the part of said licensee, his servants, agents or employees in connection with the removal of any building, or the use of any public sidewalk, street, or highway or ground for that purpose.

6.0405 Bond Waiver. Bonding requirements may be waived if arrangements are made and approved by the Town Board. Movers will still be responsible for damages which they incur during the project.

6.0406 Causing Damages. The granting of any license or permit shall not be construed as authorizing the holder or holders thereof to break, injure, damage, or move any cable, telephone, or electric light bulbs or wires or equipment used in connection therewith, or to in any manner injure any shade trees or other property in violation of the rights of the owner or owners thereof.

6.0407 Obstructing Public Thoroughfare. No building or any part of a building shall be permitted to remain stationary in or upon any public street, alley or thoroughfare or public ground in the Town of Harrold for more than twenty-four (24) consecutive hours, and there shall be paid to the Finance Officer the sum of thirty dollars ($30.00) per day for each day that any building being removed shall remain upon any public thoroughfare or property of the Town during the period of its removal.

6.0408 Removal, Generally. The provisions of this ordinance shall not apply to the removal of buildings or parts of buildings where the assessed valuation thereof is less than fifty dollars ($50.00).

6.0409 Penalty. Any person, firm, or corporation violating any of the provisions of this ordinance or failing to comply with the requirements thereof shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, be punished by fine not exceeding one hundred dollars ($100.00).

6.0410 Unconstitutional Clause. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby.

**TITLE 7 – ZONING**

**Chapter 7.01 – In General**

**Chapter 7.02 – Special Provisions**

**Chapter 7.03 – Administration**

**CHAPTER 7.01 – IN GENERAL**

7.0101 Title and Purpose. This chapter and the Town zoning map shall be known as the Town of Harrold Zoning ordinance. The purpose of this chapter is to promote the public health, safety and general welfare of the Town, to secure the orderly development of the Town and to provide for sound and appropriate use of land. More specifically:

A. To establish and maintain a measure of control over the eventual character of development;

B. To establish and maintain a desirable degree of balance among the various uses of the land;

C. To establish and maintain the essential quality of community services and facilities;

D. To provide adequate light and air;

E. To avoid undue overcrowding of the land;

F. To conserve and develop natural resources; and

G. To conserve the value of the land and buildings and encourage the most appropriate use of the land.

7.0102 Jurisdiction – Area Zoned. The following townships, sections and portion of sections are within the jurisdiction of the chapter:

a) All property within the Town Of Harrold;

b) All property not within the Town but owned by the Town of Harrold;

c) Any property annexed thereafter.

7.0103 (C) Commercial Zone. This zone provides for a wide range of commercial and industrial uses, all of which shall be able to meet comparatively rigid specifications as to nuisance free performance. The zone will also include residential use with emphasis placed on making all current and future users of the zone aware that commercial areas may encroach next to residential uses and that residential uses may encroach next to commercial uses.

A. Principal permitted uses

1. Retail and service stores

2. Offices and clinics

3. Restaurants, bars and lounges

4. Packaged seed and feed stores

5. Banks, saving and loan associations

6. Barber shops and beauty shops

7. Machinery and vehicle sales rooms and lots

8. Service stations and automotive repair shops

9. Grocery stores and quick shops

10. Motels, hotels and multiple-family dwellings

11. Public parking lots and parking garages

12. Residential structures

13. Combined residential/commercial buildings.

14. Public utility related buildings and equipment

15. Other businesses, retail and service establishments which may be determined by the Town Board to be similar to the above listed principal permitted uses, and which are in harmony with the purpose of the zone, but not to include those uses which are not mentioned in this zone, but are specifically enumerated in another zone.

B. Setback requirements

Generally buildings and structures shall be set back given distances from property lines and adjacent Zones. Such setbacks are designed to assure adequate air, light and access to any building, structure or sue and to separate and protect incompatible structures or uses.

1) Front Yards

a) There shall be no front setback requirements for commercial buildings located in the west one-half of blocks 1 and 2, and the east one half of blocks 3 and 4. All other commercial locations shall have a minimum front setback of twenty-five (25) feet.

b) Residential structures shall comply with Residential Zone front setbacks.

2) Side Yards

a) There shall be no side yard setback requirements for commercial buildings in the west one-half of blocks 1 and 2, and the east one-half of blocks 3 and 4 on Wyman Avenue. All other non-corner commercial locations shall have a minimum side yard setback of ten percent of the lot width not to be less than six (6) feet on both sides of the lot. On corner lots, the side street yard shall be a minimum of twenty (20) feet.

b) Residential structures shall comply with Residential, Low Density Zone side yard requirements.

3) Rear Yards

a) There shall be no rear yard requirements for commercial structures or uses other than any required for parking, loading zones and easements.

b) Residential structures shall comply with Residential, Low Density Zone rear yard requirements.

7.0104 (R) Residential Zone. It is the purpose of this zone to provide for and protect single and multi-family residential development and associated neighborhood uses.

A. Permitted uses

1. Buildings up to five thousand (5,000) square feet used for shops for the repair of farm related equipment

2. Buildings up to five thousand (5,000) square feet used for the storage of farm related equipment and vehicles, but not for loose grain storage

3. Single-Family Residences, including mobile and manufactured homes

4. Day-care centers

5. Temporary real estate signs and political signs

6. Private garages

7. Other normal farm related buildings

8. Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a substantial structure

9. Farm related accessory buildings, except grain bins and bulk fertilizer

10. Hangers, for the storage of private airplanes

11. Mobile home courts

B. Accessory uses

1. Private garages up to one thousand five hundred (1,500) square feet

2. Storage sheds up to five hundred (500) square feet.

3. Satellite television antennas

4. Fences and walls

C. Conditional uses

1. Duplexes

2. Apartment houses

3. Home occupations

4. Municipal utility structures

5. Any accessory use common to the Residential Zone

6. Outside storage of farm related equipment, so long as said equipment is kept in a neat and orderly fashion. Deteriorated, dilapidated and disregarded equipment shall not be kept on the lot

C. Building and lot requirements

No building shall exceed two and one half (2 ½) stories, or thirty-five (35) feet. Lots shall be not less than six thousand (6,000) square feet for residential uses and one (1) acre for religious or cultural uses. All buildings including accessory buildings shall not cover more than eighty (80) percent of the area of the lot.

D. Yard requirements

Each lot shall have front, side and rear yards not less than the depths or widths following:

a) Front yard depth – twenty-five (25) feet

b) Rear yard depth – ten (10) feet

c) Side yard depth – seven (7) feet but the sum of the two side yards shall not be less than fifteen (15) feet.

Yards established in accordance with setback requirements shall be free of built obstructions which extend more than eighteen (18) inches from the face of any building or more than thirty (30) inches above grade. Uncovered porches or terraces constructed at entrance level, one story bay windows, landings and steps shall not be considered yard obstructions and may extend six (6) feet into required front yards and four (4) feet into required side yards. Decks, porches and landings may encroach one third (1/3) the distance into the required rear yard. Eaves may encroach two (2) feet into any required yard.

E. Setback requirements

Portable storage sheds shall be exempt from the set-back requirements. A portable storage shed shall be defined as a one story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet and the entire structure can be moved and is not permanently fastened to a concrete slab or the ground.

1. Front yard

Front yard setbacks shall be measured from the front face of any structure to the front lot line.

a) All residential and institutional buildings and structures shall be setback twenty-five (25) feet from the front property line.

b) Mobile homes in a mobile home court shall have a front set back of fifteen (15) feet.

c) Accessory buildings shall not be constructed or placed in any required front yard or closer than twenty (20) feet to any street line.

d) Farm related shops, storage buildings and other structures shall have a front setback of twenty (20) feet.

2. Side yard

Side yard setbacks are measured from the side face of the principal structure to the side property line.

a) The combined total distance for side yards required shall be fifteen (15) feet, with the minimum side yard being seven (7) feet. Lots on street intersections shall have a street side yard setback of twenty (20) feet.

b) When detached accessory buildings are placed in the side yard they shall not be less than the side yard distance required for that zone to the property line and not closer than six (6) feet to the principal building. When accessory buildings are placed entirely to the rear of the principal building, then the side yard setback for the accessory building shall be three (3) feet unless the side yard is adjacent to a street right of- way, in which case the set back shall be twenty-five (25) feet.

c) Farm related shops, storage buildings and other structures shall have a combined side yard total of fifty (50) feet with the minimum side yard of ten (10) feet.

d) Mobile homes in a mobile home court shall have a minimum side yard setback of ten (10) feet and shall be fifteen (15) feet from any adjacent mobile home or any other structure over two hundred (200) square feet in size.

3. Rear yard

Rear yard setbacks shall be measured from the rear face of the principal building to the rear property line.

a) All residential and institutional buildings and structures shall be set back ten (10) feet from the rear property line.

b) All accessory buildings shall be setback three (3) feet from the rear

property line unless the accessory building is a garage that is entered from an alley, in which case the rear setback shall be ten (10) feet.

c) Farm related shops, storage buildings and other structures shall have a rear yard setback of ten (10) feet.

d) Mobile homes in a mobile home court shall have a minimum rear setback of ten (10) feet and shall be fifteen (15) feet from any adjacent mobile home or structure over two hundred (200) square feet in size.

7.0103 (ABS) Agricultural Bulk Storage Zone. Zones may contain buildings with permitted uses – as specified by state law or federal regulations or specifications for storage.

A. Permitted Uses

1. Grain bins

2. Bulk dry fertilizer

3. Bulk liquid fertilizer

4. Bulk seed storage

5. Bulk fuel storage

6. Buildings to house equipment to dispense product

B. Accessory Uses

1. Any uses common to commercial (C) zone.

C. Setback requirements

a) Two hundred (200) feet from any residential property line

b) Two hundred (200) feet from any unlike zoned property

c) Twenty-five (25) feet from any adjacent different property owner of ABS zoned property.

7.0106 (PR) Park and Recreational Zone. The purpose of this Zone is to set aside and provide areas for conservation, public recreation, schools and full access public facilities.

A. Permitted uses

1. Gym

2. Parks and playgrounds

3. Maintained open spaces

4. Museums

5. Cemeteries

B. Accessory uses

1. Buildings or structures associated with a permitted use

C. Conditional uses

1. Campgrounds and picnic grounds

2. Governmental shops or garages

3. Libraries

4. Sports facilities, fields and arenas

D. Prohibited uses

1. General commercial or industrial uses and structures

2. All family dwellings

3. Private garages or storage buildings

F. Setback requirements

a) All buildings and structures must be set back a minimum of twenty feet (20) from any road or highway rights-of-way.

7.0107 (A) Airport zone. The purpose of this zone is to provide for structured growth of the land at the airport so airplane traffic is not hampered or restricted.

A. Setback requirements

(a) Density, yard and lot dimensional requirements shall not be applicable to the airport zone;

(b) Building height shall not exceed criteria set by the Federal Aviation Administration (FAA); and

(c) Lots fronting on taxiways shall comply with all FAA regulations and criteria for dimensional requirements for taxiway design.

7.0108 Restrictions. It shall be unlawful to store grain in any structural building or round bin within two hundred (200) feet of any residence within the Town of Harrold, providing that the residence is not owned by the person or persons also owning the grain or grain storage bin, or under their control, unless written consent is gained from the residents affected by the two hundred (200) foot zone is obtained or upon special variance approved by the Town Board.

Any new grain bin(s) that is constructed and any existing or old bins that are upgraded in the future within the Town of Harrold, South Dakota, shall be constructed with or changed to the quiet centrifugal fans or it shall be in violation of this ordinance. A fine of up to one hundred dollars ($100.00) per day shall be assessed for non-compliance. Any existing bins with fan needing repair or replacements shall only be replaced with quiet centrifugal fans or shall be in violation of this same ordinance. Anything housing grain must meet the state and federal government specifications for vermin proofing or it shall be in violation of this ordinance.

Persons violating this ordinance shall be fined up to one hundred dollars ($100.00). Grain stored under this violation shall be moved within ten (10) days or it shall be condemned and disposed of by the Town Board.

**CHAPTER 7.02 – SPECIAL PROVISIONS**

7.0201 Compliance with Other Regulations. No structure or use shall be established on a lot or parcel where such use or structure shall be in direct opposition to an approved master plan, ordinance restriction or covenants, or an adopted floodplain ordinance.

7.0202 Accumulation of Debris, Refuse, and Junk. No property owner in any included zone in this chapter shall allow the accumulation of debris, refuse or junk on their property.

For the definition of this chapter, the following terms are hereby defined.

A. “Debris” - Accumulated fragments; rubble; ruins; rubbish.

B. “Refuse” - Anything worthless; waste matter.

C. “Junk” - Useless discarded articles.

No property owner shall allow the accumulation of salvaged building materials on their

property unless the materials stored are neatly arranged, covered or concealed from view. No accumulation of salvaged materials shall exceed in area equal to one tenth (1/10) of the required yard area they are stored in.

7.0203 Variance Procedure. Any person may request a variance to certain provisions of the Town Zoning Ordinance due to personal hardship resulting from a unique set of conditions affecting the property. Such request for a variance shall be reviewed by the Town Board and acted upon by the Town Board following a proper hearing.

The application procedures are as follows:

1. Acquire an application for a variance from the Town Zoning Commission or Town Board and review the merits of the proposal.

2. Complete the application and submit the same to the Town Board. The application shall specify:

a) The unique characteristics of the land or structures in question which make a variance necessary.

b) The nature of the applicant’s hardship

c) That the project as proposed will not create any special privilege for the applicant nor harm or endanger the health safety and welfare of the general public.

d) Specific height, lot size, set back, parking, street access, screening or excavating conditions requested.

3. The Town board shall conduct an initial review.

4. The Town Board shall grant, with or without changes, table, or deny the application.

7.0204 Conditional Use Permits. Any person may request a conditional use permit for an existing lot as allowed for in the Town Zoning Ordinance. Such request for a conditional use permit shall be reviewed by the Town Board and acted upon by the Town Board following a proper hearing.

The application procedures are as follows:

1. Acquire an application for a conditional use permit from the Town Zoning Commission or Town Board and review the merits of the proposal.

2. Complete the application and submit the same to the Town Board. The application shall specify:

a) The unique characteristics of the land or structures in question which make a conditional use necessary.

b) The nature of the applicant’s hardship

c) That the project as proposed will not create any special privilege for the applicant nor harm or endanger the health safety and welfare of the general public.

d) Specific height, lot size, set back, parking, street access, screening or excavating conditions requested.

3. The Town board shall conduct an initial review.

4. The Town Board shall grant, with or without changes, table, or deny the application.

7.0205 Amendments to Zoning Ordinance or Map. Any change in the Ordinance or map requires one public hearing and action by the Town Board.

The application procedures are as follows:

1. Acquire an application from the Town Zoning Commission, Town Board or Town Finance Officer, complete the application and re-submit it to the Town Board with application fee included.

2. The Town Board shall review at the next regularly scheduled meeting and discuss the request with the applicant and shall set a date for the public hearing.

3. Notice of the amendment hearing shall be made in the following ways:

a) Once a week for two successive weeks, notice of the time and place of the hearing shall be published in the official paper of the city.

b) The Town Board shall notify the applicant of the time and place of the hearing.

4. The applicant shall acquire the signatures of the owners of all properties within two hundred (200) feet of the property in question indicating their approval of the proposed changes.

5. The Town Board shall conduct the public hearing.

6. Following the public hearing the Town Board shall approve, table, or deny the amendment.

7.0206 Protest and Appeal. Any person aggrieved by a decision of the Town Board may protest the decision or appeal the decision. Protests or appeals to the Town Board do require a formal application and are initiated with the Town Board.

The protest and appeal procedures are as follows:

1. A protest of a zoning amendment approved by the Town Board shall be filed within ten (10) business days following the approval of such amendment. The protest shall be signed by not less than twenty (20) percent of the owners of:

a) The area of the lots included in such proposed change; or

b) The area adjacent, within two hundred (200) feet from the area to be changed.

2. Following the filing of a protest a public hearing shall be scheduled. Notice of the time and place of the public hearing shall appear in the official paper of the Town not less than fifteen (15) days prior to the date of the hearing.

3. The amendment receiving a proper protest shall not be approved except by a unanimous vote of the Town Board.

4. The Town Board shall endeavor to protect the health, safety and welfare of the general public and shall not reverse or change any decision such that the general public may suffer.

The Town Board may vary, modify or have any restriction of their ordinance modified, provided that the public safety and welfare is secured.

7.0207 Fees. Application for permits or actions by individuals involved in requesting zoning changes shall have attached any required fees prior to permit granting. Rezoning fee is two hundred dollars ($200.00). Any violation of these ordinances may be subject to fines of a minimum of one dollar ($1.00) per day, but not more than one hundred dollars ($100.00) per day. The fee schedule may change from time to time and shall be set by resolution of the Town Board.

**CHAPTER 7.03 – ADMINISTRATION**

7.0301 Planning and Zoning Commission Established. There is hereby established a Planning and Zoning Commission for the Town of Harrold, South Dakota and for land within its corporate town limits.

7.0302 Membership. The membership of the Planning and Zoning Commission shall consist of the Town Board President and Town Board. The members of the Planning and Zoning Commission shall be resident electors of Harrold, South Dakota qualified by knowledge or experience to act in matters pertaining to the development and administration of the Comprehensive Land Use Plan. The Town Board President may appoint administrative officials of the Town as ex-officio members of the Commission.

7.0303 Terms of Members. The term of each member of the Planning and Zoning Commission shall coincide with the respective terms of office held by the Town Board President and Town Board.

7.0304 Duties of Planning and Zoning Commission. It shall be a function and duty of the Planning and Zoning Commission to propose a plan for the physical development of the Town, including areas outside the boundary and within its planning jurisdiction which, in the commission's judgment bear relation to the planning of the municipality. It shall also be a function and duty of the Planning and Zoning Commission to develop and adopt a zoning ordinance for the regulation of the height, area, bulk, location, and use of private and public structures and premises, and of population density as may be provided by law may be included as an adjunct to the comprehensive plan. It is also the function and duty of the Planning and Zoning Commission to adopt regulations governing the subdivision of land within its jurisdiction. The Planning and Zoning Commission may from time to time propose amendments, extensions, or additions to the comprehensive plan, zoning ordinance, and subdivision regulations. It shall also be a function and duty of the Planning and Zoning Commission to act as the Board of Adjustment. Said board of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions, conditional uses permits or grant variances to the terms of the ordinance with general or specific rules therein contained.

7.0305 Compensation. All members of the Planning and Zoning Commission shall serve as such without compensation.

7.0306 Organization, Rules, Staff and Finances. The Town Board shall elect its chairman from its membership for a term of one year with eligibility for re-election, and may fill such other offices as it may create in a manner prescribed by the rules of such Commission. The Commission shall hold at least one regular meeting each month and shall adopt rules for transaction of its business and keep a record of its resolutions, transactions, and findings and determinations which shall be a public record. The Planning and Zoning Commission may contract with planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Commission, exclusive of those made from funds by gift, shall be within the amount appropriated for the purpose by the Town Board which shall provide funds, equipment and accommodations necessary for the Commission's work.

**TITLE 8 - UTILITIES**

**Chapter 8.01 – Municipal Sewer System**

## CHAPTER 8.01 – MUNICIPAL SEWER SYSTEM

8.0101 Setting of Sewer Rates. The Town Board of the Town of Harrold reserves the right and authority to review and adjust sewer service charges through resolution of said Town Board. All users of the sanitary sewers within the corporate limits of the Town of Harrold shall be charged. For purposes of this section, “users of the sanitary sewers” shall mean the owner or occupant of each individual residential or commercial premise.

8.0102 Unused Sewer Inlets . Any unused sewer inlets on a property must be capped by the owner of said property. The commission is hereby authorized, empowered and directed to enforce all provisions. Any inlet in violation shall be removed within fourteen (14) calendar days of receipt of a written notification by certified mail, return receipt requested, to be sent by the Town Board. If the person owning or responsible for the sewer inlets fails to cap such inlet within fourteen (14) calendar days, a fine of fifty dollars ($50.00) per month shall be assessed for non-compliance. Capped inlets must be inspected by a member of the Town Board or by an official of Mid-Dakota Rural Water.