

ORDINANCE #1115-25
AN ORDINANCE MODIFYING
LEAD CITY ORDINANCES

BE IT ORDAINED by the City Commission of the City of Lead that, pursuant to SDCL 9-19, the City of Lead Ordinances listed below be amended to read as follows:

§ 51.086 RATES.

The rates charged in this section shall be set by resolution.

§ 51.087 TAP FEES.

The rates charged in this section shall be set by resolution.

§ 52.01 SEWER PERMIT REQUIRED.

No person shall make connections, attach to or tap any lateral sanitary sewer or trunk sewer or make excavations in the streets, alleys or public property or under the sidewalks, for the purpose of making those connections or attachments to any sewer, without first having obtained a permit therefor from the Building Inspector. (Prior Code, § 14-100) (Ord. 834-91, passed 3-11-1991) The fee permit fee for this section shall be set by resolution.

§ 79.05 PARKING AND STORAGE VARIANCE PERMITS; REQUIREMENTS, CRITERIA AND FEE.

(A) In addition to the exceptions in § [79.03](#), variance permits from the parking and storage regulations are hereby required. Authorization will be granted if all of the following criteria are met.

- (1) That the proposed location of the vehicle will not create a pedestrian or vehicular safety problem.
- (2) The granting of the variance permit will not have an adverse impact upon the surrounding properties and neighbors.
- (3) Application is made to the city and the application fee is paid.
- (4) The application fee shall be set by resolution.
- (5) The applicant demonstrate a need for the variance permit.

(B) *Guidelines for review of variances.*

(1) *Pedestrian or vehicular safety.* The following traffic related factors shall be considered:

- (a) The speed limit;
- (b) Vehicular traffic volume;
- (c) Pedestrian traffic volume;
- (d) Sight distance;
- (e) Physical design characteristics of the sidewalk and street.

(2) *No adverse impact.*

(a) The granting of a variance permit shall not be detrimental to public health, safety and welfare or injurious to surrounding property or neighbors.

(b) The granting of a variance permit shall not be inconsistent with any plans adopted by the city.

(c) The granting of a variance permit shall not weaken the general purpose of the zoning ordinance or its regulations.

(d) The variance permit, if granted, shall only be to the extent necessary to afford a reasonable use of the public right-of-way.

(3) *Conditions of approval.* Special conditions may be imposed upon variance permit approvals in order to alleviate or mitigate potential adverse impacts. Conditions must relate to the vehicle or the location in public right-of-way.

(4) *Application for requested variance permit.* Any owner of record, or authorized agent for said owner, whose authorization shall be made part of the application record, may submit an application for a variance permit to the Police Department for processing. A submitted complete application shall include the location on public right-of-way to be used. The permits shall be issued for no more than five days and shall expire automatically from the date of issuance. The above referenced location on public right-of-way shall be specific as to the street for which the variance is requested.

(5) *Review procedure.* Variance permit requests are under the jurisdiction of the Police Department and are governed by this chapter.
(Prior Code, § 19-1304)

§ 90.30 PERPETUAL CARE FEES.

Perpetual Care Fees shall be set by resolution.

§ 91.038 LICENSE TAX.

Before any license shall be issued under this chapter, the applicant shall pay a license tax as follows:

The license tax shall be set by resolution.

§ 91.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed by resolution shall be subject to § [10.99](#).

(B) Any public safety official may issue a citation to the owner of an animal found at large. The fines charged for running at large shall be set by resolution.

(C) Any animal that has bitten a person or other animal shall be confined inside the owner's residence, at a kennel or animal hospital for a period of not less than ten days and the owner shall provide proof that the animal has had vaccination for rabies by a certificate of vaccination from a veterinarian. The owner of an animal that has bitten another person or animal may be given a citation. The penalty for having an animal that bites a person or other animal is a Class II misdemeanor.

(D) Any person or persons, firm, association or corporation violating any of the sections of this chapter or refusing to pay of the fees as provided for in this chapter, whether for a license or for redeeming an animal, shall have criminal action brought against any known or provable owner to recover the expense and fines in abating any nuisances under the sections of this chapter from the person creating, permitting or maintaining the same, or in any other manner allowed by the state.

(E) Any person violating any of the provisions of this chapter shall be charged with a Class II misdemeanor (SDCL 22-6-2).

(F) The penalty for baiting deer is a Class II misdemeanor (SDCL 22-6-2).
(Ord. 914-98, passed 9-21-1998; Ord. 946-03, passed 2-3-2003; Ord. 969-05, passed 3-14-2005; Ord. 1037-15, passed 8-3-2015)

§ 113.008 FEES ESTABLISHED.

(A) *Initial fees.* The initial fees relating to cannabis establishment licenses are established as provided by this section. The fees apply to each class of cannabis establishment license unless expressly stated otherwise. The types and amounts of fees are set by resolution for the following:

- (1) New cannabis establishment application fee
- (2) Renewal cannabis establishment application fee
- (3) Transfer cannabis establishment application fee
- (4) Administrative modification fee
- (5) Full modification fee

(B) *Reimbursement.* The city will reimburse \$2,500 of an application fee for applicants who fail to obtain a registration certificate from the South Dakota Department of Health.

(C) *Future fee changes.* Any future changes to the fee rate structure or amounts will be established by the Lead City Commission by resolution.
(Ord. 1080-21, passed 10-18-2021)

§ 77.04 LICENSE FEE.

The license fee to be paid for each bicycle licensed and pursuant to § [77.01](#) shall be paid upon receipt of license. The license fee shall be set by resolution.
(Prior Code, § 19-1103)

§ 94.999 PENALTY.

(A) Any person who shall violate any provision of this chapter for which no other penalty is specified shall be subject to the provisions of § [10.99](#) unless the penalty is otherwise set by resolution.

(B) (1) Any individual or business that fails to remove snow or ice or arrange for the removal of snow or ice within the period prescribed in § [94.030](#) shall be guilty of a misdemeanor and subject to a fine. Fines will be set by resolution.

(2) Additionally, the city shall be entitled to assess a fee that is set by resolution for the costs of arranging the snow or ice removal. The city shall also collect from the owner, manager or lessee of the property the actual cost to a contractor for the snow or ice removal. In the event the removal is done by city employees, the sum set by resolution per employee per hour, plus materials, shall be assessed the property.

(3) Any individual or business who violates the provisions of § [94.034](#) shall be guilty of a misdemeanor and subject to a maximum fine to be set by resolution.

(4) Each day the above-described failure or conduct continues shall constitute a separate offense.

(Ord. 996-09, passed 11-2-2009)

§ 110.072 APPLICATION FOR LICENSE.

The application for the license, together with the required fee shall be filed with the City Finance Officer. This fee shall be set by resolution.
(Prior Code, § 8-602)

§ 79.08 USE OF PARKING BOOTS IN ENFORCEMENT.

To discourage habitual offenders of the parking regulations in the city, the Police Department will place a wheel boot on vehicles associated with accounts that have received three or more parking tickets in any calendar year or have two or more parking tickets that are more than 120 days past due. Vehicle ticket totals will start at zero at the beginning of each new calendar year.

(A) *Procedure.* The procedure for use of a boot is as follows:

(1) The third parking ticket will contain a notice that the vehicle has been booted.

(2) Upon issuance of the third ticket, and with each ticket thereafter, a boot will be placed on the vehicle. Tickets accompanying a wheel boot will contain a booting information sheet explaining how to get the boot removed.

(3) A boot removal instruction sheet will be placed on the vehicle's windshield and a notification sticker on the driver's side window stating:

Your vehicle has been immobilized. Do not try to move your vehicle with the boot in place. Any person causing damage to the boot will be guilty of intentional damage to property which is a violation of SDCL § 22-34-1, Class 2 misdemeanor (30 days in jail or \$500 fine or both). Instructions on how to have the boot removed can be found with your ticket).

(B) *Procedure for use of a boot in leased parking areas.*

(1) Leased parking areas will be monitored by the month of rental.

(2) Failure to pay to continue the rental agreement within five days of the expiration of a rental agreement will result in a notification (telephone, email, mail) stating that if the rental agreement is not paid within five additional days, the rental agreement is not valid.

(3) Failure to renew the rental agreement after the time given in the notice will result in a boot being placed on your vehicle.

(4) If the rental agreement is not renewed, the vehicle will be towed 15 days from the date the rental agreement ended.

(C) *Procedure for removal of a boot is as follows:*

(1) The customer will need to pay for all unpaid parking tickets and a boot removal fee that is set by resolution. This fee must be paid to the city.

(2) Upon payment of all tickets, boot removal fees and prorated, unpaid, rental agreement costs, the secretary will notify the on-duty police officer with the receipt

number and location of the vehicle. The customer will produce and display the receipt showing all fees having been paid to the on-duty police officer prior to the boot being removed.

(3) In non-rental agreement parking areas, if arrangements have not been made by the registered owner or verified custodian of the vehicle to remove the boot within 24 hours of the boot being placed on the vehicle, the vehicle is subject to being towed and impounded. The registered owner or verified custodian of the vehicle must produce a city receipt showing all parking tickets and boots fees are paid prior to the vehicle being released from impound.

(Ord. 1090-23, passed 6-14-2023)

Those voting aye:

Those voting nay:

Ron Everett
City of Lead, Mayor
(Seal)

ATTEST:

Billie Jo Inhofer
City of Lead, Finance Officer

First Reading:

Second Reading:

Published:

Enacted: