

TITLE TWELVE

XII. GENERAL PROVISIONS

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Chapter 12.01 Ordinance in Revision

- 12.01.00** This ordinance in revision shall be known as the Revised Ordinances of Hill City. References to “this ordinance” are to the entire ordinance in revision. The finance officer shall cause to be published in the legal newspaper a notice of adoption of this ordinance, and this ordinance shall become valid within twenty (20) days unless the referendum is invoked.

SDCL 9-19-16, 9-19-17 HC Ord. Title 12, 2000, HC Ord. Title 12, 2006

Chapter 12.02 Construing Words

- 12.02.00**
- (1) Whenever a word is used in this ordinance that refers to a male person, persons of both sexes shall be deemed to be included.
 - (2) Whenever the plural of any word is used in this ordinance it shall also include the singular of that word.
 - (3) Verbs in the present shall include the future. The word “shall” is mandatory and the word “may” is permissive.
 - (4) The word “city” in this ordinance refers to Hill City, Pennington County,

South Dakota.

- (5) The terms “governing body” and “City Council” shall refer to the four person body mentioned in Title One of this ordinance.
- (6) The word person includes natural person, firms, corporations, associations, or any other legal entity unless otherwise specified.
- (7) Whenever an officer or employee of the City is assigned a responsibility or empowered to perform any act or duty, the title of the officer shall mean and include the officer, employee, or his authorized agent.

Chapter 12.03 Importance of Titling of Provisions

12.03.00 The titles and subtitles within this ordinance are not vital to the provisions contained therein. This provision does not apply to this ordinance in revision or to future ordinances passed by the governing body. Titles of future ordinance must cover one subject and be descriptive of the contents.

SDCL 9-19-5, HC Ord Title 12, 2000, HC Ord. Title 12, 2006

Chapter 12.04 Ordinance to be Construed Liberally

12.04.00 It is the intent of the governing body that all provisions of this ordinance be liberally construed to protect and preserve the peace, safety, health, and welfare of Hill City and its inhabitants.

HC Ord Title 12, 2000, HC Ord. Title 12, 2006

Chapter 12.05 Severability

12.05.00 If any title or provision of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, that judgment shall not affect or impair the validity of any of the remaining provisions.

HC Ord Title 12, 2000, HC Ord. Title 12, 2006

Chapter 12.06
Application of these Rules to Amendments

- 12.06.00** The provisions of this title shall apply to the amendment of any provision or title of this ordinance whether or not the wording of this title is set forth in the amendatory ordinance.

HC Ord. Title 12, 2000, HC Ord. Title 12, 2006

Chapter 12.07
Repeal of Past Ordinances

- 12.07.00** All past ordinances of a permanent nature and excluding current appropriations, salaries, franchise grants and the like are hereby repealed on the effective date of this ordinance.

HC Ord. Title 12, 2000; HC Ord. Title 12, 2006

Chapter 12.08
Rights, Property, Obligations of City to Continue

- 12.08.00** The City of Hill City shall continue to own, possess and control all the rights and property owned, possessed or held by the City at the time this ordinance takes effect and shall also continue to be subject to the obligations, debts, contracts, and liabilities had at the time the ordinance becomes effective.

HC Ord. Title 12, 2000; HC Ord. Title 12, 2006

Chapter 12.09
Offices to Continue

- 12.09.00** Those holding offices of the City or employed by the City at the time this ordinance takes effect shall continue to perform the duties of their respective offices and employments, without interruption and for the same compensation and under the same conditions until appointment or election of their successors who shall be subject to this ordinance.

HC Ord Title 12, 2000; HC Ord Title 12, 2006

Chapter 12.10
Repeal of Ordinances Not to Affect Pending Penalties and Proceedings

- 12.10.00** The repeal of an ordinance including the ones repealed by this ordinance shall not affect any punishment or penalty incurred for any offenses committed under an ordinance now repealed, or any suit, prosecution, or pending at the time of the repeal.

HC Ord. Title 12, 2000; HC Ord. Title 12, 2006

Chapter 12.11
Franchise Rights Not Impaired

- 12.11.00** Nothing in this ordinance shall affect any franchises, rights-of-way, or easements already granted and operating at the time this ordinance takes effect.

HC Ord. Title 12, 2000; HC Ord Title 12, 2006

Chapter 12.12
Penalties for Breach of Ordinances

- 12.12.00** Whenever in this ordinance an act or omission to act constitutes a breach of any title or provision of this ordinance and no penalty is declared for said breach, any person committing the breach shall be fined no more than two hundred dollars (\$200.00) and sentenced to jail for not more than thirty (30) days or both.

HC Ord. Title 12, 2000; HC Ord. Title 12, 2006

Chapter 12.13
Ordinance in Revision to be Published

- 12.13.00** This ordinance shall be published in booklet form for distribution to the public for a nominal fee and in loose leaf form to keep this ordinance current. Each loose leaf copy shall note that publication is with the authority of the City Council and is to be signed by the finance officer.

HC Ord. Title 12, 2000; HC Ord. Title 12, 2006

Chapter 12.14
Loose Leaf Copies of This Ordinance

12.14.00 Loose leaf copies of this ordinance shall be provided for the following officers who are obliged to hand them over to their successors in office.

City Attorney	1
City Finance Officer	1
Each Council Member	4
Law Enforcement	1
Magistrate	1
Mayor	1
Reserve	<u>3</u>
	12 Total

Reserve copies are to be held and kept current by the finance officer until such time as they are needed. Each person receiving a loose leaf copy of this ordinance is obliged to keep that copy current and file new ordinances in the appropriate place. The City finance officer has the duty of providing appropriate copies of each ordinance to those holding loose leaf copies of this ordinance.

HC Ord. Title 12, 2000; HC Ord. Title 12, 2006

Chapter 12.15
Keeping this Ordinance Current

12.15.00 Copies of new ordinances or ordinances in repeal are to be numbered using the system established by this ordinance and the title and section number shall be included in the ordinances of a less permanent nature such as salaries and appropriations shall be numbered consecutively according to the year passed and kept separately. These ordinances and resolutions of a less permanent nature need not be kept by those holding loose leaf copies except the finance officer.

HC Ord Title 12, 2000; HC Ord Title 12, 2006