

## **CHAPTER 5-1 OFFENSES AGAINST PUBLIC WELFARE**

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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;

1. Commits an act in a violent and tumultuous manner towards another whereby that other person is placed in danger of his life, limb, or health;
2. Commits an act in a violent and tumultuous manner towards another whereby the property of another is placed in danger of being damaged or destroyed;
3. Causes, provokes or engages in any fight, brawl, or riotous conduct so as to endanger the life, limb, health or property of another.

Authority: SDCL 9-29-3; Compare: SDCL 22-13-1

### **5-1-2 PUBLIC INTOXICATION**

It shall be unlawful for any person to be or remain in a state of intoxicating liquor upon the streets or alleys or in any public place in the City.

### **5-1-3 VAGRANCY**

It shall be unlawful for any vagrant to be or remain within the limits of the City. A vagrant is an idle person, having no legitimate means of support, who does not seek or desire lawful employment, and who subsists through charity of others or by unlawful means. Whenever it can be shown that any person, who is able to work, does any of the following, they are a vagrant.

1. Wanders about in idleness or lives in idleness without property sufficient for his support; or
2. Leads an idle, immoral or profligate life and does not work; or
3. Loafs, loiters or idles in the City, upon a public highway, or about any public place without any regular employment and without sufficient property for his support; or
4. Trades or barter stolen property; or
5. Unlawfully sells or barter any spirituous, vinous, malt or other intoxicating liquors; or
6. Attends or operates any gambling device or apparatus; or
7. Engages in practicing any trick or device to procure money or other things of value; or
8. Engages in any unlawful calling; or
9. If an able-bodied person, he neglects or refuses, without lawful excuse to provide support for his family; or

10. Begs in any public place or from house to house, or induces children or other to do so; or
11. Falsely represents himself as a collector of alms for a charitable institution or purpose.

Under any of these above circumstances, it shall constitute a prima facie presumption that such person is a vagrant as defined in this section.

Authority: SDCL 9-29-3 generally

#### 5-1-4 IMPERSONATING AN OFFICER

It shall be unlawful for any person not duly authorized to exercise the duties conferred by law upon policemen of this city, to wear a policeman's badge or represent himself as being a policeman or peace officer, or attempt to exercise duties of a policeman or peace officer in the City.

Compare: SDCL 22-11-8

#### 5-1-5 FURNISHING INTOXICATING LIQUOR

It shall be unlawful for any person whether licensed to sell intoxicating liquors at retail within the said City, or not, to sell, furnish or give away any intoxicating liquors, to any minor, or to any person intoxicated or to any person in the habit of getting intoxicated.

See also: SDCL 9-29-3

#### 5-1-6 FALSE EMERGENCY ALARMS PROHIBITED

No person shall knowingly make or give any false alarm or fire or other emergency by calling or causing to be called, the Fire Department, the police officers or any authorized emergency vehicle.

Authority: SDCL 9-29-2; Compare: SDCL 22-11-9, 22-11-9.1

#### 5-1-7 CURFEW

1. A minor the ages of 16 or 17 shall not be or remain in or upon the public streets, alleys, parks, playgrounds, public buildings, public places of amusement and entertainment, vacant lots or other unsupervised public places within the city between the hours of midnight and 6:00 a.m. A minor under 16 years of age shall not be or remain in or upon the public streets, alleys, parks, playgrounds, public buildings, public places of amusement and entertainment, vacant lots or other unsupervised public places within the city between the hours of 10:30 p.m. and 6:00 a.m.
2. Provisions of this ordinance imposing curfew on minors should not apply to a minor accompanied by his or her parent, guardian or adult person having the care or custody of the minor, or where the minor is upon an emergency errand or business directed or authorized in writing by his or her parent, guardian or such adult person having care and custody of the minor.

3. It shall be unlawful for the parents, guardian or other adult person having the care and custody of the minor under the age of 18, or under the age of 16, as the case may be, to knowingly permit such minor to be or remain in or upon public streets, alleys, parks, playgrounds, public buildings, public places of amusement and entertainment, vacant lots or other unsupervised public places within the city between the hours listed in Section 1 above except when the minor is accompanied by his or her parent, guardian or other adult person having care and custody of the minor, or when the minor is upon an emergency errand or business directed or authorized in writing by his or her parent, guardian, or other adult person having care and custody of the minor.
4. It shall be the right of any authorized officer or person to detain or take into custody any minor violating the curfew stated in Section 1 above and to keep said minor detained until his or her parent, guardian, or custodian is notified. Any authorized officer may return the minor to his or her parent, guardian or custodian.
5. Violation of this ordinance should be punishable by a fine schedule as follows:
  - First offense - \$30.00
  - Second offense - \$50.00
  - Third offense and/or more offenses - \$75.00

Authority: Ordinance #646; 11/19/07