

CHAPTER 6-4 USE OF STREETS AND PUBLIC PLACES

6-4-1 OBSTRUCTIONS ON STREETS

No person shall place, leave or keep on any public street, road, alley, sidewalk or other public ground in the City, and wagon, automobile, cart, truck, sleigh, or other vehicle except when the same shall be in actual use; nor shall any person place, leave or keep on any public ground in this City, and other article, substance or material which may obstruct the free use of said street, road, alley, sidewalk or public ground, except as hereinafter provided.

Authority: SDCL 9-30-2

6-4-2 RUBBISH ON STREETS

It shall be unlawful for any person to place, throw or deposit or cause to be placed, thrown or deposited, any glass, waste paper, dirt, dead leaves, grass, ashes or any other waste material on any of the streets, avenues, alleys, or public grounds in the City.

Authority: SDCL 9-30-2

6-4-3 BURNING OF MATERIALS IN STREETS OR ALLEYS

No person shall burn or cause to be burned any trash, lumber, leaves, straw or any other combustible material in the fire zone or any street or alley in the City.

Authority: SDCL 9-30-2, 9-33-1, 9-33-3

6-4-4 MATERIALS IN STREETS; PERMIT FOR

The City Council is authorized to grant permission in writing to any person to deposit and keep lumber, stone, brick or other materials for building, in any public sidewalk, street, road or alley adjacent to the building to be erected or repaired, but such permission shall not excuse the obstruction or occupancy with such materials of more than one third in width or any sidewalk or more than one third in width of any carriage way of any street or road.

Authority: SDCL 9-30-2

6-4-5 CLEANING STREETS AND SIDEWALKS OF RUBBISH

Every person to whom permission may be granted, as in the last section provided, to place and keep building materials in the street, road or alley, shall cause all such materials and the rubbish resulting therefore, to be removed from such sidewalk, street, road or alley at the expiration of the time limited in the permit, unless the time shall for good cause to be extended by the City Council and any person depositing and keeping any building on such sidewalk or in such street, road or alley under a permit from the City Council, shall during every night while the material shall there remain, keep one or

more lighted lanterns or flares so placed that such material may be easily seen by persons passing along such sidewalk, street, road or alley.

Authority: SDCL 9-30-2

6-4-6 EXCAVATIONS UNDER SIDEWALK

Any person, company or corporation having or erecting any buildings abutting upon any street or avenue in the City, may excavate under the sidewalk to the curb for the purpose of constructing a cellar or basement under the sidewalk in front of or adjoining said building; provided that said excavation shall be surrounded upon the outer side and ends thereof with substantial brick, stone or cement wall and said walls and the construction of said sidewalk are to be approved by the City Council and said walls shall be sufficient to maintain the said sidewalk; and provided further, that permission to make such excavation and construct said sidewalk shall be securely guarded by barricades at all times, and by one or more lighted lanterns or flares in the night time, so long as the same shall remain open.

Authority: SDCL 9-30-2

6-4-7 EXCAVATION NEAR STREET

It shall be unlawful for any person, owner or occupant of any lot or parcel of land within the City, to make or cause to be made any excavation on said lot or parcel of land, except the same be securely guarded so as to prevent the injury of any person or persons or animals passing upon or along said sidewalks, street, alleys or public grounds or traveled path or roadway.

Authority: SDCL 9-30-2

6-4-8 OPENINGS IN SIDEWALKS

No permanent opening shall hereafter be made or maintained in any sidewalk in any of the public streets of the City, for the purpose of stairways leading to any basement or cellar, or for admitting light or for any other purpose; provided, that openings in sidewalks for the admission of coal, light, air or for other purposes, if covered with suitable iron covers, iron gratings, or glass set in iron or cement, set level with the surface of the sidewalk and of such construction as not to be dangerous to pedestrians passing over the same, may be constructed upon the approval of the City Council, under a permit obtained from them specifying the details of the construction to be used.

Authority: SDCL 9-30-2

6-4-9 BUILDING IN STREETS

No person shall erect or maintain any building in such a position that the same shall stand in whole or in part upon any street, alley, sidewalk or other public grounds in this city, or so constructed that any part of such building proper shall project into or over such street, alley, sidewalk or other public ground. Jut windows, bulks, cornices and other necessary projections above the first story may extend over the adjoining street, alley or sidewalk not exceeding eighteen (18) inches. No person shall construct any basement or cellar

stairway extending into any street, alley or sidewalk more than three and one half feet; or any step, area or other appurtenance to any building so extending more than thirty (30) inches, nor shall any person erect in any street, alley or sidewalk any flight of stairs leading to the second or any height story of any building without the written permission of the City Council.

Authority: SDCL 9-30-2

6-4-10 OBSTRUCTION ON SIDEWALKS, SIGNS, ETC.

No person shall place, push, draw or back any vehicle on any sidewalk in this city, or use, ride, or leave any vehicle thereon unless it be in crossing the same to go into any alley or upon a lot where no other crossing or other means of access is provided.

Foot traffic only shall be allowed on the sidewalks along Main Street and one block on each side adjacent thereto.

Any person operating a bicycle shall do so pursuant to SDCL 32-20B, or any acts amendatory thereto.

Authority: SDCL 9-30-2, 9-30-3, 9-30-4

6-4-11 POSTS AND AWNINGS IN STREET

No person shall set any post or other obstruction in any road, street or alley in this city for the purpose of fastening thereto any awning or sign, nor shall any person erect, set up nor construct any wooden shed, awning or structure, of any character in, on or over any street, alley or sidewalk in said city, except as otherwise provided in this ordinance, nor shall any person drop any awning of any material or suffer the same to approach nearer the surface of the sidewalk than seven feet.

Authority: SDCL 9-30-2, 9-30-3

6-4-12 GOODS ON SIDEWALKS

For the purpose of receiving or delivering goods or merchandise, it shall be lawful for any person to use the outer three feet of the sidewalk in front of his premises for a period not exceeding ten hours.

Authority: SDCL 9-30-4

6-4-13 BILLBOARDS OR SIGN BOARDS

It shall be unlawful for any person to erect, keep or maintain any billboard or sign board at, along or near any street in the City so that such sign board or bill board is nearer to the sidewalk along said street than the height of said sign board.

Authority: SDCL 9-30-3

6-4-14 EAVE PIPES

No person shall in any street or alley of the city place or maintain any pipe leading from the eaves of any building in such a position that the water discharged thereby may flow onto or over any sidewalk in any street or alley of this city. Any existing eave pipes in place at the inception of this ordinance shall not be in violation of this ordinance;

however, any new construction shall be required to be in compliance with the provisions contained in this ordinance.

Authority: SDCL 9-30-2

6-4-15 HINDERING STREET IMPROVEMENTS

No person shall hinder or obstruct any employee of this city in lawfully making any improvement or doing any work on any street, alley or other public ground in this city.

Authority: SDCL 9-30-2

6-4-16 ANIMALS AND VEHICLES ON SIDEWALKS

No person shall ride, drive, or lead any horse or mule or drive or lead any cow or any other animal, upon any public sidewalk in the City, or draw or propel or cause to be drawn or propelled thereon any vehicle ordinarily drawn by horses, or drive or operate or cause to be driven or operated any motor vehicle upon any sidewalk in said City except that the same may be driven across any sidewalk in entering or leaving the premises of any person if there shall be constructed a driveway across said sidewalk at said premises.

Authority: SDCL 9-29-12, 9-30-2

6-4-17 ABANDONED PROPERTY

Any automobile, vehicle, or other personal property which has been abandoned upon any of the streets, alleys, or other public places, shall be taken into possession by the Sheriff Department of the City and shall be stored at such location as shall be designated by the City Council for a period of at least ninety (90) days, during which time the owner or owners may redeem such property upon paying the cost of removal and storage.

If such personal property is not reclaimed within such ninety day period, then and in that case, the said property may be sold by the Sheriff Department at public auction, at such location as may be determined by the City Council, after publication, at least once ten (10) days prior to the date of such sale, of a notice describing the property to be sold and the time and place of said sale.

Immediately after such sale, the person making such sale shall file a report thereof with the Finance Officer and the proceeds of such sale shall be deposited with the Finance Officer and credited to the General Fund of the City.

Authority: SDCL 32-30-12 to 32-30-18' Compare: SDCL Ch. 32-36