

## TITLE VI – OFFENSES

### CHAPTER 1

#### OFFENSE AGAINST PUBLIC WELFARE

##### Section 6.1.1            Intoxication

No person shall become drunk, intoxicated or under the influence of intoxicating liquor in any private house or public or private place to the annoyance of any person. No person shall be or remain in a state of intoxication, drunkenness or under the influence of intoxicating liquor in any public place.

##### Section 6.1.2            Disorderly Conduct

No person shall conduct himself in any unseemly manner or way or in any manner tending to degrade and unsuited to the promotion of the morals, health or comfort or the inhabitants of the City.

##### Section 6.1.3            Disturbing the Peace

No person shall disturb the peace of the City or of any person by violent, tumultuous or offensive conduct, or by loud or unusual noises or by profane, obscene, indecent, violent, or threatening language, or by assaulting, striking or attempting to assault or strike another person, or inviting or defying another person to fight or quarrel, or by willfully and maliciously destroying or attempting to destroy or injure any property belonging to another, or by engaging in a fight with another.

##### Section 6.1.4            Vagrancy

It shall be unlawful for any vagrant to be or remain within the limits of the City. A vagrant is an idle person, having no legitimate means of support, who does not seek or desire lawful employment, and who subsists through charity of others or by unlawful means. Whenever it shall, in a prosecution under this section, be shown that any person who is able to work:

- A. Wanders about in idleness or lives in idleness without property sufficient for his support; or
- B. Leads an idle, immoral or profligate life and does not work; or
- C. Loafs, loiters or idles in the City, upon a public highway, or about any public place without any regular employment and without sufficient property for his support; or
- D. Trades or barter stolen property; or
- E. Unlawfully sells or barter any spirituous, vineous malt or other intoxicating liquors; or
- F. Attends or operates any gambling device or apparatus; or

- G. Engages in practicing any trick or device to procure money or other things of value; or
- H. Engages in any unlawful calling; or
- I. If an able-bodied married man, neglects or refuses, without lawful excuse, to provide support for his family; or
- J. Beggars in any public place or from house to house, or induces children or others to do so; or
- K. Falsely represents himself as a collector of alms for a charitable institution of purpose, it shall constitute a prima facie presumption that such person is a vagrant as defined in this section.

Section 6.1.5            Indecency

No person shall appear in any public place in a state of nudity, in indecent dress or in dress intended to deceive others as to his or her sex, to make any indecent exposure of his or her person.

No person shall sell, distribute, give away, or exhibit to public view any indecent or lewd book or obscene magazine, post card, drawing or representation.

No person shall exhibit, show or perform any indecent, immoral or lewd show, act, play, motion picture or other representation in any theater or place of public resort.

Section 6.1.6            Insulting Individuals

No person shall make an impudent, insulting or licentious advance or salutation to any female person upon any street or in any public place.

Section 6.1.7            Profanity

No person shall use any profane, vulgar or obscene language upon any street or other public place.

Section 6.1.8            Obscene Written and Printed Matter

No person shall exhibit, publish, pass, sell or offer for sale, or have in his possession with such intent, any obscene, lewd, or lascivious books, pamphlets, papers, magazines, writings, advertising, films or other immoral, lewd, or indecent representations or publications.

All such obscene matter is declared to be a nuisance and any police officer is authorized to seize any such obscene matter found in the possession of any person arrested for a violation thereof, and upon conviction of a violation of this section, the court shall order as a part of the judgment in addition to the other penalties prescribed, that the officer having the custody of such obscene matter shall destroy the same.

Section 6.1.9            False Emergency Alarms Prohibited

No person shall knowingly make or give any false alarm of fire or other emergency, by calling or causing to be called the Fire Department, the Police Officers or any authorized emergency vehicle.

Section 6.1.10            Displaying License Unlawfully

No person shall carry or display any city license or permit which has been terminated or revoked or which has not been lawfully procured and issued.

Section 6.1.11            Discharge of Firearms or Air Rifles

It shall be unlawful for any person except a public officer or specifically appointed officer in the discharge of his duty, to discharge or fire any gun, air rifle, sling shot or other dangerous weapon within the limits of the City of Mount Vernon.    CL 22.24-1.02 Class One Misdemeanor with a \$500 fine

## TITLE VI – OFFENSES

### CHAPTER 4

#### OFFENSES AS TO PUBLIC RIGHTS OF WAY OR PROPERTY

##### Section 6.4.1            Gathering on Streets Limited

No person shall call or cause the gatherings of any crowd of people or address or exhibit any show or performance to such crowd, in any alley, street, or other public ground of the city, without written permission of the City Council.

##### Section 6.4.2            Crowds Obstructing Streets

It shall be unlawful for persons to gather in crowds or groups or for any person to stand on any public street or sidewalk in such a manner as to obstruct free passage thereon, or to annoy other persons passing along the same, and any policeman is authorized to disperse any crowd or group or to cause the removal of any person violating the provisions of this section and to summarily arrest any person in case of refusal to obey any reasonable direction given by such officer for the purpose of clearing the way or preventing annoyance to any passerby on any public street or sidewalk. (CL 60-10-11, Class 2 Misdemeanor)

##### Section 6.4.3            Hindering or Molesting Passersby

No person shall upon any street or at the entrance of any building on any such street, alley or sidewalk, wrongfully hinder, impede or molest any passerby, or use any rude, obscene, vulgar, indecent or threatening language to any passerby, or by any indecent act, gesture, or noise molest, annoy, or insult or put in fear any person passing or attempting to pass on such street, alley or sidewalk or through the entrance to such building.

##### Section 6.4.4            Certain Advertising Methods Prohibited

No person shall put up, erect, hang, post or suffer to remain so placed, any sign, poster, notice or other advertising matter, upon any telephone, telegraph, or electric light pole in the city.

##### Section 6.4.5            Goods on Sidewalk

No person shall place any goods, or merchandise for sale or exhibition upon any sidewalk, except that for the purpose of loading or unloading, such articles may be placed upon the outer side of the sidewalk for such time as may be necessary to load or unload the same, but in no instance shall any such articles be left upon the sidewalk in the night time or in such a way as to obstruct the sidewalk.

##### Section 6.4.6            Injuring Signs

No person shall deface, remove, change, mar or in any way interfere with or obliterate either wholly or in part any sign, signboard, or card placed, posted, extended or erected by the City.

Section 6.4.7                    Traffic Signs. Injuring or Placing Unauthorized Prohibited

No person shall deface, injure, move, obstruct or interfere with any official traffic sign or signal, or street sign, or parking meter. No person shall place, maintain, or display upon or in view of any street any unofficial sign, signal or device which purports to be or is an imitation of or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance, and the Sheriff's Department and/or Chief of Police is hereby empowered to remove the same or cause the same to be removed without notice.

Section 6.4.8                    Destroying Trees and Plants

No person shall willfully injure, destroy or deface any tree, shrub, plant or grass in any parking lot or park.

No person shall willfully injure or destroy any cultivated fruits or vegetables, ornamental trees, shrubs, hedges, vines or flowers, nor injure or carry off any of the products thereof which are the property of another.

Section 6.4.9                    Interference with Electric Light Posts and Apparatus

No person shall interfere, break or jar any electric light, telephone, telegraph or fire alarm system, post or pole or apparatus in any manner, or climb any telegraph, telephone, electric light, or fire alarm pole without being properly authorized to do so.

Section 6.4.10                  Unauthorized Connection with Gas, Water, or Electrical Pipe or Wire

No person shall, without lawful authority, connect or cause to be connected with any main service pipe, wire or other conductor of any gas, water or electrical energy, any pipe, wire or other device for the purpose of obtaining gas, water or electrical current therefrom; nor shall with intent to defraud, connect, or cause to be connected with any meter installed for the purpose of registering the amount of gas, water or electricity supplied to any customer, any pipe, wire, or other device or disconnect, change or in any manner so interfere with any such meter or any pipe, wire, or appliance connected therewith, that such meter will not measure or register the full amount of gas, water, or electricity supplied to any customer.

Section 6.4.11                  Interference with City Engineer, Instruments, Stakes

No person shall interfere with the City Engineer, or engineer employed by the City, while engaged in his official duties in any manner or by driving any vehicle of any kind against the person, surveying instruments or apparatus of said Engineer or any of his assistants, or by moving or displacing any stake, monument, or benchmark fixed or located by him or his assistants.

Section 6.4.12                  Interference with City Property

No person shall climb or in any manner interfere with any building, water tower, bridge, or structure belonging to the city, without being authorized so to do by the city; and no person shall in any manner injure or deface any such structure.

Section 6.4.13            Destroying Property

No person shall willfully damage, deface, break, destroy or interfere with the property of the city or of another person.

Section 6.4.14            Fences

No person, firm or corporation shall hereafter construct, erect, or maintain or cause to be constructed, erected, or maintained in the City of Mount Vernon, any fence of any character or material, exceeding seven feet in height, above the sidewalk or the surface of any lot or parcel of land, provided, that any such fence so constructed, erected, or maintained, shall not exceed six feet in height when the same is within forty feet of the street line; and provided further that no fence or any part thereof shall be constructed of barbed wire. (Amended July 2020)

Section 6.4.15            Discarded Refrigerators

No person shall permit or allow a discarded refrigerator or one not in use, to remain in any place accessible to children, unless the latch or locking mechanism on the door or doors have been removed or locked or bolted so that it cannot be opened by use of the hands and any person who shall violate this section shall be punishable by a fine not to exceed \$50.00 or up to ten days in jail, or both such fine and imprisonment.

Section 6.4.16            Cisterns, Wells

No person, whether owner or person in possession, shall maintain or permit any cistern, well, or like excavation, accessible to children, to remain in an open or unprotected condition, and any violation shall be punishable by a fine not to exceed \$250.00 or up to ten days in jail, or both such fine and imprisonment.

Section 6.4.17            Penalties

Any person violating above mentioned will be fined \$250 per offense.

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CHAPTER 5  
MINORS

Section 6.5.1            Minors, Loitering Prohibited

It shall be unlawful for any minor person under the age of sixteen years to loiter idle, wander, stroll, or play, ride or be in any motor vehicle in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places, or to be or remain in any dance hall, restaurant, cafe, theater, or other public place between the hours of 11 p.m. and 5 a.m. of the following day, official city time. Provided, however, that the provisions of this section do not apply to a minor accompanied by his or her parents, guardian or other adult person having the care and custody or where the minor is upon an emergency errand or legitimate business, directed by his or her parent or guardian or other adult person having the care or custody of the minor; and provided further, that this section does not in any way apply to any minor after he or she shall have reached his or her seventeenth birthday.

Section 6.5.2            Minors, Responsibility of Parents

It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of sixteen to knowingly permit such minor to loiter, idle, wander, stroll or play, or ride or be in any motor vehicle upon the public streets, highways, road, alleys, playgrounds, or other public grounds, public places or public buildings, places of amusement, vacant lots, or other unsupervised places, or to be or remain in any dance hall, restaurant, cafe, theater, or other public place between the hours of 11 p.m. and 5 a.m. of the following day, official city time; provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or when the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

Section 6.5.3            Responsibility of Others

It shall be unlawful for any person, firm or corporation operating the places of amusement and entertainment, restaurants, cafes, theaters or other public places to permit minors to enter or remain in such places or amusement and entertainment, restaurant, cafe, theater, or other public places during the hours prohibited under this chapter, or owner or operator of any motor vehicle to permit or allow any minor to be in or ride in such motor vehicle during the hours prohibited by the chapter; provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parents, guardian, or other adult person having the care and custody of the minor.

Section 6.5.4            Penalties



Any minor violating the provisions of this chapter shall be taken into custody by the Chief of Police and/or Sheriff's Department for the first offense shall be immediately delivered into the custody of the parent, guardian, or other legal custodian of such minor; upon a subsequent violation, said minor shall be taken by such officer before the City State's Attorney and charged with the violation of this chapter; or may be brought before the County Court of Davison County and dealt with in accordance with the Juvenile Court Law and Procedure. Any parent, guardian or person having the care and custody of a minor or any other person violating the provisions of Sections 7.0702 and 7.0703 shall be fined in a sum not exceeding Two Hundred Fifty Dollars (\$250.00) or confined in jail not more than thirty (30) days or punished by both such fine and imprisonment for each offense.

## TITLE VI – OFFENSES

### CHAPTER 6

#### ALCOHOLIC BEVERAGES

##### Section 6.6.1            License Required

No person shall sell, offer for sale, keep for sale, exchange, distill, manufacture, produce, bottle, blend or otherwise concoct within the city or within one mile of its territorial limits, any alcoholic beverages as defined by statute without having a license therefore as required by Title 5 of the South Dakota Code of 1939 as amended or as authorized by such title as amended.

##### Section 6.6.2            Package with Broken Seal

It shall be unlawful for any person to have in his possession in a public place within the city any intoxicating liquor, except that contained in a sealed original package with United States Government and State of South Dakota stamp tax unbroken; provided, however, that this shall not apply to an "on-sale" dealer.

##### Section 6.6.3            Sale or Gift to Minors

No person shall sell or give any intoxicating liquor to any person under the age of twenty-one years; nor shall any person sell or give any non-alcoholic beer or wine to any person under the age of eighteen years.

##### Section 6.6.4            Consumption, Sale, or Service

It shall be unlawful for any person or business to consume, sell or service any alcoholic beverages upon any public street or sidewalk within the corporate limits of the City or in any vehicle upon any public street in the city.

