

TITLE VII – STREETS, SIDEWALKS, AND PUBLIC PLACES

CHAPTER 1

SIDEWALKS

Section 7.1.1 Approval required

Before any sidewalk or curbing is constructed within the limits of the streets and alleys in the City of Mount Vernon by any contractor or person for the owner or owners of abutting property, said contractor or person must first receive approval from the City Council.

Section 7.1.2 Specifications

The construction of all sidewalks and curbing whether to be done by direct contact with the City of Mount Vernon or by contract with the abutting property owners, shall be done strictly in accordance with the Council and on file in the office of the Municipal Finance Officer. The Council shall have full power to condemn work and material not in accordance with the requirements of said specifications.

Section 7.1.3 Width of Sidewalks

Except as otherwise provided, all sidewalks on all side streets shall not be less than four (4) or more than eight (8) feet in width and shall conform to the width, grade and curb lines of the adjoining sidewalks.

Section 7.1.4 Supervision of Sidewalk and Curbing Construction

The building and construction of all sidewalks and curbing within the limits of the streets and alleys of the City of Mount Vernon and its duly appointed officers and agents and all such sidewalks shall be constructed on the grades as determined by the said city.

Section 7.1.5 Grades and Curb Lines

Grades and curb lines as hereto-fore established by the City of Mount Vernon, as established by previous ordinances or as shown on map prepared by the City Engineer and now in file in the Office of the Finance Officer are hereby adopted as the official grades and curb lines of the City of Mount Vernon and all sidewalks hereafter constructed shall be in accordance with such established grades and curb lines.

Section 7.1.6 Street and Alley Improvements

Whenever the City Council shall cause to be opened, widened, extended, graded, graveled, surfaced with oil or other bituminous material, paved, repaved, street lighting equipment to be erected in, curbed, guttered, drained or otherwise improved, on any street, alley or public way, it may provide for the cost thereof to be paid by special assessment against the abutting property, according to law. All such special assessments shall be imposed in strict conformance with the applicable laws of the State of South Dakota.

Section 7.1.7 Sidewalk Improvements

Whenever the City Council shall cause to be constructed, reconstructed or repaired any sidewalk, it may provide for the cost thereof to be paid by special assessment against abutting property, according to law. .

All such special assessments shall be imposed in strict conformance with the applicable laws of the State of South Dakota.

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CHAPTER 2

SNOW REMOVAL

Section 7.2.1 Snow Removal on Streets

After any significant snowfall, vehicles and equipment must be removed beyond the right of way prior to snow removal.

Section 7.2.2 Duty of Owner or Occupant

It shall be the duty of the owner or occupant or person in possession or in charge of any lot, parcel, or plot of ground fronting or abutting upon any sidewalk, to keep such sidewalk free and clear from snow and ice at all times. When it is impossible to take snow and ice from such sidewalk by reason of its being frozen to the sidewalk, the owner or occupant or person in charge of such lot shall sprinkle or spread some suitable material upon the same to prevent the walk from becoming slippery and dangerous to travel.

Section 7.2.3 City Shall Remove

If the owner or person in possession or in charge of any of said lots, parcels, plots of ground, fails or refuses to remove the snow or ice from such sidewalk within twelve hours of the falling of said snow or the forming of said ice, the City shall remove or cause to be removed said snow or ice each time it is necessary and assess the cost thereof against the fronting or abutting property.

Section 7.2.4 Cost Assessed

The officer in charge of streets shall cause an account to be kept against each lot for the removal of snow from the sidewalks each year and same shall be certified to the County Auditor on or before the 15th day of May each year. The Auditor shall prepare an estimate of the assessment against such lot for the removal of snow for the preceding winter and fall and submit the same to the Council for its approval on or before the 1st day of June each year, and shall publish in the official newspaper a notice to property owners of the time and place when and where the Council will meet for the purpose of approving such estimate. Such notice shall be published at least one week prior to the date set for said meeting.

Upon the day so named, the Council shall meet; and if they find said estimate correct, shall approve the same, with or without modification or amendments as they may deem proper, and file said assessment with the Municipal Finance Officer. From the date of such approval and filing, the same shall be a special lien against the various pieces of property described in said assessment and shall be collected in like manner as special assessments are now collected for public improvements.

Section 7.2.5 Recovery by City

In lieu of spreading the cost of such snow removal as a special assessment against said property in the discretion of the Council, said amount may be recovered in a civil action against the owner or occupant of said property.

Section 7.2.6

Penalty

Any person whose duty it shall be to remove snow as set forth in Section 8.2.1, and who fails to remove such snow within the time therein set forth, shall be subject to the penalties detailed herein guilty of a misdemeanor; and upon conviction thereof shall be fined not exceeding One Hundred Dollars (\$100.00) in addition to the other penalties prescribed in this chapter; and in addition thereto, shall be liable to the municipality for any damage caused by the neglect to keep such sidewalk clear and free of snow and ice as provided in this chapter.

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CHAPTER 3

USE OF STREETS

Section 7.3.1 Obstructing the Streets

No person shall place, leave or keep on any public street, road, alley, sidewalk or other public ground in the City of Mount Vernon, any wagon, automobile, cart, truck, sleigh or other vehicle, except when the same shall be in actual use; nor shall any person place, leave or keep on any public street, road, alley, sidewalk, or other public ground in this city, any other article, substance or material which may obstruct the free use of said street, road, alley, sidewalk or public ground, except as hereinafter provided.

Section 7.3.2 Materials Storage

The Council are authorized to grant permission in writing to any person to deposit and keep lumber, stone, brick or other materials for building, on any public street, sidewalk, road or alley adjacent to the building to be erected or repaired, but such permission shall not excuse the obstruction or occupancy with such materials of more than one-third of the width of any driving surface of any street or road.

Section 7.3.3 Cleaning Streets or the Sidewalk of Rubbish

Every person to whom permission may be granted, as in the last section provided, to place and keep building material in the street, road or alley, shall cause all such material and the rubbish resulting therefrom, to be removed from such sidewalk, street, road or alley at the expiration of the time limited in the permit, unless the time shall for good cause be extended by the Council; and any person depositing and keeping any building material on such sidewalk or in such street, road or alley under a permit from the Council, shall during every night while the material shall there remain, that such material may be easily seen by persons passing along such sidewalk, street, road or alley.

Section 7.3.4 Excavation Near Street

It shall be unlawful for any person, owner or occupant of any lot or parcel of land within the City of Mount Vernon, to make or cause to be made any excavation on said lot or parcel of land, except the same be securely guarded and lit at night so as to prevent the injury of any person or persons or animals passing upon or along said sidewalks, street, alleys or public grounds or traveled path or roadway.

Section 7.3.5 Building in Streets

No person shall erect or maintain any building in such a position that the same shall stand in whole or in part upon any public street, road, alley or sidewalk in said city, or so constructed that any part of the building proper shall project into or over such street, road, alley, or sidewalk; provided that jut windows, cornices, and other projections from the building above the first story, may extend over an adjoining street, road, alley or sidewalk, not exceeding eighteen inches (18"); and no person shall construct any step, area, or other apparatus to any building extending over or upon the sidewalk, nor shall any person erect in any public street or road any flight of stairs or step leading to any floor of any building.

Section 7.3.6 Eave Pipes

No person shall place or maintain any pipe leading from the eaves of any building or any part of any building in said city in such a position that the water discharged from the roof of said building will flow upon or over any public sidewalk in the said City.

Section 7.3.7 Garbage in Streets

It shall be unlawful for any person, firm or corporation to throw, or deposit any ashes, offal's dirt, garbage, decaying vegetables, fish, meat, manure, filthy water, slops of any other offensive or putrid matter or thing into or upon any street, avenue, lane, alley or public ground within the corporate limits of the City of Mount Vernon or into any stream of water within the limits of the said City or forming the boundaries thereof.

Section 7.3.8 Animals and Vehicles on Sidewalks

No person shall park, drive or operate, or cause to be driven or operated, any motor vehicle upon any sidewalk in said City of Mount Vernon, except that the same may be driven across any sidewalk in entering or leaving the premises of any person if there shall be constructed a driveway across said sidewalk at said premises.

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CHAPTER 4

MOVING BUILDINGS ON STREETS

Section 7.4.1 Permission to Move Building Required

It shall be unlawful for anyone to move any building into, along or across any public street, alley or highway within the city of Mount Vernon, without having obtained permission to do so in compliance with the provisions of this chapter

Section 7.4.2 Application Must State

Anyone desiring to move any building into, along or across any public street, alley, or highway within the City of Mount Vernon, shall first apply in writing for permission so to do, to the Municipal Finance Officer or their designee, fully stating the name of the applicant, the name of the owner of the building, the description of the lot on which such building is standing and the lot to which it is to be moved, the street along which it is proposed to move such building, the time when such removal will take place and the size of the building; which application shall be accompanied with the sum of at least Two Hundred Fifty Dollars (\$250) to be deposited with the Finance Officer as a pledge or guarantee fund to protect the City against loss or damage to crossing, sidewalks, or other public or private property, or expense for protecting such property against the injuries that may be caused by the removal of such building; said deposit or the balance thereof, after deducting the amount of damages or expenses, if any, caused by such removal, to be returned to the person depositing same upon an official report of the condition of the streets, sidewalks, crossings, or other public or private property after such removal, made by the Supervisor of Streets.

Section 7.4.3 Guarantee Fund

Whenever the Municipal Finance Officer or their designee shall decide from any examination of the application and from such other information as he may obtain, that the sum of One Hundred Dollars (\$100) is not sufficient as a guarantee fund for ample protection of the city against the possible damages and expenses that may be caused by the removal of such building, he is hereby authorized and it shall be his duty to require the deposit of a larger sum than One Hundred Dollars (\$100), but not to exceed Five Hundred Dollars (\$500).

Section 7.4.4 Permit, Contents

On the receipt of the application and the guarantee fund as hereinbefore provided, the Municipal Finance Officer or their designee may personally investigate the representations of the applicant and if such investigation is satisfactory, he shall deposit said guarantee fund with the Municipal Finance Officer to be by him held subject to the order of the Supervisor of Streets, who shall thereupon issue to the said applicant a permit in writing for the removal of such building along or across the streets, highways or alleys to be designated by the Supervisor of Streets, said removal to be finished prior to the time stated in such permit.

Section 7.4.5 Refunding Guarantee Fund

Before refunding said guarantee fund or any part thereof, it shall be the duty of the Municipal Finance Officer or their designee to examine the scene, and pay out of said fund or set aside for such purpose the amount claimed or ascertained as the damages for injuries to the public or private property, including the Mount Vernon, South Dakota. City Ordinances. 2017.

expenses of protection to overhead lines as aforesaid, caused or occasioned by the removal of such building as aforesaid.

Section 7.4.6 Applicant Must Serve Notice to Owners of Wires, Etc.

If the permit includes streets, alleys or highways on which are located, or across or along which are strung overhead wires, it shall be the duty of such applicant to notify in writing the resident manager or managing agent or officer of such public service corporation or owner of said line or wires at least twenty-four hours before the commencement of such work, of his intent to so move such building under or across such line or wire and of the approximate time for such crossing of line or wire by such building.

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CHAPTER 5

EXCAVATION IN PUBLIC PLACES

Section 7.5.1 Permit Required

No person shall make or cause to be made any excavation in or under any street, parking, sidewalk, alley, or public ground, or remove any earth, soil, paving, gravel, or material therefrom without having first obtained a permit therefore as hereinafter provided.

Section 7.5.2 Application and Bonds

Application for such permit shall be made to the Municipal Finance Officer, who shall secure the approval of the Municipal Finance Officer or their designee before issuing any such permit. Such application shall be accompanied by a fee of twenty-five dollars (\$25), which amount shall be considered compensation to the City for the granting of such permit and the necessary investigation prior thereto. In addition to the hereinbefore described fee, the applicant shall deposit with the Municipal Finance Officer not less than Two hundred fifty Dollars (\$250) or such larger sum as deemed necessary by the Municipal Finance Officer or their designee to insure the replacement and refilling of any such excavation. In lieu of such deposit, a bond for the same purpose in the amount of One Thousand Dollars (\$1000) to be approved by the Council may be given covering all excavations for the year for which such bond is given. Before any such permit is issued, the person requiring the same shall state in his application therefore where such excavation is to be made, the extent thereof, in front of what lot or lots, for what purpose said excavation is to be made, and whether or not such person has a bond on file with the Municipal Finance Officer for making such excavation. If such applicant has not filed such bond, then before a permit shall be issued, such applicant shall furnish a bond or make the deposit as above provided with the Municipal Finance Officer or their designee as a guarantee for the proper refilling of and guarding of such trenched and excavations while in the course of excavating or refilling and the maintenance of the same in good condition for one year thereafter.

Section 7.5.3 Deposit Forfeited

If at any time within one year after the issuance of the permit referred to in this chapter the Municipal Finance Officer or their designee shall find that the work for which the bond deposit was made does not stand a satisfactory test or has not been properly refilled, he shall notify the depositor in writing that the work must be put in satisfactory condition within three days, and if the depositor fails to comply with the terms of said notice, then the Supervisor of Streets shall have authority to cause such work to be put in proper and satisfactory condition and charge the expense thereof to the sum deposited. The balance unexpended at the expiration of one year from date of such permit shall upon order of the City Council be returned by the Municipal Finance Officer to the depositor.

In cases where a deposit is put up for all work done by any person as provided in this chapter, the Municipal Finance Officer or their designee Supervisor of Streets shall have power to cause the repairing or refilling of any excavations made by such person if he fails to do so upon three days written notice, and the expense thereof shall be charged to his deposit, and such depositor shall immediately replenish such deposit to the original amount.

Section 7.5.4 Supervision of Excavations

The Municipal Finance Officer or their designee shall supervise all excavations made for any purpose in the streets, alleys, or public grounds, and he shall require that all excavations be backfilled in the manner specified.

Section 7.5.5 Guarding Excavations

Any person receiving a permit to make excavations in or upon any street, alley, sidewalk or public ground shall, during the progress and continuance of the work, erect and maintain around the same both day and night suitable guards, fences, flares and signals so as to prevent injury to persons, animals, or vehicles on account of such excavations. Such flares shall be kept lighted from sundown to sunrise.

Section 7.5.6 Refilling Excavations

Any person making such excavation shall, when the same shall be completed, promptly and without delay, refill the same as herein provided. In refilling any excavation, the earth shall be thoroughly settled as the refilling progresses by using water to compact the earth; or the earth shall be thoroughly temped in successive layers of approximately six inches, in such a manner that all the earth shall be replaced in the excavation leaving the surface in its original condition. In making connection to fire hydrants for flushing excavations, all rules and regulations of the State of South Dakota and Municipality relating thereto shall be observed.

In all cases where excavations are made in the paved district, the earth shall be replaced in the manner above specified, and the pavement shall be to the satisfaction of the City Council.

Section 7.5.7 Cutting Pavement

Where it is necessary to cut the street pavement in making any street excavation, street pavement must be replaced by the contractor or owner by means of mechanical compaction.

Section 7.5.8 Excavations Near Street

It shall be unlawful for any person, owner or occupant of any lot to make of cause to be made any excavation on said lot adjacent to any street, alley, public ground or traveled road, or roadway, except the same be securely guarded so as to prevent the injury of any person or animal passing upon or along the same.