TITLE 6 - STREETS, SIDEWALKS AND PUBLIC PLACES

[STREET AND ALLEY IMPROVEMENTS SDCL 9-45]
[SIDEWALK IMPROVEMENTS SDCL 9-46]

Chapter 6.01 - Street Names and Addresses
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CHAPTER 6.01 - STREET NAMES AND ADDRESSES

6.0101 Official Map. The official map of the City of Lennox shall be those maintained in the office of the Register of Deeds of Lincoln County, South Dakota.

6.0102 Plats Part of Ordinance. Those plats indicating the names of all streets and avenues of the City of Lennox, South Dakota, now on file or filed on a future date in the office of the Register of Deeds of Lincoln County, South Dakota, are hereby incorporated as a part of this ordinance.

6.0103 Names of Streets and Avenues. The names of all streets and avenues in the City shall be fixed and adopted in accordance with the official map of the City on file in the office of the Register of Deeds of Lincoln County, South Dakota. All east-west thoroughfares shall be designated as avenues and all north-south thoroughfares shall be designated as streets. Any such act of naming, establishing, or vacating any street, alley or other public way in the City shall be so designated on such map. (SDCL 9-45-2)

6.0104 Numbering Plan. A numbering plan for residences and businesses shall be maintained by the City. A listing of the assigned numbers and a map showing the location of addresses shall be maintained and filed in the office of the Finance Officer. The Finance Officer shall be responsible for assigning new numbers and updating the listing of such numbers and the location map. (SDCL 9-45-2)

6.0105 Numbering Streets. The dividing line for numbering on all streets running north and south shall be First Avenue. The dividing line for numbering all avenues running east and west shall be Main Street. All streets and parts of streets running south from First Avenue shall be designated by prefixing to the names thereof the word South, and all streets and parts of streets running north from First Avenue shall be designated by prefixing to the names thereof the word North. All avenues and parts of avenues running west from Main Street shall be designated by prefixing to the names thereof the word West, and all avenues and parts of avenues running east from Main Street shall be designated by prefixing to the names thereof the word East. (SDCL 9-45-2)

6.0106 Designation of Streets. For the purpose of numbering under the provisions of this Chapter, any portions of State Highway 17 within the City limits shall be identified as Pine Street; the thoroughfare proceeding through Westerman Park beginning at a point on South Main Street

at about where Seventh Avenue would normally be located, proceeding west approximately one block, south approximately one block, and then west again approximately one block to a point joining South Elm Street at about where Eighth Avenue would normally be located shall be designated as Park Drive; any portions on the north side of the Milwaukee Railroad right-of-way between North Main Street and North Cherry Street shall be designated as East Court Street; the north-south thoroughfare located approximately a half block east of South Main Street between East Fourth and East Fifth avenues shall be designated a portion of South Poplar Street; any portion of State Highway 44 bordering the City on the south edge shall be designated as West Eleventh Avenue or East Eleventh Avenue, whichever is or becomes applicable; and that portion of the joint city-township thoroughfare extending in a north-south direction in the extreme northwest edge of the City, proceeding north from State Highway 44, shall be designated as Cleveland Street, as will any other portion of State Highway 44 bordering Lennox on the west as it might become applicable. (SDCL 9-45-2)

6.0107 Numbering of Lots. One number shall be apportioned to every subdivision of twenty-five (25) feet along all the thoroughfares of the City whether the same be occupied by buildings or not. In case any block or blocks or any lot or lots will not divide perfectly in to subdivisions of twenty-five (25) feet, one whole number shall be assigned to the fractional part thereof.

In case more than one building is erected in a single space of twenty-five (25) feet the same may be numbered by placing thereon the regular number which appeared on the building formerly situated in said space or the number which would otherwise be allotted to the space and on the second building to be erected thereon the regular number plus the fraction, one-half (½). (SDCL 9-45-2)

6.0108 Numbering Intervals. All buildings shall be numbered consecutively in units as provided by the City Council, and all blocks consecutively in even hundreds. All numbering on east and west thoroughfares shall begin at the dividing line at Main Street and proceed outward to the limits of the City, placing odd numbers on the south side and even numbers on the north side of each thoroughfare. All numbering on north and south thoroughfares shall begin at the dividing line at First Avenue and proceed outward to the limits of each thoroughfare. The number of the first block on each side of the street proceeding from a dividing line shall be 100, the second shall be 200, and so on, and each block shall be numbered consecutively to the outer limits of the City. The number on the first block on the south side of an east and west avenue, and on the west side of a north and south street, shall be 101, and the first number on the opposite sides thereof shall be 100. The first number on the second block shall be 201, and the first number on the opposite side thereof shall be 200, and so on, consecutively along all the streets and avenues throughout the City. (SDCL 9-45-2)

CHAPTER 6.02 - STREETS, SIDEWALKS, CURB AND GUTTER

6.0201 Streets. All streets, roads and alleys constructed or reconstructed shall be surfaced to the appropriate width and manner in accordance with designs and specifications approved by the City Council. The hard surfacing of streets shall be at the expense of the owners of property abutting the street(s) to be surfaced, with materials to be approved by the City Council. Total cost of the street improvements including legal, engineering, grading and any other costs related to the improvement, shall be assessed against the property on a frontage foot basis. (SDCL 9-45-1)

6.0202 Street Excavations. No person shall make or cause to be made any excavation in or under any street, parking area, sidewalk, alley, or public ground, or remove any earth, soil, paving, gravel, or material therefrom without first obtaining a permit therefor.

6.0203 Excavation Permits. Application for such permit shall be made to the Finance Officer. Such application shall be accompanied by a fee of an amount set by resolution by the City Council and on file at the office of the Finance Officer, which amount shall be considered compensation to the City for granting of such permit and the necessary investigation prior thereto. Before any such permit is issued, the person requiring the same shall state in this application therefor where such excavation is to be made, the extent thereof, in front of what lot or lots, and for what purpose said excavation is to be made.

(Amended: Ordinance No. 525, 07-09-12)

6.0204 Supervision of Excavations. The Street Superintendent shall approve all excavation made for any purpose in the streets, alleys, or public ground and shall require that all excavations be backfilled in the manner specified.

6.0205 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 by day and night suitable guards or fences with flares, or signals so as to prevent injury to persons, animals, or vehicles. Such flares shall be kept lighted from sundown until sunrise.

6.0206 Cutting Pavements. Where it is necessary to cut the street pavement in making any street excavation, there shall be deposited with the Finance Officer before permit is issued an amount determined by multiplying the number of square yards of pavement to be removed by the costs of the new pavement which is on file at the office of the Finance Officer. The deposit shall be credited to the general fund and be used in replacing said pavements.

(Amended: Ordinance No. 525, 07-09-12)

6.0207 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 Lennox shall be done under the direct approval of the City and all such sidewalks and curbs shall be constructed on the grades as determined by said City.

6.0208 Specifications. The construction of all sidewalks and curbing, whether to be done by direct contract with the City of Lennox or by contract with the abutting property owners, shall be done strictly in accordance with the specifications for sidewalks and curbing adopted by the City Council and on file in the office of the Finance Officer. The City Council may condemn work and material not in accordance with the requirements of said specifications.

6.0209 Permit Required. Before any sidewalk or curbing is constructed within the limits of the streets and alleys in the City of Lennox by any contractor or person for the owner or owners of abutting property, said contractor or person must first secure a permit therefor from the Finance Officer.

(Amended: Ordinance No. 525, 07-09-12)

6.0210 Property Owner Responsible for Sidewalk Repair. It shall be the duty of the person in possession of any lot, parcel, or plot of ground fronting or abutting upon any sidewalk, to keep such sidewalk in repair as provided by SDCL 9-46-2.

6.0211 Driveway Approaches. No driveway approaches shall protrude or extend into the streets beyond the curb line. Concrete driveway approaches shall be of six-inch Portland Cement Construction, with the slope gradual to accommodate modern vehicles. On gravel thoroughfares driveway approaches constructed shall permit flow of surface water without drainage interference and shall permit proper blading and maintaining of streets. (SDCL 9-45-1)

6.0212 Curb and Gutter. No person shall construct or cause to be constructed or installed in, on, or along side any City street a curb and gutter without first obtaining a permit to do so from the Finance Officer. A permit may be granted only if the following specifications shall be met:

1. The curb and gutter shall be concrete (the form to be approved by the Street Superintendent) with minimum compressive strength of 3,500 PSI, twenty-four inches in width and a depth of six inches for the gutter section, with a minimum gravel cushion of four inches under the curb and gutter with expansion joints every twenty feet with expansion joint filler.

2. Before installation of the curb and gutter, the involved property owners must have the curb and gutter line surveyed and staked to insure proper slope of the curb and gutter in relationship to the appropriate storm drains on the intersecting streets. The grade of the street and present or future sidewalks.

3. All labor and materials shall be the sole responsibility of the individual land owners affected by the installation of the curb and gutter.

4. The Street Superintendent must approve the curb and gutter plan before and during construction.

5. The City assumes no liability or responsibility for or from the curb and gutter installation. The land owners involved shall accept full responsibility and liability for and from the installation of the curb and gutter.

(Amended: Ordinance No. 525, 07-09-12)

6.0213 Barrier-Free Construction. Whenever any person, firm or corporation makes new installations of sidewalks, curbs or gutters, in both business and residential areas, it shall be required that they install ramps at crosswalks, so as to make the transition from street to sidewalk easily negotiable for handicapped persons in wheelchairs and for blind persons. All such ramps shall be constructed or installed in accordance with design specifications therefor prepared by the South Dakota Department of Transportation, according to the Americans With Disabilities Act Accessibility Guidelines for Buildings and Facilities as published by the U.S. Architectural and Transportation Barriers Compliance Board, August, 1992. (SDCL 9-46-1.2)

CHAPTER 6.03 - SNOW AND ICE REMOVAL

6.0301 Duty to Remove. It shall be the duty of the owner, tenant, or person in possession of any property abutting on any sidewalk to keep such sidewalk free from snow and ice and to cause any accumulated snow and ice to be removed from any such abutting sidewalk within twenty-four (24) hours after the termination of any snowfall, or snow or ice accumulation, except for within the Central Business District, where it shall be required that snow be removed by 12:00 noon following the termination of snowfall. 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.

6.0302 Disposal of Snow. It shall be the duty of the property owner, tenant, or person in possession of any public or private driveway, parking lot or parking area to dispose of accumulated snow and ice upon such property in such manner that any snow and ice when removed shall not be deposited upon any sidewalk, within or upon any public street or alley, or in a manner that will obstruct or interfere with the passage or vision of vehicle or pedestrian traffic.

It shall be the duty of the property owner, tenant, or person in possession of any property abutting on any sidewalk to dispose of accumulated snow and ice upon such sidewalk in such a manner that any snow and ice when removed shall not be deposited within or upon any public street or alley, after such public street or alley has been cleared of snow and ice by the grading of such snow or ice away from the curb or the picking up and carrying away of such snow or sanding or salting of ice by the City.

6.0303 Removal Costs Assessed. In the event any owner, tenant, or person in possession of any property shall fail to comply with any provisions of this chapter, any police officer of the City may issue a citation for such violation. The property owner shall have twenty-four (24) hours to comply with the citation, after which time the street department, at the direction of the Council, shall remove the snow or ice at the cost of the property owner, who shall be billed. The City Council may authorize the assessment of such costs to the property owner if the removal bill is not paid within sixty (60) days. It shall be the responsibility of the police department to ensure the timely enforcement of this section.

(Amended: Ordinance No. 532, 02-11-13)

CHAPTER 6.04 - MOVING BUILDINGS

6.0401 Permit Required. No person shall move any building or part of building into, along or across any public street, alley, or grounds in the City without having obtained a moving permit. (SDCL 9-34-1, 9-30-2)

6.0402 Applications. Written application for a moving permit shall be filed with the Finance Officer, and shall include the name of the applicant, the name of the owner of the building, a description of the lot on which such building is standing and the lot to which it is to be moved, if such location shall be within the City. The application shall also specify the route along which it is proposed to move the building, and the length of time likely to be consumed in such moving. Any application so filed shall be considered by the City Council for approval, and any other conditions to be complied with by the applicant, shall be stated.

(Amended: Ordinance No. 525, 07-09-12)

6.0403 Surety Bond. No permit shall be granted until the applicant shall file with the Finance Officer a bond in favor of the City in the penal sum to be established by the City Council, with sufficient surety, and conditioned on the applicant promptly repairing and making good, to the satisfaction of the City Council, any and all damage to any pavement, sidewalk, crosswalk, hydrant, street, alley, or other property, done or caused by the applicant or the applicant's employees, in moving such building or part thereof, or in connection with the moving thereof.

The applicant shall indemnify and save harmless the City against any and all liability for damages, costs and expenses, arising or which may arise or be incurred in favor of any person by reason of conduct by the applicant or the applicant's agents or employees, in connection with the moving of such building or part thereof, or the use of any public ground for such purpose.

(Amended: Ordinance No. 525, 07-09-12)

6.0404 Standing Buildings. No building or part of a building being moved, shall be allowed to stand still in any public street or any public ground for more than twenty-four (24) consecutive hours.

6.0405 Permission of Property Owners. No moving permit granted by the City shall authorize the holder thereof to break, injure, or move any telephone, electric light, power or cable TV wire or pole, or to cut, trim or otherwise interfere with any property without the written permission of the owner or owners thereof.

6.0406 Removal, Demolition or Relocation of Structures. Upon the removal, demolition or relocation of structures from or on any lot within the City of Lennox, the foundation of such structure removed, demolished or relocated must be removed from the property and the basement or excavation remaining after removal of the foundation must be filled with good, clean, fill dirt.

If a house is removed from the property then all other outbuildings and other structures which are not being used must be removed together with all sidewalks (except along the street). Upon removal, demolition or relocation of the house or other structures, the lot shall be leveled and left in a good, clean, sanitary condition. Upon the property owner's failure to comply with the provisions of this Section, the property shall be deemed a public nuisance which may be abated and the cost thereof assessed against the property pursuant to laws of the State of South Dakota.

6.0407 Approval and Fee. No moving permit shall be issued unless the appropriate nonrefundable fee, established by resolution of the City Council, is paid to the Finance Officer.

6.0408 Safeguards. It shall be the duty of the person, firm or corporation moving any building through the streets to do the same with proper care for the safety of persons and property. Warning barricades and lights shall be maintained wherever necessary for the protection of pedestrians or traffic.

6.0409 Protecting Pavement. Where a building or structure is being moved over a street, but is not carried on another vehicle or on a unit equipped with tires, the street surface shall be protected by planking or other device effective to prevent injury to the roadway.

CHAPTER 6.05 - MUNICIPAL TREE

6.0501 Trimming Trees. The occupant of any private premises, or the owner of the same if not occupied, abutting on any public street, road, or alley within the City of Lennox shall keep all trees standing upon such premises, or between the same and the center of the adjoining street, road, or alley so trimmed that no bough or branches thereof shall be lower than eight (8) feet above the surface of the street, road, or alley; or any sidewalk thereon and away from service lines; provided that upon the failure of any occupant or owner to trim trees as in this section provided, the city council shall have authority to remove or cause to be removed under its supervision any trunk, limb, or branch of any tree that extends or hangs lower than eight (8) feet above the surface of any street, road, or alley, or sidewalk, or near any service lines, whether such trees be growing in privately owned property or on public property, and may cause the same to be trimmed and charged the expense thereof to the occupant or owner of such property.

(Amended: Ordinance No. 526, 07-09-12)

6.0502 Trees - Injury. It shall be unlawful for any person to injure any tree, herb, or shrub planted in any public place by physical means, use of herbicides, or any means whatsoever, nor shall any person remove or cut down any tree, hedge, or shrub in any public place without first having secured a permit from the Finance Officer to do so.

(Amended: Ordinance No. 525, 07-09-12)

6.0503 Trees - Guidewires. It shall be unlawful for any person to attach any wire or rope to any tree in a public place without having a permit from the Street Superintendent to do so.

6.0504 Trees to be Free From Wires, Cables. Any person, company, or firm having the right to maintain wire, cables, and poles in any public street, alley, or other public place must keep such wire, cables, and poles free from and away from any trees or shrubs in such places so far as it may be possible, and shall keep all such trees and shrubs trimmed away from said poles and wire subject to the supervision of the Street Superintendent. In making excavations in streets or other public places for underground services or the repair thereof, said person, company, or firm shall take proper care to avoid injury to the roots of any tree, hedge, or shrub.

6.0505 Trees Along Curbing. It shall be unlawful for persons owning or occupying lots or parcels of land within the City of Lennox to embellish the same by planting shade trees between the sidewalk and the curbing without first having secured a permit from the Building Code Official to do so.

(Amended: Ordinance No. 525, 07-09-12)

CHAPTER 6.06 - PARKS AND RECREATION AREAS

6.0601 Swimming When Municipal Pool Closed Prohibited. Fine for Violation of Section. Swimming in the Lennox Municipal Swimming Pool shall be prohibited during those hours when the pool is officially closed. Persons found in violation of this section shall be punishable in accordance with Chapter 11.01. (SDCL 9-30-2)

6.0602 Glass Containers Prohibited. It shall be unlawful for anyone to bring or otherwise deposit any containers made of glass into any park.

6.0603 Open Fires Prohibited and Exception. No person shall start any fire in any park except in those places where barbecue grills have been placed by the City or when portable barbecue grills are used and then only for the cooking and preparation of food and in campground areas within fire rings. Every person who starts or uses such acceptable fires shall completely extinguish the fire before leaving the park and restore the area to its original state as close as possible.

6.0604 Animal Control. All animals must be on a leash at all times, according to Section 5.0301 of the Municipal Ordinances.

6.0605 Firearms. It is unlawful for any person, without a valid permit, to possess, use or display any firearms, including but not limited to air guns, explosives, bows and arrows or other weapons within any park.

6.0606 Protection to Trees and Shrubbery. Except as authorized by the City Council, no person shall pick or cut any wild or cultivated flowers, or cut, break, dig or in any way deface any tree, shrub or plant within the limits of any park.

6.0607 Protection to Prohibited Areas. Except as authorized by the City Council, no person shall go on foot or otherwise upon any area of any park or parkway where any prohibitory sign is posted.

6.0608 Injuring Park Property. No person shall cut, break, scratch, mark, mar or in any way injure or deface any building, fence, wall lamp, flagpole, construction improvement, facility, playground equipment or any other feature or property upon or within any park.

6.0609 Vehicle Operating and Parking. Except as authorized by the City Council, no person shall operate or park any vehicle in any park, except on clearly marked and designated roadways or parking areas therein.

6.0610 Littering Prohibited. No person shall throw, deposit, place or leave in any park or parkway, or water therein, any paper, rubbish, waste, cans, bottles or refuse of any kind, whether or not such is offensive to the senses or is injurious to health, except in the receptacles provided for waste.