

CHAPTER 7-3 SPECIFIC OFFENSES

7-3-1

AIRTIGHT CONTAINERS - RESTRICTED

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children any abandoned or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device from said icebox, refrigerator or container.

Legislative History:
Ordinance No. 7, Article 1,
§9, 4/8/74.

Authority:
SDCL § 9-32-1

7-3-2

AIRTIGHT CONTAINER - KEEPING, DECLARED NUISANCE

The keeping of any discarded icebox, refrigerator or other airtight container is hereby declared to constitute a public nuisance and the same shall be abated as provided by state law and the abatement of such nuisance shall not, in any manner, affect any penalty which may be imposed for the violation of this ordinance.

Legislative History:
Ordinance No. 7, Article 1,
§10, 4/8/74.

Authority:
SDCL § 9-29-13.

Cross Reference:
SDCL Ch. 21-10 as amended.

7-3-3

RAILROAD TRAINS NOT TO BLOCK STREETS

It shall be unlawful for the directing officer or the operator of any railroad or car to direct the operation of or to operate the same in such manner as to prevent unnecessarily the use of any street for the purposes of travel for a period of time longer than five (5) minutes, except that this provision shall not apply to trains or cars in continuous motion.

Legislative History:
Ordinance No. 7, Article 1,
§11, 4/8/74.

Authority:
SDCL §§ 9-30-2, 9-30-4
and 9-35-7.

7-3-4

DISCHARGING WEAPONS

Every person who willfully discharges any species of firearm, air gun, BB-gun, paint-ball gun, arrow, including target arrows, or other weapon, or throws any missile in any public place, within the City or in any place where there is any person to be endangered thereby, although no injury to any person shall ensue, shall be subject to a fine or imprisonment, or both, as established in 1-10-1 of the Brandon Municipal Code. Law enforcement officers, in the performance of their duties, are exempt.

Legislative History:
1990 Revisions.
Ordinance No. 271, 09/07/98
Ordinance No. 395, 12/27/06

Authority:
SDCL §22-14-2, (1967).

7-3-5

MALICIOUS MISCHIEF

It shall be unlawful for any person to injure, damage, deface, break, tamper with or otherwise harm any property, public or private, real or personal, not his own.

Legislative History:
Ordinance No. 7, Article III,
§36, 4/8/74.

Authority:
SDCL § 9-29-3.

7-3-6

WELLS AND CISTERNS COVERED

No person owning or in control of any property shall allow upon any such property any well, cistern, vault or other pit except the same be covered by a good, safe and substantial covering made of iron or lumber, and securely fastened in such a manner that the same cannot be removed by children; provided that any person may have upon his premises a well closed by a high board fence or other substantial enclosure at least five (5) feet high. Any type of well uncovered to without a fence is hereby declared to be a nuisance.

Legislative History:
Ordinance No. 7, Article III,
§37, 4/8/74.

Authority:
SDCL § 9-29-3.

7-3-7

FLEEING FROM A LAW ENFORCEMENT OFFICER

No person shall flee or willfully fail or refuse to stop when given a visual or audible signal to stop by a person that he knows is a Law Enforcement Officer, by a uniformed Law Enforcement Officer, or a Law Enforcement Officer that has exposed proper Law Enforcement identification. The signal given by a Law Enforcement Officer may be by hand, voice, emergency light or siren.

Legislative History:
Ordinance No. 7
1/18/05

Authority:
SDCL § 9-29-2, 19 and 19.1

7-3-8

BUILDING MATERIAL AND DUMPSTERS ON PUBLIC RIGHT-OF-WAY - EXCEPTIONS.

No person(s) shall place trash dumpsters, building materials, such as lumber or bricks, etc. or landscaping materials, such as rock, sod, dirt etc. on any public or platted street within the City of Brandon for more that seven days and then only if all three of the following criteria are met:

- A. A building permit is posted prominently on the property; and
- B. Dumpsters or materials on the property would interfere with installation of sprinkler systems, landscaping, etc; and
- C. A concrete driveway or approach on which the dumpsters or construction materials could be placed has not yet cured.

At any time that building or landscaping material such as lumber, bricks, dirt, rock, sod, etc. are placed upon any public or platted street, the location of the materials shall be marked by reflective markers such as barricades, cones, or barrels to warn the public of the hazard.

Legislative History:
Ordinance No. 391, 9/18/06

Authority:
SDCL § 9-32-1

7-3-9

DUMPSTERS/TRASH CONTAINERS AND GARBAGE FOR COMMERCIAL AND CONSTRUCTION SITES

For all commercial zoned lots and construction sites, the following applies:

- A. When not in use, all outside trash containers, garbage receptacles and dumpsters must be covered with a lid or screen;
- B. The owner or agent whose property is being serviced must maintain the trash containers, garbage receptacles and dumpsters so that the content remains in the container, receptacle or dumpster and content does not create a nuisance;
- C. The lot must be maintained free of garbage and trash that is not connected with that day's construction;
- D. Placement regulations set forth in Brandon Ordinance 7-3-8 are complied with; and
- E. Any person who violates these terms shall be subject to a fine of \$50.00 for the first offense and \$100 for each subsequent offense. Each day shall constitute a separate offense.

Legislative History:
Ordinance No. 510 , 3/18/14

Authority:
SDCL 9-29-13, 9-32-1