

TITLE IX: GENERAL REGULATIONS

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- 91. FIRE PREVENTION AND PROTECTION**
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CHAPTER 90: HEALTH AND SANITATION; NUISANCES

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GENERAL PROVISIONS**§ 90.01 NUISANCES DEFINED; PROHIBITED.**

(A) Whatever is dangerous to human health or whatever renders the air, food, ground, or water a hazard or an injury to human health; and the following specific acts, conditions, and things in § 90.02 are each and all of them hereby declared to constitute a *NUISANCE*.

(B) No person shall commit, create, maintain, or permit to be committed, created, or maintained any nuisance as defined herein within the city boundaries thereof.
(Prior Code, § 4-3-1) Penalty, see § 10.99

§ 90.02 SPECIFIC NUISANCES; ADDITIONAL REMEDIES.

The penalty for nuisances is as defined in § 10.99. Such a penalty shall be in addition to any other remedies authorized by this code or state statute. The maintenance of such conditions as defined in the following divisions shall each be deemed to constitute a *NUISANCE*:
(Prior Code, § 4-3-2)

(A) Depositing, maintaining, or permitting to be maintained or to accumulate upon any private or public property, any household:

(1) Garbage, excrement, sewage, tin cans, wastewater;

(2) Any decaying bones, fish, fruit, meat, or vegetable; or

(3) Any foul, putrid, or obnoxious liquid substances.

(Prior Code, § 4-3-3)

(B) Any well or other supply of water used for drinking or household purposes which is polluted or which is so constructed or situated that it may become polluted;
(Prior Code, § 4-3-4)

(C) Undressed hides kept longer than 24 hours except at a place where they are to be manufactured or in a storeroom basement approved by the State Health Department;
(Prior Code, § 4-3-5)

(D) The accumulation of manure unless it be in a properly constructed fly-proof bin, box, or pit;
(Prior Code, § 4-3-6)

(E) The accumulation of garbage, manure, or anything whatsoever in which flies breed;
(Prior Code, § 4-3-7)

(F) Any excavation in which stagnant water is permitted to collect;
(Prior Code, § 4-3-8)

(G) Permitting weeds or other noxious matter to grow to maturity on any private property, including vacant lots;
(Prior Code, § 4-3-9)

(H) Permitting any species or varieties of trees which are dead or substantially dead;
(Prior Code, § 4-3-10)

(I) For the owner of a dead animal to permit it to remain undisposed of longer than 24 hours after its death;
(Prior Code, § 4-3-11)

(J) Erecting or maintaining any cesspool or privy;
(Prior Code, § 4-3-12)

(K) Throwing, letting fall on, or permitting to remain on any alley, street, or other ground any garbage, filth, fuel, manure, rubbish, or wood while engaged in handling or removing any such substance;
(Prior Code, § 4-3-13)

(L) Accumulation of junk, old iron, automobiles or parts thereof, and anything whatever in which rodents may accumulate, breed, or live.

(1) **JUNK.** Any discarded, abandoned, dismantled, or inoperable materials or items, including but not limited to scrap metal, machinery, appliances, automobile bodies or parts, building materials, containers, debris, or other waste materials, which are stored, deposited, or allowed to accumulate in such a manner as to create a nuisance or provide a harbor for rodents.

(2) Exception: **JUNK** shall not include materials or objects accumulated as byproducts, waste, or scraps from the lawful operation of a business, or materials held and used as an integral part of the manufacturing or commercial process, provided such materials are stored in a lawful and orderly manner.
(Prior Code, § 4-3-14)

(M) The burning of leaves will not be allowed. It is the finding of the City Council that for the immediate preservation of the public health, peace, and safety and the support of the municipal government and its existing public institutions, that the ordinance codified herein shall take effect upon publication;

(Prior Code, § 4-3-15)

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

(Prior Code, § 4-3-16)

(O) Discarded or abandoned appliances, including refrigerators, freezers, or similar containers capable of trapping a person inside, shall not be stored outdoors unless the door has been removed or the unit is otherwise rendered safe.

§ 90.03 ABATEMENT.

(A) The Mayor or Finance Officer shall give written notice to any person creating, maintaining, or permitting any nuisance to abate such nuisance forthwith, and if such person shall neglect or refuse to do so within a reasonable time after such notice and not file an appeal with the Finance Officer within three days of being notified, then that party shall be deemed guilty of a violation of this subchapter.

(B) (1) The Mayor or Finance Officer shall cause to be abated or removed any such nuisance upon the expiration of four days after the serving of such notice, and the city may recover the expense so incurred from the person maintaining such nuisance in a civil suit instituted for such purpose.

(2) In the alternative, the Finance Office shall certify the amount of the expense incurred and the description of the property and the owner thereof to the County Assessor, who shall thereupon add such assessment to the general assessment, together with the regular assessment, to be collected as a municipal tax for general purposes.

(3) Said assessment shall be subject to review and equalization the same as assessments or taxes for general purposes.

(Prior Code, § 4-3-19) Penalty, see § 10.99

§ 90.04 PUBLIC NUISANCES DEFINED; REMEDIES.

(A) A **PUBLIC NUISANCE** consists of unlawfully doing an act or omitting to perform a duty within the jurisdiction of the city which either:

(1) Annoys, endangers, or injures the comfort, health, repose, or safety of others;

(2) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any lake, navigable river or stream, public park, road, street, or highway; or

(3) It in anyway renders other persons insecure in life or the use of property affecting at the same time the entire community, or a neighborhood, or any other considerable number of people. The extent of the annoyance or damage inflicted upon the individuals may be unequal.

(B) In addition to or in lieu of any penalty, plus the recovery of any expenses incurred, the city may remedy a public nuisance by abatement or by commencement of a civil action.

(1) Abatement shall consist of removing or, if necessary, destroying the thing which constitutes a nuisance without committing a breach of the peace or doing any unnecessary injury.

(2) For a public nuisance which results from a mere omission of the wrongdoer which cannot be abated without entering upon his or her premises, then reasonable notice must be given to that party before entering upon the premises to abate the nuisance.

(Prior Code, § 4-3-20)

GARBAGE

§ 90.15 DEFINITION.

The term ***GARBAGE*** is defined to be any accumulation of animal, fruit, or vegetable matter, refuse, or any other substance used in the preparation, cooking, dealing in, or storing meats, fowls, fruits, or vegetables.

(Prior Code, § 4-2-1)

§ 90.16 LEAVING GARBAGE EXPOSED.

It shall be unlawful for any occupant or owner of any lot within the city to throw or leave exposed upon any lot or within any alley or street adjoining said premises any animal matter, fruits, vegetables, or any filth or slop whatsoever, liquid or solid.

(Prior Code, § 4-2-2) Penalty, see § 10.99

§ 90.17 RECEPTACLES.

(A) It shall be the duty of every occupant, owner, or tenant of any building or premises within the city to provide and keep in good condition, for the exclusive use of such building or premises, separate receptacles for receiving and holding without leakage the garbage that may accumulate from the building or premises. Each apartment building must have one receptacle per four units and a second receptacle in the event an apartment building has more than four units.

(Prior Code, § 4-2-3)

(B) It shall be unlawful for anyone to place or cause to be placed in any receptacle any refuse, substance, or thing other than garbage as defined in § 90.15. All garbage shall be drained of all liquids and wrapped in paper or plastic before being placed in such receptacle, provided that the City Council may adopt regulations and rules dispensing with the wrapping of garbage and paper when the receptacles are emptied so frequently it deems such wrappings unnecessary.

(Prior Code, § 4-2-4)

(C) Such garbage receptacle shall be kept outside of the building but within the lot line, and it shall be unlawful to place or keep such garbage receptacle in an alley, street, or public place.

(Prior Code, § 4-2-6)

Penalty, see § 10.99

§ 90.18 ASHES.

It shall be unlawful for any corporation, firm, person, or other entity to deposit ashes upon the public streets within the city.

(Prior Code, § 4-2-7) Penalty, see § 10.99

§ 90.19 MUNICIPAL GARBAGE COLLECTOR.

(A) The City Council may enter into an annual or multi-year contract with automatic annual renewals with some responsible person to collect and haul garbage.

(B) The garbage collector shall have exclusive rights to collect and haul such garbage in the city during the term of the contract. However, a garbage collector may be required to make a showing to the City Council that he or she is properly equipped and capable of performing the contract.

(C) The City Council may appropriate and provide such compensation as may be required to obtain a fair and reasonable contract.

(Prior Code, § 4-2-8)

§ 90.20 DUTY OF GARBAGE COLLECTOR.

It shall be the duty of the garbage collector to:

(A) Thoroughly clean up all the garbage in the immediate vicinity of the place from which said garbage is removed;

(B) See that none of the garbage is dropped or liquid matter permitted to escape from the receptacle in which it is being hauled on to the alleys or streets within the city; and

(C) Keep all garbage receptacles emptied at whatever regular intervals may be deemed necessary.
(Prior Code, § 4-2-9)

§ 90.21 CLEANING PARKS.

Any person or group of persons using any public picnic or playground areas in city parks shall be responsible for cleaning all garbage and litter caused by their occupancy before leaving the area.
(Prior Code, § 4-2-10) Penalty, see § 10.99

§ 90.22 LITTERING PROHIBITED.

No person shall throw, deposit, or place any litter upon any street, alley, sidewalk, public property, or private property within the city except in a lawful receptacle or in a manner authorized by the property owner. **LITTER** means garbage, refuse, rubbish, waste material, or any discarded substance.
(Prior Code, § 4-2-11) Penalty, see § 10.99

§ 90.23 MUNICIPAL RESTRICTED USE SITE.

(A) (1) A municipal restricted use site has been established on the east one-half of the southeast one-fourth of Section Four, Township 115 North, Range 47 West of the 5th PM, County of Deuel, State of South Dakota.

(2) The municipal restricted use site may only be used by the residents of the city unless otherwise decided by the City Council, and no one may enter upon the premises of the municipal restricted use site at any time other than the hours established by the City Council.

(B) (1) The only items which may be deposited at the municipal restricted use site are those items permitted by federal and state regulations and statutes. No party may deposit any item in the municipal restricted use site which violates any federal or state regulation or statute.

(2) Furthermore, no one may remove or cause to be removed any article or material of any kind from the municipal restricted use site after the article or material has been deposited therein, except that metal articles for immediate use may be removed upon receiving written permission from either the Mayor or City Finance Officer.

(Prior Code, § 4-2-12) Penalty, see § 10.99

NOXIOUS WEEDS

§ 90.35 OWNER RESPONSIBILITY.

No owner of any area, lot, or place within the city, or the agent of such owner or the occupant of such area, lot, or place shall permit on such area, lot, or place (or upon any sidewalk abutting the same), any grass, weeds, or deleterious or unhealthful growths or other noxious matter that may be growing, lying, or located thereon; and the growing of such weeds or other noxious or unhealthful vegetation is hereby declared to be a nuisance.

(Prior Code, § 4-4-1) Penalty, see § 10.99

§ 90.36 NOTICE TO DESTROY.

(A) The City Attorney or the Finance Officer is hereby authorized and empowered to notify in writing the owner of any such area, lot, or place within the city, or the agent of such owner or the occupant of such premises to cut, destroy, or remove any such grass, weeds, deleterious or unhealthful growths, or other noxious matter found growing, located, or lying on such property or upon the sidewalk abutting the same.

(B) Such notice shall be by certified mail-return receipt requested to the agent, occupant, or owner at his or her last known address.

(Prior Code, § 4-4-2)

§ 90.37 NONCOMPLIANCE.

Upon failure, neglect, or refusal of any agent, occupant, or owner so notified to comply with said notice within 72 hours after the mailing thereof, the Finance Officer is hereby authorized and empowered to provide for the cutting, destroying, or removal of such grass, weeds, deleterious or unhealthful

growths, or other noxious matter and to defray the cost of the destruction thereof by special assessment against the property as provided in this subchapter.
(Prior Code, § 4-4-3)

§ 90.38 REMOVAL COSTS; ASSESSMENT.

(A) (1) If the occupant or owner of the land fails to cut the weeds as provided for in § 90.37, then the city shall cut the weeds.

(2) The cost to the landowner shall be charged for the first hour of cutting plus each additional hour of cutting thereafter, with a minimum charge. All charges being set via resolution by City Council.
(Prior Code, § 4-4-4)

(B) (1) The Finance Officer shall cause an account to be kept against each lot for the destruction of noxious weeds upon said lot as herein provided; and upon the completion of the work in destroying such weeds and abating said nuisance, the Finance Officer shall thereupon certify said account showing the amount and description of the property and the owner thereof to the County Assessor, who shall thereupon add such assessment to the general assessment, together with the regular assessment, to be collected as a municipal tax for general purposes.

(2) Said assessment shall be subject to review and equalization the same as assessments or taxes for general purposes.
(Prior Code, § 4-4-5)

§ 90.39 RECOVERY BY CITY.

In lieu of spreading the cost of the destruction of such noxious weeds and other deleterious matter against said property, in the discretion of the City Council, said amount may be recovered in a civil action against the occupant or owner of such property.
(Prior Code, § 4-4-6)

CHAPTER 91: FIRE PREVENTION AND PROTECTION

Section

- 91.01 Hazardous structures
- 91.02 Combustibles
- 91.03 Industrial restrictions
- 91.04 False fire alarm
- 91.05 Tampering with fire hydrants
- 91.06 Burning waste

§ 91.01 HAZARDOUS STRUCTURES.

Any building or part of a building hereafter built, constructed, erected, or placed or maintained upon any of the lots or premises that is contrary to the provisions herein, or any building, structure, or part of a building or structure heretofore constructed, built, or erected upon any of the said premises and which shall be damaged by decay, fire, flood, or other casualty to the extent of 50% or more of its value, shall be deemed and the same is hereby declared to be a public nuisance, and the same may be abated, prevented, and removed by the city by an action instituted in the proper court for that purpose; or the same may be summarily abated or removed by the City Council with the aid of such help as may be necessary, provided that the city shall not abate or remove any such nuisance without first giving 24 hours' notice in writing to the person in possession or in charge of said structure (if any), and provided further that the City Council shall be the sole judge to determine the amount of damage done to any building or structure and giving grounds for the same.

(Prior Code, § 3-6-1)

§ 91.02 COMBUSTIBLES.

(A) It shall be unlawful for any entity or person to keep anywhere within the platted alleys, streets, or public places of the city more than five barrels of kerosene, coal oil, or gasoline, except in above-ground tanks which meet established U.S. Environmental Protection Agency standards, without special permission of the City Council by an ordinance duly enacted.

(B) It shall be unlawful for any entity or person to keep anywhere within the city more than one pound of dynamite, and it shall be kept in a safe place under lock and key and in a place where the same will not likely explode.

(Prior Code, § 3-6-2) Penalty, see § 10.99

§ 91.03 INDUSTRIAL RESTRICTIONS.

No industry shall produce explosive products containing one pound or more of TNT normal type or the equivalent of one pound or more of TNT. Additionally, there shall be no nuclear or radioactive devices produced on any industrial premises, except that testing shall not preclude the use of X-ray or other radioactive factors. Furthermore, there shall be no biological or chemical warfare materials used or stored on any industrial premises.

(Prior Code, § 3-6-3) Penalty, see § 10.99

§ 91.04 FALSE FIRE ALARM.

It shall be unlawful to intentionally cause, give, or make any false alarm of fire.

(Prior Code, § 3-7-1) Penalty, see § 10.99

§ 91.05 TAMPERING WITH FIRE HYDRANTS.

It shall be unlawful for any person to interfere with or open any fire hydrant connected with the water mains without the permission of the city's maintenance officials.

(Prior Code, § 3-7-2) Penalty, see § 10.99

§ 91.06 BURNING WASTE.

(A) No person shall burn any boxes, hay, leaves, paper, refuse, straw, or rubbish of any kind within the city limits unless said material is burned in an approved furnace and incinerator located in a building within the business or industrial districts and not prohibited by any other ordinance. However, fire pits are permitted on residential property, provided the fire pits are used outdoors and do not interfere in any way with the residents living nearby.

(B) The burning of tree branches or brush shall be permitted only by permit issued by the City Office. Such permit must be obtained prior to burning and the burning shall be conducted in accordance with conditions stated on the permit and any applicable fire restrictions.

(Prior Code, § 3-7-4) Penalty, see § 10.99

CHAPTER 92: ANIMALS

Section

General Provisions

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- 92.02 Limit on number of pets
- 92.03 License fee
- 92.04 License issued
- 92.05 Pet license revenue
- 92.06 Annual report
- 92.07 Running at large
- 92.08 Vicious animals
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GENERAL PROVISIONS

§ 92.01 DOCUMENTING/REPORTING DOGS AND CATS.

Every person who keeps or owns any cat or dog within the limits of the city shall report to the City Finance Officer, within 30 days of bringing a cat or dog within the city limits, the description, kind, and number of cats and dogs kept or owned by such person, and shall continue on or before March 31 each year hereafter to report to the City Finance Officer the description, kind, and number of cats or dogs kept or owned.

(Prior Code, § 4-1-1) Penalty, see § 92.99

§ 92.02 LIMIT ON NUMBER OF PETS.

It is unlawful to have, harbor, keep, own, or possess more than three domestic pets in any combination over the age of six months in any apartment, dwelling, household, single residence, or on any lot or premises in the city unless a person residing on the lot or premises has a valid kennel permit issued by the city. The animal shelter, veterinary offices, and birds and fish are exempt from the provisions of this section.

(Prior Code, § 4-1-2) (Ord. 2009-339-1, passed 6-16-2009) Penalty, see § 92.99

§ 92.03 LICENSE FEE.

(A) The keeper or owner of any cat or dog shall pay to the City Finance Officer an annual fee for each animal over the age of six months. The amount of the fee shall be established via resolution by the City Council.

(B) A prerequisite to the licensing of any cat or dog shall be the display to the City Finance Officer, by the keeper or owner thereof, a certificate or letter from a licensed veterinarian showing that such cat or dog has had a current inoculation or vaccination for rabies and that said inoculation or vaccination is sufficient to protect said cat or dog against rabies for the ensuing year following the application for such license.

(C) It shall thereupon be the duty of the City Finance Officer to register every cat or dog so reported upon receipt of the license fee. The City Finance Officer shall also record a description of such cat or dog, the name of the keeper or owner of such cat or dog, and the keeper or owner's street address.

(Prior Code, § 4-1-3) (Ord. 2009-339-2, passed 6-16-2009) Penalty, see § 92.99

§ 92.04 LICENSE ISSUED.

The City Finance Officer shall issue all cat and dog licenses. The license shall state the registered description, type, and number of such cats or dogs and the year when licensed.

(Prior Code, § 4-1-4)

§ 92.05 PET LICENSE REVENUE.

The funds received for the registration and licensing of cats and dogs shall be credited by the City Finance Officer to the general fund of the city.

(Prior Code, § 4-1-6)

§ 92.06 ANNUAL REPORT.

It shall be the duty of the City Finance Officer to make a full report of the number of dogs and cats registered and licensed under this subchapter at least once every year, together with a statement of the amount of money collected.

(Prior Code, § 4-1-7)

§ 92.07 RUNNING AT LARGE.

No person shall allow any cat or dog to run at large other than on the keeper's or owner's premises. The term **AT LARGE** shall mean off the premises of the keeper or owner and not under control.

(Prior Code, § 4-1-8) Penalty, see § 92.99

§ 92.08 VICIOUS ANIMALS.

(A) A **VICIOUS CAT OR DOG** means:

(1) Any cat or dog with a known propensity, disposition, or tendency to attack unprovoked, or to cause injury to, or otherwise threaten the safety of human beings or domestic animals;

(2) Any cat or dog which, because of its size, physical nature, or vicious propensity, is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this section or ordinances; or

(3) Any cat or dog which, without provocation, attacks or bites or has attacked or bitten a human being or domestic animal.

(Prior Code, § 4-1-12)

(B) The keeper or owner of a vicious cat or dog shall not permit the cat or dog to go unconfined unless it is on the keeper's or owner's premises.

(1) A vicious cat or dog is **UNCONFINED** if the cat or dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the keeper or owner.

(2) The pen or structure shall have secured sides and a secured top attached to the sides. If the pen or structure has no bottom secured to the sides, then the sides must be embedded into the ground no less than one foot.

(3) All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(Prior Code, § 4-1-13)

(C) The keeper or owner of a vicious cat or dog shall not permit the cat or dog to go beyond the premises of the keeper or owner unless the cat or dog is securely muzzled and restrained by a chain or leash and under the physical restraint of an adult.

(1) The muzzle shall be made in such a manner that it will not cause injury to the cat or dog or interfere with its respiration or vision but shall prevent it from biting any animal or human.

(2) If a vicious cat or dog is found off the premises of its keeper or owner, upon establishing the vicious character of the cat or dog, then it may be seized by any person, and upon delivery of the cat or dog to the proper authorities, may be killed upon establishing the vicious character of the cat or dog.

(D) The keeper or owner of a vicious cat or dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious cat or dog on the premises. A similar sign is required to be posted on the kennel or pen of the cat or dog.

(Prior Code, § 4-1-15)

(E) All keepers or owners of a vicious cat or dog must, within 14 days of the effective date of the ordinance codified herein, provide proof to the City Finance Officer of public liability insurance in the amount of at least \$10,000, which insures the keeper or owner for any personal injuries inflicted by his or her vicious cat or dog.

(Prior Code, § 4-1-16)

Penalty, see § 92.99

§ 92.09 BARKING LIMITATIONS ON DOGS.

(A) No person shall own, harbor, or keep in custody a dog which disturbs the peace by barking, yelping, howling, or making loud noises to the annoyance and/or discomfort of any person. Continuous barking, yelping, howling, and/or making other loud noises for 15 consecutive minutes by such dog, whether confined inside a residence or building or to the outside area, shall be deemed to have disturbed the peace and to have caused the annoyance and discomfort of persons, provided that at the time of the complaints, no person or persons were trespassing or threatening upon the private property of the owner, and provided that the dog was not being teased or provoked in any manner.

(B) Any person who shall allow any dog habitually to remain, be lodged, or be fed within any dwelling, building, yard, or enclosure owned or occupied by such person shall be considered as harboring or keeping such dog.

(C) Upon an initial complaint, an enforcement officer shall warn the person in writing of the violation. Upon a second such complaint within 30 days, the enforcement officer shall charge the person with a violation of this section.

(D) Division (A) above does not apply to blind, deaf, or hearing impaired, or mobility impaired persons when the dog serves as an assistance dog.

(E) Whoever violates this section is subject to § 92.99.

§ 92.10 PIGEONS AND BEES.

(A) No person having in his or her charge or owning any pigeons shall allow, permit, or suffer the same or any of them to roam or fly at large within the city.

(B) No one shall keep, maintain, or possess any bees, hives, or swarms of bees within the city.
(Prior Code, § 4-1-20) Penalty, see § 92.99

§ 92.11 COWS, GOATS, HORSES, AND SHEEP.

(A) No person shall keep any cow, goat, horse, or sheep, or erect or maintain any building or enclosure for use in keeping any such animals within 150 feet of any dwelling, house, or building used for human habitation other than that of the keeper or owner of such animals, because such shall constitute a nuisance.

(B) No person shall keep or maintain any building or enclosure where livestock is kept unless the same be at all times kept in a clean and sanitary condition and in accordance with the regulations and rules of the county or State Board of Health.

(C) No person shall keep, maintain, or place any hogs within the city.
(Prior Code, § 4-1-22) Penalty, see § 92.99

§ 92.12 PICKETING ANIMALS.

No person shall stake out any domestic animals within the city in such a manner as to permit them to approach within 100 feet of any dwelling house or building used for human habitation other than that of the keeper or owner of such animal.
(Prior Code, § 4-1-23) Penalty, see § 92.99

§ 92.13 ANIMAL WASTE.

(A) No keeper or owner of any cat or dog shall allow the animal to defecate on private or public property other than his or her own.

(B) If a cat or dog does defecate upon private or public property, then the keeper or owner of the cat or dog must immediately and thoroughly clean the fecal material from such property.

(Prior Code, § 4-1-24) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating any provision of §§ 92.01 through 92.13 shall be subject to a penalty established via resolution by the City Council for each occasion or day a violation occurs.

(Prior Code, § 4-1-25)

CHAPTER 93: CEMETERIES

Section

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- 93.06 Burial/interment requirements
- 93.07 Markers; monuments
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§ 93.01 MUNICIPAL CEMETERIES.

The policies and regulations for the Grandview and East Grandview Cemeteries shall be established by the City Council.
(Prior Code, § 4-2-13)

§ 93.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GRAVESITE. One burial unit.

LOT. A parcel of land which may be subdivided to include one or more individual gravesites.
(Ord. 321, passed 9-6-2005)

§ 93.03 APPOINTMENT OF SEXTON.

It shall be the duty of the City Council to appoint the Sexton.
(Ord. 321, passed 9-6-2005)

§ 93.04 SALE OF LOTS.

(A) Each gravesite shall be sold for the sum set via resolution by the City Council. Lots shall be sold by quarters, halves, or the whole parcel. A single lot shall also be available as platted.

(B) The arrangements for the purchase of a gravesite or lot shall be made through the Sexton.

(C) At the time of purchase of any lot, or portion thereof, in Grandview or East Grandview Cemeteries, the purchase fee shall be payable to the city, to be collected by the City Finance Officer, at which time the purchaser shall receive the property deed from the Finance Officer.
(Ord. 321, passed 9-6-2005)

§ 93.05 FEES.

(A) At the time of each interment or burial, an additional sum set via resolution by the City Council shall be paid to the city for perpetual care. Said fee shall be collected by the City Finance Officer at the time of each interment or burial is made.

(B) The aforementioned interment fee shall, in all cases, be paid at the time of burial or interment, for the burial of each casket and/or each cremated remains.
(Ord. 321, passed 9-6-2005)

§ 93.06 BURIAL/INTERMENT REQUIREMENTS.

(A) Burial or interment in each gravesite shall not exceed one full-size casket and one cremated remains; or if the space is adequate, then one full-size casket and the casket of an infant which is 25 inches or less in length may be buried or interred in each gravesite; or two cremated remains may be buried in one gravesite.

(B) A full-size casket shall be buried in a concrete grave liner or vault.

(C) The Sexton is to be notified at least 24 hours prior to the time of burial or interment.
(Ord. 321, passed 9-6-2005)

§ 93.07 MARKERS; MONUMENTS.

(A) All lot cornerstones set with or without concrete must be ground level and placed inside of the lot stake placed by the Sexton.

(B) No monuments or stones may be placed without contacting the Sexton prior to placement.

(C) The footings of concrete for markers and monuments must be at ground level and must be at least six inches from the base of the monument.

(D) If more than one marker or monument is to be placed on a gravesite, then only one may be placed above ground level, and any other marker or monument must be placed flush with the ground.

(E) It shall be the duty of all lot owners to keep markers and monuments placed in the correct position at all times. An owner is to be notified if the marker or monument is displaced and not in accordance with the requirements set forth herein this chapter and shall be corrected at the owner's expense.

(Ord. 321, passed 9-6-2005)

§ 93.08 MAINTENANCE.

(A) The City Council and the Sexton reserve the right to remove shrubbery and any other items deemed a nuisance in the care and upkeep of the cemeteries.

(B) No evergreens, shrubs, or trees are to be planted without the written permission of the Sexton, and all unauthorized plantings will be removed.

(C) All graves are to be kept level with the cemetery grounds, or the Sexton shall have the right to level the graves.

(D) It shall be the responsibility of the Sexton to mow the cemetery grass and control weeds therein.

(E) Snow removal shall be the responsibility of the city.

(Ord. 321, passed 9-6-2005)

§ 93.09 DECORATIONS.

(A) To avoid inconvenience when mowing and trimming the cemeteries, refrain from decorating graves at the cemeteries until after 6:00 p.m. on the Thursday before Memorial Day. Remove decorations within two weeks.

(B) Grave decorations may be removed by the Sexton when faded or worn or if the decorations interfere with the upkeep of the cemeteries.
(Ord. 321, passed 9-6-2005)

§ 93.10 RECORDS.

(A) The City Finance Officer shall keep detailed records regarding the sale of all cemetery lots and portions thereof, and any other financial transactions involving the cemeteries. The Sexton shall maintain detailed written records of the ownership of all cemetery lots and individual gravesites, and such records shall be maintained on acid-free paper of not less than 100% rag content.

(B) The records maintained by both the City Finance Officer and the Sexton shall be open to the public during the regular business hours of the municipality.
(Ord. 321, passed 9-6-2005)