

CODE OF ORDINANCES

- CHAPTER 1 -

General Provisions

Section 1-1. Title.

This ordinance, hereinafter also referred to as this Code, shall be known as the “Revised Ordinances of Hot Springs” and may be so cited. It may also be cited as the “Code of Ordinances, City of Hot Springs”.

Section 1-2. Rules of Construction and Definitions.

In the construction of this Code, the following rules shall be observed and the following definitions shall apply, unless such construction would be inconsistent with the manifest intent of the council.

Generally: The provisions of this code shall be liberally construed to effect the purposes expressed therein or implied from the expression thereof. In case of doubt or ambiguity in the meaning of such provisions, the general shall yield to the particular. Reference for interpretation and construction shall tend to further the accomplishment of the elimination of the particular mischiefs for which the provisions were enacted. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

Definitions:

City - The words “the city” or “this city” shall mean the City of Hot Springs, in the County of Fall River and the State of South Dakota.

Code - The term “Code or “this Code” shall be taken to mean the Revised Ordinances of Hot Springs in their entirety, including each and every section thereof. The entire code is intended by the Council to constitute an ordinance in revision of the ordinances of the City, within the meaning of Sections 9-19-16 and 9-19-17 of the South Dakota Codified Laws.

Computation of Time - In computing any period of time mentioned in the provisions of this code, the day of the act, event or default after which the designated period of time begins to run is not to be included, and the last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday.

County - The term “county or “this county” shall mean the County of Fall River, South Dakota.

Month - The word “month” shall mean a calendar month.

Oath -The word “oath” shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and affirmed”.

State - The words “the state” or “this state” shall be construed to mean the State of South Dakota.

Tense - Words used in the past or present tense include the future as well as the past and present

Variations in Punctuation; Typographical Errors; Etc... No variation in punctuation, either formal or informal, consistent or not, shall affect the validity of this Code, nor shall obvious or apparent defects in spelling or typography be construed as to invalidate any portion hereof, so long as the purpose and intent of the section is clear.

Written or In Writing - The words “written” or “in writing” shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.

Year -The word “year” shall mean a calendar year.

References and terms: as used in this ordinance unless the context otherwise plainly requires, shall have the meanings hereinafter provided.

- (A) **Person** - includes, but is not limited to, natural persons, firms, partnerships, associations, and corporations.
- (B) Masculine gender includes the feminine and neuter.

- (C) Words used in the singular number include the plural and the plural the singular.
- (D) **Council** or **City Council** - refers to the Common Council of the City of Hot Springs, South Dakota, constituting the governing body of the city.
- (E) **City** or **municipality** - refers to the City of Hot Springs, South Dakota and the area within the territorial limits of the City of Hot Springs, South Dakota.
- (F) The provisions, regulations, restrictions, requirements and prohibitions contained in this ordinance apply to the area within the territorial limits of the City of Hot Springs, South Dakota unless otherwise specifically provided.
- (G) Reference to any **office** or **officer** is to an office or officer of the City of Hot Springs, South Dakota unless otherwise specifically provided.
- (H) **Street** - includes alley, avenue, and traveled road.
- (I) **Lot** - includes tract or parcel of ground.
- (J) **Duties Performed by Agents** - Wherever in this Code any act is required to be done by an officer in the line of his general duties, or by a department head or inspector, the same shall be construed to permit the doing of such act by the agent or subordinate of such person; provided that the agent or subordinate is duly authorized and duly qualified to perform such act. Such rule shall apply also to license holders, where such act is not otherwise required to be performed personally by such person, either by specific law or by the nature or such act.

Section 1-3. Corporate Limits.

The corporate limits of the City of Hot Springs shall be within that portion of Sections Thirteen (13), Fourteen (14), Twenty-three (23), and Twenty-four (24) in Township Seven (7) South, Range Five (5) East of the Black Hills Meridian, in Fall River County, South Dakota, which is bounded and described as follows:

Commencing at the corner of Sections 24 and 25, Township 7 South, Range 5 East, and Sections 19 and 30, Township 7 South, Range 6 East; running thence northerly on the township line between Township 7 South, Range 5 East, and Township 7 South, Range 6 East, one-half mile to the quarter section corner between Section 24, Township 7 South, Range 5 East, and Section 19, Township 7 South, Range 6 East; running thence westerly on the east and west one-half section line through said Section 24, one-fourth mile; running thence northerly on the easterly one-sixteenth section line through said Section 24, one-half mile, to the south boundary of Section 13, Township 7 South, Range 5 East; running thence northerly on the easterly one-sixteenth section line through said Section 13, three-fourths mile; running thence westerly on the northerly one-sixteenth section line through said Section 13, one-half mile; running thence northerly on the westerly one-sixteenth section line through said Section 13, one-fourth mile to the section line between Sections 12 and 13, Township 7 South, Range 5 East; running thence westerly on the section line between said Section 12 and 13 one-fourth mile to the corner of Sections 11, 12, 13, and 14, Township 7 South, Range 5 East; running thence westerly on the section line between said Sections 11 and 14, three-fourths mile; running thence southerly on the westerly one-sixteenth section line through said Section 14, one-fourth mile; running thence easterly on the northerly one-sixteenth section line through said Section 14 one-fourth mile to the north and south half section line in said Section 14; running thence southerly on the north and south half section line through said Section 14 approximately 1158.2 feet to a point 10.3 feet west of the northeast corner of Lot 8 in Block 41 of Second Minnekahta Addition to the town (now city) of Hot Springs, South Dakota; running thence westerly along the northern boundary of said Block 41, approximately 1318 feet to the westerly one-sixteenth section line running through said Section 14; running thence southerly along said one-sixteenth section line, approximately 167.2 feet to the east and west half section line through said Section 14; running thence westerly along the east and west half section line through said Section 14, one-fourth mile to the quarter section corner between Section 14 and 15, Township 7 South, Range 5 East; running thence southerly on said section line one-half mile to the corner of Sections 14, 15, 22, and 23, Township 7 South, Range 5 East; running thence easterly on the section line between Sections 14 and 23, Township 7 South, Range 5 East, one-fourth mile; running thence southerly on the westerly one-sixteenth section line through said Section 23, approximately seven-eighths mile to the southwest corner of Godard Addition to the town (now city) of Hot Springs, South Dakota; running thence easterly along the south boundary of said Godard Addition, one-fourth mile; running thence northerly along the east boundary of said Godard Addition approximately one-eighth mile to the intersection of the north and south one-half section line and the southerly one-sixteenth section line through said Section 23; running thence easterly along the

southerly one-sixteenth section line in said Section 23, one-half mile to the section line between Sections 23 and 24, Township 7 South, Range 5 East; running thence easterly along the south boundary of Fargo & Prentice's Addition to the town (now city) of Hot Springs, South Dakota, approximately 365.4 feet to a point 20 feet north of the northeast corner of Lot 1 in Tract 3 of Butler Park Addition to the City of Hot Springs, South Dakota; running thence southerly parallel to the section line between said Sections 23 and 24, one-eighth mile; running thence easterly parallel to the section line between said Sections 24 and 25, one-fourth mile to the west boundary of Catholican Hot Spring Addition to the town (now city) of Hot Springs, South Dakota; running thence southerly parallel to the section line between said Sections 23 and 24 along the west boundary line of said Catholican Hot Spring Addition, one-eighth mile to the section line between said Sections 24 and 25; running thence easterly along the south boundary of said Catholican Hot Spring Addition approximately five-eighths mile to the place of beginning.

Section 1-4 Continuance of City's Rights and Obligations.

The City shall continue to own, possess, and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Code takes effect and shall be subject to all its debts, obligations, liabilities, and contracts.

Section 1-5. Code Does not Impair Vested Rights or Valid Obligations.

Nothing in this Code shall be so construed as to impair any vested rights or valid obligations existing when it takes effect.

Section 1-6. Miscellaneous Ordinances Not Affected by Code.

Nothing in this Code shall affect the validity of any of the following:

- (A) Ordinances granting any franchise, right-of-way, easement, or contract right.
- (B) Ordinances providing for the issuance of bonds, special assessment certificates, or other evidences of obligation.
- (C) Ordinances providing for appropriations.

- (D) Ordinances establishing classification plans and pay grades and scales for City officers and employees, and ordinances prescribing salaries for City officers and employees.
- (E) Ordinances establishing or changing street grades, widths, or names, as shown on the maps in the office of the Finance Officer.

Section 1-7. Penalty: Continuing Violations.

Except as otherwise provided by specific ordinance, any person or persons, firm, or corporation violating any of the ordinances of the City of Hot Springs, South Dakota, or failing to comply with any of such ordinances shall upon conviction thereof be punished by a fine not exceeding Two Hundred Dollars (\$200.00). Whenever any person shall as the clerk, servant, agent, or employee of any other person, firm, or corporation violate any of the ordinances of the City of Hot Springs, South Dakota, he shall be deemed guilty as a principal and shall be punished as herein provided. Whenever any person shall authorize, direct, or knowingly permit a violation of any of the ordinances of the City of Hot Springs, South Dakota, by any clerk, servant, agent, or employee under his control as to the act or omission constituting such violation, he shall be deemed guilty of such violation and shall be punished as herein provided. Each and every violation of the provisions of the ordinances of the City of Hot Springs, South Dakota, shall constitute a separate offense. Each day any violation of this Code or other ordinance continues shall constitute a separate offense.

Any person found in violation of Section 24-50, 24-54, and 24-56 of the Revised Ordinances of Hot Springs, South Dakota, shall, within seventy-two (72) hours from the time when the notice of violation was given, pay to the office of the City Finance Officer, as a penalty for and in full satisfaction of such violation, the sum of Five Dollars (\$5.00). If said person fails to pay said sum within said seventy-two (72) hours, he or she shall, within two (2) weeks from said seventy-two hour period, pay to said City Finance Officer, the sum of Fifteen Dollars (\$15.00). Upon failure of said person to pay either of said sums to said office within the time periods indicated, and upon conviction of a violation of said section, said person shall be fined not less

than Twenty-five Dollars (\$25.00, which fine shall be collected by the magistrate court.

Section 1-8. Powers and Authorities are Cumulative; Separability of Parts of code.

Except as otherwise expressly provided, all powers and authorities conferred by any provision of this code shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidence of intent, it is hereby declared to be the controlling intent of the Common Council that, if any provision of this Code or the application thereof to any persons or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, or its application to other persons and circumstances, but such judgment shall be confined in its operation to the provision involved, or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment is rendered.

Section 1-9. Repeal.

All ordinances and parts of ordinances in conflict with the provisions of this Code or relating to the subject matter of this Code and not reenacted as a part of this Code are hereby repealed, except as otherwise specifically provided.

Section 1-10. Publication and Effect.

This code shall be printed and published in book form and shall take effect as provided by law.