

PREFACE

The Gettysburg Municipal Code is a codification of the general and permanent ordinances of the city of Gettysburg, South Dakota. The ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of A. Coe Frankhauser, city attorney. This volume covers ordinances through Ordinance 330, passed January 4, 1989.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 5.12.050 is Section .050, located in Chapter .12 of Title 5. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.


In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification.

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

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May 1999:

The council of the City of Gettysburg approved and adopted the revised version of the 1989 Code, incorporating the municipal ordinances from January, 1989 up to May, 1999. This revision also corrected certain errors in terminology.



Brenda Frost, Finance Officer

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ORDINANCE NO.

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Title 1

GENERAL PROVISIONS

Chapters:

1.01 Code Adoption

1.04 General Provisions

1.08 Boundaries, Wards and Voting Precincts

1.12 General Penalty

Chapter 1.01

CODE ADOPTION

Sections:

1.01.010 Adoption.

1.01.020 Title--Citation--Reference.

1.01.030 Codification authority.

1.01.040 Reference applies to all amendments.

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1.01.060 Reference to specific ordinance.

1.01.070 Effect of code on past actions and obligations.

1.01.080 Effective date.

1.01.090 Constitutionality.

1.01.100 Filing.

1.01.010 Adoption. The "Gettysburg Municipal Code" as published by the Book Publishing Company, Seattle, Washington, in 1989 is hereby revised and adopted as a revision of the general ordinances of the City of Gettysburg under the provisions of Sections 9-19-16 and 9-19-17 of the SDCL. (Ord. 1999-5-1; Ord. 331 §1, 1989)

1.01.020 Title--Citation--Reference. The code hereby adopted shall be known as the "Gettysburg Municipal Code" and it shall be sufficient to refer to said code as the "Gettysburg Municipal Code in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance

adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, an amendment to, correction or repeal of the "Gettysburg Municipal Code". Further reference may be had to the titles, chapters, sections and subsections of the "Gettysburg Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 331 §2, 1989)

1.01.030 Codification authority. The code hereby adopted consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City of Gettysburg, South Dakota, codified pursuant to the provisions of Sections 9-19-16 and 9-19-17 of SDCL. (Ord. 1999-5-1; Ord. 331 §3, 1989)

1.01.040 Reference applies to all amendments. Whenever a reference is made to the code hereby adopted as the "Gettysburg Municipal Code" or to any portion thereof, or to any ordinance of the City of Gettysburg, South Dakota, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 331 §4, 1989)

1.01.050 Title, chapter, and section headings. Title, chapter, and section headings in this ordinance or the code hereby adopted shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 331 §5, 1989)

1.01.060 Reference to specific ordinances. The provisions of the code hereby adopted shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within the code. (Ord. 331 §6, 1989)

1.01.070 Effect of code on past actions and obligations. Neither the adoption of the code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any

license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 331 §7, 1989)

1.01.080 Effective date. The "Gettysburg Municipal Code" shall take effect on the effective date of this ordinance. (Ord. 1999-5-1; Ord. 331 §8, 1989)

1.01.090 Constitutionality. If any section, subsection, sentence, clause or phrase of this ordinance or the code hereby adopted is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the same. The council hereby declares that it would have adopted the same code, and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason the code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 331 §9, 1989)

1.01.100 Filing. Three copies of the "Gettysburg Municipal Code" as printed under the authority of the municipality and hereby adopted have been filed and are now on file for public inspection in the office of the Finance Officer of the City of Gettysburg, South Dakota. (Ord. 331 10, 1989)

Chapter 1.04

GENERAL PROVISIONS

(RESERVED)

Chapter 1.08

BOUNDARIES, WARDS AND VOTING PRECINCTS

Sections:

- 1.08.010 Boundaries.
- 1.08.020 Wards.
- 1.08.030 Voting Precincts.

1.08.010 Boundaries. The city shall include all territory within the original townsite of Gettysburg together with all subsequent additions taken into the city since that time, less territory legally excluded therefrom if any, according to the recorded plats thereof recorded in the office of the Register of Deeds, Potter County, South Dakota. (1957 Rev. Ord. §2.0101)

changed
1.08.020 Wards. ^{ad12-1-2} The city is divided into three wards as follows:

- A. First ward: all that portion of the city lying north of Blaine Avenue;
- B. Second ward: all that portion of the city lying south of Blaine Avenue, and west of East Street;
- C. Third Ward: all that portion of the city lying south of Blaine Avenue and east of East street. (1957 Rev. Ord. §2.0201)

1.08.030 Voting precincts. Each ward of the city shall constitute an election precinct and the polling places for the precincts shall be designated by the governing body by resolution from time to time; provided, however, that where there exists in the opinion of the council, no adequate polling place within any ward, the polling place for such ward may be designated outside of the territorial limits of such ward. (1957 Rev. Ord. §2.0301)

ORDINANCE 2012-1-2

**AN ORDINANCE AMENDING CHAPTER 1.08.020 OF THE
GETTYSBURG MUNICIPAL CODE WARDS AND PRECINCTS.**

BE IT ORDAINED by the City of Gettysburg Common Council that Section 1.08
020 Wards is amended to read as follows:

1.08.020 WARDS. The City is divided into three wards as follows:

- A. First Ward(also known as Ward 1): All that portion of the city lying North of Commercial Avenue to the point of **Mannston St**, North to Blaine Avenue, then East to Harrison Street, South to Logan Avenue, and then East to County Road 155;
- B. Second Ward(also known as Ward 2): All that portion of the City lying South of Commercial to the point of **Mannston St**, North to Blaine Avenue, then East to East Street;
- C. Third Ward (also known as Ward 3): All that portion of the city lying South of Blaine Avenue and East of East Street to the point of Harrison Street, South to Logan Avenue and then East to County Road 155.

ATTEST:

WITNESS:

Sharleen Eliason, Finance Officer
First Reading: January 31, 2012
Second Reading: February 7 2012
Date Published: February 16, 2012

Bill Wuttke, Mayor

Chapter 1.12

GENERAL PENALTY

Sections:

1.12.010 General penalty.

1.14.010 Threatening or intimidating elected or appointed officials.

1.12.010 General Penalty. Except in cases where a different penalty is imposed by this code or by some existing provision of law, every violation of any of the provisions of this code shall be punishable by imprisonment in the County Jail not to exceed thirty days or by a fine not exceeding two hundred (\$200) dollars, or by both such fine and imprisonment. (SDCL 22-6-2, Ord. 368, 1994; 1957 Rev. Ord. §12.0201)

1.14.010 Threatening or intimidating elected or appointed officials. Any person who, directly or indirectly, utters or addresses any threat or intimidation to any elected or appointed official of the City of Gettysburg, or has any unauthorized or illegal communication with said elected or appointed official, with intent to induce said elected or appointed official to do any act not authorized by law, or to omit or delay the performance of any duty imposed upon said elected or appointed official by law, or, for having performed any duty imposed upon said elected or appointed official, is guilty of a misdemeanor. Every violation of this provision shall be punishable by imprisonment not exceed thirty (30) days in jail, or by fine not to exceed two hundred (\$200)dollars, or both such fine and imprisonment. (Ord. 1997-3-4)

Chapter 1.12

GENERAL PENALTY

Sections:

1.12.010 General penalty.

1.14.010 Threatening or intimidating elected or appointed officials.

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