

## **CHAPTER 10-4 PUBLIC GROUNDS IN GENERAL**

### **10-4-1 HINDERING STREET COMMISSIONER IN MAKING IMPROVEMENTS**

No person shall hinder or obstruct any employee of the City in lawfully making any improvement in any public street, alley or public ground in the City.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

### **10-4-2 POSTS AND AWNINGS IN STREET**

No person shall set any awning post so as to obstruct any street or alley of this City, nor shall any person drop any awning of any material, or suffer the same to approach nearer to the surface of the sidewalk than seven feet.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

### **10-4-3 EAVE PIPES**

No person shall on any streets or place maintain any pipe leading from the eaves of any building in such a manner that the water therefrom shall be discharged upon or over any sidewalk.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

### **10-4-4 DEFINITIONS**

As used in connection with City Ordinance § 10-4-5 through 32, the following terms shall apply:

- A. Park in any park, playground, boulevard, lake, river, stream, recreational center, zoo area, golf course, ball park, bicycle trail or any other area owned and used by the City and devoted to active and passive recreation.
- B. Vehicle means any motorized or unmotorized conveyance and trailers in tow of any size, kind or description, excluding bicycles.

**Legislative History:**  
1990 Revisions  
1997 Revision, Ordinance No. 260.  
2/18/97

**Authority:**  
SDCL Chapter 9-30 generally

### **10-4-5 EMPLOYEE EXEMPTION**

These sections governing activities and the general rules are not applicable to employees of the City while within a park on required or official duties, and in the course of such

employment.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## **10-4-6**

### **PROTECTION TO TREES AND SHRUBBERY**

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.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## **10-4-7**

### **PROTECTION TO PROHIBITED AREAS**

No person shall go on foot or otherwise upon the grass or turf of any park or parkway where any prohibitory sign is posted.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## **10-4-8**

### **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 or any other feature or property upon or within any park.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## **10-4-9**

### **CURRENT PARKING**

No person shall operate, park or leave any motor vehicle, whether attended or unattended, on a road, trail or fire lane within an area of the park system where official signs prohibit such movement.

**Legislative History:**  
1990 Revisions,  
1996 Revision, Ordinance 250, 4/18/96

**Authority:**  
SDCL Chapter 9-30 generally

## **10-4-10**

### **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 the same is offensive to the senses or injurious to health, except in the receptacles provided for waste.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## 10-4-11

### RESTRICTIONS ON ABUTTING LANDOWNERS

The owner, occupant or person in charge of any land abutting upon any park shall not allow any earth, rubbish, or refuse of any kind, whether or not the same is offensive to the senses or injurious to health, to fall or to wash upon or into any part of any park.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## 10-4-12

### HANDBILLS AND SIGNS POSTED

No person shall distribute any handbills or erect any signs or posts or affix any notice or bills or other writing to any tree, post, wall, fence or building or any other structure or improvement within any park.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## 10-4-13

### FIREARMS, GUNS, AND FIREWORKS PROHIBITED

No person shall fire or discharge any gun or any other type of firearm or discharge or set off any type of rocket, firecracker, or other fireworks or any thing containing any substance of any explosive character within any public park except upon authority granted by the City. Law enforcement officers, in the performance of their duties, are exempt.

**Legislative History:**  
1990 Revisions  
Ordinance No. 394, 12/27/06

**Authority:**  
SDCL Chapter 9-30 generally

## 10-4-14

### ANIMALS PROTECTED

No person shall rob, injure or destroy any bird nests within the limits of any park, nor aim or discharge any air gun, slingshot, or other weapon, or throw any stones or other missiles at any bird or bird nest or any wild creature within any park not in any manner capture or attempt to capture or kill any bird or wild creature in any park.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## 10-4-15

### TRAPPING PROHIBITED

No person shall at any time trap, set, lay, prepare or have in possession any trap, snare, artificial light, net or any other device whatever for the purpose of catching, taking or killing any bird or wild creature in any park with the exception of those devices which are necessarily used for fishing in the streams and lakes within the park system as so permitted in other portions of this ordinance.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## 10-4-16

### **PARKING AND MOVING VEHICLES**

Park and/or City employees shall have authority to direct the parking and moving of vehicles in the park.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## 10-4-17

### **FEES: REQUIREMENTS FOR USE OF PARK FACILITIES**

The City Council is hereby authorized to set such fees as are necessary for the use of facilities operated by the City. Such fees shall be posted at the entrances to the recreational facility and shall be collected at the place, or in advance at City Hall. Individuals desiring to use such facilities are required to enter and exit at the designated place and use only designated areas. Opening and closing times for recreational facilities shall be set by the City Council and posted at the entrance to the facilities.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## 10-4-18

### **PERMITS REQUIRED FOR AFTER HOURS USE OF PARKS**

Permits to be in the City parks after hours or for reservation of special area usage or as allowed in these ordinances shall be obtained from the City Council before the time the activity is to take place. Requests for permits shall be made in writing and when a permit is granted or refused, notice of the action taken shall be given to the Chief of police and the requested party.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## 10-4-19

### **RULES FOR PERMITS**

The City shall issue a permit, pursuant to Ordinance 10-4-18, when:

- A. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- B. That the proposed activity or use is not reasonably anticipated to invite violence, crime or disturbance of the peace.
- C. That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the county and/or City.
- D. That the facilities desired have not been reserved for other use on the day and hour requested in the application.
- E. That the individuals may enter a prohibited area for the purpose of loading/unloading supplies and maintenance of facilities or as otherwise provided in the permit.
- F. The City Council shall have authority to revoke a permit for any violation of any rule, ordinance or law, or upon good cause shown.

**Legislative History:**  
1990 Revisions;  
1996 Revision, Ordinance 250, 4-18-96

**Authority:**  
SDCL Chapter 9-30 generally

## **10-4-20**

### **SELLING PROHIBITED EXCEPT BY AUTHORITY OF CITY COUNCIL**

No person shall sell or offer to sell any article or anything of any type in any park, but this prohibition shall not apply to sales of refreshments and other articles authorized by the City Council or under their direction at pavilions or stands conducted and authorized by the board.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## **10-4-21**

### **FIRES IN PARKS**

No person shall start any fire in any park except in those places provided therefore by the City Council. Every person who starts or uses a fire shall completely extinguish the fire before leaving the park.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## **10-4-22**

### **PERMIT REQUIRED FOR CERTAIN ACTIVITIES**

Bands, processions, parades, military displays, entertainment, exhibitions, and public meetings shall be allowed in any park after a written permit is obtained from the City authorizing and describing the activity.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## **10-4-23**

### **HOURS PARKS OPEN TO PUBLIC - Exception**

Parks shall be open to the public every day from 5:00 a.m. to 11:00 p.m. It shall be unlawful to be in the parks during any other hours unless one has a valid permit. The bicycle trails shall be exempt from these hours. Any part of a park may be closed to the public by the City if found to be reasonable necessary and notice of such closing is posted prominently. It shall be unlawful for anyone to go into any area that has been declared to be closed by the City.

**Legislative History:**  
1990 Revisions;  
1997 Revision, Ordinance No. 260, 2/18/97

**Authority:**  
SDCL Chapter 9-30 generally

## **10-4-24**

### **VEHICLES PROHIBITED AFTER HOURS**

It shall be unlawful for anyone to park or leave parked vehicle within any park after closing hours.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

**10-4-25****STRUCTURES PROHIBITED EXCEPT AS BY AUTHORITY OF CITY**

No person shall build or maintain or be permitted to build or maintain any structure, even a temporary structure, within any park except as may be erected by the City for park purposes, and such statues, monuments, works of art or structures intended for ornamentation only as may be erected by authority of the City.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

**10-4-26****ALL UTILITY LINES AND WIRES PROHIBITED EXCEPT BY AUTHORITY OF BOARD**

No telegraph, telephone or electric light wires or other wires or posts or supports thereof shall be erected or placed in, upon, through or over any park without the consent of the board, and the City shall have power to designate the place or places for and manner of erecting, placing, and maintaining the same in or upon any park or boulevard and may cause the place and manner of maintaining the same to be altered at such times and in such manners as it shall deem best for the interests of the City and may require such wires in any park, parkway or boulevard to be put and kept underground.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

**10-4-27****ALCOHOLIC BEVERAGES PROHIBITED; EXCEPTIONS**

It shall be unlawful for any person to drink or consume any alcoholic beverage within the parks of the City of Brandon except that such restrictions shall not apply where alcoholic beverages are licensed to be served or where the City Council has authorized consumption through a special permit.

**Legislative History:**  
1990 Revisions  
Ordinance No. 537, 10/04/16

**Authority:**  
SDCL Chapter 9-30 generally

**10-4-28****BICYCLING IN PARKS**

Bicycle riders in the parks shall abide by the ordinances governing the operation and equipment of bicycles except bicycling need not be limited to paved areas. Bicyclists are required to operate their bicycles in a prudent manner and with due regard for the safety of others and preservation of park property.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

**10-4-29****AUTHORITY OF CITY TO PROHIBIT CERTAIN CONDUCT; NOTICE**

The parks of the City of Brandon exist and shall be operated and maintained for the

enjoyment, benefit and recreation of those persons using the parks. No person shall take part in any activity, conduct or game which shall interfere with another person's use of the park. The City shall have the authority to prohibit conduct in those areas of the park when and where the City deems conduct dangerous or unduly interfering with another's use of the parks, such as, but not limited to picnicking areas. The notice prohibiting activity with a specific area shall be conspicuously displayed setting forth which activity, conduct or games are restricted.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## **10-4-30**

### **TRAFFIC RESTRICTIONS**

No person will operate a vehicle in the parks in violation of Chapter 12 of this code.

**Legislative History:**  
1990 Revisions  
1997 Revision, Ordinance No. 260  
2/18/97

**Authority:**  
SDCL Chapter 9-30 generally

## **10-4-31**

### **PENALTY**

A violation of this ordinance is punishable by a fine or by imprisonment, or both, as established in 1-10-1 of the Brandon Municipal Code.

**Legislative History:**  
1990 Revision;  
1997 Revision; Ordinance No. 260 & 261  
2/18/97; Cross-reference: SDCL 9-19-3  
Ordinance No. 271, 9/7/98

**Authority:**  
SDCL Chapter 9-19-3

## **10-4-32**

### **SCOPE OF ORDINANCE**

The provisions of this ordinance will apply to parks located within the territorial jurisdiction of the City of Brandon but owned by other governmental entities with the exception of Sections 10-4-17, 18, 19, 22, 24, and 25.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally

## **10-4-33**

### **DELEGATION OF AUTHORITY**

The City Council may by action taken pursuant to South Dakota law delegate some or all aspects of parks and recreation to a Parks and Recreation Board or Authority, or may by resolution delegate some or all of its authority to the City Administrator.

**Legislative History:**  
1990 Revisions

**Authority:**  
SDCL Chapter 9-30 generally