

TITLE 1 – ADMINISTRATIVE

Chapter 1-1 – Personnel and Expenditure Policies

Chapter 1-2 - Mayor and City Council

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Chapter 1-1 – PERSONNEL AND EXPENDITURE POLICIES

1-1-1 Municipal Personnel Policies

REPEALED effective January 3, 2006. (2005ORD832)

1-1-1.1: Personnel Manual

A. Definition: All persons performing services for the city and who are not appointive officers of the city shall be deemed employees.

B. Employment At Will: The city recognizes that South Dakota is an employment at will state and the intent of the city is to maintain employment at will status of all employees. Nothing contained herein or in the personnel manual of the city shall be construed to limit or modify the at will status of any employee of the city.

C. Personnel Policy Adopted:

1. A personnel policy manual is hereby authorized to be maintained by the city council for the purpose of regulating the following major areas and any other provisions deemed appropriate by the city council. Said manual is on file in the office of the finance officer, and shall be made available to all employees. The personnel policy manual shall not apply to appointed officers of the city except to the extent determined applicable by the city council, i.e.:

Attendance and leave

Termination of employment

Disciplinary action, demotion, suspension and dismissal

Grievance policy and appeal procedure

General provisions

2. The personnel policy manual does not confer a contract of employment upon any employee. The policies, procedures, rules and benefits contained therein are at all times subject to change upon a majority vote of the city council. The policies are provided as a reference of present policies and not a guarantee of employment or specific employment benefit.

D. Employee Classification; Positions Authorized: Employees of the city shall be classified as salaried, hourly, exempt and nonexempt in conformance with applicable state and federal law. The employee positions within the city and its departments to which personnel may be hired, and the compensation authorized for each such

position, shall be as authorized by the common council. No person shall be hired for employment with the city or any department of the city except in conformance with an authorizing plan approved by the common council.

E. Employee Wages And Benefits: Employee wage rates and salaries, including any step plan or wage and/or salary gradations, shall be determined by resolution of the city council. Employee benefits supplemental to wages and salary shall be as from time to time determined by the common council. Except as may be contained in a collective bargaining contract, in no event shall any such employee wage and/or benefit determination be deemed contractual.

F. Employee Retirement System: All ordinances establishing retirement system(s) for the employees of the city within the South Dakota retirement system are maintained and not repealed by the enactment of this code. (2005ORD832)

G. Effective Date of this ordinance shall be January 3, 2006.

1-1-2 Department Heads, Appointed Official and Employees

Department Heads

- *Auditorium Superintendent
- *Finance Officer
- *Library Department Head
- *Water and Sewer Superintendent
- *Street Superintendent

Appointed Department Head

- *Chief of Police

Additional Full-Employees

- *Auditorium and Park Split-Time Assistant
- *Deputy Finance Officer
- *Patrolman (Uncertified, less than one year)
- *Patrolman (Certified, less than one year)
- *Patrolman (Certified, more than one year)
- *Police Captain
- *Police Sergeant
- *Radio/911 Dispatcher (Uncertified)
- *Radio/911 Dispatcher (Certified)
- *Radio/911 Relief dispatcher (Uncertified)
- *Radio/911 Relief Dispatcher (Certified)
- *Street Department Personnel
- *Water Plant Manager and Waste Water Plant Manager
- *Waste Water and Water Plant Personnel
- *Assistant Water Superintendent

Permanent Part- Time Employees

- *Children's Librarian
- *Library Aide

Permanent Part- Time Employees

- *Library Relief Worker
- *Library Custodians
- *Lifeguard (No Experience)
- *Lifeguard (One Year or More Experience)
- *Park employee
- *Swimming Pool Manager
- *Swimming Pool Support Staff
- *Laborer

Appointed Employees

- *Fire Department Chief
- *Fire Department Secretary
- *Zoning Officer

Elected Officials

- *Mayor
- *Council Members

1-1-3 Official Bonds

All appointed officers shall qualify within thirty days after their appointment and, before entering upon the discharge of their duties, by taking and subscribing an oath of office in the form required by the constitution of this state and by furnishing an undertaking to the City of Mobridge to be approved by the City Council in such sums as said City Council shall prescribe by ordinance or resolution where the amount of such undertaking is not fixed by state law. Said bond shall be conditioned for the faithful discharging of the duties of their respective officers and to account for, pay over and deliver all money coming into their hands by virtue of their office, according to law. All such undertakings or bonds, after being approved, shall be filed with the City Finance Officer.

1-1-4 Age Qualifications

REPEALED effective January 3, 2006. (2005ORD832)

1-1-5 Appropriations

All annual appropriations shall be set ordinance and kept on file for public review in the office of the City Finance Officer.

1-1-6 Equal Opportunity Statement

REPEALED effective January 3, 2006. (2005ORD832)

CHAPTER 1-2 MAYOR AND CITY COUNCIL

1-2-1 Mayoral Duties

The Mayor shall preside at all meetings of the Council but shall have no vote except in case of a tie or when the zoning board is impaneled. He or she shall perform such other duties as may be prescribed by the laws and ordinances, and shall take care that such laws and ordinances are faithfully executed. He or she shall give the Council information relative to the affairs of the City, and shall recommend for their consideration such measures as he or she may deem expedient. He or she shall have the power to sign or veto any ordinance or resolution passed by the Council, and the power to veto any part or item of an ordinance or resolution appropriating money.

1-2-2 Meetings

Regular meetings of the governing body shall be held in the City Hall on the dates and at the times as the Council shall adopt by resolution. This schedule is subject to change in the case of a Monday holiday. Special meetings may be called at any time by the Mayor to consider such matters as may be mentioned in the call for the meeting.

Until such time as the Council adopts a resolution changing the meeting times, the regular meetings shall be held on the first and third Mondays of each month at the hour of 5:30 P.M.

1-2-3 Notice of Special Meetings

The Finance Officer shall issue written notice of each special meeting to Council Members and further comply with State Law, stating by what authority the meeting is called, the time and place of holding such meeting, and the matters to be considered, with 24 hour notice, unless such meeting is an emergency. In either case, the news media shall be informed of said meeting giving them time to attend the proceedings.

1-2-4 President and Vice President

At the first regular meeting after the annual election in each year and after the qualifications of the newly elected councilmen, the Council shall elect from among its own members a president and vice president who shall hold their respective offices for the municipal year.

The President of the Council, in the absence of the Mayor, shall be the presiding officer of the Council, and during the absence of the Mayor from the City or his or her temporary disability, shall be acting Mayor and possess all of the powers of the Mayor.

In the absence or disability of the Mayor and President of the Council, the Vice President shall perform the duties of the Mayor and President of the Council. In the event of the death of the mayor, the President of the Council shall act as mayor and receive the pay of the mayor. He/she shall retain the duty of mayor until the council officially appoints him/her, selects a new mayor, or a city election is held for the office of mayor.

1-2-5 Supervision of Departments

The Mayor, with the approval of the Council, at the first meeting in May of each year, shall appoint two members of the Council to act in a supervisory capacity in the departments of airport, auditorium, park, police, pool, sewer, street, water, and three mile board and further, one member of the Council shall be appointed as a representative in the area of fire, library board, NECOG, the planning commission, USDA – Rural Development and any other departments of the City Council persons assigned to the departments and the mayor shall conduct annual department head reviews. Appointed employees shall be reviewed annually by the mayor and two appointed council persons. All other employees shall be reviewed annually by their department head and council persons in charge, and such Council person, so appointed, shall have supervision over the department to which he or she is named as supervisor, and shall from time to time and as requested by the Council, report as the condition and matters in said department.

1-2-6 CITY ADMINISTRATOR

A. Office Established

The office of City Administrator is hereby established.

B. Appointment of City Administrator

The City Administrator shall be appointed by the Mayor of the City of Mobridge with a majority vote of the City Council members, and said appointment is for an indefinite term.

C. Removal of City Administrator

The City Administrator may be removed at any time by the Mayor, with the consent of a majority vote of the council.

D. Powers and Duties

The City Administrator shall be the chief administrative officer of the City and shall be responsible to the Mayor and Council for the proper administration of the City. The Administrator shall have the power and shall be required to:

1. Recommend the appointment and removal of department heads and upon recommendation of a department head, the employment, discharge, or discipline of any other employee in accordance with City policies, to the Mayor and Council;
2. Prepare and submit the annual budget in conjunction with the City Finance Officer, prior to August 1 to the Mayor and Council, together with an explanation of important features, and be responsible for its administration in conjunction with the City Finance Officer after adoption;
3. Prepare and submit an annual report on the finances and administrative activities of the City as of the end of the fiscal year in conjunction with the City Finance Officer, to the Mayor and Council;

4. Provide current and accurate information on the financial condition and future fiscal needs of the City with appropriate recommendations to the Mayor and Council;
5. Oversee the various departments of the City and work in conjunction with the department heads to insure that the policies of the Council are being properly implemented and administered;
6. Recommend necessary measures for the continuation and improvement of administrative services to the Mayor and Council;
7. Recommend the consolidation and expansion of offices, positions, or departments as may be deemed necessary for the improvement of City services to the Mayor and Council;
8. Attend all meetings of the Council and other City Commissions and boards, unless excused by the Mayor, and take part in the discussion of all matters presented. The administrator shall be entitled to notice of all such meetings;
9. Supervise the purchase of all materials, supplies, and equipment for which funds are provided in the budget. No purchase shall be made, contract let, or obligation incurred for any items or service which exceeds the current budget appropriation. No contract in excess of the amount established by state law shall be let except by the Council nor shall any purchase in excess of City policy be made without consent of the Council. The Administrator may issue such rules governing purchasing procedures within the administrative organization, as the Council shall provide;
10. Oversee the due enforcement of all laws and ordinances;
11. Investigate all complaints in relation to matters concerning the administration of the government of the City, and in regard to service maintained by public utilities in the City, and see that all franchises, permits, and privileges granted by the City are faithfully observed;
12. Keep apprised of rules and regulations of the utility operations of the City and work with Department heads to insure all utility operations are in compliance with state and federal rules and regulations;
13. Promote the City and its enterprises and represent the Council in addressing public concerns and in embracing the economic development activities in the City;
14. Perform such duties as may be required by the Mayor and Council, not inconsistent herewith; and
15. Recommend to the governing body a standard schedule of pay for each office and position in the City service.

E. Compensation

The administrator shall receive such compensation, as the council shall determine.

F. Saving Clause

If any provision of this ordinance is held invalid, said decision shall not affect the validity of the remaining provisions. (2004ORD803)

CHAPTER 1-3 FIRE DEPARTMENT

1-3-1 General

The volunteer fire department for the City of Mobridge shall consist of not less than 15 members nor more than 30; and the officers of the Department shall consist of a Chief, Assistant Chief, and Secretary-Treasurer. (2007ORD851)

1-3-2 Members Appointed

The officers and member fire persons shall be elected by a majority vote of the members of the fire department each year at their annual meeting. A list of the officers and members elected at such meeting shall be presented to the City Council for their approval and acceptance.

1-3-3 Duties

The Chief of the Department shall be responsible for the discipline, good order and proper conduct of the whole fire department and shall have police authority and control over all persons who may be present at any fire in said city as well as over all personnel whether regular or volunteer.

He or she shall be responsible for the enforcement of all laws and regulations pertaining to the Department and for the care and condition of all department equipment. He/she shall have the right and duty to inquire into and investigate the cause of all fires which may occur in the City immediately after such fire and write and keep on file the findings of the investigation. He or she shall cooperate with the State Fire Marshall whenever requested to do so. Annual reports shall be made available upon request. He or she shall keep a correct roll of all members of the Department, the date of admission and discharge and rate of pay. He or she shall certify all pay rolls and all bills against the City incurred for the Department. He or she shall keep a record of all members in attendance at fires and report the same together with the time actually employed at each fire.

He or she shall approve all bills of the Department presented to the City Council for payment and shall from time to time recommended to the City Council measures for the good and efficiency of the Department; and shall from time to time recommend to the City Council such new equipment as may be needed.

1-3-4 Assistant Chief, Secretary

In case of absence or inability of the Chief, the Assistant Chief shall have the same power and authority as the Chief of the Department.

The Secretary-Treasurer shall check all members called to answer alarms. He or she shall receive all money from the City that will be paid to the Department from time to time, present all bills to the Council with a list of firemen called to the fire and other expenses that may be incurred.

1-3-5 Assign Duties

The Chief shall, immediately after the appointment by the City Council, assign the members of the Department to their respective positions and duties, and make such rules and regulations for the government of the Department, not in conflict with this ordinance, as shall be necessary.

1-3-6 Care of Property

Each member of the Department shall see that the apparatus or property of the City placed in his or her charge is properly taken care of and shall, unless otherwise directed proceed as soon as possible with such apparatus to every fire that shall occur in the City, and shall proceed under such directions as may be given by the Chief of the Department, or his or her assistant if the Chief be absent, and do all that may be necessary toward extinguishing the fire and preserving property.

1-3-7 Permission to go Beyond City Limits

The Mayor, or in his or her absence, the Acting Mayor, may only in an emergency permit the Department with the apparatus to go more than one mile beyond City limits.

1-3-8 Powers as Chief

The Chief of the Department may prescribe limits in the vicinity of the fire, within which no person except those residing therein, members of the fire department, police force, members of the Council and those admitted by the Chief of the Department or his or her subordinates, shall be permitted to come, and said Chief, or officer having charge in his or her place at any fire, when in his judgment, it is necessary, may call upon any persons present to assist the fire persons in their duties. Any person neglecting or refusing to obey such call by said Chief or officer shall, upon conviction, be fined an amount if money set by the Council.

1-3-9 Chief May Remove Buildings

The Chief of the Department during the progress of any fire, whenever in his or her judgment it becomes necessary to check or control the same, shall have power to order any fence, building or erection of any kind to be cut down and removed. He or she shall also have power to tear down any portion of any building that may be standing after a fire which, in his or her judgment, may be dangerous to persons or property.

1-3-10 Discipline

Each member of the fire department is subject to the provisions set forth in the City of Mobridge's employee manual. They are expected to carry out the duties assigned them in the course of fighting a fire, or during training. Willfully disobeying orders, or violating the code of discipline as set forth in the city employee manual shall be sufficient grounds for dismissal from the department.

1-3-11 Interfering with the Department

Any person who shall willfully hinder or interfere with any City officer or fire person in the performance of his or her duty at, going to, or returning from any fire, or while attending to his or her duty as a member of the Department, or willfully or negligently drive any vehicle over, across, along or upon any hose, or shall willfully cut, deface, destroy or injure any telegraph or telephone wire, poles or signal box or any of the property or fixtures belonging to or connected with the department or the alarm, telegraph or telephone or any other person who shall, without authority, ride upon or attempt to ride upon any of the fire trucks, in going or returning from any fire shall, upon conviction, be fined an amount of \$100.00 per offense.

1-3-12 Compensation

The fire chief and fire secretary-treasurer shall receive monthly compensation as set by the annual salary appropriations ordinance. All firemen, when answering to a fire or disaster call shall be compensated at the Rate of \$4.00 for the first hour and \$3.00 for each hour thereafter. False alarms, meetings and practice sessions shall be paid at the one hour rate.

1-3-13 Duties of the Police Department

It shall be the duty of the Chief of Police or other officer in charge of the police to report immediately, at the alarm of the fire to the place where the fire may be and there report themselves and remain for the preservation of the peace and the removal of idle and suspected persons and the preservation and protection of property at and in the vicinity of the fire.

CHAPTER 1- 4 POLICE DEPARTMENT

1-4-1 General

The Police Department of the City of Mobridge shall consist of the Chief of Police and such number of police officers as from time to time the Council shall appoint; provided, however, the Mayor may appoint extra police personnel in case of emergency.

1-4-2 Term of Office

The Chief shall be appointed for one year beginning with the first council meeting in May. He/She is subject to review, and may be removed sooner at the discretion of the mayor and council. He/She shall receive such compensation as shall be fixed by resolution.

1-4-3 Chief of Police

The Chief of Police shall see that the ordinances are strictly enforced. He or she shall report to the Mayor or the City Council any violation of the City ordinances, or anything occurring within the City, which is in his or her opinion detrimental to the health or safety or good order of the City. He or she shall at all times be subject to the order of the Mayor and Council and perform such additional duties as the City Council may prescribe. He or she shall give bond for the faithful performance of his or her duties in such amount as the City Council shall direct. He or she shall perform other duties compatible with his or her office as may be provided by law or ordinance.

1-4-4 Police Officers

Each police officer when on duty shall wear the insignia of his or her office on his or her outer garments in conspicuous place, except when occasion may require that it be not exposed; and must be quiet, civil and orderly in his or her conduct and deportment, and refrain from the use of intoxicating liquors, insubordination and dereliction of duty; and it shall be the duty of the Chief of Police to make complaint to the Mayor or the City Council of any violation of this section immediately upon obtaining knowledge thereof. He or she shall give bond in such sum as the City Council shall direct for the faithful performance of his or her duties.

1-4-5 Compensation

Each police officer shall receive such compensation as shall be fixed by resolution. Each member of the Police Department shall participate in the South Dakota Municipal Police Retirement System. The procedures and requirements of the System can be found in the office of the Chief of Police.

1-4-6 Reserve Police Force

The City of Mobridge may operate within the Police Department a reserve and/or auxiliary police force, the members of which shall be appointed by the Mayor upon the recommendation for the Chief.

Members of the reserve and/or auxiliary police force shall serve on a voluntary basis without pay and within the police power limits of the City.

The Chief of Police shall be commanding officer of the reserve and/or auxiliary police force and shall have control for the assignment, training, stationing and direction in work of the member thereof. Members of the reserve and/or auxiliary police force shall have all police powers, but shall perform only such duties as are assigned by the Chief.

The Chief shall, with the approval of the Mayor, prescribe rules and regulations for the conduct and control of the reserve and/or auxiliary police force.

CHAPTER 1- 5 FINANCIAL REGULATIONS

1-5-1 Annual Reports by Boards

Each of the boards appointed and acting for the City in the administration of the City, shall make an annual report of the receipts, disbursements and activities to the Council as soon as practicable after the close of the fiscal year. The report shall be filed with the City Finance Officer.

1-5-2 Contracts by Member for the Council

No officer or member of the Council shall enter into any contract, make any purchase or create any indebtedness against the City in excess of \$500.00 without first having submitted the matter of incurring such indebtedness or making such contract to the Council or having received authority of such Council thereof.

1-5-3 Sale of Personal Property

Whenever the city deems it for the best interests of the City, that personal property belonging to the City be sold, which said property has been abandoned or is about to be abandoned for public use, said property shall be sold to the highest bidder upon such terms as may be determined by the Council.

If the property is appraised at a value of more than \$500.00, notice of sale shall be given by publication once a week for two successive weeks in the official newspaper of the city, which said notice shall contain a description of the personal property to be sold and the time and place where bids will be received by the Council for said sale; and the Council may at such time sell said personal property to the highest bidder therefore or may in its discretion reject any and/or all bids.

1-5-4 Claims

All claims against the City of Mobridge shall be in writing and upon forms approved by the City Finance Officer and in such form as required by statute of the State of South Dakota. Prior to passage or approval by the Council, claims shall bear the approval of the council persons or person in charge of the department for which such services or supplies are furnished.

1-5-5 Funds

The City Finance Officer shall keep full, true and just accounts of all financial affairs of the City and shall keep such accounts and furnish in such form and in such manner from time to time as is required by the State of South Dakota.

1-5-6 Supplies

The City Finance Officer or Department Supervisor shall purchase all supplies, shall have charge thereof and shall make all supplies therefrom; provided no purchase involving an expenditure of more than \$750.00 shall be made without the consent of the Mayor or proper council persons of the City Council being first obtained. Emergency repairs of more than \$750.00 are to be made with the consent of two council persons or,

the Mayor and one council person. All materials and supplies shall, when received, be checked over by the officer or agent receiving the same, and a bill thereof, showing the name of the creditor and each article with the price thereof shall immediately be filed with the City Finance Officer, and shall bear the endorsement of such officer or agent showing in what respect, if any, the material or articles failed to correspond with the material or article ordered.

CHAPTER 1- 6 PLAN COMMISSION

1-6-1 General

The City of Mobridge shall continue to have a City Plan Commission for the City and for the land within three miles of its corporate limits and not located within any other municipality.

1-6-2 Membership of Plan Commission

The City Plan Commission shall consist of five members appointed by the Mayor subject to the approval of the City Council. The members of this Plan Commission shall be resident electors of the City and qualified by knowledge or experience to act in matters pertaining to the development and administration of a City Plan.

1-6-3 Terms of Members

The term of each member of the Plan Commission shall be for two years, except that when such Plan Commission is first appointed, two members shall be appointed to serve a one year term and three members shall be appointed for a term of two years. Thereafter appointment of each member shall be for two years so that there will be an overlapping of tenures.

1-6-4 Vacancies

Any vacancy in a membership on the Plan Commission shall be filled for the unexpired term in the same manner as for appointment.

1-6-5 Removal for Cause

The Mayor, with the confirmation of the City Council, shall after public hearing, have authority to remove any member of the Plan Commission for cause which cause shall be stated in writing and made a part of the record of such hearing.

1-6-6 Organization

Upon appointment the Plan Commission shall be called together by the Mayor and shall organize by electing a Chairman from among its members for a term of one year with eligibility for re-election, and may fill such other of its offices as it may create in a manner prescribed by the rules of such Plan Commission.

1-6-7 Meeting, Rules, and Records

The Plan Commission shall hold meetings whenever the need arises. Subject to the approval of the City Council, it shall adopt such rules for transaction of its business and shall keep a record of its resolutions, transactions, findings and determinations which shall be a public record. Each member of the commission shall receive \$15.00 per meeting.

1-6-8 Annual Report

The Planning Commission shall upon the request of the mayor, make a report to the City Council of its proceedings with a statement of its receipts and disbursements and the progress of its work during the proceeding year.

1-6-9 Assistance

Subject to approval of the City Council, the Plan Commission may employ such technical, electrical, clerical and other assistance as may be deemed essential to carry on the work of the Plan Commission. Persons employed shall not be under the Civil Service except as otherwise determined by the City Council. In case of employment of a full time planning engineer by the City, his or her work shall be performed in cooperation with and under the direction of the Plan Commission. The compensation of all such employees shall be fixed by resolution of the Council.

1-6-10 Contracts

All contracts and agreements relating to the work of the Plan Commission and for services or materials required by it shall be made by the City Council in its discretion.

1-6-11 Master Plan

It shall be a function and duty of the Plan Commission to make and adopt a master plan for the physical development of the municipality, including any areas outside the boundary and within its planning jurisdiction which, in the Plan Commission's judgment bear relations to the planning of the municipality. The master plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, may include among other things, the general location, character and extent of streets, bridges, viaducts, parks, parkways, waterways and water front developments, playgrounds, airports and other ways, grounds, places and spaces; the general location of public schools or buildings and other property; a zoning plan for the regulation of the height, area, bulk, location and use of private and public structures and premises, and of population density as may be provided by law; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, heat, sanitation, transportation, communication and other purposes; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, building, properties, utilities or terminals; the general location, character, layout of the replanning of blighted districts and slum area. The Plan Commission may from time to time amend, extend or add to the plan or carry any part of subject matter into greater detail.

1-6-12 General Purposes of the Plan

In the preparation of the master plan, the Plan Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the municipality and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinate, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development.

1-6-13 Adoption of Master Plan

The Plan Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. Before adoption of the master plan or part thereof, the Commission shall hold at least one public hearing, notice of the time and place of which shall be given at least fifteen days in advance of publication in a newspaper having general circulation in the community. The adoption of the plan or any part, amendment or additions, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof, by the identifying signature of the Chairman and the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the City Council.

1-6-14 Miscellaneous Powers of the Commission

The Plan Commission shall have all powers heretofore granted to the zoning commission of the municipality. The Plan Commission may make reports and recommendations relating to the plan and development of the municipality to public officials and agencies, public utility companies, civic, educational professional and other organizations and citizens. It may recommend to the executive or legislative officials of the municipality progress for public improvements and the financing thereof. All public officials shall, upon request furnish to the Plan Commission, within a reasonable time, such available information as it may require for its work. The Plan Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the Plan Commission shall have all such powers as may be necessary to enable it to fulfill and perform its functions, promote municipal planning or carry out the purpose of this Ordinance.

1-6-15 Legal Status of the Master Plan

Whenever any such Plan Commission shall have adopted the master plan of the municipality or any part thereof, then and henceforth, no street, park or other public way, ground, place or space, no public building or structure, no public utility whether publicly or privately owned, if covered by the master plan or any adopted part thereof shall be constructed or authorized in the municipality or within its platting jurisdiction as defined in Section 1-6-18 until and unless the location and extent thereof shall have been submitted to and approved by the Plan Commission, provided that in case of disapproval, the Plan Commission shall communicate its reasons to the City Council, and the City Council, by vote of not less than two thirds of its entire membership, shall have the power to overrule such disapproval and, upon such overruling, the City Council or the appropriate board or officer shall have the power to proceed; provided, however, that the public way, ground, place, building, structure or utility be one the authorization or financing of which does not, under law or charter provision, governing the same fall within the province of the City Council or other body or official of the municipality, then the submission to the Plan Commission shall be by the Board or official having such jurisdiction, and the Plan Commission's disapproval may be overruled by said board by a

vote of not less than two-thirds of its entire membership or by said official. The vote of not less than two-third's of the entire membership or by acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for any street or other public way, ground, place, property, or structure shall be subject to similar submission and approval, and failure to approve may be similarly overruled. The failure of the Plan Commission to act within sixty-five days from and after the date of official submission to it shall be deemed approval, unless a longer period is granted by the City Council or other submitting official.

1-6-16 Building or Set-back Lines

From and after the time when the Plan Commission shall have adopted a master plan which included at least a major street plan or shall have progressed in its master planning to the stage of making and adoption of a major street plan, the Plan Commission may recommend and the City Council is hereby authorized and empowered by ordinance to establish, regulate and limit, and to change and amend, building or setback lines on some streets and to prohibit any new building being located within such building or setback lines. The City Council may also provide for a board of adjustment, or may authorize an existing zoning board of adjustment, to modify or vary the regulations in specific cases in order that unwarranted hardship, which constitutes an unreasonable deprivation of use as distinguished from the mere granting of a privilege, may be avoided. The regulations authorized by this section shall not be adopted. The regulations authorized by this section shall not be adopted, change or amended until a public hearing has been held thereon.

1-6-17 Platting Jurisdiction

From and after the time when the Plan Commission shall have adopted a master plan which included a major street plan or shall have progressed in its master planning to the state of the making and adoption of a major street plan, and shall file a certified copy of such major street plan in the office of the Register of Deeds of the County in which the municipality is located, no part of subdivision of land lying within the municipality, or of land within three miles of its corporate limits and not located in any other municipality, shall be filed or recorded until it shall be submitted to and a report and recommendations thereon made by said Plan Commission to the City Council and the City Council has approved the plat; provided, however, that in the case of such extra municipal land lying within three miles of any other city or cities having a Plan Commission, the jurisdiction of the Mobridge Plan Commission shall terminate at a boundary line equidistant from the respective corporate limits of the City of Mobridge and such other city or cities. Such plats shall after report and recommendations of the Plan Commission is made and files, be approved or disapproved by the City Council.

1-6-18 Subdivision Regulating

In exercising the duties granted to it by this charter, the Plan Commission shall recommend and the City Council shall by Ordinance adopt regulations governing the subdivisions of land within its jurisdiction as defined in Section 1-6-17. Such regulation may provide for the harmonious development of the municipalities and its environs; for the coordination of the master plan of the municipality; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience of prosperity. Such

regulations may include requirements as to of which and the manner in which the streets of the subdivision shall be graded and improved and water, sewer and other facilities shall be installed as a condition precedent to the approval of the plat. The regulations may provide for the tentative approval of the plat previous to such improvements and installations; but any such tentative approval shall not be entered on the plat. Such regulations may provide that in lieu of the completion of such work and installations previous to the final approval of a plat, the City Council may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the City Council and expressed in the bond; and the municipality is put in an assured position to do said work and make said installations at the cost of the owners of the property within the subdivision. Before adoption of its subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the City Council.

1-6-19 Approval of Plats

The plats shall be approved or disapproved within sixty days after the submission thereof; otherwise such plat have been deemed to have been approved and a certificate to that effect shall be issued by the City Council on demand; provided, however, that the applicant for the approval may waive this requirement and consent to the extension of such period. The ground of disapproval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the City Council. Any plat submitted for approval shall contain the name and address of a person to whom notice of hearing may be sent; and no plat shall be acted upon by the City Council without offering a hearing thereon, notice of time and place of which shall be sent by mail to said address not less than five days before the date fixed thereof.

1-6-20 Improvements in Unapproved Streets

From and after the time when the plating jurisdiction of the municipality shall have attached by virtue of the adoption of a major street plan as provided in Section 1-6-18, the municipality or other public authority shall not accept, lay out, open, improve, grade or light any street or lay or authorize the laying of water mains, sewers, connections or other facilities or utilities in any street within the municipality unless such street shall have been accepted or opened, as or shall otherwise received the legal status of, a public street prior to the adoption of a master plan, or unless such street corresponds in its location and lines with a street shown on a subdivision plat made and adopted by said Plan Commission; provided however, that the City Council, or in the case of a street outside of the municipality, the governing body of such territory, may locate and construct or may accept any other street if the ordinance or other measure for such location and construction or for such acceptance be first submitted to said Plan Commission for its approval; and if disapproved by the Plan Commission, be passed not less than two-third's of the entire membership of the City Council or said governing body; and a street approved by the Plan Commission upon such submission, or constructed or accepted by said two-thirds vote after disapproval by the Plan Commission, shall have the status of an approved street as fully as though it had been originally shown on a subdivision plat approves by the Planning Commission.

1-6-21 New Buildings on Approved Streets

From and after the time when the platting jurisdiction of the municipality shall have attached by reason of the adoption of a major street plan as provided in Section 1-6-17, no building permit shall be issued for or no building shall be erected as provided in Section 1-6-17 unless the street giving access to the lot upon which said building is proposed to be placed shall be accepted or open as, or shall have otherwise received the legal status of, a public street prior to that time, unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by said City Council or on a street plat made and adopted by said Plan Commission or with a street located and accepted by the City Council, or in case of territory outside the municipal corporation, by the governing body thereof, after submission to said Plan Commission and, in case of said Plan Commission's disapproval, by the favorable vote required in Section 1-6-20, and building erected in violation of this section shall be deemed an unlawful structure, and the municipality or other governing body may bring action to enjoin such erection or cause it to be vacated or removed.