

~CHAPTER 12-A~

MISCELLANEOUS OFFENSES & PROVISIONS

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12-A.01. Definitions.

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1. **Vehicle** - shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides, and transports persons or property or pull machinery and shall include, without limitation, automobile, truck, motorcycle, or tractor.
2. **Street or Highway** - shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of

vehicular travel.

3. **Property** - shall mean any real property within the City which is not a street or highway.

12-A.02. Miscellaneous Offenses.

12-A.02.01. Begging or Solicitation.

- A. It is unlawful to detain or attempt to detain any person in a public place or to go door to door at residences or places of business, for the purpose of begging for 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.
- B. Begging shall not include solicitation by a bona fide nationally chartered veterans, religious, charitable, educational or fraternal organization, local civic or service club, political party or volunteer fire department, volunteer ambulance service, police reserves, sheriff's deputies, or political committee which is duly existing under the laws of the State of South Dakota; provided, however, that the proceeds therefrom do not inure to the benefit of any individual, and the person making the solicitation identifies, prior to the solicitation, the organization for which he is soliciting.
- C. It shall be unlawful for any person to falsely identify himself as soliciting on behalf of any bona fide organization as designated above.

12-A.02.02. Posting or Painting of Bills or Signs.

- A. It shall be unlawful for any person to post or paint any bills, signs, advertisement or notice on any building, wall, pole, or tree on the private property of any person without the consent of the owner thereof.
- B. No person shall deface, remove, change, or mar, or in any way interfere with, or obliterate, either wholly or in part, any sign, signboard, or card placed, extended, or erected by the City.

12-A.02.03. Domesticated Pets Prohibited in Parks During Events.

Domesticated pets or animals shall not be permitted in the immediate area of any event, festival or program approved by the Common Council of the City of Hot Springs in a city park, during the duration of the event, festival or program.

Exception:

1. Animals used by law enforcement personnel, the disabled or the visually impaired.
2. Animals where the nature of the event is in regard to those animals.

12-A.03. Weapons and Firearms.

12-A.03.01. Discharging Weapons in the City.

It shall be unlawful for any person to discharge or shoot off any firearm within the corporate limits of the City of Hot Springs. It shall be unlawful for any person to use any air gun or other device for throwing or forcing through the air any missiles or projectiles whatsoever which, when not used safely, is likely to produce death or great bodily harm or property damage. This section shall not apply to any regularly authorized shooting gallery in said City for fire arms, nor to sheriffs, their deputies, police officers of this City in the performance of their duties or any other Law Enforcement entity deemed to have jurisdiction in said City, or persons expressly authorized by the Chief of Police.

12-A.04. Barricades and Fences.

12-A.04.01. Interference with Barricades and Warning Devices.

No person shall move, interfere with, break, destroy, carry away, or in any other manner molest any barricade, warning sign, lantern, flare, traffic cone or warning light placed at any excavation or improvement in the course of construction or placed by any person guarding any unsafe or dangerous place.

12-A.04.02. Barbed Wire and Electrified Fences Prohibited; Exception.

- A. The use or erection of any barbed wire fence is prohibited in the City except in Mountain Residential zoned districts where the keeping of horses is an approved use.
- B. The use or erection of any electric wire fence is prohibited in the City except in Mountain Residential zoned districts where the keeping of horses is an approved use.

12-A.05. Curfew for Minors.

12-A.05.01. It shall be unlawful:

- A. For any minor under the age of sixteen (16) years to be upon the streets, alleys, or any other public places within the City of Hot Springs, South Dakota between the hours of 10:30 o'clock p.m. and 5:00 o'clock a.m. of the following day, unless accompanied by an authorized person having him or her in their charge; or unless such minor is upon some errand or legitimate business by written permission or direction of a parent, guardian, or employer; in which event, said minor shall not loiter on the way or make any undue noise to disturb the peace and quiet of the City. Any such minor who shall violate any of the provisions of this section shall be subject to detention by any police officer without process, and shall be taken and delivered by a police officer into the custody of one or more of his or her parents, or of his or her guardian, or employer. Upon a second or subsequent detention, such minor may be placed in the custody of the juvenile court of Fall River County, South Dakota.
- B. For any parent, guardian, or person having the custody or control of any minor, under the age of sixteen (16) years, to allow or permit such minor to loiter in any place where the minor's presence is prohibited by law, or to allow any minor, under the age of sixteen (16) years, to be abroad in or upon any of the streets, alleys, or other public places in the City of Hot Springs, South Dakota, between the hours of 10:30 o'clock p.m. and 5:00 o'clock a.m. of the following day, unless accompanied by an authorized person having charge of such minor or unless such minor is on an errand or legitimate business by written permission of a parent or employer.

- C. The term "an authorized person" means a person eighteen (18) years of age or older, authorized by a parent, guardian, or employer of the minor to have said minor in his or her charge.

12-A.06. Abandoned Vehicles and Property.

12-A.06.01. Abandonment of Vehicles.

- A. No person shall abandon any vehicle or trailer within the City and no person shall leave any vehicle or trailer at any place within the City of such time and under such circumstance as to cause such vehicle or trailer reasonably to appear to have been abandoned.
- B. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle or trailer on any street or highway within the City.

12-A.06.02. Abandoned Property.

- A. No person shall abandon, leave, or place, in any street, alley, or public place of the City, any property of any kind.
- B. No person shall permit any property of any kind so abandoned, left, or placed to be or remain for more than forty-eight (48) hours in any street, alley, or public place of the City, adjacent to or in the vicinity of his property or residence, without reporting the same; and any property so abandoned, left, or placed in any such street, alley or public place, and any property abandoned, left, or placed by any person on any private property of which report or complaint may have reached any bureau or department of the City, is declared to be a public nuisance and an obstruction and a menace to the public welfare, comfort, safety, and health.

12-A.06.03. Abandoned Property, Nuisance Abatement.

It is hereby made the duty of any member of the Police Department to report to the Chief of Police any property so abandoned, left, or placed and the Chief of Police shall provide for the removal of such obstruction and the abatement of such nuisance, as soon as possible after receiving any such report.

- A. It shall be the duty of the Police Department to:
1. Take possession of any article of property so abandoned, left, or place on any public or private property, and
 2. If the same is believed to have any value, to keep it and make an attempt to find the owner thereof, and
 3. To retain any such article for the delivery to the proper owner upon verification of ownership.
- B. It shall be the duty of the Police Department to:
1. Maintain a place for the keeping of any such abandoned article until the same shall be claimed or otherwise disposed of, and
 2. Keep a record of the lien thereon for the reasonable expenses incurred for the effort necessary in taking, removing, and storing such article, and
 3. Release such article or property upon the satisfaction of any and all liens held against said article or property.
- C. If any such article or property has been or is kept for ninety (90) days or more without being claimed, the same may be disposed of by the Police Department as follows:
1. If of no value or of slight value, it may be destroyed or otherwise disposed of by the City of Hot Springs;
 2. If of slight value and of use to any City of Hot Springs department, it may be turned over to the proper department and used until claimed by the owner. Such article or property may be released to the owner upon the satisfaction of any and all liens held against said article or property. The lien may be reduced based on the amount of use by the department at the discretion of the Chief of Police.
 3. If no more than slight value, it may be sold by the Police Department ten (10) days after notice of such sale has been given by one (1) publication in a legal newspaper published in the City of Hot Springs, and the City of Hot Springs may be a bidder at such sale. If on any such sale, an amount is bid in excess of the charges

or lien of the City, such excess shall be deposited to the credit of the general fund of the City of Hot Springs.

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Insofar as they contradict any provisions of this ordinance.

[Ord. 1106, Eff. 12/27/11]