

TITLE TEN

X. OFFENSES

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CHAPTER 10.01 RESPONSIBILITY OF ENFORCEMENT

10.01.0 RESPONSIBILITY OF ENFORCEMENT

The City of Hill City Law Enforcement shall enforce the provisions of this title within the City of Hill City municipal boundaries.

SDCL 9-29-1, 9-29-2, 9-29-3

10.02.0 PUBLIC ADDRESS SYSTEMS AND OUTSIDE SPEAKERS

Except as provided herein, any person, partnership, association, corporation, or business desiring to use or operate any loudspeaker, public address system, or other sound amplifying equipment outdoors, or indoors but designed to project the sound outdoors, must first obtain a permit from the City Finance Officer which will then be brought forth to the City Council for approval. The permit may authorize the use or operation of such sound amplifying equipment between the hours of 7:00 am and 10:00 pm upon certain restrictions on file in the office of the Finance Officer. The application for the permit shall be filed with the Finance Office and shall be submitted on a form provided by the Finance Office.

10.02.1 EXCEPTIONS TO APPLICATION OF ORDINANCE

This Ordinance shall not apply and a permit shall not be required for the following:

- A. Parades such as high school parades, the Heart of the Hills parade, or other parades.
- B. Community events or festivals such as the Heart of the Hills Days and

other community events or celebrations.

- C. Band concerts.
- D. Athletic games or contests or events at a rodeo grounds area such as football games, softball games, baseball games, soccer games, rodeos, entertainment shows or events, bicycle races, and other similar events.
- E. Emergency vehicles and for emergency purposes such as police, fire, ambulance sirens or warning devices and loudspeakers used in connection with crimes, disasters or emergencies.

10.02.2 INSPECTIONS

For the purpose of determining compliance with the provisions of this Ordinance, the Pennington County Sheriff or his authorized representations are hereby authorized to make inspections of all noise sources and to take measurements and tests whenever necessary to determine the quantity and character of noise. If any person refuses or restricts entry and free access to any part of a premise, or refuses inspection, testing or noise measurement of any activity, device, facility, motor vehicle or process where inspection is sought, the Pennington County Sheriff or his authorized representative may seek from the Court a warrant for inspection requiring that such person permit entry and free access without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing, or measuring noise. The Court shall have the power, jurisdiction and authority to enforce all orders issued under the provisions of this Ordinance.

- A. It shall be unlawful for any person to refuse to allow or permit the Pennington County Sheriff, or his representative, free access to any premise when he or his authorized representative is acting in compliance with a warrant for inspection and order issued by the Court.
- B. It shall be unlawful for any person to violate the provisions of any warrant to Court order requiring inspection, testing or measurement or noise or noise services.
- C. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of their duties under this chapter.

10.02.3 OUTDOOR SOUND AMPLIFICATION EQUIPMENT PROHIBITED

The use of sound amplification equipment for any sound or noise excepting and excluding music is prohibited and a permit shall not be issued for any

sound amplification equipment for commercial purposes, which equipment or similar equipment was not in use or in existence at the location applied for prior to July 22, 1996.

10.02.4 PENALTY

A violation of this Ordinance may be punishable by a fine not to exceed Two Hundred Dollars (\$200.00). Each day any violation of this Ordinance continues shall constitute a separate offense. In addition to the possible fine, the holder of a permit for sound amplifying equipment as provided above, shall, upon conviction of a second offense within any one year period (not just the period from April to March 31) have that permit revoked. Upon revocation, a new permit may not issue to that person, location, or particular use for a six month period following the revocation.

The application for a permit shall be accomplished by a fee of fifty dollars (\$50.00) except that the fee shall be waived for non-profit organizations. Permits shall be issued annually for the period from April 1 to March 31. The fee shall not be prorated if the permit is to be issued for a shorter period.

The permit may contain such conditions as may be necessary to insure compliance with this Ordinance and any other Ordinances of the City of Hill City as may be in effect when the permit fee for community oriented events of short duration, but an application must be submitted.

10.02.5 REVOCATION OF PERMITS

A permit issued under this Ordinance may be revoked or terminated by the Law Enforcement Officer of the City of Hill City if the noise which it produces become unreasonably loud, raucous, jarring, disturbing, disruptive or annoying to residents or persons within the City of Hill City.

10.03.0 GAMBLING

It shall be unlawful for any person within the City of Hill City jurisdiction to open or maintain a house or room, for gambling for money or other valuable consideration excepting for charitable purposes or as authorized by state law or to gamble for money or for other consideration except for charitable purposes or as authorized by state law.

SDCL 9-29-5 HC Ord 40

10.04.0 POSTING NOTICES WITHOUT PERMISSION

It shall be unlawful to post any bills, notices, posters, or signs on any fence or wall in Hill City without permission from the owner in the case of private property or permission of the Law Enforcement Office in case of public property.

10.05.0 CURFEW FOR MINORS SIXTEEN YEARS OF AGE AND UNDER

It shall be unlawful for any person under the age of sixteen (16) years to be upon the streets or sidewalks during the period between the hours of 11:00 o'clock p.m. and 6: o'clock a.m., unless accompanied by a parent, guardian or some responsible person over the age of twenty-one (21) years, or a member of his family eighteen (18) years or older or unless he has a justifiable excuse therefor. It shall also be unlawful for any parent or guardian or any person under the age of sixteen (16) to allow such person to be upon the streets or sidewalks during the period between the hours of 11:00 o'clock p.m. and 6:00 a.m., unless accompanied by his parent, guardian or some responsible person over the age of twenty-one (21) years or of a member of his family eighteen (18) years or older or unless such person has a justifiable excuse therefor. All times referred to herein are local time.

10.06.0 BICYCLES, TRICYCLES, SCOOTERS, ROLLER SKATES AND SKATEBOARDS PROHIBITED

No person shall ride upon, operate, or perform acrobatic stunts using a bicycle, tricycle, scooter, roller skates, skateboard or other device propelled by human power (excepting wheelchairs, strollers, baby carriers with wheels or walkers with wheels) upon any sidewalk, parking lot, or other public place in the area of Main Street bounded by East Main Street on the north, the Truck By-pass on the south. Nothing herein shall prohibit the use of bicycles upon any street as long as the operator of said bicycle is complying with the Ordinances of Hill City and the laws of the State of South Dakota. Nothing herein shall prohibit the use of skateboards in the course of a parade authorized by Law Enforcement.

10.07.0 PENALTY

Unless otherwise provided the penalty for violation of any provision of this title upon conviction shall be a fine of no more than \$200.00 or a jail term of not more than thirty (30) days or both.

SDCL 9-19-3 HC Ord 40

10.08.0 PROCEDURE FOR ARREST

Those arrested for violation of this ordinance may be arrested only on a signed written complaint in the manner prescribed by law for misdemeanors or if committed in the presence of a law enforcement officer.

SDCL 23A-2-2 and SDCL 23A-3-2