

**BASIC CODE OF ORDINANCES  
FOR SOUTH DAKOTA  
LOCAL MUNICIPAL GOVERNMENTS**

BY  
THE SOUTH DAKOTA  
MUNICIPAL LEAGUE

Contains state legislation through July 1, 2019

Published by  
AMERICAN LEGAL PUBLISHING CORPORATION

AMERICAN LEGAL PUBLISHING CORPORATION

One West Fourth Street Cincinnati, Ohio 45202 (800) 445-5588

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## **THE SOUTH DAKOTA BASIC CODE, 2019 EDITION PREFACE AND USER'S GUIDE**

The South Dakota Basic Code has been designed specifically for South Dakota municipalities. This edition is current with state legislation passed through the present. The South Dakota Basic Code reflects American Legal Publishing's continued efforts to provide a modern and comprehensive code of ordinances for South Dakota towns without the expense of a customized code of ordinances.

### **● Effect of Local Legislation on The South Dakota Basic Code**

The South Dakota Basic Code is intended to be adopted by municipalities as a model code of ordinances. The Code contains pertinent regulations concerning government administration, traffic offenses, general regulations, business regulations, general offenses, and land usage; however, municipalities are free to adopt and enforce separate ordinances and resolutions. Thus, although the scope of the South Dakota Basic Code in certain areas is nearly comprehensive, each municipality may have additional legislation which has not been covered by the provisions of the South Dakota Basic Code. For example, the municipality is likely to have legislation concerning public works (sewer use, water regulations and the like) and land usage (building regulations, flood damage prevention regulations, subdivision regulations, zoning regulations and the like). Such additional legislation should be available for public inspection at the office of the Municipal Clerk, and may be codified as part of this Code in Title XVII.

Additionally, pursuant to the terms of § 10.09 of the South Dakota Basic Code, the town is free to amend, add or repeal sections of the South Dakota Basic Code. Such direct legislation would supersede the provisions of the South Dakota Basic Code, and should be available for public inspection at the office of the Town Clerk or codified as part of this Code in Title XVII.

### **● Arrangement and Numbering**

The South Dakota Basic Code is divided into eight odd-numbered titles, each devoted to a particular topic of municipal law. The titles include the following topics: Title I - General Provisions; Title III - Administration; Title V - Public Works; Title VII - Traffic Code; Title IX - General Regulations; Title XI - Business Regulations; Title XIII - General Offenses; Title XV - Land Usage; and Title XVII - Local Legislation.

Titles are divided into chapters, and all chapters are subdivided into sections. A citation to a specific section identifies the title, chapter and section number of the Code provision being cited. For example, "72.01" refers to section 1 of Chapter 72 in Title VII. Title and chapter number appear to

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the left of the decimal: the title number precedes the first digit to the left of the decimal, and the chapter

number constitutes all numerals to the left of the decimal. The section number appears to the right of the decimal. Penalty provisions have been given a section number of .99.

Title XVII, which contains any local legislation, is organized as a micro version of the Basic Code. Each chapter corresponds to a title in the Basic Code, making it easy for a code user to determine if local legislation supersedes any provision of the Basic Code.

- **Cross-references and Statutory References**

“Cross-references” direct the user to subject matter related to certain Basic Code provisions contained within another section or chapter of the Basic Code, while “Statutory references” direct the user to subject matter related to certain Basic Code provisions contained within the South Dakota Code (“SDCL”).

- **Title and Chapter Analysis**

A Table of Contents, giving the name of each chapter within the title and the respective chapter numbers, can be located on the first page of each title. A Chapter Analysis, giving section headings and the respective section numbers, can be located on the first page of each Chapter. Thus, if a user wants to search for a specific provision regarding animals, the user could bypass the general index and go directly to the Table of Contents at the beginning of Title IX. A quick scan down this Table of Contents would identify Chapter 93 as “Animals.” The user could then go directly to Chapter 93 and scan the Chapter Analysis for the appropriate section heading.

- **Parallel Reference Tables**

Two sets of Parallel Reference Tables may be included near the end of the code: one for the Basic Code, and one for Title XVII legislation (if any). These tables provide the following information:

The tables entitled “References to South Dakota Code” enable a user to trace the origin of the law contained within the South Dakota Basic Code or Title XVII. The tables provide a comprehensive list of citations to the Basic Code or Title XVII, and the corresponding state law provision upon which the Code section is based. The tables enable a user to quickly and accurately determine if a particular South Dakota Code section is the source for a Basic Code or Title XVII provision.

If a town includes local legislation in Title XVII, a table entitled “References to Ordinances” will be located near the end of Title XVII. The table provides a listing of ordinances codified in Title XVII, and the corresponding section in Title XVII, thus enabling a code user to quickly locate the disposition of a local ordinance.

● **Indexes**

An Index to the Basic Code, and a separate Index to Title XVII (if any) are located near the end of the Code. The Basic Code Index contains references to all Basic Code provisions currently in effect. Index entries do not cite page numbers; rather, index entries cite section numbers. If a municipality includes legislation in Title XVII, a separate Index for the legislation will be located near the end of Title XVII.

● **Electronic Format**

Please note that in addition to this version, the South Dakota Basic Code is available on computer disk in a word processing format or in Folio VIEWS® search and retrieval format. For ordering information, contact the publisher at 1-800-445-5588.

