

## **ORDINANCE 111**

### **OFFENSES AND REGULATIONS ORDINANCE**

**BE IT ORDAINED BY THE COUNCIL OF COMMISSIONERS OF THE CITY OF SUMMERSET**, Meade County, South Dakota that the following Ordinance 111 – Offenses and Regulations Ordinance be adopted as follows:

#### Title 1 Offenses and Regulations

##### Chapters:

- 111.01: General provisions
- 111.02: Offenses
- 111.03: Public Safety
- 111.04: Offenses of Property

#### Chapter 111.01 General Provisions

##### Sections:

- 111.01.01 Scope and Purpose
- 111.01.02 Definitions
- 111.01.03 Penalty

- 111.01.01 Scope and Purpose

The purpose of this Ordinance is set forth certain unlawful actions and the penalty therefore, violation of which shall be enforceable within the City and one mile thereof.

- 111.01.02 Definitions

**PUBLIC PLACE:** Any place whether within or without a building commonly and customarily open to or used by the general public and any street, highway, alley or sidewalk.

### 111.01.03 Penalty

Any violation of the provisions of this Ordinance is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Ordinance and/or state law.

## Chapter 111.02 Offenses

- 111.02.01 Disorderly Conduct
- 111.02.02 Causing or Engaging in Riot
- 111.02.03 Resisting, Assisting to Resist, Escaping from or Assaulting an Officer
- 111.02.04 Impersonating an Officer
- 111.02.05 Lurking about Premises
- 111.02.06 Hindering or Molesting Passerby
- 111.02.07 Playing in Streets
- 111.02.08 Trespass and Unauthorized Use of Property
- 111.02.09 Open Containers
- 111.02.10 Indecent Exposure
- 111.02.11 Indecent Act

### 111.02.01 Disorderly Conduct

No person shall intentionally cause serious public inconvenience, annoyance or alarm to any other person or creates a risk thereof by:

- A. Engaging in fighting or violent or threatening behavior or including others to do the same.
- B. Making unreasonable noise or inciting others to do the same.
- C. Disturbing any lawful assembly of meeting of person without lawful authority, or inciting others to do the same.
- D. Obstructing vehicular or pedestrian traffic.

E. Failing to obey the lawful order of a lawful of a law enforcement officer who is acting the scope of his official duties.

#### 111.02.02 Causing or engaging in a Riot

No person shall cause or engage in a riot or incite a mob to destroy property or injure persons, nor shall any person commit or suffer to be committed in any house or building or premises by him occupied any rioting, quarreling, fighting, reveling, drunkenness, loud or boisterous conduct calculated to or which disturbs the neighborhood or annoys any person.

#### 111.02.03 Resisting, Assisting to Resist, Escaping from or Assaulting an Officer

No person shall in any way willfully resist, or aid or assist any person to resist or to escape from any law enforcement officer, or to assist any person to assault any law enforcement officer, or shall in any way interfere with a law enforcement officer, in making an arrest or in the discharge of his duties.

#### 111.02.04 Impersonating an Officer

No person not duly authorized to exercise the duty conferred by Ordinance upon police officers of this City shall wear a police officer's badge, or represent himself as being a police officer, or attempt to exercise the duties of a police officer.

#### 111.02.05: Lurking about Premises

No person shall lurk or wait or conceal himself in or about any house or other building, or in or about any yard, street, alley or other public place, who being so found shall be unwilling or unable to give an explanation for his conduct consistent with a legitimate purpose.

#### 111.02.06: Hindering or Molesting Passerby

No person shall upon any street, or at the entrance of any building on any such street, alley or sidewalk, wrongfully hinder, impede or molest any passerby, or use any rude, obscene, vulgar, indecent or threatening language to any passerby, or by any indecent act, gesture or noise molest, annoy or insult or put in fear any person passing or attempting to pass on such street,

alley or sidewalk or through the entrance to such buildings.

#### 111.02.07: Playing in Streets

No person shall fly any kite, play any game, or engage in any exercise which obstructs or interferes with the use of the streets for traffic or passage, or endangers the safety and lives of those thereon.

#### 111.02.08 Trespass and Unauthorized use of Property

No person shall lodge, use or occupy any barn, garage, shop or other house or building or structure or any automobile, truck, railroad car or other vehicle without permission of the owner or person entitled to possession.

No person shall camp or otherwise lodge in any public way, park or place which is not specifically designated as an area authorized for camping or other lodging.

No person shall knowingly enter upon any privately owned real property which is not open to the use of the public, unless he has first obtained the consent of the owner or person in possession or control thereof.

#### 111.02.09: Open Container

No person shall consume, mix, or blend any alcoholic beverage with any other beverage, regardless of whether such beverage is an alcoholic beverage, in any public place excluding the property of the premises of a licensed on-sale dealer, where such alcoholic beverage were purchased from such dealer for on-sale purposes and will exclude the Municipal Parks.

No person shall possess in any public place other than upon the premises of a licensed on sale-dealer, any glass, can, bottle or other containing any alcoholic beverage on which the seal has been broken.

**EXCEPTION:** Any person or group may make application to the City of Summerset for a special use permit to have alcohol in a specific area of the Municipal Park for a set date and time.

#### 111.02.10 Indecent Exposure

No person shall appear in any public place or places exposed to public view in the state of nudity.

No person shall appear in any public place or places exposed to public view with his or her genitals or the female breast covered with paint or any similar substance without also having the genitals or breast covered with a full opaque covering. Paint or any similar substance does not qualify as a full opaque covering.

#### 111.02.11 Indecent Act

No person shall commit any indecent act in public place or place exposed to public view.

### Chapter 111.03 Public Safety

#### 111.03.01 Carrying, Discharging Firearms

#### 111.03.02 Concealed Weapons

#### 111.03.03 Carrying: Person Under 18

#### 111.03.04 Reckless Discharge Prohibited

#### 111.03.01 Discharging Firearms

No person, except an officer of the law in the performance of his duty, shall discharge any firearm within the City.

#### 111.03.02 Concealed Weapons

No person, except an officer of the law, or a person licensed under the South Dakota Law or a non-resident of the State possessing a valid permit issued in another State as recognized pursuant to SDCL 23-7-7.4 shall carry concealed about his person any pistol or other firearm, sling shot, BB Air Gun, brass knuckle or knuckles of other material or any dagger, bowie knife, kirk knife, or other dangerous or deadly weapon, or any instrument or device which when used is likely to produce death or great bodily harm.

### 111.03.03 Carrying: Persons Under 18

No person under the age of 18 shall carry, discharge or shoot off any gun, pistol, rifle, air gun, carbon dioxide gun, bow or any other firearm, or use for any purpose any such device for throwing or forcing through the air missiles or projectiles of any character, upon the street or about or within the City, unless accompanied by his or her parent or guardian.

### 111.03.04 Reckless Discharge Prohibited

No person shall recklessly discharge or shoot off any air gun, carbon dioxide gun or bow or use in a reckless manner, any of the aforementioned for any purpose such as throwing or forcing air missiles or projectiles of any character within the limits of the City.

## Chapter 111.04 Offenses to Property

### 111.04.01 Malicious Destruction of Property

### 111.04.02 Injury to Trees and Plants

### 111.04.01 Malicious Destruction of Property

No person shall willfully, maliciously, or wantonly destroy, injure, deface, or remove, without a right to do so, any private or City property or buildings.

### 111.04.02 Injury to Trees and Plants

No person shall willfully, maliciously or wantonly, injure, deface, destroy, uproot or cut down any tree, shrub, grass or flower being or growing upon or along any street, alley, highway or in any public park, or upon any public grounds within the City. Nor shall any person willfully injure or destroy any cultivated fruits or vegetables, crops, shrub, trees, flowers, grass, hedges, or vines, nor injure or carry off any of the products thereof which are the property of another, unless permission from the owner has been secured.

## Title 2 General Nuisances

### Chapters:

- 2.01: General Provisions
- 2.02: General Nuisances

### Chapter 2.01 General Provisions

- 2.01.01: Scope and Purpose
- 2.01.02: Definitions
- 2.01.03: Penalty

#### 2.01.01: Scope and Purpose

The purpose of this Ordinance is to regulate acts, conditions and things that are or may be injurious to the health and or safety of the public; that are indecent or offensive to the sense; or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of another's life or property.

#### 2.01.02 Definition

Nuisance: Anything, which is injurious to the health or safety, or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property.

#### 2.01.03 Penalty

Any violation of the provisions of this Ordinance is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Ordinance and/or state law.

Chapter 2.02  
Offense

2.02.01 Deposit of Filth on Public Places

No person shall deposit or place any offal, filth, filthy waters, human or animal waste, obnoxious liquid substances, including: petroleum products such as oil, gasoline and et cetera on any private lot or public grounds.

Dated this 8<sup>th</sup> day of July, 2010

ATTEST:

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Rebecca J. Phillips  
Finance Officer

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Duane K. Fink  
Mayor

Vote: Butler: Aye  
Fink: Aye  
Wagner: Aye

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Second Reading: July 8, 2010  
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