

CHAPTER 9-1 OFFENSES AGAINST PUBLIC WELFARE

9-1-1 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 can be shown that any person who is able to work, does any of the following, they are a vagrant:

- (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, vinous, 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 person, he neglects or refuses, without lawful excuse to provide support for his family; or
- (j) Begs 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 or purpose.

Under any of these above circumstances, it shall constitute a prima facie presumption that such person is a vagrant as defined in this section.

1926 RO. §152; 1960 RO. §7.0104; Authority: SDCL 9-29-3 generally

9-1-2 DISPLAYING LICENSE UNLAWFULLY

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

1960 R.O. §7.0113; Authority: SDCL 9-34-1

9-1-3 DISCHARGE OF FIREARMS; AIR RIFLES

It shall be unlawful for any person, except a police officer or specially appointed officer in the discharge of his duty, to discharge or fire any gun, air rifle, slingshot or other dangerous weapon

within the limits of the City.

1960 R.O. §7.0114; Authority: SDCL 9-29-3; Compare: SDCL 22-14-7; See Also: SDCL 9-19-20

9-1-4 FIREWORKS

It shall be unlawful for any person to shoot, discharge, explode, or cause to be shot, discharged, or exploded, any fireworks or other explosives within the corporate limits of the City.

1926 R.O. §185; Ordinance 183, 8/3/81; Authority: SDCL 9-33-1

9-1-5 EXCESSIVE NOISES

- (a) It shall be unlawful for any person to willfully make or continue, or cause to be made or continued any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area, unless issued a permit as described in Section (d) of this ordinance.
- (b) The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but are not limited to, the following:
1. the level of the noise;
 2. whether the nature of the noise is usual or unusual;
 3. whether the origin of the noise is natural or unnatural;
 4. the level and intensity of the background noise, if any;
 5. the proximity of the noise to residential sleeping facilities;
 6. the nature and zoning of the area within which the noise emanates;
 7. the density of the inhabitation of the area within which the noise emanates;
 8. the time of the day or night the noise occurs;
 9. the duration of the noise; and
 10. whether the noise is recurrent, intermittent, or constant.
- (c) It shall be unlawful to operate a dynamic braking device (commonly referred to as Jacobs Brake) on any motor vehicle, except to avert imminent danger. This device converts the internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.
- (d) Applications for a permit for relief from the noise restrictions in this chapter for an activity shall be made to the City Finance Officer and approved by the City Council. Permits must comply with the following:

1. Application shall be made at least two weeks prior to the date of the activity;
 2. The permit may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the city or the surrounding neighborhood.
- (e) Any person found to be in violation of any section or subsection of chapter 9-1-5 shall be subject to the penalties of a class two misdemeanor.

9-1-6 PUBLIC NUDITY

- (a) It shall be unlawful for any person while in the presence of another person or persons in a public place to expose, show, exhibit, or allow to remain uncovered by opaque clothing their genitals, pubic area, anus, nipples or areola of the female breast.
- (b) It shall be unlawful for any person, firm, business, premises licensed for the sale of alcoholic beverages, entity, or club, to cause, allow, permit or authorize any person or persons to expose, show, exhibit, or allow to remain uncovered by opaque clothing their genitals, pubic area, anus, nipples or areola of the female breast.
- (c) It shall be unlawful for any person or persons, firm, business, premises licensed for the sale of alcoholic beverages, entity, or club to allow, permit or authorize any person whether male or female, to engage in dancing or performance of any nature or sort that includes the removal of any article of clothing from the dancer or performer or the exposition or showing of the dancer's genitals, pubic area, anus, nipples or areola of the female breast.
- (d) Any person, firm, business, premises licensed for the sale of alcoholic beverages, entity, or club that violates the provisions of this chapter shall, upon conviction, be subject to a fine not to exceed \$200.00 for each violation. In addition, a violation of the provisions of this chapter by any holder of an alcoholic or malt beverage license shall be grounds for the suspension or revocation of said alcoholic and/or malt beverage license whether or not a citation is issued or a conviction results from said violations.
- (e) For the purposes of this ordinance, body paint or other similar substances shall not qualify as an acceptable or permitted body covering and utilization of body paint or other similar substances to attempt to cover a person's genitals, pubic area, anus, nipples or areola of the female breast shall constitute a violation of this ordinance.