

## **TITLE IX: GENERAL REGULATIONS**

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## CHAPTER 90: ANIMALS

### Section

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#### **GENERAL PROVISIONS**

##### **' 90.01 CRUELTY TO ANIMALS.**

No person shall cruelly or immoderately beat, torture, or injure any domestic animal, nor overload any working animal, nor shall any person willfully or negligently maltreat or abuse or treat or neglect in a cruel or inhumane manner any such animal.

(1985 Code, ' 7.0401) (Ord. 273, passed 9-13-2005) Penalty, see ' 90.99

**' 90.02 ANIMALS RUNNING AT LARGE.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***AT LARGE.***

(a) An animal when off or away from the premises of the owner, possessor, keeper, agent or servant, or a member of his or her immediate family, unless restrained and controlled by a leash.

(b) An animal when on the premises of the owner, possessor, keeper, agent, or servant if not attended by a competent person, unless the animal is chained, restrained, enclosed or confined in a manner preventing it from leaving the premises.

***LEASH.*** A cord, thong or chain, not to exceed six feet in length, by which an animal is controlled by the person accompanying it.

***OWNER.*** Any person harboring or keeping an animal and who is the head of the household of the residence or the owner or manager in charge of the establishment or premises at which the animal remains or returns to.

**(B) *Running at large prohibited.***

(1) It shall be unlawful for any person to have any animal which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by him or her or under his or her or their control to be at large and to go in or upon the private premises of others or upon any public property.

(2) It shall be the duty of the owner of every dog to keep the dog securely chained or contained within an appropriate fence.

(3) Any dog found in the city running at large or found to be disturbing the peace is hereby declared to be a nuisance and shall be impounded as hereinafter provided.

Penalty, see ' 90.99

**' 90.03 LIVESTOCK AND FOWL RUNNING AT LARGE PROHIBITED.**

It shall be unlawful for any person owning or having the care or control of any fowl, cattle, horses, asses, mules, sheep, goats, hogs or other animals, to permit the same to run at large within the city limits.

Penalty, see ' 90.99

**' 90.04 KEEPING OF ANIMALS.**

(A) No person shall keep prohibited animals on any personal land in the city.

(1) This prohibition includes the domestic fowl of the order Galliformes and Gallinaceous birds (fowl-like birds), and the order Anseriformes (water fowl).

(2) This prohibition also includes horses, cattle, hogs, sheep, goats, ostriches, emus, insects, and all other domesticated or undomesticated animals.

(B) It is considered a nuisance and shall be unlawful for any person to keep and maintain (other than the care and treatment of injured animals by people licensed for that purpose) or sell animals or creatures that are native fur bearers, bears, mountain lions, bobcats, lynx, panthers, endangered species, exotic cats or venomous snakes.

(C) Nothing in this section shall be deemed to prohibit the keeping of aquarium fish, rabbits, hamsters, gerbils, or similar small and common household pets, as well as (*Felis catus*) the domestic cat, (*Mustela putorius fori*) the European polecat otherwise known as the ferret, or (*Canis familiaris*) the domestic dog, as long as licensed or permit procedures are followed.

(D) Any property owner or entity who is currently boarding or keeping any of the above animals or creatures, which would otherwise be in violation of this section, shall be allowed to continue to keep or board the said animals so long as the same shall not be considered a danger to humans, or a predator of a human, as defined above. In the event that the current property owner or entity ever stops keeping or boarding said animal or creature on property that would otherwise violate this section, for whatever reason, or in the event the property is in the future sold or passed by inheritance or gift to another person or entity, then this grandfather provision shall lapse and the new owner and property will be required thereafter to comply in all respects with this section.

**' 90.05 PICKETING ANIMALS.**

No person shall, within the city, stake out any domestic animal in such a manner as to permit it to approach within 150 feet of any dwelling house or building used for human habitation other than that of the owner of such animal.

(1985 Code, ' 7.0406) Penalty, see ' 90.99

**' 90.06 DEFECATION PROHIBITED.**

(A) No owner, keeper, caretaker, or attendant of an animal shall allow an animal to defecate on public or private property other than his or her own. If such animal does defecate upon public or private property, the owner, keeper, caretaker, or attendant must immediately and thoroughly clean the fecal matter from such property.

(B) Anyone walking an animal on public or private property other than his or her own must carry with him or her visible means of cleaning up any fecal matter left by the animal. Animals used in parades or involved in law enforcement are exempt from this section.

(1985 Code, ' 7.0408) (Ord. 273, passed 9-13-2005) Penalty, see ' 90.99

### ***DOGS AND CATS***

#### **' 90.20 LICENSE.**

It shall be unlawful for any person or persons within the city to keep, maintain, or have in his or her custody or under his or her control any dog or cat or animals of the dog or cat kind, without first having obtained a license so to do from the City Finance Officer or his or her designated license procurement place.

(1985 Code, ' 6.0301) (Ord. 176, passed 12-13-1994) Penalty, see ' 90.99

#### **' 90.21 APPLICATION.**

(A) (1) Any person or persons desiring to keep, maintain, or have in his or her custody by himself or herself, or his or her agent within the said city any dog or cat six months old or older must submit an application for a pet license. Such pet license shall expire one year after its issuance and must be renewed annually thereafter one year from the date of such issuance by renewal application.

(2) The application will be furnished by the City Finance Officer or a designated license procurement place.

(3) All applications for a license must be accompanied by a rabies immunization certificate, valid for the ensuing 12-month period or longer, and the appropriate fee, as shown in ' 90.22.

(B) In the event the City Finance Officer or designated license procurement place has in their possession a signed complaint or complaints verified by the Chief of Police that such dog has vicious propensities, such application shall be denied and the owner of person having control of such dog shall cause the same to be removed from the corporate city limits.

(1985 Code, ' 6.0302) (Ord. 129, passed 8-11-1987; Ord. 176, passed 12-13-1994) Penalty, see ' 90.99

#### **' 90.22 FEE TAG.**

(A) The applicant shall, at the time of making such application, pay to the City Finance Officer as a

license fee, established by resolution of the City Council and may be amended by the Council from time to time, for each dog or cat for which such license is sought. It shall be the duty of the City Finance Officer or designated licensing agency at the time of the issuance of the license herein provided to furnish and deliver to said applicant a metallic tag for each dog or cat for which such license is issued upon which tag shall be stamped or engraved, the registered number of the dog or cat, and the year when registered. It shall be the duty of the owner of the dog or cat to place a collar around the neck of such dog or cat so owned or kept by him or her on which the collar shall be securely fastened a tag so furnished by the City Finance Officer or designated licensing agency; provided, that in case of the loss of any tag so issued, the said City Finance Officer or designated licensing agency is authorized to issue a duplicate thereof upon payment to him or her the sum, established by resolution of the City Council and may be amended by the Council from time to time, upon application being made therefor, and upon satisfactory proof that such tag has been lost.

(B) Designated licensing agencies will be furnished metallic tags by the City Finance Officer. Designated licensing agencies will retain one-third for each new or renewal tag issued and remit to the city the sum the remaining for each new or renewal tag issued on the monthly basis. Designated licensing agencies shall report monthly to the City Finance Officer the tag number, name, and address of all licenses issued.

(1985 Code, ' 6.0303) (Ord. 176, passed 12-13-1994)

**' 90.23 DOGS AT LARGE.**

It shall be unlawful for any person or persons to permit or suffer to run at large within the limits of the city any dog or animal of the dog kind of a destructive habit or vicious disposition; or which is in the habit of destroying or depositing waste on shrubbery, flowers, gardens, and the like; or that may be in the habit of barking at or in any manner annoying any person or persons living in the immediate neighborhood or passing along or using the streets or sidewalks of said city, after being notified in writing that such dogs or animals possess such habits. Any police officer or person of property authority is hereby authorized and empowered to capture any such dog or animal found running at large in said city after the owner or keeper thereof or the person having the custody of said dog or animal has been notified of such habit.

(1985 Code, ' 6.0304) Penalty, see ' 90.99

**' 90.24 DOGS MUZZLED.**

The Mayor of the city may, by proclamation at any time upon 48 hours= notice, publish in the official paper of the city an order that all dogs in the city shall be muzzled in such a manner as to make it impossible for said dogs to bite any person, dog, or other animal.

(1985 Code, ' 6.0305)

**' 90.25 DESTRUCTION OF DOGS OR CATS RUNNING AT LARGE.**

The Chief of Police is hereby authorized to employ, whenever he or she may deem it necessary, a sufficient number of persons to capture, kill, and dispose of all dogs or cats found running at large contrary to the provisions of this subchapter. It shall be the duty of the person in charge to destroy such dog or cat and to cause it to be removed and properly buried.

(1985 Code, ' 6.0306) (Ord. 129, passed 8-11-1987)

#### **' 90.26 DESTRUCTION OF DANGEROUS DOGS.**

(A) No dog of dangerous, vicious, or fierce propensities may be at large at any time within the limits of the city, and it shall be unlawful for the owner or other person having any such dog in his or her possession or under his or her control, or any manner of keeping or harboring any such dog within the city limits of the city, to cause to permit any such dog to be allowed within the city.

(B) If any dog attacks, bites, or attempts to bite any person while such dog is at large, then such dog shall be conclusively presumed to be a dangerous dog and a dog of dangerous propensities.

(C) If any dog attacks or attempts to attack any other dog or any other animal while such dog is at large, or chases or otherwise attempts to catch a person, then such dog shall be conclusively presumed to be a vicious dog and have vicious propensities.

(D) Upon written complaint or other reasonable cause, arising out of either divisions (A) or (B) above, then in such case, any police officer of this city may destroy any dog having dangerous or vicious propensities without having to catch or impound such dog whether such dog is running at large or upon the premises of such owner or person having control of such dog.

(1985 Code, ' 6.0307) (Ord. 129, passed 8-11-1987) Penalty, see ' 90.99

#### **' 90.99 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of ' 10.99.

(B) Any person violating the provisions of ' 90.02, ' 90.03, or ' 90.04 shall be fined as established by resolution of the City Council and the resolution may be amended by the Council from time to time.

(C) Any person violating the provisions of ' 90.21 shall be fined set by resolution of the City Council and may be amended by the Council from time to time. Each day such violation continues shall be considered a separate offence.

(1985 Code, ' 6.0302)



(D) Any person violating the provisions of ' 90.23 shall be fined set by resolution of the City Council and may be amended by the Council from time to time.

(1985 Code, ' 6.0304)

(Ord. 129, passed 8-11-1987; Ord. 176, passed 12-13-1994)

## CHAPTER 91: STREETS AND SIDEWALKS

### Section

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**SIDEWALKS**

**' 91.001 GRADES AND CURB LINES.**

Grades and curb lines as heretofore established by the city as shown on a map prepared by the City Engineer and now on file in the office of the City Finance Officer are hereby adopted as the official grades and curb lines of the city and all sidewalks hereafter constructed shall be in accordance with such established grades and curb lines.

(1985 Code, ' 8.0101)

**' 91.002 SUPERVISION OF SIDEWALKS AND CURBING CONSTRUCTION.**

The building and construction of all sidewalks and curbing within the limits of the streets and alleys of the city shall be done under direct supervision of the city and its duly-appointed officers and agents and all such sidewalks and curbing shall be constructed on the grades as determined by the said city.

(1985 Code, ' 8.0102) (Ord. 165, passed 6-8-1993)

**§ 91.003 SPECIFICATIONS.**

(A) (1) The construction of all sidewalks and curbing, whether to be done by direct contract with the city or by contract with the abutting property owners, shall be done strictly in accordance with the Council's regulations on file in the office of the City Finance Officer.

(2) The Council shall have full power to condemn work and material not in accordance with the requirements of said specifications.

(B) (1) All curbs and gutters installed on corner lots in the city shall be paid for as follows: landowner shall pay for such charges from the alley line to the start of the radius and from the adjoining property owner's line to the start of the radius.

(2) The property owner is responsible for all costs covering the radius.

(C) Whenever the term *RADIUS* is used in this section, it shall be deemed to designate and apply to the curved portion of any curb and gutter with a continuously bending line without angles or a line no part of which is straight.

(1985 Code, § 8.0103)

**§ 91.004 PERMIT REQUIRED.**

Before any sidewalk or curbing is constructed within the limits of the streets and alleys in the city by any contractor or person for the owner or owners of abutting property, said contractor or person must first secure a permit therefor from the City Finance Officer. The fee for said permit shall be established by resolution of the City Council and may be amended by the Council from time to time.

(1985 Code, § 8.0104)

**§ 91.005 SIDEWALK CONSTRUCTION MATERIAL.**

All sidewalks hereafter build shall be of cement construction and, except those in business blocks, shall be ten inches from the inside of the sidewalk to the line of the lot.

(1985 Code, § 8.0105)

**§ 91.006 WIDTH OF SIDEWALKS.**

All sidewalks in a business district shall be 12 feet in width; all other shall be five feet wide.

(1985 Code, § 8.0106) (Ord. 328, passed 12-13-2012)

**' 91.007 PROCEDURE FOR ENFORCEMENT OF CONSTRUCTION OF SIDEWALKS.**

(A) *Procedure.* Wherever the City Council shall deem it necessary to construct or repair any sidewalk, it shall require the Street Committee Chairperson to give notice in writing to all resident owners and occupants of any lot or lots or parcels of land adjoining such sidewalk to construct or repair the same at his or her own proper expense and charge within 30 days from the service of said notice, and upon nonresident owners, by publication in the official paper of said city for not less than two weeks; or a notice to such nonresident owners setting forth what work is to be done and the character of the same by such owners or occupants, and that the same must be constructed or repaired within 30 days from the first publication of said notice, which notice shall also give the date of the first publication; provided, that when repairs only are necessary and the owner or owners of the lot or parcels of land adjoining said sidewalk to be repaired are nonresidents, and the said lots or parcels of land are unoccupied, the Street Committee Chairperson shall, under the order of the City Council, make such needed repair, and the reasonable necessary expense for making the same shall be assessed on the lot, lots, or parcels of land adjoining, and assessed and collected as provided in state statutes.

(B) *Additional proceedings.*

(1) If such work is not done and the sidewalks not built or repaired in the manner and within the time prescribed, the City Council may order the same to be done by the Street Commissioner at the expense of the lot, lots, and parcels of land adjoining said sidewalks, and the said expense shall be assessed upon such lots and parcels of land so chargeable by the Street Commissioner and returned by him or her to the City Council.

(2) The said assessment so made and returned, if approved by the City Council, shall become a lien upon said lots and parcels of land, as in the case of city, county, and state taxes.

(C) *Payment for the same.* If said assessment is not paid to the City Finance Officer on or before August 20 in any year, the City Council shall cause a statement of the same to be transmitted with the city taxes levied for the year, to the County Auditor on or before September 1 in each year; and the said Auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him or her to the County Treasurer for collection, and payment thereon enforced within and in like manner as city, county, and state taxes are collected and payment thereon enforced.

(1985 Code, ' 8.0107)

**' 91.008 WHEELCHAIR ACCESSABILITY.**

(A) Anyone in the city making new installations of sidewalks and curbs or gutters, or improving or replacing existing sidewalks, curb, or gutters shall install or construct as the crosswalk in either the business or residential areas ramps so as to make the transition from street to sidewalk easily negotiable for handicapped persons in wheelchairs.

(B) All such ramps shall be constructed and installed in accordance with plans and specifications prepared by the State Department of Transportation.  
(1985 Code, ' 8.0108)

### ***SNOW REMOVAL***

#### **' 91.020 DUTY OF OWNER OR OCCUPANT.**

(A) It shall be the duty of the owner or occupant or person in possession or in charge of any lot, parcel, or plot of ground fronting or abutting upon any sidewalk to keep such sidewalk free and clear from snow and ice at all times.

(B) When it is frozen to the sidewalk, the owner or occupant or person in charge of such lot shall sprinkle or spread some suitable material upon the same to prevent the walk from becoming slippery and dangerous to travel.  
(1985 Code, ' 8.0201)

#### **' 91.021 CITY SHALL REMOVE SNOW OR ICE.**

If the owner or person in possession or in charge of any said lots, parcels, or plots of grounds fails or refuses to remove the snow or ice from such sidewalk within 48 hours in a residential district, or 12 hours in a business district (Main Street between Third Street and the Railroad Tracks; Second Street between Ash Street and Elm Street; First Street between Ash Street and Elm Street; and Depot Street between Ash Street and Elm Street) of the falling of said snow or the forming of said ice, without notice from the city, the city shall remove or cause to be removed said snow or ice each time it is necessary and assess the cost thereof against the fronting or abutting property.  
(1985 Code, ' 8.0202) (Ord. 342, passed 1-13-15) Penalty, see ' 91.999

#### **' 91.022 COST ASSESSED.**

(A) The officer in charge of streets shall cause an account to be kept against each lot for the removal of snow from the sidewalks each year and same shall be certified to the City Finance Officer on or before May 15 each year.

(B) (1) The Finance Officer shall prepare an estimate of the assessment against such lot for the removal of snow for the preceding winter and fall and submit the same to the Council for its approval on or before June 1 of each year, and shall publish in the official newspaper a notice to property owners of the time and place when and where the Council will meet for the purpose of approving such estimate.

(2) Such notice shall be published at least one week prior to the date set for said hearing.

(C) (1) Upon the day so named, the Council shall meet and if it finds said estimate correct, shall approve the same with or without modification or amendments as it may deem proper and file said assessment with the City Finance Officer.

(2) From the date of such approval and filing, the same shall be a special lien against the various pieces of property described in said assessment and shall be collected in like manner as special assessments are now collected for public improvements.

(1985 Code, ' 8.0203)

**' 91.023 RECOVERY BY CITY.**

In lieu of spreading the cost of such snow removal as a special assessment against said property in the discretion of the Council, said amount may be recovered in a civil action against the owner or occupant of said property or may be added as a tax in addition to all other taxes assessed against said property.

(1985 Code, ' 8.0204)

***USE OF STREETS***

**' 91.035 OBSTRUCTION ON STREETS.**

(A) No person shall place, leave, or keep on any public street, road, alley, sidewalk, or other public ground in the city, any wagon, automobile, cart, truck, sleigh, or other vehicle, except when the same shall be in actual use.

(B) Nor shall any person place, lease, or keep on any public street, road, alley, sidewalk, or other public ground in this city, any other article, substance, or material which may obstruct free use of said street, road, alley, sidewalk, or public ground, except as hereinafter provided.

(1985 Code, ' 8.0301) Penalty, see ' 91.999

**' 91.036 MATERIALS ON STREETS; PERMITS.**

The Council is authorized to grant permission in writing to any person to deposit and keep lumber, stone, brick, or other materials for building on 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 of the width of any carriage way of any street or road.

(1985 Code, ' 8.0302)

**' 91.037 CLEANING STREETS OR THE SIDEWALK OF RUBBISH.**

(A) Every person to whom permission may be granted, as in ' 91.036, to place and keep building material in the street, road, or alley, shall cause all such material and the rubbish resulting therefrom, to be removed from such sidewalk, street, or alley at the expiration of the time limited in the permit, unless the time shall for good cause be extended by the Council.

(B) Any person depositing and keeping any building material on such sidewalk or in such street, road, or alley under a permit from the 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.

(1985 Code, ' 8.0303)

**' 91.038 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, streets, alleys, or public grounds or traveled path or roadway.

(1985 Code, ' 8.0304) Penalty, see ' 91.999

**' 91.039 BUILDING IN STREET.**

No person shall erect or maintain any building in such a position that the same shall stand in whole or in part upon any public street, road, alley, or sidewalk in said city, or so constructed that any part of the building proper shall project into or over such street, road, alley, or sidewalk; provided, that jut windows, cornices, and other projections from the buildings above the first story may extend over an adjoining street, road, alley, or sidewalk, not exceeding 18 inches.

(1985 Code, ' 8.0305) Penalty, see ' 91.999

**' 91.040 EAVE PIPES.**

No person shall place or maintain any pipe leading from the eaves of any building or any part of any building in said city in such a position that the water discharged from the roof of said building will flow upon or over any public sidewalk in said city.

(1985 Code, ' 8.0306) Penalty, see ' 91.999

**' 91.041 GARBAGE IN STREETS.**



It shall be unlawful for any person, firm, or corporation to throw or deposit any ashes, offal, dirt, garbage, decaying vegetables, fish, meat, manure, filthy water, slops, or any other offensive or putrid matter or thing into or upon any street, avenue, lane, alley, or public ground within the corporate limits of the city or into any stream of water within the limits of the said city or forming the boundaries thereof.

(1985 Code, ' 8.0307) Penalty, see ' 91.999

**' 91.042 VEHICLES ON SIDEWALKS.**

No person shall 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 drive-way across said sidewalk at said premises.

(1985 Code, ' 8.0308) Penalty, see ' 91.999

**' 91.043 SIGNS AND AWNINGS.**

(A) No person shall place, hang, or maintain on or over any sidewalk any sign which shall extend more than four feet from the building to which it is attached or belongs.

(B) Said sign shall suspend from above and be at least eight feet from the surface of the sidewalk, and all awnings used or placed so as to project over any sidewalk in said city shall be at least seven and one-half feet above the surface of the sidewalk over which the same projects.

(1985 Code, ' 8.0309) Penalty, see ' 91.999

**' 91.044 GOODS ON SIDEWALKS.**

(A) It shall be lawful for any person to place on the outer three feet of the sidewalk in front of his or her premises for a period not exceeding ten hours any goods, wares or merchandise which he or she may be in the act of receiving or delivering.

(B) It shall also be lawful for any person to display on and over the sidewalk in front of and within three feet of the building by him or her used as his or her place of business, any goods, wares, or merchandise; provided, that no goods or merchandise thus displaced shall be left on or over such sidewalks during the night.

(1985 Code, ' 8.0310)

**' 91.045 HINDERING STREET IMPROVEMENTS.**

(A) No person shall hinder or obstruct the Street Commissioner or any employee of the city in lawfully making any improvement in any public street, road, or alley, or any public ground of said city.

(B) Nor shall any person without proper authority tear up, break, or injure any pavement, crosswalk, or other improvement in any public street, road, or alley or public ground in said city. (1985 Code, ' 8.0311) Penalty, see ' 91.999

### ***MOVING BUILDING ON STREET***

#### **' 91.060 PERMISSION TO MOVE BUILDING ON STREETS.**

It shall be unlawful for anyone to move any building into, along, or across any public street, alley, or highway within the city without having obtained permission to do so in compliance with the provisions of this subchapter. (1985 Code, ' 8.0401) Penalty, see ' 91.999

#### **' 91.061 CONTENTS OF APPLICATION.**

(A) Anyone desiring to move any building into, along, or across any public street, alley, or highway within the city, shall first apply in writing for permission so to do to the office of Finance Officer fully stating the name of the applicant, the name of the owner of the building, the description of the lot on which such building is standing, the lot to which it is to be moved the street along which it is proposed to move such building, the time when such removal will take place, and the size of the building.

(B) Said application shall be accompanied with the sum, established by resolution of the City Council and may be amended by the Council from time to time, to be deposited with the City Finance Officer as a pledge or guarantee fund to protect the city against loss or damage to crossings, sidewalks, or other public or private property, or expense for protecting such property against the injuries that may be caused by the removal of such building; said deposit or the balance therefor, after deducting the amount of damages or expenses, if any, caused by such removal, to be returned to the person depositing same upon an official report of the condition of the streets, sidewalks, crossings, or other public or private property after such removal, made by the Chief of Police to the City Finance Officer. (1985 Code, ' 8.0402)

#### **' 91.062 GUARANTEE FUND.**

Whenever the City Finance Officer shall decide from any examination of the application and from such other information as he or she may obtain a deposit established by resolution of the City Council is not sufficient as a guarantee fund for ample protection of the city against the probable damages and expenses that may be caused by the removal of such building, he or she is hereby authorized and it shall be his or her duty to require the deposit of a larger sum but not to exceed \$500.

(1985 Code, ' 8.0403)

**' 91.063 PERMITS; CONTENTS.**

(A) On the receipt of the application and guarantee fund as hereinbefore provided, the City Finance Officer may personally, or through the Chief of Police, investigate the representation of such applicant.

(B) If such investigation is satisfactory, the Finance Officer shall hold such guarantee fund and issue to the said applicant a permit in writing for the removal of such building along or across the streets, highways, or alleys to be designated by the City Finance Officer, said removal to be finished prior to the time stated in such permit.

(1985 Code, ' 8.0404)

**' 91.064 REFUNDING GUARANTEE FUND.**

Before refunding said guarantee fund or any part thereof, it shall be the duty of the City Finance Officer to examine the report of the Chief of Police and pay out of said fund or set aside for such purposes the amount claimed or ascertained as the damages for injuries to the public or private property, including the expenses of protection to electric, telegraph, and telephone wires as aforesaid, caused, or occasioned by the removal of such building as aforesaid.

(1985 Code, ' 8.0405)

**' 91.065 APPLICANTS REQUIRED TO SERVICE NOTICE TO OWNERS OF WIRES.**

If the permit includes streets, alleys, or highways on which are located, or across or along which are strung, electric light, telegraph, or telephone wires, it shall be the duty of such applicant to notify in writing the resident manager or managing agent or officer of such public service corporation or owner of said line or wires at least 24 hours before the commencement of such work of his or her intent to so move such building under or across such line or wire and of the approximate time for such crossing of line or wire by such building.

(1985 Code, ' 8.0406)

***EXCAVATION IN PUBLIC PLACES***

**' 91.080 PERMIT REQUIRED.**

No person shall make or cause to be made any excavation in or under any street, parking, sidewalk, alley, or public ground, or remove any earth, soil, paving, gravel, or material therefrom without having first obtained a permit therefor as hereinafter provided.

(1985 Code, ' 8.0501) (Ord. 140, passed 6-12-1990) Penalty, see ' 91.999

**' 91.081 PERMIT APPLICATION.**

Application for such permit shall be made at the Mayor=s office. No permit will be required for contracts let by the city. In subdivision work, it will be the responsibility of the owner=s contractor to obtain the necessary permits from the Mayor=s office.

(1985 Code, ' 8.0502) (Ord. 140, passed 6-12-1990)

**' 91.082 TYPES OF PERMITS.**

(A) *Street cut permit.* Street cut permits govern the construction, installation, removal, repair, or maintenance of utilities operated by public utility companies under franchise from the city.

(B) *Construction permit.* Construction permits govern the installation or replacement of public improvements; including street grading, curb and gutter, roadway subbase, base and wearing surface, drainage and flood control structures, water and sanitary sewer piping.

(1985 Code, ' 8.0503) (Ord. 140, passed 6-12-1990)

**' 91.083 ISSUANCE OF PERMITS.**

Any permit issued shall pertain only to excavating or constructing within the city right-of-way and is in no way to be considered a permit to enter on any private property adjacent to such right-of-way or to alter or disturb any facilities or installations existing within the right-of-way and which may have been installed and are owned by others.

(1985 Code, ' 8.0504) (Ord. 140, passed 6-12-1990)

**' 91.084 BONDS.**

(A) Those agencies set forth in ' 91.082(A) shall furnish a non-cancelable permit bonds in an amount of the schedule in force at the time and made payable to the city. Said bond shall be in the name of the permittee and shall be furnished prior to the issuance of any permit.

(B) (1) A copy of the schedule may be obtained from the Mayor=s office.

(2) Said bond shall assure that the permittee will comply with all city standards and specifications and shall assure recovery by the city of any expense incurred within a period of 365 days following the expiration date of a permit to the amount of said bond due to failure of the permittee to comply with the provisions of these standards or to otherwise cause expense to the city as a result of the work performed.

(1985 Code, ' 8.0505) (Ord. 140, passed 6-12-1990)

**' 91.085 DEPOSITS.**

Those agencies set forth in ' 91.082(B) shall deposit a minimum, established by resolution of the City Council and may be amended by the Council from time to time, with each permit application. A refund will be made to the applicant upon the final completion of backfill, material removal, and surface restoration. The refund shall be the deposit amount less said costs. In the event the aforementioned costs are greater than the deposit, the permittee will be billed for the balance.

(1985 Code, ' 8.0506) (Ord. 140, passed 6-12-1990)

**' 91.086 CONSTRUCTION SPECIFICATIONS; CUT PERMITS.**

*(A) Street cut permits.*

(1) Those agencies set forth in ' 91.082(A) having obtained a permit and made a cut in a public right-of-way shall repair such pavements or surfacing to the original condition. Where applicable, the permittee shall bore under all streets or alleys. The earth shall be thoroughly tamped in successive layers in such manner that the fill is compacted to 95% of maximum dry density as determined by Test Method AASHO T-99. The base course for any pavements or concrete shall be eight inches of thoroughly compacted gravel.

(2) All pavement or concrete shall be replaced to its original depth by the permittee. If such pavements or surfacing are not restored and maintained as to the original condition, notice thereof in writing by regular mail shall be given the permittee who shall put the same in good condition within a maximum of three days. If the permittee fails after notice given to restore and maintain such pavements or the surface thereof, the city may make the necessary repairs and such permittee shall pay the costs thereof, and until paid no other permit shall be issued.

(1985 Code, ' 8.0507)

*(B) Construction permits.* Those agencies set forth in ' 91.082(B) having obtained a permit shall make all necessary excavations. Where existing pavement or concrete is removed, the excavator shall by sawing method, ensure that the pavement or concrete edges are straight and vertical. The city or its authorized agent shall backfill all excavations between curb lines, remove any excess material which results from excavation between curb lines, and restore the surface to the original condition. The permittee shall pay for all backfilling, material removal, and surface restoration in an amount of the schedule in force at the time.

(1985 Code, ' 8.0508) (Ord. 140, passed 6-12-1990)

**' 91.087 LANDSCAPING.**

The permit holder shall be responsible for the restoration of landscaped areas between the property line and adjacent public roadways.

(1985 Code, ' 8.0509) (Ord. 140, passed 6-12-1990)

**' 91.088 RELOCATING UTILITIES.**

The permit holder shall be responsible for relocating or adjusting any utility facilities located on the street right-of-way as required to accommodate the approach or other facility or other facility applied for.

(1985 Code, ' 8.0510) (Ord. 140, passed 6-12-1990)

**' 91.089 GUARDING EXCAVATIONS.**

Any person receiving a permit to make excavations in or upon any street, alley, sidewalk, or public ground shall, during the progress and continuance of the work, erect and maintain around the same both day and night suitable guards, fences, flares, and signals so as to prevent injury to persons, animals, or vehicles on account of such excavations. Such flares shall be kept lighted from sundown to sunrise.

(1985 Code, ' 8.0511) (Ord. 140, passed 6-12-1990) Penalty, see ' 91.999

**' 91.090 EXCAVATIONS NEAR STREET.**

It shall be unlawful for any person, owner or occupant of any lot to make or cause to be made any excavation on said lot adjacent to any street, alley, public ground, or traveled road or roadway, except the same be securely guarded so as to prevent injury to any person or animal passing upon or along the same.

(1985 Code, ' 8.0512) (Ord. 140, passed 6-12-1990) Penalty, see ' 91.999

**' 91.999 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of ' 10.99.

(B) Any person whose duty it shall be to remove snow as set forth in ' 91.020, and who fails to remove such snow within the time therein set forth, shall be guilty of a misdemeanor; and upon conviction thereof, shall be fined, set by resolution of the City Council and may be amended by the Council from time to time, in addition to the other penalties prescribed in ' ' 91.020 through 91.023; and in addition thereto, shall be liable to the municipality for any damage caused by the neglect to keep such sidewalk clear and free of snow and ice as provided in ' ' 91.020 through 91.023.

(1985 Code, ' 8.0205)



## CHAPTER 92: HEALTH AND SANITATION

### Section

#### *Nuisance Dangerous to Health*

- 92.01 Nuisances defined and prohibited
- 92.02 Nuisances; how abated
- 92.03 Weeds; duty of owner; notice to destroy
- 92.04 Action upon noncompliance
- 92.05 Cost assessed
- 92.06 Recovery by the city
- 92.07 Keeping of hogs
- 92.08 Cleaning of cesspools
- 92.09 Inspection of foods

#### *Public Nuisances*

- 92.20 Public nuisance defined; remedy
- 92.21 Radio and television interference
- 92.22 Parking ordinances
- 92.23 Excessive noises
  
- 92.99 Penalty

### ***NUISANCE DANGEROUS TO HEALTH***

#### **92.01 NUISANCES DEFINED AND PROHIBITED.**

(A) No person shall create, commit, maintain, or permit to be created, committed, or maintained any nuisance as defined herein within the city or within one mile of the boundaries thereof.

(B) Whatever is dangerous to human health; whatever renders the ground, the water, the air, or food a hazard or an injury to human health; and the following specific acts, conditions, and things are, each and all of them hereby declared to constitute nuisances:



(1) *Garbage and refuse.* Depositing, maintaining, or permitting to be maintained or to accumulate upon any public or private property any household waste water, sewage, garbage, tin cans, offal, or excrement any decaying fruit, vegetables, fish, meat, or bones or any foul, putrid, or obnoxious liquid substance;

(2) *Impure water.* Any well or other supply of water used for drinking or household purposes which is polluted or which is so constructed or situated that it may become polluted;

(3) *Undressed hides.* Undressed hides kept longer than 24 hours, except at the place where they are to be manufactured, or in a storeroom or basement whose construction is approved by the Health Department;

(4) *Manure.* The accumulation of manure, unless it be in a properly constructed fly-proof pot, bin, or box;

(5) *Breeding places for flies.* The accumulation of manure, garbage, or anything whatever in which flies breed;

(6) *Stagnant water.* Any excavation in which stagnant water is permitted to collect;

(7) *Weeds.* Permitting weeds to grow to maturity on any private property including vacant lots;

(8) *Dead animals.* For the owner of a dead animal to permit it to remain indisposed of longer than 24 hours after its death;

(9) *Privies and cesspools.* Erecting or maintaining any privy or cesspool except such sanitary privies and cesspools, the plans of which are approved by the State Health Department;

(10) *Garbage handling improperly.* Throwing or letting fall on or permitting to remain on any street, alley, or public ground any manure, garbage, rubbish, filth, fuel, or wood while engaged in handling or removing any such substance;

(11) *Rodents.* Accumulation of junk, old iron, automobiles, or parts thereof, or anything whatever in which rodents may live, breed, or accumulate;

(12) *Bonfires in public places.* Burning, causing, or permitting to be burned in any street, alley, or public ground any dirt, filth, manure, garbage, sweepings, ashes, rubbish, or material of any kind. There shall be no open fires whatsoever within designated fire limits. Any burning done within the fire limits in said city is to be done in covered, closed containers between the hours of 7:00 a.m. and 5:00 p.m. of the day;

(13) *Parking livestock trucks or trailers in residential districts.* Parking or permitting livestock trucks or trailers to remain on any street, area, or public ground in a residential district where such truck or trailer gives off an offensive odor or is contaminated with manure or other filth;

(14) *Nuisance; slaughterhouses.* It shall be unlawful for any person, firm, or corporation to carry on the business of slaughtering animals, or rendering of any animal matter or manufacturing the same into fertilizing material by the use of steam, heat, or otherwise at any place within the city, except by permit of the City Council. Any permit so granted may be revoked whenever it shall appear that the party has violated any provision of any ordinance of the city relating to any such business and the Health Officer. The police officers of the city shall be permitted free entrance at all hours of the day or night to all buildings used for the purpose of slaughtering animals or rendering of any animal matter and free examination of all the apparatus and the manner of conducting the business;

(15) *Dilapidated buildings.* **DILAPIDATED BUILDINGS** are defined to include uncovered and abandoned basements excavations and buildings which are no longer usable for any purpose and which have deteriorated to the point where their continued existence may be a living and breeding place for rodents and would be dangerous to pedestrians, passersby, and all traffic; and/or

(16) *Inoperable vehicle.* Inoperable vehicle means any vehicle which is not in operating condition due to damage, removal, or inoperability of one or more tires and wheels, the engine or other essential parts required for the operation of the vehicle, or which does not have lawfully affixed thereto a valid state license plate or which constitutes an immediate health, safety, fire, or traffic hazard. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise properly operated in the appropriate zoning district. (1985 Code, ' 5.0201) (Ord. 254, passed 6-10-2003) Penalty, see ' 92.99

#### ' 92.02 NUISANCES; HOW ABATED.

(A) *Generally.* The Board of Health or Chief of Police shall give written notice to the owner or any person creating, permitting, or maintaining any nuisance giving ten days= notice to abate such nuisance forthwith. If such person shall neglect or refuse to do so after such action, he or she shall be deemed guilty of a violation of this subchapter, and the Chief of Police shall give written notice stating that the city will abate the nuisance ten days from the date of said notice.

(B) *Right to appeal.* The owner or any person affected shall have the right of appeal to the Board of Appeals, which is the City Council, for investigation and review of the determination made by the Board of Health or Chief of Police. Such appeal shall be in writing, shall state the objections of the person filing the same, shall be filed with the Municipal Finance Officer within the ten days after the date of serving or mailing of notice to abate, and shall be presented to the Board of Appeals by the Board of Health or Chief of Police at its next regular meeting. The Board of Appeals shall determine by resolution whether the inspection official or officials shall proceed in accordance with the abatement notice, or as modified by the Board, or not at all, and its decision thereon shall be final and conclusive.

(C) *Abatement of the city.* In the event the owner or any person shall fail to abate any nuisance created, permitted, or maintained by him or her, following a reasonable time after the serving of such abatement notice, or any such nuisance as may be modified by the Board of Appeals, in the event of an appeal, the Board of Health or the Chief of Police shall cause to be removed or abated any such nuisance and the city may recover the expense so incurred from the person maintaining such nuisance in a civil suit instituted for such purposes as authorized by SDCL ' 21-10-5 or by special assessment as authorized by SDCL ' 21-10-6 against the real property on which the nuisance occurred.  
(1985 Code, ' 5.0202) (Ord. 255, passed 6-10-2003) Penalty, see ' 92.99

**' 92.03 WEEDS; DUTY OF OWNER; NOTICE TO DESTROY.**

(A) *Duty of owner.* Permitting weeds to grow to maturity on any private property including vacant lots is hereby declared to be a nuisance and no owner of any lot, place, or area within the city or the agent of such owner or the occupant of such lot, place, or area shall permit on such lot, place, or area or upon any sidewalk abutting the same, any weeds, grass, or deleterious, unhealthful growths, or other noxious matter that may be growing, lying, or located thereon, and the growing of such weeds or other noxious or unhealthful vegetation is hereby declared to be a nuisance.  
(1985 Code, ' 5.0203)

(B) *Notice to destroy weeds.* Notice to mow shall be published in the official newspaper in accordance with SDCL 9-38-28 and 9-38-29. This notice shall constitute notice to the public as required by this section. In the event of a violation of this section, the city may, at its option, cause the property to be mowed and bill the cost and expenses of the mowing to the property owner or assess the cost thereof against the property.  
(1985 Code, ' 5.0204)  
(Ord. 145, passed 7-9-1991) Penalty, see ' 92.99

**' 92.04 ACTION UPON NONCOMPLIANCE.**

Upon failure, neglect, or refusal of any owner, agent, or occupant so notified to comply with said notice within ten days after the mailing thereof, the City Council is hereby authorized and empowered to provide for the cutting, destroying, or removal of such weeds, grass, or deleterious matter or other noxious growths and to defray the cost of the destruction thereof by special assessment against the property as follows. The fine for noncompliance will be established by resolution of the City Council.  
(1985 Code, ' 5.0205) (Ord. 145, passed 7-9-1991)

**' 92.05 COST ASSESSED.**

The City Finance Officer shall cause an account to be kept against each lot for the destruction of noxious weeds upon said lot herein provided and shall thereupon certify said account showing the amount, the description of the property, and the owner thereof to the Assessor who shall thereupon add

such assessment to the county or general assessment against said property and shall certify such special assessment together with the regular assessment to the County Auditor to be collected as municipal taxed for general purposes. Said assessment shall be subject to review and equalization the same as assessment or tax for general purposes.

(1985 Code, ' 5.0206) (Ord. 145, passed 7-9-1991)

**' 92.06 RECOVERY BY THE CITY.**

In lieu of spreading the cost of the destruction of such noxious weeds and other deleterious matter against said property in the discretion of the City Council, said amount may be recovered in a civil action against the owner or occupant of such property.

(1985 Code, ' 5.0207) (Ord. 145, passed 7-9-1991)

**' 92.07 KEEPING OF HOGS.**

No person shall keep any hogs within the limits of the city for any purpose. Keeping of such hogs shall be and the same is hereby declared to be a nuisance.

(1985 Code, ' 5.0209) Penalty, see ' 92.99

**' 92.08 CLEANING OF CESSPOOLS.**

It shall be unlawful for any person in cleaning a cesspool within the city to discharge or allow to be discharged into the streets, alleys, or upon any property within the city the contents of any such cesspool and the discharge of any such contents upon the streets, alleys, or upon the surface of any lots within the city is hereby declared to be a nuisance and injurious to the public health and shall be abated in the manner provided for the abatement of such nuisances.

(1985 Code, ' 5.0210) Penalty, see ' 92.99

**' 92.09 INSPECTION OF FOODS.**

Every butcher, grocer, milk dealer, and their agents and managers within the city shall allow the Health Officer or any person authorized by him or her to fully and freely inspect all cattle, milk, meat, fish, and vegetables held, offered, or intended for sale, and answer truly all reasonable and proper questions asked by such persons relative to the conditions of the same and the places where kept.

(1985 Code, ' 5.0211)

***PUBLIC NUISANCES***

**' 92.20 PUBLIC NUISANCE DEFINED; REMEDY.**

(A) A public nuisance consists in unlawfully doing an act or omitting to perform a duty within the corporate limits of the city or in any public grounds or parks belonging to the city or within one mile of the corporate limits of the city, which act or omission either:

- (1) Annoys, injuries, or endangers the comfort, repose, health, or safety of others; or
- (2) Offends decency;

(3) Unlawfully interferes with, obstructs, or tends to obstruct or renders dangerous for passage any lake or navigable river, bay, stream, canal, or basin or any public park, square, street, or highway; or

(4) In any way renders other persons insecure in life or in the use of property and which affects at the same time an entire community or neighborhood, or any considerable number of person, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

(B) The remedies against a public nuisance shall be those prescribed in SDCL ' ' 21-10-5 to 21-10-9 inclusive of the state code or other statutes.  
(1985 Code, ' 7.0601) Penalty, see ' 92.99

**' 92.21 RADIO AND TELEVISION INTERFERENCE.**

It shall be unlawful for any person to operate or cause to be operated in the city any machine, device, or instrument of any kind whatsoever causing preventable or avoidable interference with radio or television broadcast receiving apparatus; provided, however, that X-ray pictures, examinations, or treatments may be made at any time if the machine or apparatus used therefor are properly equipped to avoid all unnecessary or reasonable preventable interference with radio or television reception and are not negligently operated; and provided further, that violet-ray machines, diathermal machines, or any other electro-medical devices may be operated at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio or television reception and are not negligently operated.

(1985 Code, ' 7.0602) Penalty, see ' 92.99

**' 92.22 PARKING ORDINANCES.**

(A) Any vehicle parked or left standing on any street, highway, or public grounds of the city in violation of any of the parking ordinances shall be deemed to constitute a public nuisance and the Police Department of the city is hereby authorized to abate any such nuisance by impounding, removing, and storing such vehicle.

(B) For the purpose of impounding, removing, and storing any such vehicle parked in violation of

the ordinances as hereinbefore provided, the Chief of Police shall have the authority to contract with a bonded or insured towing service for the removal and storage of such vehicle.

(C) Any owner or operator of any such vehicle so impounded shall be liable for the cost of towing or storage in addition to any fine or penalty which shall be assessed against him or her as to hereto before provided.

(1985 Code, ' 7.0603) Penalty, see ' 92.99

**' 92.23 EXCESSIVE NOISES.**

(A) It shall be unlawful for any person to willfully make or continue, or cause to be made or continued any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

(B) The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but are not limited to, the following:

- (1) The level of the noise;
- (2) Whether the nature of the noise is usual or unusual;
- (3) Whether the origin of the noise is natural or unnatural;
- (4) The level and intensity of the background noise, if any;
- (5) The proximity of the noise to residential sleeping facilities;
- (6) The nature and zoning of the area within which the noise emanates;
- (7) The density of the inhabitation of the area within which the noise emanates;
- (8) The time of the day or night the noise occurs;
- (9) The duration of the noise; and
- (10) Whether the noise is recurrent, intermittent, or constant.

(C) (1) It shall be unlawful to operate a dynamic braking device (commonly referred to as Jacobs Brake) on any motor vehicle, except to avert imminent danger.

(2) This device converts the internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

(1985 Code, ' 7.0605) (Ord. 301, passed 11-10-2008) Penalty, see ' 92.99

**' 92.99 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of ' 10.99.

(B) In addition to the abatement procedures set forth in ' 92.02, any person violating the provisions of ' ' 92.01 through 92.09 shall be guilty of a Class II misdemeanor and subject to a fine set by resolution of the City Council and may be amended by the Council from time to time. Each day that a violation of ' ' 92.01 through 92.09 exists and is not cured within the notice period shall constitute a separate offense punishable as set forth therein.  
(1985 Code, ' 5.0202)

(C) Any person whose duty it is to destroy or remove such noxious weeds or unhealthful vegetation as set forth in ' ' 92.01 through 92.06 or who fails to destroy same within the time hereinbefore set forth shall be guilty of a misdemeanor and upon conviction thereof shall be fined, set by resolution of the City Council and may be amended by the Council from time to time, in addition to the other penalties as prescribed in ' ' 92.01 through 92.09.  
(1985 Code, ' 5.0208)  
(Ord. 145, passed 7-9-1991; Ord. 255, passed 6-10-2003)

## CHAPTER 93: FIRE AND FIRE PREVENTION

Section

### *General Provisions*

93.01 Construction of building(s) within fire limits

### *Fire Limits*

93.15 Fire limits established

93.16 Enforcement

93.17 Flammable liquids in above-ground tanks and bulk storage of liquefied petroleum

### **GENERAL PROVISIONS**

#### **' 93.01 CONSTRUCTION OF BUILDING(S) WITHIN FIRE LIMITS.**

All buildings or building shall be constructed within the fire limits of the city, as defined in ' 93.15, unless the same be constructed in conformity with the following provisions:

(A) All buildings on the north half of Blocks 9 and 10 and Lots 1 and 2 of Block 11 and the south half of Blocks 15 and 16 and the south 50 feet of Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Block 14 in said city, if built of wood, shall be covered outside with fire resistant material and the roof shall be covered outside with any fire resistant roofing; and

(B) All building on the south half of Block 9 and 10 and Lots 11, 12, 13, 14, 15, 16, 17, and 18 of Block 11 and on the north half of Blocks 15 and 16, and north 92 feet of Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Block 14 in said city shall be constructed as follows.

(1) All outside walls shall be of stone, brick, or cement and roofed with fire-proof material.

(2) No building shall be constructed within the fire limits of the city, as defined in ' 93.15, without plans and specifications for the same being first submitted to the City Council for approval and the same approved by the City Council.

(1985 Code, ' 4.0201)



## ***FIRE LIMITS***

### **' 93.15 FIRE LIMITS ESTABLISHED.**

The fire limits of the city shall be and consist of Blocks 9, 10, 15, 16, and Lots 1 and 2 and Lots 11, 12, 13, 14, 15, 16, 17, and 18 of Block 11 and Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Block 14 in said city.

(1985 Code, ' 4.0101)

### **' 93.16 ENFORCEMENT.**

The code hereby adopted shall be enforced by the Chief of the Fire Department.

(1985 Code, ' 4.0102)

### **' 93.17 FLAMMABLE LIQUIDS IN ABOVE-GROUND TANKS AND BULK STORAGE OF LIQUEFIED PETROLEUM.**

No flammable liquids or liquefied petroleum gas shall be stored in outside above-ground tanks in the fire limits of the city, as defined in ' 93.15 and as provided by state law and regulations.

(1985 Code, ' 4.0103) Penalty, see ' 10.99