

**TITLE 7
CITY GOVERNMENT**

(Title replaced in its entirety effective 5/20/06, Ordinance 2006-08)

Chapters:

- 7.01: General Provisions
- 7.02: Wards
- 7.03: Mayor and City Council
- 7.04: Appointed Officials
- 7.05: Salaries and Wages
- 7.06: Budget
- 7.07: Police Department
- 7.08: Planning Commission Established

**Chapter 7.01
GENERAL PROVISIONS**

SECTIONS:

- 7.01.01: Scope and Purpose
- 7.01.02: Definitions

7.01.01: SCOPE AND PURPOSE

The purpose of this Title is to set forth certain policies and regulations relating to the administration of the City of Sturgis.

**7.01.02: DEFINITIONS
RESERVED**

**Chapter 7.02
WARDS**

SECTIONS:

7.02.01: Ward Boundaries, Voting Precincts

7.02.01: WARD BOUNDARIES, VOTING PRECINCTS

The City is hereby divided into four wards, each of which shall consist of a voting precinct.

The First Ward shall be that portion of the City located within the following described line:

Beginning at the intersection of the centerline of Lazelle Street and the west line of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, T. 5 N., R. 5 E., B.H.M., thence westerly along the centerline of Lazelle Street to its intersection with the centerline of Eighth Street, thence southerly along the centerline of Eighth Street and vacated Eighth Street to its intersection with the centerline of the Dakota-Minnesota and Eastern Railroad, thence southeasterly along the centerline of the Dakota-Minnesota and Eastern Railroad to its intersection with the centerline of Ball Park Road at Fifth Street, thence southerly along the centerline of Ball Park Road to its intersection with the south line of the N $\frac{1}{2}$ N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, T. 5 N., R. 5 E., B.H.M., thence westerly along the said south line of the N $\frac{1}{2}$ N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, thence northerly along the east line of the N $\frac{1}{2}$ N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the centerline of West Farley Street, thence along the City boundary to the point of beginning.

The Second Ward shall be that portion of the City located within the following described line:

Beginning at the intersection of the centerline of Junction Avenue and Lazelle Streets, thence westerly along the centerline of Lazelle Street to its intersection with the centerline of Eighth Street, thence southerly along the centerline of Eighth Street and vacated Eighth Street to its intersection with the centerline of the Dakota-Minnesota and Eastern Railroad, thence southeasterly along the centerline of the Dakota-Minnesota and Eastern Railroad to its intersection with the northerly extension of the centerline of Third Avenue, thence southerly along the centerline of Third Avenue to the intersection with the centerline of Colorado Drive, thence southerly along the centerline of Colorado Drive to its intersection with the centerline of Ball Park Road, thence westerly along the centerline of Ball Park Road to its intersection with the centerline of I-90 and the City boundary, thence southeasterly along the centerline of I-90 to the southeast corner of the Remainder Block 1 of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, T.5, R. 5, B.H.M., thence northerly along the City boundary to its intersection with the centerline of Ball Park Road, thence easterly along the centerline of Ball Park Road to its intersection with the centerline of Junction Avenue, thence northerly along the centerline of Junction Avenue to its intersection with the centerline of Harmon Street, thence easterly along the centerline of Harmon Street to its intersection with the centerline of vacated

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Davenport Street, thence northerly along the centerline of Davenport Street to its intersection with the centerline of Deadwood Street, thence westerly along the centerline of Deadwood Street to its intersection with the centerline of Junction Avenue, thence northerly along the centerline of Junction Avenue to the point of beginning.

The Third Ward shall be that portion of the City located within the following description:

South of the centerline of Lazelle Street from the East City Boundary Line to Junction Avenue and East of the following described line. Beginning at the intersection of the centerline of Junction Avenue and Lazelle Streets, thence southerly along the centerline of Junction Avenue to its intersection with the centerline of Deadwood Street, thence easterly along the centerline of Davenport Street, thence southerly along the centerline of Davenport Street and vacated Davenport Street to its intersection with the centerline of Harmon Street, thence westerly along the centerline of Harmon Street to its intersection with the centerline of Junction Avenue, thence southerly to its intersection with the centerline of Ball Park Road, thence westerly along the centerline of Ball Park Road to its intersection with the Dakota-Minnesota and Eastern Railroad, thence southerly along the Dakota-Minnesota and Eastern Railroad to its intersection with the southern boundary of I-90, thence easterly to the City boundary.

The Fourth Ward shall be that portion of the City located south and west of following described line.

Beginning at the intersection of the West City Boundary Line and the south line of the N $\frac{1}{2}$ N $\frac{1}{2}$ of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T. 5 N., R. 5 E., B.H.M., thence easterly along the said south line of the N $\frac{1}{2}$ N $\frac{1}{2}$ of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, to its intersection with the centerline of Ball Park Road, thence northerly along the centerline of Ball Park Road to its intersection with the centerline of the Dakota-Minnesota and Eastern Railroad, thence southeasterly along the centerline of the Dakota-Minnesota and Eastern Railroad to its intersection with the northerly extension of the centerline of Third Avenue, thence southerly along the centerline of Third Avenue and its northerly extension to the intersection with the centerline of Colorado Drive, thence southerly along the centerline of Colorado Drive to its intersection with the centerline of Ball Park Road, thence westerly along the centerline of Ball Park Road to its intersection with the centerline of I-90 and the City boundary, thence southeasterly along the centerline of I-90 to the southeast corner of the Remainder Block 1 of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, T. 5, R. 5, B.H.M. thence along the centerline of I-90 and along the City boundary to the easterly extension of the City boundary and the I-90 right-away.

This Chapter shall become effective upon the passage and publication thereof, the same being necessary for the support of the municipal government and its existing public institutions.

**Chapter 7.03
MAYOR AND CITY COUNCIL**

SECTIONS:

- 7.03.01: Election and Duties
- 7.03.02: Regular Meetings
- 7.03.03: Special Meetings
- 7.03.04: President and Vice President
- 7.03.05: Council Procedure
- 7.03.06: Departments and Supervision
- 7.03.07: Duties of Supervisors

7.03.01: ELECTION AND DUTIES

The City shall be governed by a Mayor and City Council, unless otherwise directed by the electors of said City under the statutes of the State of South Dakota. Said Mayor and Council shall be elected and shall perform such duties as prescribed by the laws of the State of South Dakota, and such specific duties as are provided in this Title. All references, powers, and duties provided to the Council in this Chapter shall also be deemed to include, in the case of the change in the form of City Government, the Commission under a Commission form and the Council under a Council-Manager form, except as prohibited by the laws of the State of South Dakota.

7.03.02: REGULAR MEETINGS

Regular meetings of the governing body shall be held on the first and the third Monday of each month at 7:30 o'clock P.M. except when a Monday is a holiday, and in that case, the meeting shall be held at 7:30 o'clock P.M. the following day. Any regular meeting may be adjourned from day to day.

7.03.03: SPECIAL MEETINGS

Special meetings of the Council may be called at any time unless members of the Council are absent from the City and a quorum cannot be obtained by the Mayor, President of the Council or any three aldermen to consider only such matters as shall be mentioned in the notice for such meeting. Written notices stating the time and place of holding such meeting and the matters to be considered shall be issued by the Finance Officer. The notices shall be served by the Police Department of the City upon each member of the Council who can be located at least one hour before the time specified for such meeting.

7.03.04: PRESIDENT AND VICE PRESIDENT

At the first meeting of the Council in May of each year, and after the qualification of the newly elected Council Members, the Council shall elect from among its own members, a President and Vice President of the Council, whose duties are prescribed by the laws of the state of South Dakota.

7.03.05: COUNCIL PROCEDURE

"Robert's Rules of Order" shall be the standard for procedure by which all regular meetings of the Council shall be governed.

7.03.06: DEPARTMENTS AND SUPERVISION

The following administrative departments are hereby established under the executive office of the Mayor:

- A. Fire;
- B. Police;
- C. Parks and Recreation;
- D. Street;
- E. Public Works;
- F. Finance;
- G. Liquor;
- H. Rally; and
- I. Community Center

At the first meeting in May of each year, the Mayor shall appoint a member of the Council to serve as supervisor of each of the above departments unless the Mayor shall choose to supervise any of the above Departments himself. The Mayor shall have the power at any time to remove one Council member from the position of supervisor of one of the above-mentioned departments and replace him with another.

7.03.07: DUTIES OF SUPERVISORS

Each Council member or Mayor in fulfillment of the provisions of Section 7.03.06:

- A. Shall act in a supervisory capacity for each Department listed;
- B. Shall keep a constant and careful watch over the performance of all duties of all employees and officials, over all activities, and over all equipment of their respective departments;
- C. Shall make a monthly report to the Council, which report shall concern the conditions, matters, activities, and problems of their respective departments; and
- D. Shall perform all other duties as may be specifically provided in this Title or by order of the Mayor or Council.

**Chapter 7.04
APPOINTED OFFICIALS**

SECTIONS:

- 7.04.01: Officers
- 7.04.02: Duties
- 7.04.03: Special Duty of City Attorney
- 7.04.04: Dismissal of Appointed Committee Members
- 7.04.05: Oath and Undertaking Required

7.04.01: OFFICERS

There shall be appointed by the Mayor and ratified by the Council on the first Monday of May of each year, or on such other dates as necessary, a Finance Officer, City Attorney, Deputy City Attorney, City Engineer, Chief of Police, Fire Chief, Assistant Fire Chief, Public Works Administrator, and such other officers as may be provided for by statute or ordinance, who shall hold office until the first Monday of May of the year following their appointment, and/or until their successors shall be appointed and qualified, unless otherwise their term shall be terminated by the Mayor as by law provided.

7.04.02: DUTIES

Each appointed officer shall perform all of the duties as prescribed by this Title and the statutes of the state of South Dakota, and such other duties as may from time to time be prescribed by the Council or Mayor.

7.04.03: SPECIAL DUTY OF CITY ATTORNEY

The City Attorney, in addition to those duties prescribed for him by State law, shall have the special duty to make or cause to be made proper designations for any ordinance or amendments thereto, and he shall see that the organization and numbering of all ordinances is kept as uniform as possible and in keeping with the organization of this Ordinance in revision. In order to carry out this duty, the City Attorney shall have the power to change any of the numbering designations of any of the City Ordinances without having to pass an amendment therefore, provided that in so doing, the substance of any City Ordinance shall not be changed.

7.04.04: DISMISSAL OF APPOINTED COMMITTEE MEMBERS

Any person appointed by the Mayor to a board or committee serves at the pleasure of the Mayor. Any said person may be removed from said board or committee at the discretion of the Mayor.

Notwithstanding the previous provision, any non-council member of the board or committee who fails to attend three (3) regularly scheduled committee meetings in one appointment year, without sufficient excuse, is subject to removal. The determination of whether an absence is excused shall be at the discretion of the Mayor.

7.04.05: OATH AND UNDERTAKING REQUIRED

The following appointed officers and/or employees shall, before entering upon the discharge of his or her duties take and subscribe an oath or affirmation of office in the form required by the Constitution of the State in the amount listed.

Finance Officer:	\$250,000.00
Deputy Finance Officers:	\$ 75,000.00
Finance Office Employees:	\$ 75,000.00
Liquor Store Manager:	\$ 50,000.00
Liquor Store Assistant Manager:	\$ 50,000.00
Rally Director:	\$ 75,000.00
Assistant to the Rally Director	\$ 75,000.00

Each bond shall be conditioned for the faithful performance of the duties of his or her respective office or employment position and to account for, pay over and deliver all money coming into his or her hands by virtue of the office/position, according to law.

**Chapter 7.05
SALARIES AND WAGES**

SECTIONS:

7.05.01: Council to Determine Salary or Wages of Department Heads and Supervisory Personnel

7.05.02: Council to adopt Personnel Policy

7.05.01: COUNCIL TO DETERMINE SALARY OR WAGES OF DEPARTMENT HEADS AND SUPERVISORY PERSONNEL

The salaries and/or wages of the mayor and aldermen and of all department heads and supervisory personnel shall be determined by the Council by resolution from time to time.

Where a minimum and a maximum salary are provided for any position pursuant to resolution, the Council may fill such position at a starting salary to be set by a resolution at an amount not less than the minimum and no more than the maximum.

The City Attorney's salary shall not include services in representing the City in Court, nor the revision of ordinances, nor services in connection with bond proceedings, in which cases, reasonable compensation shall be paid on agreement to be reached between the Council and the City Attorney in each instance.

Wages of non-supervisory employees are not provided by this Chapter. Said salaries shall be in such amounts as the Council may determine from time to time as required and shall be made a matter of record in the official minutes of the Council by resolution duly passed.

Each officer or other employee, shall, except where special conditions exist, be paid on the first working day of each month following the month in which services are rendered.

The Council shall, after having prepared its budget for the ensuing year, meet to determine increases in salary for all appointed officers, department heads and supervisory personnel of the City. At this meeting, the Council shall consider every appointed official, department head and supervisory personnel of the municipality and may grant pay increases not to exceed the maximum as set out herein, which in the discretion of the Council, are merited by each individual officer, department head or supervisory personnel. The Council may at any other time of the year, determine salary changes for an appointed officer at the time of his or her employment with the City.

The City may compensate the City Attorney through contract payments at the amount agreed upon between the City and the City Attorney.

7.05.02: COUNCIL TO ADOPT PERSONNEL POLICY

The Council shall adopt a personnel policy which shall govern the conduct of the City employees and officials. A copy of said personnel policy shall be given to each employee or appointed officer at the time of his or her employment with the City.

**Chapter 7.06
BUDGET**

SECTIONS:

- 7.06.01: Budget Required
- 7.06.02: Duties of Officials
- 7.06.03: Preparation
- 7.06.04: Public Hearing
- 7.06.05: Adoption
- 7.06.06: May spend More or Less than Provided for Each Item in Budget
- 7.06.07: Responsibility of City Officials

7.06.01: BUDGET REQUIRED

An annual budget, for the calendar year, shall be prepared and adopted in the manner hereinafter provided. Said budget shall state in detail the proposed expenditures of the City for the following calendar year. This budget shall not only specify the expenditures required for each department, but shall specify the items for which expenditures are to be made from the total amount stated for each department.

7.06.02: DUTIES OF OFFICIALS

The Finance Officer shall be considered the Budget Director, and it shall be his or her duty to cause said budget to be prepared in the manner hereinafter provided. The Council member, who acts as the supervisor of the Finance Department, shall serve as an assistant to the Finance Officer in the preparation of said budget. All Council members or Mayor, who are serving as supervisor of any City department, shall submit to the Finance Officer, on or before August 1st of each year, a detailed and itemized estimate of the expenses which each supervisor believes will accrue for his or her respective department during the following year. The Chairmen of all other Boards or Committees for which expenditures will occur during the following year shall also submit to the Finance Officer on or before August 1 of each year, a detailed and itemized estimate of such expenses. All other City officials shall be required to assist in the preparation of said Budget at the call of the Finance Officer or Supervisor of the Finance Department.

7.06.03: PREPARATION

It shall be the duty of the Finance Officer, with the assistance of the Supervisor of the Finance Department and such other persons as either of the above officers shall request, to prepare a proposed budget for the following year between the dates of August 1 and August 15. To successfully perform this endeavor, the Finance Officer shall have the duty and power to make all necessary inquiries and investigations in regards to the submitted estimates, and to require the cooperation of all City officials and other citizens to the extent that they may be of some help in the preparation of the Budget, and to hold or call all necessary meetings with supervisors, other officials or citizens, and to request a special meeting of the Council, if such action is deemed necessary. The Finance Officer shall present the proposed budget to the Council as soon as possible.

7.06.04: PUBLIC HEARING

After the proposed budget has been presented to the Council, the Council shall then establish a time and a place for a public hearing to be held for the purpose of allowing any interested citizen or City official to be heard on said budget. A notice of said hearing shall be published once at least four days before said day of hearing.

7.06.05: ADOPTION

After said hearing has been held, the Council may adopt the proposed budget as proposed or as amended. The appropriation Ordinance shall then be adopted as required by State law and in conformance with the adopted budget.

7.06.06: MAY SPEND MORE OR LESS THAN PROVIDED FOR EACH ITEM IN BUDGET

More or less than the amount stipulated in the adopted budget for a specific item may be spent so long as the Appropriation Ordinance or any supplement thereto is not exceeded.

7.06.07: RESPONSIBILITY OF CITY OFFICIALS

It shall be the responsibility and duty of all City officials to make reasonable efforts to keep within the expenditures specified in the City budget.

**Chapter 7.07
POLICE DEPARTMENT**

SECTIONS:

- 7.07.01: Members
- 7.07.02: Appointment
- 7.07.03: Council Adopts Uniform
- 7.07.04: Require Aid
- 7.07.05: Department

7.07.01: MEMBERS

The police force in this City shall consist of the Chief of Police, and as many more individuals as the Council shall, from time to time, deem necessary for the proper protection of the City.

7.07.02: APPOINTMENT

The Chief of Police shall be appointed by the Mayor by and with the consent of the Council, and the Chief of Police shall hold his office for the term of his appointment unless sooner removed by the Mayor, as provided by the laws of the State. The Chief of Police shall hire all other personnel required to fulfill the functions of the Police Department, subject at all times to the approval of the alderman in charge of the Police Department.

7.07.03: COUNCIL ADOPTS UNIFORM

The Council shall adopt a uniform for the dress of the police officers and said officers shall wear said uniform at all times while on duty unless pressed into service under such circumstances that obtaining the uniform would be impractical.

7.07.04: REQUIRE AID

In the execution of the duties of any police officer in arresting any person accused or suspected of any crime or any suppression of any riot or unlawful assembly, or in the prevention of any offense against the City or State, said officer shall have the power, when necessary, to require the aid of any citizen; and it shall be unlawful for any person to refuse or willfully neglect to obey the summons of any police officer in such cases.

7.07.05: DEPARTMENT

Each member of the police department, when on duty, shall wear the insignia of his or her office in a conspicuous place on his or her outer garments, except when caution may require that it be not exposed, and must be quiet, civil, and orderly in his conduct and department, refrain from violent, profane and insolent language, and abstain from intoxication, insubordination and dereliction of duty, and no police officer shall use the power conferred upon him by law or Ordinance as such officer to persecute, tantalize or in any manner annoy any person against whom he may hold a personal grudge or grievance and it shall be the duty of the Chief of Police or any other police officer to complain to the Mayor or Council of any violation of this Section immediately on obtaining knowledge thereof.

**Chapter 7.08
PLANNING COMMISSION ESTABLISHED**

SECTIONS:

- 7.08.01: Official Name
- 7.08.02: Establishment and Composition
- 7.08.03: Powers and Duties

7.08.01: OFFICIAL NAME

That the official name of the Plan Commission created hereunder shall be known as "Sturgis City Plan Commission" hereafter referred to as "commission".

7.08.02: ESTABLISHMENT AND COMPOSITION

The Sturgis City Plan Commission shall consist of seven (7) members appointed and to hold office as set forth by South Dakota Law. One member shall be chosen from the membership by the members as Chairman and one member shall be a member of the Sturgis City Council.

7.08.03: POWERS AND DUTIES

The Sturgis City Plan Commission shall carry on its functions in accordance with SDCL 11-6 and shall have all the powers, duties and responsibilities as set forth in said Statutes.

(Ordinance replaced in its entirety effective 5/20/06, Ordinance 2006-07)