

TITLE 6- LICENSES

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CHAPTER 6-1 - GENERAL PROVISIONS

6-1-1 License, Unlawful Without

It shall be unlawful for any person, persons, firm or corporation to engage in any trade, business or occupation within the corporate limits of the City of Moberly for which a license is provided in this ordinance, without first having obtained such license as hereinafter provided; provided that the provisions of this chapter shall not apply to any public officer who may in pursuance of legal process sell at public auction, any property of any kind whatsoever, nor shall the provisions of this chapter include or apply to persons engaged in the sale of farm products only.

6-1-2 License, How Obtained

Any person, persons, firm or corporations wishing to obtain a license to engage in any trade, business or occupation, as herein provided, shall pay to the City Finance Officer the amount provided by this title for the license applied for, who shall issue a receipt therefore and shall make written application to the City Council, stating the name of the person, post office, address, business, calling or vocation in which such person desires to engage, the length of time for which such license is wanted, and the particular place at which said license is to be used, and upon the presentation of said application to the City Council, said City Council shall act upon said application, and if they shall deem the applicant a suitable and proper person to have such license shall be countersigned by the City Finance Officer, and attested by the corporation seal, and shall authorize said person to carry on the business, calling or vocation in said application; but if the application is refused, it shall be endorsed upon the receipt by the City Finance Officer and he/she shall refund said money paid by the applicant.

6-1-3 Expiration of License

All annual licenses granted under the provisions of this chapter shall expire on the 31st day of December next following the granting thereof, except as in this chapter otherwise provided, and shall not be granted for any sum less than the annual rate, and there shall be no rebate made on the termination of said calling, vocation, or kind of business for which said license was issued.

6-1-4 When License May be Revoked

The City Council shall have power at anytime to suspend or revoke any license granted under the provisions of this ordinance whenever said council shall be satisfied upon written complaint that any such calling, vocation or kind of business for which said license has been issued, has been made or conducted in an indecent, indecorous, improper or illegal manner, and in case of such revocation thereof, the said City Council may refund to the holder of such license such proportionate amount of money paid therefore as said board shall deem just.

6-1-5 Records

The City Finance Officer shall keep a record of all licenses issued by said City Council stating when and to whom issues, for what purpose and for what length of time issued, and the amount of money paid for said license, and the place where said business is to be carried on.

6-1-6 Issuance of License

Except as otherwise provided, all licenses shall be issued by the City Finance Officer, if the issuance of the license is approved by the licensing authority and the applicant shall have complied with all requirements for issuance of the license. Unless otherwise provided, all licenses shall be signed by the City Finance Officer and shall have affixed thereto the official seal of the City.

6-1-7 Revocation

The Council shall have the power to cancel any license issued by the City, for failure of the licensee to comply with any ordinance or regulation of the City or state law respecting such license or the manner of exercise thereof or for other good cause, after hearing upon notice to the licensee. Notice of intention to revoke such license shall be given to licensee by notice in writing at least six (6) days prior to the time at which such actions shall be taken.

CHAPTER 6-2 - Auctioneers, Auctions

6-2-1 License

Any person, firm, or corporation engaging in auctioning in the City of Mobridge shall first obtain a South Dakota Auctioneer's License, and a copy shall be kept on file at city hall with the Finance Officer.

6-2-2 Auctions Prohibited on Streets, Sidewalks and Public Property

It shall be unlawful to conduct an auction under this Chapter on any of the streets, sidewalks or public property of the City of Mobridge, except as approved by the City Council.

CHAPTER 6-3 - DANCE HALLS - CABARET

6-3-1 Definitions

Cabarets - The term "Cabaret" in this chapter shall mean a place of public amusement where the public resorts to with or without cover charge, for the purpose of dancing, drinking and entertainment and where chairs, benches, seats or booths are provided and where lunches, soft drinks, non-intoxicating beer, wine, or other intoxicating liquors are served to patrons.

6-3-2 Hours

It shall be unlawful to conduct or operate a public dance in any public place licensed hereunder at any time later than one o'clock a.m. of any week day, or at any time on Sunday; provided, however, that the Mayor of said City may, in his discretion, grant a permit to continue such public dance not later than two o'clock a.m. of any week day.

6-3-3 Application for License

Any person, firm, association or corporation desiring to conduct, operate or maintain a cabaret shall make application for license therefore to the City Finance Officer, stating:

1. The address of the proposed public dance hall or cabaret.
2. The name, age and residence of the applicant, if a natural person or if a firm, association or corporation, its name, location and principal place of business, if any, and the name and addresses of the presiding officers and of the resident manager.

Such application shall be signed by the applicant and filled with the City Finance Officer, who shall refer the same to the City Council of the City of Mobridge. Before any license is granted by said City Council it shall be the duty of the Chief of the Fire Department, the Chief of Police and the Zoning Officer of the City of Mobridge to visit and inspect the proposed public dance hall, and to make a full report to the City Council concerning the general character, safety, sanitation, and environment of the building in which said public dance hall or cabaret is located. Every license granted hereunder shall be posted by the licensee in a conspicuous place in said establishment.

6-3-4 Building

No license for a public dance hall shall be issued until it shall be found that such room, place or hall complies with and conforms to all ordinances and health and fire regulations of the City of Mobridge, and that it is properly ventilated and is a safe and proper place for such purpose.

6-3-5 License Fee

In case the City Council shall grant any applicant a license to conduct, operate or maintain a cabaret as defined in this title upon payment of Fifty Dollars (\$50.00) to the City Finance Officer, and it shall be unlawful for anyone to operate such cabaret without first having obtained such license. All licenses granted pursuant to the provisions here of shall expire on the first day of January following, and shall not be transferable.

6-3-6 Persons Under Age of 18

It shall be unlawful for any licensee hereunder, or agent or employee of such licensee or any person in charge of a public dance conducted in a public dance hall licensed hereunder, to permit any person under the age of 18 years to attend or participate in any public dance conducted in any cabaret, unless accompanied by his or her parent or guardian or natural guardian, and there shall be posted by the licensee in a conspicuous place in every public dance hall licensed hereunder, a sign in letters not less than four inches in height and in heavy type the words, "No person under 18 years of age allowed in this room unless accompanied by a parent or guardian."

6-3-7 Falsely Stating Age

It shall be unlawful for any person under the age of 18 to gain admission to any cabaret licensed hereunder while a public dance is being conducted, by means of any fraud or falsehood respecting his or her age. It shall be unlawful for any person to falsely represent himself or herself to be the parent or natural or lawful guardian of any person under the age of 18 years accompanying such person at any public dance hall while a public dance is being conducted therein.

6-3-8 Police Supervision

Public dances conducted in any cabaret licensed hereunder shall at all times be subject to the police supervision by the police of the City of Mobridge, who are authorized to remove from such public dance hall any person who is intoxicated or is conducting himself in any improper or disorderly manner, or who is under the age of 18 years and not accompanied by his or her parent or guardian. Any police officer may require any person attending such public dance or cabaret whom he suspects to be under the age of 18 years to state his or her age and remove such person from such public dance hall for a refusal to state his or her age when so required, unless such person is accompanied by his or her guardian, or parent.

CHAPTER 6-4 DOGS, CATS AND DOMESTIC ANIMALS

6-4-1 License

It shall be unlawful for any person or persons within the City of Mobridge or within one mile of the corporate limits of the City, to keep maintain or have in his custody or under his control, any dog or animals of the dog kind, without first having obtained a license so to do from the City Finance Officer as hereinafter provided and without having paid the license fee therefore.

6-4-2 Application

Any person or persons desiring to keep, maintain, or have in his custody or control by himself, or agent, within the City of Mobridge or within one mile of the corporate limits of the City, any dog shall, prior to the first day of February in each year, make application to the City Finance Officer for a license to keep such dog, exhibiting to the City Finance Officer at the time of making said application a valid health certificate for said dog showing the same to have been vaccinated for rabies and distemper by a licensed veterinarian; whereupon he shall fill out a written application stating the name, sex, color and other distinguishing characteristics of said dog, and the name and address of the owner thereof and that said dog has no vicious propensities so far as is known to said applicant, which application shall be made on a printed form furnished by the City Finance Officer or Animal Control Officer or designee.

6-4-3 Dog License Fee and Tag

- A. The applicant, at the time of making application, shall present to the City Finance Officer a certificate from a qualified adult showing that said dog has been inoculated against rabies and pay to the Finance Officer as a license fee, the sum of \$4.00 for each male or neutered dog and the sum of \$8.00 for each unneutered female dog or intact male, for which such license is sought. The applicant for a neutered dog license shall furnish a veterinarian's certificate that such dog has been neutered. It shall be the duty of the Finance Officer or Animal Control Officer at the time of the issuance of the license provided for, to furnish and deliver to said applicant a metallic dog tag for each dog for which such license is issued, upon which the tag shall be stamped or engraved with the registered number of the dog and the year when the dog was registered, and it shall then be the duty of the owner of said dog to place a collar around the neck of such dog to be owned or kept by him/her, on which collar shall be securely fastened with the metallic tag so furnished by the City Finance officer or the Animal Control Officer; provided, that in the case of the loss of any tag so issued, the City Finance Officer is only authorized to issue a duplicate tag thereof upon payment to him of the actual cost of the same tag upon application being made therefore, and upon satisfactory proof that such dog tag has been lost. The fees for registration may be hereafter amended by resolution of the council.
- B. It shall be unlawful for any person to allow a dog owned by them or under their control to run at large within the City or within one mile of the corporate limits of the City. Any dog shall be deemed running at large within the meaning of this section when such animal is not confined upon the premises of its owner, or on the premises by consent of the owner or under the direct and immediate control

or on a leash in the hands of some attendant. Otherwise, any dog found running at large shall be prima facie evidence of the violation of this section.

- C. No person owning, keeping or harboring any dog, licensed or unlicensed, confined on the premises or otherwise within the city or within one mile of the corporate limits of the City shall permit such dog to disturb the peace and quiet of the neighborhood by continuous barking or making other loud or unusual noises. Upon receipt of a signed complaint to the Police Department that any person is keeping or harboring any dog which disturbs the peace or is vicious as herein set forth, it shall be the duty of said Police Department to notify the person keeping said dog in writing of said complaint; and after such person has been given forty-eight hours notice of such habit, any police officer or person of proper authority is hereby authorized and empowered to go upon the premises and impound any such dog or animal so disturbing the peace.

6-4-4 Destruction of Dogs and Cats Running at Large

(1) The Chief of police is hereby authorized to employ, whenever he deems it necessary, a sufficient number of persons to capture and convey to the dog pound, all dogs and cats running at large thus violating this ordinance. All captured animals will be kept with humane treatment and supplied with sufficient food and water for a period up to 48 hours, unless claimed sooner by the owner or keeper. The owner or keeper shall have the animal released to their custody providing the costs of keeping such animal are paid, and they can exhibit a license for the animal. If the owner or keeper fails to claim the animal within 48 hours, the pound shall have the right and duty to destroy the animal and cause it to be removed and buried. Persons in charge of the animal holding facility may, at their option, sell or adopt said animal at a private sale providing the sale is sufficient to cover vaccinations and other costs incurred and so long as said animal is not a "vicious animal" as herein defined.

(2) **Vicious Animal Defined:** An animal defined as vicious or has a vicious disposition or dangerous habits which is located within the city or within one mile of the corporate limits of the City is defined as follows: Any animal that has inflicted injury on a human being on public or private property (other than in a private home or vehicle in defense of person or property) or that has killed or seriously injured a domestic animal while off the owner's property or any animal harbored primarily or in part for the purpose of fighting or which is trained for fighting or any animal which chases or approaches a person on either public or private property in a menacing fashion or apparent attitude of attack (other than in a private home or vehicle in defense of person or property).

(3) In cases where a dog or cat has a vicious disposition or has dangerous habits or is diseased, the police shall notify in writing the owner or possessor of such dog or cat to muzzle and confine such animal and if thereafter such owner or possessor fails to comply with such notice the police are authorized, empowered, and directed to kill or cause to be killed such dog or cat, whether found running at large or upon the premises of the possessor of such dog or cat, forthwith, and without impounding such dog or cat.

(4) Any animal involved in an unprovoked attack which results in injury to any human or other animal, shall be impounded and quarantined and if unable to be captured, any law enforcement officer is authorized to destroy the animal to prevent further endangerment to humans or other animals. After the quarantine period, any animal impounded for an unprovoked attack which results in injury to any human shall be euthanized or at the discretion of the city, the animal may be placed at a home outside of the city. Unless permitted by the city council, no vicious animal shall be returned to reside in the city or within one mile of the corporate limits of the City. Because of the dangers involved in housing an animal which has caused an unprovoked attack on a human or another animal, the owner of the dog, within five days after the incident must commence an action in Circuit Court to show cause why said dog should not be euthanized as set forth in this ordinance.

(5) It shall be unlawful for any owner or possessor of a vicious animal to allow said vicious animal to be in violation of the provisions of this ordinance. Each day a condition prohibited by this ordinance is allowed to exist shall be deemed an additional violation of this ordinance.

(6) Police dogs in performance of its duties are exempted from the provisions of this Chapter 6-4.

(7) Quarantine or quarantine period as used in 6-4-4 and 6-4-5 shall require the animal to be housed at a safe location as determined by the Chief of Police to be monitored for a period of not less than 10 days.

6-4-5 Rabies control, generally

A. Every animal that bites a person shall be promptly reported to the Police Department or Animal Control Officer, and shall thereupon be securely quarantined until expiration of the quarantine period. Such quarantine may be at the shelter designated as the city animal shelter, or at the owner's option, in a veterinary clinic of his/her choice located in Walworth County, but in either case quarantine shall be at the expense of the owner or keeper of the animal. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at the shelter designated as the City animal shelter.

B. The owner or keeper, upon demand made by the Police Department or the Animal Control Officer, shall forthwith surrender any animal which has bitten any human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner.

C. Every unvaccinated animal bitten by an animal showing positive symptoms of rabies shall be forthwith destroyed or shall at the owner's or keeper's expense and option, be held under 10 days quarantine.

D. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies under such observation, the Animal Control Officer shall immediately send the head of such animal to a competent laboratory for pathological examination and shall notify the proper public health officers of reports of human contacts and the diagnosis made of the suspected

animal. When one or both reports give a positive diagnosis of rabies, the Police Department shall recommend a city-wide quarantine for a period of thirty (30) days, and upon the invocation of such quarantine no animal shall be taken into the streets or permitted to be in the streets, during such period of quarantine. In the event that there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six (6) months.

E. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove the same from the city limits, without written permission from the Animal Control Officer. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Animal Control Officer. The Animal Control Officer shall direct the disposition of any animal found to be infected with rabies. No person shall refuse or fail to surrender any animal for quarantine or destruction as required hereinafter when demand is made therefore by the Police Department or Animal Control Officer.

6-4-6 Reports Required When Animal Bites Person

A. Every owner or keeper of an animal having knowledge that his animal has bitten or is suspected of biting a human being shall forthwith report the same to the Police Department for disposition of such animal under the provisions of this chapter.

B. It shall be the duty of every physician, or other practitioner, to report to the Police Department the names and addresses of persons treated for bites inflicted by animals, together with such information as will be helpful in rabies control.

6-4-7 Veterinarian's Reports of Quarantine and Diagnosis of Animals

It shall be the duty of every licensed veterinarian to report to the Police Department his/her diagnosis of any animal observed by him/her as a rabies suspect. All quarantined animals must be reported to the Police Department.

6-4-8 Interference With Enforcement of Chapter

It shall be unlawful to interfere with, hinder, molest, or impose or resist any police officer or Animal Control Officer in the performance of any duty under this chapter, or seek to release any animal in the custody of the Police Department, except provided for in this chapter.

6-4-9 Poisoning Animals

No person shall unlawfully, willfully or maliciously expose any substance with the intent that it shall be eaten or drunk by any animal which is the property of another person.

6-4-10 Teasing, Molesting, Etc., Dogs, Cats

It shall be unlawful for any person to tease, molest, bait, or in any way bother and dog or cat not belonging to him/her or not legally under their control.

6-4-11 Animals may be Redeemed

Animals impounded under Ordinance 6-4 which are not to be destroyed, may be redeemed at the City Pound during regular business hours, Monday through Friday, each week, by calling the Animal Control Officer, or the Police Department, prior to disposal and upon payment of the costs and expenses incurred for the impounding. Any unlicensed female animal shall not be released until the animal is spayed and such costs are paid.

6-4-12 FINES AND City Pound Charges

Where any animal is picked up and held at the City Pound the charge to redeem such animal shall be \$25.00 for the first time the animal is picked up and impounded, plus daily care of \$5.00 per day. \$50.00 plus \$5.00 per day for the second time the animal is picked up and impounded in any calendar year and \$75.00 plus \$5.00 per day for the third and successive times it is picked up and impounded in any calendar year. Unless such charges are paid within 3 days the impounded animal shall not be released and it may then be destroyed or given away. Payment of such charges on weekends may be made to the Animal Control Officer or the Police Department and proper receipt shall be issued for such payment. City pound charges may hereafter be amended by resolution of the council.

Unless otherwise specified, any person in violation of any section of ordinance 6-4 shall be \$25.00 for the first offense and \$50.00 for the second offense per calendar year and \$75.00 for the third and successive offenses in any calendar year. Fines may hereafter be amended by resolution of the council.

6-4-13 Adult Animals Allowed

It shall be unlawful for any person or persons within the City of Mobridge or within one mile of the corporate city limits to keep, maintain or have in his custody or under his control on any lot or premises more than four adult dogs, cats, or combination thereof that are more than six months of age, for compensation or not, except for a pet store in a commercially zoned area. (2000 ORD 765, 1999 ORD 759)

6-4-14 Pit Bull Dogs

SECTIONS:

- 1: Registration of New Pit Bull Dog
- 2: Registration of Existing Pit Bull Dog
- 3: Registration Fee
- 4: Pit Bull Dogs Defined
- 5: Determination of a Pit Bull Dog
- 6: Confinement and Leashing Of Pit Bull Dogs
- 7: Signs
- 8: Insurance
- 9: Identification Photographs
- 10: Reporting Requirements
- 11: Display of Tags Required

- 12: Offspring
- 13: Irrebuttable Presumption
- 14: Failure to Comply
- 15: Additional Penalty

1: REGISTRATION OF NEW PIT BULL DOG

Any owner, keeper or harbinger of a pit bull dog within the City or within one mile of the corporate limits of the City shall register and license said pit bull dog with the Finance Officer within ten (10) days of moving to the City or of obtaining a pit bull dog and be subject to the standards and requirement set forth within this Chapter. Said pit bull dog shall be re-registered with the City Finance officer by February 1st of each year.

2: REGISTRATION OF EXISTING PIT BULL DOG

Any owner, keeper or harbinger of a pit bull dog within the City or within one mile of the corporate limits of the City upon the effective date of this Ordinance shall register and license said pit bull dog with the Finance Officer and be in complete compliance with this Chapter within thirty (30) days of the effective date of this Ordinance. Said pit bull dog shall be re-registered and licensed with the City Finance Officer by February 1st of each year thereafter.

3: REGISTRATION FEE

The registration of a pit bull dog shall include a registration fee shall be as outlined in Chap. 6-4-3. The registration shall not be considered complete until this fee is paid.

4: PIT BULL DOGS DEFINED

A "Pit Bull Dog" is defined to mean:

- a. A bull terrier breed of dog;
- b. Staffordshire bull terrier breed of dog;
- c. The American pit bull terrier breed of dog;
- d. The American Staffordshire terrier breed of dog;
- e. The Presa Canario breed of dog;
- f. The Cane Corso breed of dog;
- g. Any dog of mixed breed with the above or of other breeds than above listed which breed or mixed breed is known as pit bull terriers; or
- h. Any dog displaying the majority of physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.
- i.

5: DETERMINATION OF A PIT BULL DOG

If any owner or keeper of any dog alleged to be subject to the provisions of this Chapter disputes whether the dog falls under the definition set forth herein, the owner of such dog may file a written petition with the Animal Control Officer or Chief of Police requesting that a determination be made as to the breed of the dog. The dog shall then be observed by the Animal Control Officer or Chief of Police and two (2) veterinarians for the purpose of determining the dog's breed. Whether or not the dog meets the definition of a "pit bull dog" under the provisions of this Chapter shall be determined by the Animal Control Officer or Chief of Police and the two veterinarians and in the event determination is made that the dog does fall under the definition set forth herein, said dog shall become in compliance with all provisions of this Chapter within five (5) days of the determination and may be impounded and held by the Animal Control Officer or Chief of Police until compliance is complete or the animal may be destroyed.

6: CONFINEMENT AND LEASHING OF PIT BULL DOGS

Any pit bull dog shall be securely confined indoors or outdoors in a securely enclosed and locked pen or kennel approved by the Animal Control Officer or Chief of Police, or in a fenced area approved by the Animal Control Officer or Chief of Police, except when leashed as provided herein. Any pen, kennel, structure or fence shall be secure to assure that any pit bull dog confined therein cannot escape in any manner, including by digging under, climbing over or by force. Any structure or fence used to confine any pit bull dog shall be locked with a key or combination lock when such animal is within the structure or fence. Any structure or fence erected to confine pit bull dogs shall comply with all zoning and building regulations of the City. Any such structure shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

No person shall permit a pit bull dog to be kept on a porch, patio or in any part of the house or structure that would allow the dog to exit such building of its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

No person shall permit a pit bull dog to go outside its kennel or pen or approved fenced area unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit the pit bull dog to be kept on a chain, rope or other type of leash outside the kennel or pen or approved fenced area unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc.

7: SIGNS

Any owner, keeper or harbinger of any pit bull dog within the City or within one mile of the corporate limits of the City shall within ten (10) days of the effective date of this ordinance display in a prominent place on their premises a sign measuring not less than 8.5 inches by 11 inches which is easily readable by the

public stating in letters not less than 2 inches high the following: "A PIT BULL DOG IS KEPT ON THIS PROPERTY".

8: INSURANCE

Any owner, keeper or harbinger of any pit bull dog shall upon registering and licensing the pit bull dog provide proof to the City Finance Officer of public liability insurance in a single incident amount of \$250,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintaining of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the City Finance Officer.

9: IDENTIFICATION PHOTOGRAPHS

Any owner, keeper or harbinger of a pit bull dog shall upon registering and licensing the pit bull provide to the Finance Officer two color photographs of the animal clearly showing the color and approximate size of the animal.

10: REPORTING REQUIREMENTS

Any owner, keeper or harbinger of a pit bull dog shall within ten (10) days of the incident, report the following information in writing to the Animal Control Officer or Chief of Police as required hereinafter:

- a. The removal from the City or within one mile of the corporate limits of the City or death of a pit bull dog;
- b. The birth of offspring of a pit bull;
- c. The new address of a pit bull dog owner or keeper should the owner or keeper have moved within the City limits or within one mile of the corporate limits of the City.

11: DISPLAY OF TAGS REQUIRED

It shall be the responsibility of the owner or keeper of the pit bull dog to place a collar around the neck of each dog to which the registration tag furnished by the Finance Officer shall be securely fastened. The tag shall be used by the Animal Control Officer or Chief of Police to identify whether or not any pit bull dog has been properly registered pursuant to this Chapter.

12: OFFSPRING

Any offspring born of any pit bull dog within the City or within one mile of the corporate limits of the City shall be in compliance with all City Ordinances within 12 weeks of birth with exception of the vaccination requirement but at 6 months of age the pit bull must be vaccinated and full registration shall be completed with the City Finance Officer.

13: IRREBUTTABLE PRESUMPTION

There shall be an irrebuttable presumption that any dog registered with the City or within one mile of the corporate limits of the City as a pit bull dog or any of those breeds discussed within this Chapter is in fact a dog subject to the requirements of this Chapter.

14: FAILURE TO COMPLY

It shall be unlawful for any owner, keeper or harbinger of a pit bull dog within the City or within one mile of the corporate limits of the City to fail to comply with the requirements and conditions set forth in this Chapter. Any dog found to be the subject of a violation of this Chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply may result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City and within one mile of the corporate limits of the city or resulting in the animal being permanently placed in the control of the Animal Control Officer with the final disposition of the pit bull dog at the discretion of the Animal Control Officer.

15: ADDITIONAL PENALTY

In addition to the penalties set forth in this Chapter any person violating or permitting the violation of any provision of this Chapter may be subject to the revocation of the registration of any pit bull dog. Revocation of said registration shall result in the pit bull dog being immediately removed from the City and one mile of the corporate limits of the City and/or the dog to be placed in the immediate and permanent control of the Animal Control Officer or Chief of Police with final disposition or destruction of the animal being at the discretion of the Animal Control Officer or Chief of Police. In addition, any person who violates this Chapter shall pay all expenses including shelter, food, handling, veterinary care, restitution, and testimony necessitated by the enforcement of this Chapter.

All provisions of this Chapter 6-4 apply to all animals kept or harbored within the City and within one mile of the corporate limits of the City of Mobridge.

CHAPTER 6-5 - JUNK DEALERS

6-5-1 Definition

The term "junk dealer" as used in this ordinance shall mean any person or persons, firm or corporation who is engaged in business as a dealer and/or trader in junk, old metals, rags, waste paper, old automobiles or other articles or things, the worn condition of which renders them useless for the purpose for which it was made.

6-5-2 License Required

Every person or persons, firm or corporation who is engaged in the business of junk dealing shall before engaging in such business obtain a license.

6-5-3 Application for License

Any person, persons, firm or corporation desiring to procure a license as herein provided shall file with the City Finance Officer a written application pursuant to Section 6-1-2 shall also describe in detail the character of the business in which he/she, they or it desires to collect, but, sell or otherwise deal with. It shall also state the following:

- A. The length of time the applicant(s) has or have resided in the City of Mobridge, places of previous employment, whether he or they or any of them have been convicted of a felony or misdemeanor, and if so what offense, when and in what court.
- B. The premises where the business is to be located or carried on. Such description shall be given by street and number in case of a building and in case such business is carried on wholly or in part on a vacant lot or lots, the lot and block number shall be given, together with the exact dimensions of the space to be occupied in any manner in the conduct of such business.
- C. Such other information as may be required by the City Council.
- D. Such application shall contain the consent and agreement by the applicant that any license granted for such application may be revoked by the City Council at any time without notice or hearing upon violation by the holder of said license of any of the provisions of this ordinance or any other ordinance of the City of Mobridge or statute of the State of South Dakota

6-5-4 License Fees

Every junk dealer shall pay an annual license fee of \$250.00 for each established place of business. All licenses shall be issue as of January 1 of each year and shall continue in force until December 31st, next succeeding the date of issuance thereof unless sooner revoked by the City Council.

6-5-5 Licenses, Granting

Upon filling of the application, together with the necessary license fee, as provided in the preceding section, the City Council, if they deem such applicant a fit person to

engage in such business, shall by majority vote grant such license and thereupon such license shall be issued by the City Finance Officer in the manner as provided for the issuance of other licenses in the City of Mobridge by Chapter 6-1 of the Title, and no applicant to whom a license has been refused shall make further application until a period of at least twelve months shall have elapsed since the last previous rejection, unless he can show that the reason for this rejection no longer exists.

6-5-6 Revocation of Licenses

The City Council may at any time, for such cause, if it, upon investigation deems sufficient, revoke any license granted under the provisions of this ordinance without any hearing or notice to the holder of such licenses and whenever such license shall be revoked, no refund of any unearned portion of the license fee shall be made. Notice of such revocation and the reasons shall be served by the city Council upon the person or persons, firm, association of corporation named in the application either by personal service or by mailing the same to the address given in the application and filling a copy with the Finance Officer of the City of Mobridge.

6-5-7 Record of Purchases

Every junk dealer shall keep in such form as the Chief of Police shall prescribe, and written in ink or indelible pencil, a daily record of all articles purchased, the name, residence, age and occupation of the person from whom each article was purchased and the name of the employer of such person, also the day and hour of such purchase and the price paid. the records shall at all reasonable times be open to the inspection of the Chief of Police or any police records shall be changed, erased, obliterated, or defaced.

6-5-8 Reports to Police Department

Every junk dealer, upon being served with written notice so to do by a member of the Police Department, shall report to the Chief of Police a description of all goods, articles or things purchased or received by him in the course of business of a junk merchant at such time and during such period of time specified in the notice, stating the amount paid for and the name, residence and general description of the person from whom such goods, articles or things were received.

6-5-9 Restrictions

A. No junk dealer shall carry on business at or from any other place that the premises designated and described in the application and license and all junk of all kinds and description shall be kept wholly within the boundaries of such premises.

B. It shall be unlawful for any junk dealer to bury old cars or other refuse on the premises covered by said license or at any other place within the City of Mobridge.

C. The wrecking and dismantling of old cars or other material for the purpose of junking the bodies, obtaining scrap material, or securing old parts, shall be done wholly inside the buildings occupied by said junk dealer or within the enclosure hereinafter provided for and shall not in any event be done upon the highways or streets of the City or outside the premises described in the application and license.

D. In all cases where the business of a junk dealer is to be conducted on a vacant lot or lots, or in a partially enclosed structure, said lots or structure shall be enclosed by a tight board fence, ten feet in height, or by a ten foot Cyclone wire fence or other wire fence of like construction. Said fence shall be properly maintained and kept in regular repair by the licensee and shall be so constructed with gate or gates to prevent unauthorized entry to said premises, and all junk of all kinds and description shall be kept wholly within the boundaries of such enclosure and shall not in any event be deposited on the highways, streets, sidewalks or boulevards of the City.

Licensee shall be allowed until six months from the effective date of this Ordinance, to comply with the provisions of this section for the erection of enclosures as herein provided, and failure so to do prior to such time shall be sufficient cause for the revocation of any license issued under the provisions of this chapter.

CHAPTER 6-6 – PAWN BROKERS

6-6-1. Definition.

(a) The following term, when used in this article, shall have the meaning ascribed to it in this section, except where the context clearly indicates a different meaning:

Pawnbroker means any person who:

- (1) Engages in the business of lending money on the deposit or pledge of personal property, or other valuable thing on the condition of selling the same back again at a stipulated price; or
 - (2) Purchases personal property with the expressed or implied agreement or understanding to sell it back at a stipulated price.
- (b) This definition shall exempt the following transactions:
- (1) Any person whose primary business is selling new, unused articles, and receiving used articles in trade from the purchaser.
 - (2) Casual or occasional sales of used household goods by the owner thereof to the public, this category includes those sales commonly referred to as "garage sales."
 - (3) Any person dealing exclusively in the resale of used automobiles.
 - (4) Any person that operates as a salvage yard for wrecked automobiles.
 - (5) Transactions in secondhand goods at stores or events sponsored by nonprofit corporations, fraternal organizations, or religious organizations.
- (2005ORD809)

6-6-2. License Required.

It shall be unlawful for any person to engage in the business of pawnbroker without first obtaining a license from the city finance office. (2005ORD809) (1998 § 6-6-1)

6-6-3. Prohibited for person with felony conviction.

No pawnbroker's license shall be issued to any person who has been convicted of a felony. (2005ORD809)

6-6-4. Fixed premises.

(a) No person shall engage in business as a pawnbroker unless such person has a fixed premise where such business is conducted, either on a continuing basis or from time to time, and unless such person has first obtained a license to engage in that business at that premises.

(b) For the purposes of this section, the term "fixed premises" shall include any nonmobile premises where such business is conducted and such pawned articles are held. (2005ORD809)

6-6-5. License fee.

The annual pawnbroker's license fee shall be as provided by resolution of the city council, payable in advance. (2005ORD809) (1998 § 6-6-2)

6-6-6. Bond.

Before any license shall be issued to any person for doing business as a pawnbroker, as defined in this article, having an established place of business, he/she shall first file with the city finance officer a surety bond in the sum of \$1,000.00. All such bonds shall be conditioned that the principal named therein shall observe the ordinances of the city in relation to pawnbrokers and conduct business in conformity thereto, and will account for and deliver to any person legally entitled thereto any goods, wares or merchandise, article or thing which may come into his/her hands, through his/her business as such pawnbroker or in lieu thereof will pay in money to such person the reasonable value thereof. (2005ORD809)

6-6-7. Records required.

(a) At the time of each transaction, each licensee must immediately record in English the following information using ink or other indelible medium on forms or in a computerized record approved by the city police department:

- (1) A complete and accurate description of each item including, but not limited to, trademark, identification number, serial number, model number, brand name, description, color, size, or other identifying mark.
- (2) Purchase price or amount of money loaned.
- (3) The maturity date of the transaction and the amount due.
- (4) Whether the item was pawned, sold, or consigned.
- (5) Date, time and place the item of property was received by the licensee.
- (6) The unique alpha and/or numeric transaction identifier that distinguished it from all other transactions.
- (7) Full name, address, date of birth, sex, of the person pawning the merchandise.
- (8) Identification number and state of issuance of photo ID from the person pawning the merchandise.
- (9) The signature of the person pawning the merchandise.

(b) Records shall be open to inspection by the city police department at all reasonable times.

(c) All items sold, pawned, or offered for sale on the licensed premises are included in the records requirement. Private sales to employees require the same reporting as transactions completed with the licensed premises.

(d) Any licensee who fails to keep such records, or fails to make the required entries therein, or who intentionally or knowingly makes any false or unintelligible entry, or any entry which he has reason to believe is untrue, or who fails to produce his records when requested by a city police officer during reasonable business hours, or who destroys such records, shall be guilty of a misdemeanor.

(e) The licensee is exempt from reporting bulk purchases of new merchandise from a merchant, manufacturer, or wholesaler having an established permanent place of business. The licensee is required to maintain a record of such a purchase, which describes each item. (2005ORD809) (1998 § 6-6-3)

6-6-8. Inspection of items.

At all times during the terms of the license, the licensee must allow police officers to enter the premises during normal business hours to inspect items held by the licensee or records required by these ordinances. (2005ORD809)

6-6-9. Label required.

The licensee must attach a label to every item at the time it is pawned, purchased, or received in inventory from any reportable transaction. The label shall contain the unique alpha and/or numeric transaction identifier that distinguished it from all other transactions. The label must be attached to the item at all times while the item is on the licensed premises. (2005ORD809)

6-6-10. Receipts.

Every pawnbroker or dealer in secondhand goods, purchasing or receiving on deposit for a loan any article or personal property, shall give to the person selling or depositing such article or personal property a plain written or printed ticket or receipt for the article or property so sold or deposited, showing the terms and amount of such sale or loan and a description of the property purchased or deposited as security for the loan. (2005ORD809)

6-6-11. Purchase from minors, etc.

No pawnbroker or dealer in secondhand goods shall purchase or receive on deposit any personal property, goods, wares, merchandise, articles or thing, from minors, persons of unsound mind or intoxicated persons, except that the parents or guardians of minors may give their written consent for such transactions. (2005ORD809) (1998 § 6-6-4)

State law references: Power of city to forbid the purchase from minors of articles without the consent of their parents, SDCL § 9-34-9.

6-6-12. Reports to police.

The licensee is required weekly to provide the city police department with copies of all pawn, buy, or consignment transactions. Such copies may be carbon copies of the original pawn ticket or a computerized record. The copies or computerized record shall contain all the information required by section 6-6-7. (2005ORD809)

6-6-13. Holding period.

Any person licensed as a pawnbroker, who purchases any new or secondhand goods from any individual not engaged in trade, shall keep the goods for 30 days from the time of transfer. The property shall be held on the licensed premises and shall not be disposed of or altered from the form in which it was received. (2005ORD809)

6-6-14. Law enforcement hold order.

Any officer of the city police department may, by written order, order a pawnbroker to hold any article or articles for the purpose of further investigation. The written law enforcement hold order shall be valid for a period of 30 days. The licensee shall not dispose of or alter the article during the hold period. (2005ORD809)

6-6-15. Suspension, revocation of license.

- (a) After written notice and a public hearing, the city council may suspend the pawnbroker's license of any licensee who violates any provision of this article, for a prescribed period not to exceed 60 days.
- (b) After written notice and a public hearing, the city council may revoke the license of any licensee who violates the provisions of this article. (2005ORD809)

CHAPTER 6-7 – PEDDLERS – HAWKERS

6-7-1 Definitions

Peddler – A person, firm or corporation who sells or solicits the sale of any merchandise or trade from house to house, place to place, or upon the public street or public place within the City Limits of Mobridge

Transient Merchant- A person, firm, or corporation that engages in a temporary business of selling and delivering goods, services, and/or merchandise within the city limits of Mobridge and lease, use, or occupy any building, structure, motor vehicle or tent for the sale or display of such goods or services either privately or at a public auction. Associating temporarily with any local dealer or merchant does not constitute exemption from this definition.

Public Market- A place where persons may stand and offer for sale from vehicles, stands or other receptacles, farm or orchard produce within city limits of Mobridge. Persons offering for sale produce raised by them and living within the local trade area of Mobridge are exempt from this definition.

6-7-2 Permits and Fees

Any person engaging in the sale or transfer of goods as defined in section 6-7-1 shall make application in writing to the City Finance Officer. Listed on the application shall be the legal name of person(s), firm, or corporation conducting business, nature of sale, duration of business and any applicable South Dakota sales tax and/or business license number. A signed permit will be issued providing the form is correctly completed, and all licensing in place.

A fee in the amount of \$20 per day, \$75 for a 30-day permit, or \$250 for an annual permit shall be collected prior to issuance of the permit.

6-7-3 Trespassing

No person, firm or corporation, as defined in section 6-7-1, or representatives thereof, shall engage in the practice of being in and upon private residences in the City of Mobridge unless they are invited or requested to do so by the owner(s) for the purpose of selling goods, services, or merchandise. Such violations shall be declared nuisances and punishable as a misdemeanor.

6-7-4 Enforcement

Any person, firm or corporation as defined in section 6-7-1 shall, upon demand of the Chief of Police of Mobridge, display evidence of compliance with above requirements. Failure to secure permit prior to start of sale shall be punishable by a fine not to exceed \$100 for each violation.

6-7-5 Supervision of Open Markets

Person(s), firms, or corporations engaging in open markets shall be subject to the control and supervision of the Mobridge Police Department. Such open markets shall be kept in a clean and sanitary manner, free from rubbish and decaying debris. Violations shall be punishable by a fine not to exceed \$100 per violation.

6-7-6 Exceptions to Section Provisions

The provisions of this section shall not apply to solicitations, sales or distributions made by charitable, civic, educational or religious organizations which have their principal place of activity in the city.(2003 ORD 799)

CHAPTER 6-8 – MOBILE HOME PARKS

6-8-1 Definitions

- A.. A "**Mobile Home**" is any moveable or portable unit constructed and designed to be towed on its own chassis and designed to be connected to utilities for human occupation and habitation as a permanent residence.
- B. The term "**person**" shall be construed to import both plural and singular and shall include natural persons, firms, partnerships, associations, companies and corporations.
- C. "**Mobile Home Park**" means any park, trailer park, trailer court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodation by the owner, tenant or lessee, or third persons for any trailer coach or coaches and upon which any trailer coach or trailer coaches are parked and shall include all buildings used or intended to be used as a part of the equipment thereof, whether a charge is made for the use of the trailer park and its facilities or not. "Mobile Home Park" shall not include automobile or trailer sales lot on which unoccupied trailers are parked for purposes of inspection and sale.
- D. "**Mobile Home Site**" shall mean any site, lot, parcel or tract of land upon which is located or parked, temporarily or permanently a trailer coach to be used and occupied, or which is used and occupied for dwelling or sleeping quarters, or both, for one or more persons, whether the site, lot, parcel, or tract of land is owned by the owner of the trailer coach or not, and whether or not the same is occupied by the owner thereof or by a tenant.

6-8-2 Administration

The administration of Chapter 6-8 shall be under the supervision and jurisdiction of the Mayor and the City Council. The Mayor and City Council or their duly authorized representatives shall have the right and are hereby empowered to enter upon any premises on which any mobile homes are located, or about to be located and inspect the same and all accommodations connected therewith at any reasonable time; and are further empowered to issue orders granting, renewing, and revoking such permits or licenses as provided for in accordance with the provisions of this ordinance.

6-8-3 Location and Areas

- A. (1) Mobile Home Parks shall be located only in the business and industrial zoned areas of the city of Mobridge as described and defined by the City of Mobridge Zoning Ordinance.
- (2) After a public hearing, the City Council may issue a license for the location of a mobile home park in any district in which licenses are herein prohibited. Notice of such public hearing shall be given by publication once at least one week prior to the date set for said hearing. If upon such hearing the board finds that denial of such licenses will cause unnecessary hardship on the applicant, and finds in

addition that the owners of all property within 200 yards of the proposed trailer coach park shall not suffer unnecessary hardship by reason of the operation of the mobile home park at the proposed location, the license can be granted.

(3) No mobile home parks shall be located within the limits of the City of Moberge unless City water and sewer connections and fire protection and fire protection facilities are available.

(4) All licensed mobile home parks in existence at the date of the passage and adoption of this ordinance shall have their licenses renewed from year to year upon application and payment of license fees as herein provided. In the event any trailer coach park in existence at the time of the passage and adoption of this ordinance located other than in the area herein provided be abandoned, the same shall not again be renewed except upon notice and hearing for special license as herein provided.

6-8-4 License for Mobile Home Park, Application Therefore and Issuance Thereof

- A. No persons shall establish or maintain a mobile home park, as defined herein, without first obtaining a license therefore from the governing body of the City of Moberge, and agreeing, in writing to comply with the terms of this ordinance, provided that a plot of ground upon which unoccupied mobile homes are located for the purpose of sale or trade shall not be constructed to be a mobile home park, nor shall said situated mobile homes be used at any time, for housing or sleeping of persons. All mobile home parks in existence upon the effective date of this ordinance shall obtain a license and in all other respects comply fully with the requirements of this ordinance, except that the mobile homes already parked and established upon any lot or lots within the City of Moberge on the effective date of this ordinance, may be granted a special renewal license by the City Council to remain as part or located upon said site, even though the same may not Comply fully with the provisions of this ordinance. The special permit or license shall be at the discretion of the City Council.
- B. Application for license. Any reputable person desiring to establish, maintain, or operate the mobile home park shall make application in writing to the governing body of the City of Moberge for a license which application shall set forth the following:
 - 1. Sketch of area to be used for park purposes, showing dimensions, driveways, proposed location of units, and location of sanitary conveniences.
 - 2. Statement relative to water supply, sewage and garbage disposal.
 - 3. The location and legal description of the mobile home park.
 - 4. Plans and specifications of all buildings or other facilities already constructed, or to be constructed and used in connection with the operation of said mobile home park.

5. Location of office where books and records pertaining to the operation of said mobile home park as required by this ordinance shall be kept.
- C. License fee, mobile home park. Fifty Dollars for first trailer; and \$2.00 for each mobile home over one contained within the mobile home park.
 - D. License granted. Before a license is granted, all applications shall be examined by the City Council or their representatives, who shall investigate the applicant and inspect the premises and proposed plan to make certain that the applicant is of good moral character, and the proposed mobile home park will be in compliance with all provisions of the City of Ordinances and the laws of the State of South Dakota in regard to zoning, safety, and sanitation; and such officer shall, in writing, submit their findings to the City Council. Licenses issued hereunder grant no right to erect any buildings or to do any plumbing or to do any electrical work. All plumbing, electrical, building and other work on or at any mobile home park licensed under this chapter, shall be in accordance with the ordinances of the City of Mobridge regulating such work unless such ordinances specifically made inapplicable under the terms of this ordinance.
 - E. Transfer of license. Licenses granted under this ordinance shall not be transferable without the approval of the governing body of the City of Mobridge upon application made in writing to the City Council for such transfer, which application shall set forth the following:
 1. The name and post office address of the person holding such license.
 2. The name and post office address of the person to whom application for transfer is made.
 3. The location and legal description of the mobile home park upon which application for transfer is made.
 - F. Revocation and suspension of license. The governing body may revoke any license issued pursuant to this ordinance if, after due notice to the holder of said license and hearing thereon it is determined that the holder thereof has violated any of the provisions of this ordinance, or that any mobile home or mobile home park becomes a nuisance, or is being maintained in any immoral, unsanitary, unsafe or unlawful manner.
 - G. Connection with Water and Sewer Systems. Every mobile home park shall be connected with the City Water and Sewer systems if any portion of the plot is within 200 feet thereof, where such facilities cannot be made available, water supply for the trailer coach park shall have the approval of the City Health Officer, and septic tanks shall be installed as directed by the Health Officer. In no case shall privies be allowed.
 - H. It shall be unlawful to permit water from sinks, showers, or other fixtures of any kind in any unit to be discharged onto the ground or street.
 - I. Electricity shall be provided for each mobile home and the mobile home park grounds, and if washroom, toilets and other service buildings are available upon

the mobile home park site, the same shall be properly lighted with electricity at all times.

- J. Setback and spacing. No occupied mobile home shall be located within the setback line established in the zoning district in which said unit is located. There shall be no less than six feet between trailer coaches, end to end, and no less than ten feet between such homes, side to side, and no mobile home shall be closer than six feet to any building nor shall it be located within six feet of the property line or the adjoining property.
- K. Garbage disposal. The manager of each mobile home park shall provide sufficient water tight metal garbage cans, with tight fitting covers, and the garbage disposed of by the person operating the camp at least three times each week, or placed in such places as will be collected by the City of Mobridge garbage collector.
- L. Management. In every mobile home park, there shall be an office for the person in charge of said park at which shall be kept a register of guests, showing the names addresses, dates of entrance and departure, license number of all mobile homes, automobiles and states issuing such licenses. Each register shall be kept available for public inspection at any time and shall not be destroyed until the expiration of twelve months from the date of registration.

6-8-5 Permit for Mobile Home Site, Application Therefore and Issuance Thereof

- A. It shall be unlawful for any person to locate or maintain, or permit to be located or maintained upon any property owned or controlled by him or her, a mobile home upon a mobile home site within the City of Mobridge, without first having secured a permit therefore, from the City of Mobridge granted and existing in compliance with the terms of this chapter.
- B. (1) No mobile home site shall be located within the City of Mobridge upon any site, lot, part of lot, parcel or tract of land, EXCEPT, as provided by the City of Mobridge Zoning Ordinance.

(2) The City Council may issue a permit for the location of a mobile home site in any district in which permits for mobile home sites are herein prohibited after a public hearing if upon such hearing said boards finds that denial of such permit will cause unnecessary hardship on the applicant and finds in addition that the owners of all property within 200 yards of the proposed site will not suffer unnecessary hardship by reason of the location of said trailer home site, at the proposed location. Notice of such public hearing shall be given by publication once at least on week prior to the date set for said hearing.

(3) No mobile home site shall be located within the limits of the City of Mobridge, unless City water and sewer connections and fire protection facilities are available.

(4) It shall be unlawful, within the limits of the City of Mobridge, for any person to park any mobile home on any street, alley or highway or other public

place, or on any tract of land owned by any person, occupied or unoccupied, within the City of Mobridge except as provided in this chapter.

(5) All mobile home sites established prior to the effective date of this ordinance, even though located in an area in which said mobile home site is prohibited shall not be affected by the location provisions of this section, but shall be required to comply with all other provisions of this ordinance. Provided, however, that any mobile home site located in an area prohibited by this section if abandoned by removal of said retailer coach shall thereafter come within the provisions of this ordinance and shall not again be occupied as a mobile home site except upon special permit as herein provided.

C. Upon said application being presented to the City Council they shall inspect said premises, said mobile home, the area within which the same is to be located and be satisfied that the location of said mobile home site shall comply with all of the provisions of this chapter and all other applicable ordinances of the City of Mobridge. Permit shall be granted only upon the favorable vote of a majority of the governing body.

CHAPTER 6-9 BICYCLES

6-9-1 Licensing Procedures

No person who resides within the City of Mobridge, South Dakota, shall ride or propel a bicycle on any public street, alley, sidewalk or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license tag is attached thereto as provided herein.

Application for a bicycle license tag shall be made upon a form provided by the City Finance Officer. An annual fee of \$1.00 shall be paid to the City Finance Officer. This license shall expire on December 31 of each year.

6-9-2 Conditions of Licensing and Regulations for Operation of Licensed Bicycles

- A. No bicycle shall be ridden faster than is reasonable and proper, and every bicycle shall be operated with reasonable regard to the safety of the operator and any person upon the public sidewalks, street, alleys and other public right of way of the City.
- B. Every person riding or propelling a bicycle upon any street or other public highway in the City shall observe all traffic rules and regulations applicable thereto, and shall turn only at intersections, signal for all turns, ride at the right hand side of the sidewalk, street, alley, highway or right of way, pass to the left when overtaking and passing vehicles and pass to the right when meeting vehicles.
- C. Carrying articles. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.
- D. Clinging to vehicles. No person riding upon any bicycle shall attach the same or himself to any vehicle upon the roadway.
- E. Parking bicycles.
 - (1) No person shall park or leave unattended any bicycle upon a public street except in a regularly designated parking area.
 - (2) No person shall park or leave unattended any bicycle upon a public sidewalk so to obstruct the free passage thereon by pedestrians, nor shall said bicycle be parked or left unattended upon any sidewalk so as to obstruct free passage to and from any doorway.
- F. Parent and Guardian liability. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

6-9-3 Penalty

Any person violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$200.00, or imprisonment for not more than 30 days; or both such fine and imprisonment, provided that in case of violation of any provisions hereof the Court may, in lieu of or in addition to, the penalty provided herein, suspend the license of any person granted hereunder, for a period of not more than 30 days; and may suspend permission of the person violating this Ordinance from operating any bicycle for a period of 30 days, and may impound any bicycle used in violation of this Ordinance for a period of not more than 30 days.

CHAPTER 6-10- TAXICABS

6-10-1 License Required

No person, firm or corporation shall operate a taxicab within the city of Mobridge without first having obtained from the City Council a license therefore and without having complied with all provisions of this chapter.

6-10-2 License Fee

The fee for such license is to be paid annually and in advance, shall be; for the first taxicab, the sum of the Fifty Dollars and for each additional license issued to any one person, firm or corporation, the sum of Twenty-five Dollars. Licenses shall extend from the first day of January until the thirty-first day of December following, and full license fee must be paid for any part of such year.

6-10-3 Inspection

No taxicab shall be licensed until it has been thoroughly and carefully tested and inspected, and found to be in a thoroughly safe condition, for the transportation of passengers, and clean, fit, and good appearance.

Mechanical Tests: Mechanical tests shall be made by any testing garage or testing station approved by the Chief of Police and shall include the following: brakes, horn, windshield wiper, rear view mirror, steering mechanism, head lights, and tail lights.

Physical inspection shall be made by the Chief of Police and shall include the following: condition of tires, including spare tire, cleanliness and general appearance.

It shall be the duty of the owner of each taxicab to submit to the Chief of Police, for inspection of each cab prior to the issuance of the license, or at any time upon complaint, and the Police Department may inspect such vehicles at other times as they may deem necessary, and it shall be unlawful for the owner or persons in charge of any taxicab to use or permit its use, in case it has been condemned by the Chief of Police, until such vehicle has been repaired to the satisfaction of the Chief of Police.

6-10-4 Application for License

Any person, firm or corporation desiring a license for a taxicab or taxicabs shall make a written application therefore to the City Council upon blanks to be furnished by the City Finance Officer. Said application shall contain the full name and address of the owner, the make, model and year of manufacture of the vehicle, the South Dakota license number and the engine and factory number of the same.

6-10-5 Insurance, Bond

Before any taxicab license is granted, or any pre-existing license renewed, applicant shall file with City Finance Officer a certificate or policy of insurance issued by

a responsible insurer, covering the vehicles to be operated by applicant, providing public liability insurance for injuries to one person in an amount not less than Three Hundred Thousand Dollars (\$300,000.00) and for any one accident not less than Three Hundred Thousand Dollars (\$300,000.00) and property damage insurance in an amount not less than Fifty Thousand Dollars (\$50,000.00), such coverage to be continuing, notwithstanding any recovery or settlement thereunder.

The Policy or certificate shall specify:

- (1) That the insurer shall be responsible for all liability of the applicant arising from the use of any motor vehicle as a part of applicant's for hire fleet in the City of Mobridge even though such vehicle is not described in the policy or certificate of insurance.
- (2) That violation of any of the provisions of the policy or certificate of insurance shall not relieve the insurer from liability thereunder to any third part claimant against applicant, including cases where applicant becomes bankrupt or insolvent.
- (3) That the policy or certificate shall not be modified or canceled without ten days actual notice to the City Finance Officer.

In lieu of the policy or certificate of insurance herein provided for, applicant may furnish corporate surety bond, issued by a surely company authorized to do business in the State of South Dakota, if it meets the foregoing requirements.

The policy, certificate of insurance or bond shall be approved by the City Council prior to issuance of the license.

6-10-6 Taxicab Marking

Every taxicab licensed under the provisions of this chapter shall have the name of the owner on the door. If any licensee operates more than one such taxicab, each taxicab shall be numbered with figures not less than two inches high, and no two vehicles shall bear the same number. All names and numbers herein provided shall be of such color and type as to be legible to one of normal eyesight at a minimum distance of twenty-five feet.

6-10-7 City License Plate

Every owner of any licensed vehicle shall forthwith place a number plate to be furnished by the City, upon the vehicle corresponding to the license, placed in a conspicuous place on the outside of such vehicle and shall keep the same plain and distinct at all times when used, during the continuance of such license, and upon the expirations of such license or cancellation, such person shall cause such number to be removed from said vehicle and shall not allow said vehicle to be used with such number thereon. No number plate shall be displayed on any public vehicle except the one for which it was issued.

6-10-8 Fares

Every taxicab operator licensed under the provisions of this chapter shall file with the City Finance Officer a schedule of fares to be charged for conveying passengers in taxicabs within the City of Mobridge, and shall make no changes in such fares without the approval of the City Council.

6-10-9 Transfer of License for Taxicabs

Any license for a taxicab may be transferred from one taxicab to another under the same ownership by the City Finance Officer, with the consent of the City Council, upon payment of a transfer fee of \$1.00 provided the second vehicle has been inspected as complying with this chapter.

6-10-10 Revocation of License

The City Council may revoke any license issued under the provisions of this Ordinance upon proof that the licensee has violated any provision hereof.

CHAPTER 11 – RESERVED

CHAPTER 12 TATTOOING AND BODY PIERCING ESTABLISHMENTS

6-12-1: DEFINITIONS.

The terms used in this chapter mean:

1. "Communicable disease," a disease which is capable of being transmitted from person to person;
2. "Minor," a person who is under the age of 18 years;
3. "Patron," a person who receives a tattoo or body piercing or has a tattoo removed;
4. "Permanent tattoo establishment," a building where tattooing and/or removal of tattoos is practiced on a year-round basis;
5. "Tattoo artist," a person engaged in the practice of tattooing and/or removal thereof;
6. "Tattoo establishment," the building or structure where tattooing and/or removal thereof is practiced;
7. "Tattooing," to puncture the skin of a person with a needle and insert indelible permanent colors through the puncture and leave permanent marks or designs;
8. "Tattooing area," within a tattoo establishment, the immediate vicinity where tattooing is performed;
9. "Body piercing," the placing of a permanent or temporary foreign object in a person's body, such as ears, nose, lips, genitals, nipples or parts thereof, for a decorative or other nonmedical purpose by a person not directly under the supervision of a licensed physician as defined by SDCL 36-4-11; the site or location, on the patron, of the body piercing;
10. "Body piercing area," within a body piercing establishment, the immediate vicinity where body piercing is performed;
11. "Body piercing artist," a person engaged in the practice of body piercing;
12. "Body piercing establishment," the building or structure where body piercing is practiced;
13. "Permanent body piercing establishment," a building where body piercing is practiced on a year-round basis;
14. "Certification" is defined as 60 hours of schooling or 12 months of apprenticeship under a tattoo/body piercing artist who has had an established business for no less than 14 months. (2005 ORD 814)

6-12-2: LICENSE REQUIRED.

No person shall engage in, conduct or carry on or permit to be engaged in, conducted or carried on in or upon any premise within the city a tattoo establishment or body piercing

establishment unless a license has been issued by the City which remains in effect in conformity with the provisions of this Chapter. (2005 ORD 814)

6-12-3: APPLICATION FOR LICENSE.

Each application for a license shall be upon a form provided by the City and shall be submitted to the City along with a check in the amount of \$100.00 for application fee and shall contain the following information:

1. A definition of service to be provided.
2. The location and mailing address of the proposed establishment.
3. The name and residence address of the applicant. If the applicant is a corporation, the name and address of the registered agent and of the officers. If the applicant is a partnership the names and residence addresses of each of the partners, including limited partners, and the address of the partnership itself, if different from the address of the tattoo establishment.
4. The last two previous addresses (if any) during the part three years immediately prior to the present address of the applicant.
5. Written proof that the applicant is over the age of 18 years.
6. Individual or partnership applicant's height, weight, color of eyes and hair and sex.
7. Copy of identification such as driver's license and social security card.
8. The history of the applicant in the operation of a tattoo establishment or similar business or occupation, including, but not limited to, whether or not such person has previously had a similar license revoked or suspended and the reason therefore.
9. The name, address, and certification of schooling or apprenticeship of each tattoo or body piercing Artist who is or will be employed in the establishment.
10. Each tattoo or body piercing artist must show proof of current Hepatitis and Tetanus vaccinations, and a clean TB test.
11. Any other information or identification necessary to substantiate these provisions.
(2005 ORD 814)

6-12-4: INSPECTION.

After the City receives an application, the City shall request that the tattoo and body piercing establishment be inspected by the Department of Health within 30 days, and annually upon renewal of the license. (2005 ORD 814)

6-12-5: MINIMUM SANITATION STANDARDS.

The establishment shall meet the minimum sanitation standards set forth by the South Dakota Administrative Rules, Chapter 44:12:01 and 44:12:02 before a license will be granted with the following exceptions or changes to the minimum standards.

- 1. Tattoo/Body Piercing establishments -- General provisions.** A tattoo/body piercing establishment must be a minimum of 60 square feet for one tattoo/body

piercing artist and 40 square feet for each additional artist. A tattoo/body piercing establishment must be physically separated from facilities used for practices other than tattooing/body piercing. A tattoo/body piercing establishment must be a permanent structure. Floors and walls of the tattooing/body piercing area must be smooth, easily cleanable, nonabsorbent, and in good repair. A removable floor covering over a carpet is acceptable. Ceilings above the tattooing/body piercing area must be smooth, easily cleanable, or removable and in good repair. A minimum of 30 foot-candles of light must be provided for applying the tattoo/body piercing and a minimum of 10 foot-candles for general lighting. (based on SDAR 44:12:01:03)

2. Required equipment for tattoo artists. A tattoo artist must have the following minimum equipment:

- (1) Fifteen liner tubes of whatever style and design preferred in sealed sterile envelopes;
 - (2) Fifteen shader tubes of whatever style and design preferred in sealed sterile envelopes;
 - (3) Fifteen needle bar setups with needles attached in sealed sterile envelopes or fifteen disposable needle bar setups with needles attached in sealed sterile packaging;
 - (4) One hundred disposable pigment containers;
 - (5) One hundred disposable latex or vinyl examination gloves;
 - (6) Two liters each of germicidal soap, isopropyl alcohol, and distilled water for prepping skin;
 - (7) Access to the applicable sterilization and sanitization measures in this chapter;
 - (8) Closed dustproof containers for the exclusive storage of instruments, dyes, pigments, stencils, and other equipment;
 - (9) Gauze and bandages
 - (10) One biohazard container when disposable needle setups are used.
- (based on SDAR 44:12:01:11)

3. Record of patrons. A tattoo/body piercing artist shall keep a record of each patron which includes name, address, age, consent form with medical inquiry, and the locations and description of tattoos/body piercing. This record must be available for inspection by the department of health and kept for a period of at least two years. Any inspection of these records for legal purposes will require a subpoena or search warrant. (based on SDAR's 44:12:01:15; 44:12:02:10)

4. Sterilization methods. Equipment requiring sterilization must be sterilized by using the method of steam pressure sterilization with at least 15 pounds of pressure per square inch for at least 30 minutes at a temperature of 250 degrees Fahrenheit in an autoclave. This must be certified by a chemical indicator which is attached to the autoclave bag and turns color when the required temperature has been reached. A tattoo/body piercing establishment owner or operator shall provide lab result slips which state that each autoclave has been bacteriologically tested monthly and has passed the test. Dry heat is not an acceptable method of sterilization for the purpose of this article. When the option of disposable needles is used, each needles setup will remain sealed until it is used on the patron. Each disposable needle is intended for single-use for one patron only and must be disposed of in a biohazard container. (based on SDAR 44:12:01:16)

5. Sterile equipment -- Packaging and storage. All sterile equipment and supplies must be stored in a closed dustproof container in such a manner as to prevent being contaminated. All needles and tubes must be packaged prior to autoclaving either individually or in quantities for individual tattoos/body piercing. Autoclave packages must be constructed so that the contents are visible without opening the package. Autoclave packages containing equipment which has been autoclaved must be dated with an expiration date. The expiration date may not exceed 30 days from the date autoclaved. Sterile equipment may not be used after the expiration date without being resterilized. A tattoo/body piercing machine must be stored in a manner that will prevent contamination. If disposable needles and/or tubes are used, they should be received in individually sealed, sterile, clear containers and remain sealed until they are used. In accordance with this section, they must be stored in a closed dustproof container in such a manner as to prevent being contaminated. A tattoo/body piercing machine must be stored in a manner that will prevent contamination. (based on SDAR 44:12:01:17)

6. Tube construction -- Sterilization required. All tubes, including the grips on the tube, must be either stainless steel, nickel-plated carbon steel, Lexan, or be disposable. The grips may also be constructed of anodized aluminum. Lead-bearing solder may not be used in the construction of the tubes. Tubes must be thoroughly cleaned and sterilized between patrons, or disposed of between patrons. (based on SDAR 44:12:01:19)

7. Disposal of contaminated products. Gauze, cotton swabs, or other single use products which are contaminated with body fluids must be disposed of in impervious double plastic bags which are securely sealed. When needles, tubes, or other multiple use products used in conjunction with the practice of tattooing/body piercing are disposed of, they must be sterilized and placed in an impervious rigid container which is securely sealed. Single use (or disposable) needles must be disposed of in a biohazard container. (based on SDAR's 44:12:01:34; 44:12:02:31)

(2005 ORD 814)

6-12-6: GRANTING OF LICENSE.

Upon proof of compliance from the Department of Health, the city shall grant the establishment a license which shall be effective for one year. (2005 ORD 814)

6-12-7: DENIAL OF LICENSE.

The City shall not issue such establishment a license if the Department of Health report finds that establishment does not meet the minimum sanitation standards or the applicant has knowingly made any false or fraudulent statement in the application for the license.

The city shall notify the applicant of the denial and the reasons for the denial in writing and send it to the applicant by certified mail. The applicant may request a hearing with the City Council by filing the request within ten days of receipt of the notice. (2005 ORD 814)

6-12-8: RENEWAL OF LICENSE.

An application to renew a license shall be made no later than 30 days before the expiration of the current license along with payment of \$100.00 for renewal fee. After an inspection is completed by the Department of Health which shows proof of compliance, the city shall renew the license for an additional year. (2005 ORD 814)

6-12-9: CHANGE OF LOCATION OF ESTABLISHMENT.

A license is not transferable to a new location until a transfer fee of \$100 has been submitted and an inspection showing that the establishment is in compliance with the sanitation standards. (2005 ORD 814)

6-12-10: REVOCATION OF LICENSE.

Any establishment granted a license under this chapter shall be subject to suspension or revocation by the city council for violation of any provision of this chapter, or applicable provision of the city ordinances, administrative rule, state law, or for grounds that should warrant the denial of the issuance of such license in the first instance. The suspension or revocation of a license shall be accomplished pursuant to a hearing held before the city council at which time evidence shall be received for the purpose of determining whether or not such license shall be suspended or revoked or retained. Following the hearing, if the license is suspended or revoked, the notification of and reasons for such decision shall be set forth in writing and sent to the licensee by means of registered or certified mail or hand delivery. Notice of such hearing shall be in writing, directed to, and delivered to the applicant by means of registered or certified mail or hand delivery at least ten days before such hearing. (2005 ORD 814)

6-12-11: PATRONS RESTRICTED.

a) Any establishment may not tattoo or remove a tattoo or body pierce a patron without first obtaining a signed consent. The consent must include a statement by the patron that he/she is free from infectious or contagious diseases in a communicable stage. This includes rashes, skin lesions, boils, and blood-borne diseases such as viral hepatitis B and human immunodeficiency virus infection. An establishment may not tattoo or remove a tattoo or body pierce a patron with evident skin lesions or skin infections or who is known or suspected to have an infectious or contagious disease in a communicable stage.

b) Minors may not be tattooed or body pierced or have a tattoo removed unless the minor's parents have signed a consent form authorizing the tattoo or removal or body piercing in the presence of an employee at the licensed establishment. No establishment may tattoo or remove a tattoo or body pierce a patron who is under the influence of alcohol or other mind-altering drugs.

c) The establishment shall conspicuously post a notice stating that it is illegal to tattoo or body pierce any person under the age of 18 without the parents' signed consent. (2005 ORD 814)

6-12-12: Liability Insurance

All licensees shall have at all times a valid certificate of insurance issued by an insurance company licensed to do business in the State of South Dakota indicating that

the licensee is currently covered in the tattoo/body piercing business by a liability insurance policy. The minimum limits of coverage for such insurance shall be:

1. Each claim, at least two hundred thousand dollars (\$200,000).
2. Each group of claims, at least five hundred thousand dollars (\$500,000).

Such insurance shall be kept in force during the term of the license and shall provide for notification to the City prior to terminating or cancellation. A certificate of insurance shall be filed with the City with each license application. (2005 ORD 814)

CHAPTER 13 - FIREWORKS

6-13-1: Application for permit to sell.

(1) All applications for permits to sell consumer fireworks shall be in writing to the Fire Chief, on forms provided by the City Finance Office, and shall be accompanied by a license issued by the State Fire Marshall, and a permit fee in the amount of \$250.00. The person must provide a valid permit for the sale of fireworks issued pursuant to title 18 of the United States Code.

(2) The application shall be made in duplicate, and the applicant shall ascertain and state in the application the proposed location of the fireworks stand applied for. The original of the application shall be retained by the Finance Office; and one copy thereof shall be sent to the Fire Chief.

3) The application shall state the name, address and telephone number of one or more responsible adults who will be in charge of and responsible for the fireworks stand during the period fireworks are sold, displayed or stored. The license shall be displayed at all times, openly and publicly, at the licensee's place of business. The license shall be issued within a reasonable time after application. (2005 ORD 816)

6-13-2: Age of Applicant

No person under the age of 21 shall be engaged in the business of handling or selling any display or consumer fireworks; provided, however, that a person less than 21 years of age but at least 18 years of age may handle and sell display or consumer fireworks at a licensed sales or storage location or may handle display or consumer fireworks at a permitted display site if he or she is under the direct supervision of a person 21 years of age or older. (2005 ORD 816)

6-13-3: Insurance

Within two (2) weeks of the notification of the tentative approval of the permit, the applicant shall furnish to the Finance Officer evidence of a public liability and property damage insurance policy in an amount of not less than \$50,000. for injury or death to one person, \$100,000. for all injuries or deaths resulting from one occurrence, and \$25,000. for property damage with riders attached to said policy designating the City of Mobridge as an additional insured thereunder. The applicant shall also furnish evidence of insurance coverage under a products liability insurance policy covering all merchandise sold by said applicants. The products liability insurance policy shall be in an amount of not less than \$100,000. for injury or death to one person, \$300,000. for injuries or deaths resulting from one occurrence, \$100,000. for property damage resulting from any one occurrence, and \$300,000. in the aggregate.

The Finance Officer shall issue the permit to the applicant upon the presentation to the Fire Chief of the evidence of a public liability and property damage insurance policy and a products liability insurance policy as hereinabove specified. (2005 ORD 816)

6-13-4: Penalties

Any person who knowingly provides false information on an application for the sale of fireworks as provided in this section shall be guilty of a class 2 misdemeanor. (2005 ORD 816)

Chapter 6-14 Building Movers

6-14-1 Definitions.

Terms used in this chapter mean:

(1) "Building mover" any person, firm, partnership, corporation, or association who engages in the business work of moving a building across a public property within the city limits.

(2) "Building moving" the moving of any house, building, structure, or any part or parts thereof, except structures or parts of structures less than 9 feet wide, 60 feet long, 13 feet total height when loaded, from one location to another when moving requires traveling upon, across, along, or over any street, avenue, highway, thoroughfare, alley, sidewalk, or other public ground in the city.

(3) "Agency" the, administrative official, police department, and the city street department. (2006ORD845)

6-14-2 License required.

No person except a building mover licensed by the City of Mobridge shall move any building, house or structure or part thereof across, along or over any public property. (2006ORD845)

6-14-3 License application.

Any person desiring to engage in the business of building moving must file a written application for a building mover's license in the finance office. (2006ORD845)

6-14-4 License fee.

The fee for the building mover's license shall be \$25.00 and the license shall expire on December 31 of each year. The applicant for a building mover's license shall file with the city finance officer a certificate of building movers insurance which indemnifies the public against loss by negligence of the applicant or its agents in the sum of not less than two hundred fifty thousand dollars (\$250,000.00) to anyone person and five hundred thousand dollars (\$500,000.00) in anyone accident, for both bodily injury and property damage, and the form and content of such policy shall be approved by the city council. The policy shall be issued by an insurance company approved by the city council. The applicant, if a license be granted, shall conform to all requirements which are now or may be hereafter established by the city council and shall promptly repair and make good to the satisfaction of the City Administrator all damage to any pavement, sidewalk, crosswalk, hydrant, street, alley or other public property which results from moving any building or in connection with the moving thereof; and that the licensed building mover will indemnify and save harmless any person or persons by reason of negligence of the licensed building mover or applicant or applicant's employees or agents in connection with the moving of any building or the use of any public street or ground for that purpose. (2006ORD845)

6-14-5 Revocation.

A building mover's license may be revoked at any time if the mover violates the provisions of this chapter or rules established by the agency, or conducts this business in a careless or reckless manner, or refuses to make prompt payment of any sums due the city from him under any of the provisions of this chapter or whose insurance as required herein has been cancelled or otherwise terminated. (2006ORD845)

6-14-6 Transferability.

No license or permit issued pursuant to this chapter shall be transferable. (2006ORD845)

6-14-7 Permits required.

No person shall engage in building moving, unless and until a moving permit has been obtained. (2006ORD845)

6-14-8 Restrictions on moving through streets.

All movement of the building once started shall continue until completed and no buildings shall be parked along the route unless deemed an emergency and approved by the Police Chief. The Policy Chief may require police escorts, temporary removal of traffic devices, or may restrict or specify the day and hours during which the moving operation must be accomplished. (2006ORD845)

6-14-9 Escorts.

Movers shall provide a front and rear escort with revolving lights for all movements. (2006ORD845)

6-14-10 Flags.

Red or orange flags, 12 inches by 12 inches, must be fastened to the farthest rear comers of the moving structure. (2006ORD845)

6-14-11 Reporting damage.

The building mover shall immediately report any damage done by the moving operation to any street, sidewalk, curb, utility equipment, tree, sign, or other public or private property to the city. (2006ORD845)