

**TITLE XIII: GENERAL OFFENSES**

Chapter

- 130. GENERAL OFFENSES**
- 131. OFFENSES AGAINST PUBLIC PEACE**
- 132. OFFENSES AGAINST PUBLIC MORALS**
- 133. OFFENSES AGAINST PROPERTY**
- 134. WEAPONS**
- 135. OFFENSES INVOLVING INJURY OR DANGER TO THE PERSON**
- 136. FIREWORKS AND EXPLOSIVES**



## CHAPTER 130: GENERAL OFFENSES

Section

### *General*

130.01 State crimes adopted

### *Offenses Against the Administration of Government*

130.15 Refusal to aid police  
130.16 Assault against an officer  
130.17 Obstructing an officer  
130.18 Interference with officers  
130.19 Failure to stop; escape  
130.20 False reporting to authorities  
130.21 Impersonation of police officer

### *Miscellaneous Offenses*

130.35 Cruelty to animals  
130.36 Poisoning  
130.37 Abandoning of animal  
130.38 Trapping of animal  
130.39 Hunting prohibited  
130.40 Railroad trains not to block street  
130.41 Smoking in public or place of employment prohibited  
130.42 Malicious mischief  
130.43 Wells and cisterns covered  
130.44 Open burning  
130.45 Curfew for minors enforced  
130.46 Endangering life, health or morals of minors  
130.47 Electronic cigarettes

130.99 Penalty

### ***Cross-reference:***

*Local provisions, see Title XVII*

**GENERAL****§ 130.01 STATE CRIMES ADOPTED.**

The provisions of SDCL Title 22 are herein adopted by reference and shall be enforced by the police officers of this municipality. It shall be unlawful to violate any of the provisions of Chapter 130.

Penalty, see § 130.99

***Cross-reference:***

*Police, see Ch. 33*

**OFFENSES AGAINST THE ADMINISTRATION OF GOVERNMENT****§ 130.15 REFUSAL TO AID POLICE.**

It shall be unlawful to fail to promptly aid the police in the discharge of their duties when called upon by any police officer to do the same.

Penalty, see § 130.99

**§ 130.16 ASSAULT AGAINST AN OFFICER.**

It shall be unlawful to attempt assault or strike any officer of the municipality while such officer is in the discharge of his or her duty or to attempt to or knowingly cause bodily injury to a law enforcement officer or public officer engaged in the performance of his or her official duties.

Penalty, see § 130.99

***Statutory reference:***

*Provisions on assault, see SDCL §§ 22-18-1 et seq.*

**§ 130.17 OBSTRUCTING AN OFFICER.**

Except as provided in SDCL §§ 22-11-4 and 22-11-5, any person who, by threatening to use violence, force, or physical interference or obstacle, intentionally obstructs, impairs, or hinders the enforcement of the criminal laws or the preservation of the peace by a law enforcement officer or jailer acting under color of his or her official authority, or intentionally obstructs, impairs, or hinders the prevention, control, or abatement of fire by a firefighter acting under color of his or her official authority, is guilty of obstructing a law enforcement officer or jailer or firefighter.

Penalty, see § 130.99

**§ 130.18 INTERFERENCE WITH OFFICERS.**

It shall be unlawful for any person to interfere with any law enforcement officers who is performing any official duty.

Penalty, see § 130.99

**§ 130.19 FAILURE TO STOP; ESCAPE.**

(A) (1) It shall be unlawful for any person to willfully fail or refuse to stop or flee when being signaled visually or audibly to do so.

(2) The signal given by the police officer may be by hand, voice, emergency light or siren.

(3) The officer giving the signal to stop shall be in uniform and shall prominently display his or her badge of office.

(B) It shall be unlawful to escape from lawful confinement or to assist another in doing so.

Penalty, see § 130.99

**§ 130.20 FALSE REPORTING TO AUTHORITIES.**

It shall be unlawful to:

(A) Knowingly cause a false fire or other emergency alarm to be transmitted to, or within, any fire department, ambulance service, or other government agency which deals with emergencies involving danger to life or property;

(B) Make a report or intentionally causes the transmission of a report to law enforcement authorities of a crime or other incident within their official concern, when he or she knows that it did not occur; or

(C) Make a report or intentionally causes the transmission of a report to law enforcement authorities which furnishes information relating to an offense or other incident within their official concern, when he or she knows that such information is false.

Penalty, see § 130.99

***Statutory reference:***

*Falsely reporting a threat, see SDCL § 22-11-9.2*

**§ 130.21 IMPERSONATION OF POLICE OFFICER.**

It shall be unlawful for any person to intentionally impersonate any public officer or employee, civil or military, or any firefighter or any person having special authority by law to perform any act affecting the rights or interests of another, or assumes, without authority, any uniform or badge by which such officer, employee, firefighter, or person is usually distinguished, and in such assumed character does any act where another person is injured or defrauded.

Penalty, see § 130.99

**MISCELLANEOUS OFFENSES****§ 130.35 CRUELTY TO ANIMALS.**

It shall be unlawful to engage in cruelty to animals. Any animal control officer finding an animal or fowl mistreated as described in this section shall have the power to lawfully enter the premises where the animal is kept and demand to examine such animal and to take possession of such animal, when in his or her opinion, the animal requires humane treatment.

(SDCL § 9-29-11) Penalty, see § 130.99

***Cross-reference:***

*Animals, see Ch. 93*

**§ 130.36 POISONING.**

Unless recommended by the health authority, it shall be unlawful for any person to willfully or maliciously administer or cause to be administered poison of any sort whatsoever to any animal, the property of another, with the intent to injure or destroy such animal or to destroy such animal, or to place any poison or poisoned food where such is accessible to any such animal.

Penalty, see § 130.99

***Cross-reference:***

*Animals, see Ch. 93*

**§ 130.37 ABANDONING OF ANIMAL.**

No person shall abandon an animal in the municipality.

Penalty, see § 130.99

***Cross-reference:***

*Animals, see Ch. 93*

**§ 130.38 TRAPPING OF ANIMALS.**

No person without permission of the city health department shall set, allow to be set, or use any trap for the purpose of catching any animal, which trap could injure or kill any animal, except rodent traps in the interior of a building, and except by persons employed by or agents of the city health department or city parks, recreation and forestry department for purposes of the city's health and welfare.

Penalty, see § 130.99

***Cross-reference:***

*Animals, see Ch. 93*

**§ 130.39 HUNTING PROHIBITED.**

(A) (1) No person shall hunt game in the city.

(2) **GAME** means any wild bird or animal hunted for sport or for use as food. **HUNT** means to pursue **GAME** while in possession of a firearm or weapon for sport, food, or to kill.

(B) This section does not apply to peace officers or city animal control officers in the discharge of their official duties.

Penalty, see § 130.99

**§ 130.40 RAILROAD TRAINS NOT TO BLOCK STREET.**

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

Penalty, see § 130.99

**§ 130.41 SMOKING IN PUBLIC OR PLACE OF EMPLOYMENT PROHIBITED.**

(A) No person may smoke tobacco product or carry any lighted tobacco product in any public place or place of employment.

(B) A violation of this section is a petty offense.

(SDCL § 34-46-14)

**§ 130.42 MALICIOUS MISCHIEF.**

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

Penalty, see § 130.99

**§ 130.43 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 or her premises a well closed by a high board fence or other substantial enclosure at least five feet high. Any type of well uncovered to without a fence is hereby declared to be a nuisance.

Penalty, see § 130.99

***Cross-reference:***

*Nuisances, see Ch. 90*

**§ 130.44 OPEN BURNING.**

No person shall kindle, or maintain any open bonfire, campfire or rubbish fire within the corporate limits of this municipality, without a permit from the fire department, volunteer fire department, governing body or appropriate department, with the exception of barbecue grills.

Penalty, see § 130.99

**§ 130.45 CURFEW FOR MINORS ENFORCED.**

(A) It shall be unlawful for any person under the age of 14 years of age to be upon the streets or sidewalks during the period between the hours of 12:01 a.m. and 6:00 a.m., unless accompanied by a parent, guardian or some responsible person over the age of 21 years, or a member of his or her family 18 years or older, or unless he or she has a justifiable excuse therefor. It shall also be unlawful for any parent or guardian of any person under the age of 14 to allow the person to be upon the streets or sidewalks during the period between the hours of 12:01 a.m. and 6:00 a.m., unless accompanied by his or her parent, guardian or some responsible person over the age of 21 years or a member of his or her family 18 years or older, or unless the person has a justifiable excuse therefor. All times referred to herein are local times.

(B) This section does not apply to a minor who is:

- (1) Accompanied by the minor's parent or guardian;



- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the town, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the town, a civic organization, or another similar entity that takes responsibility for the minor;
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (9) Married or had been married or had disabilities of minority removed in accordance with state law.

Penalty, see § 130.99

**Statutory reference:**

*Strip search for curfew violation prohibited, see SDCL § 26-11-1.1*

**§ 130.46 ENDANGERING LIFE, HEALTH OR MORALS OF MINORS.**

It is unlawful for any person having the care, custody, control or confidence of, or influence over, any child to wilfully cause or permit the life of the child to be endangered, or the health of the child to be injured, or the morals of the child to be impaired; or to wilfully cause or permit the child to be placed in the a situation, business or occupation that its life, health or morals shall be endangered; or to wilfully abandon the child; or to torture, torment, cruelly punish or wilfully or negligently deprive of necessary food, clothing or shelter, or in any other manner injure the child unnecessarily.

Penalty, see § 130.99

**§ 130.47 ELECTRONIC CIGARETTES.**

(A) *Definitions.* The words and phrases defined in this section, shall, when used in this section, have the meanings respectively ascribed to them in such section, except in those instances where the context clearly indicates a different meaning.

**TOBACCO PRODUCT.** Includes vapor product.

**VAPOR PRODUCT.** Any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. The term, vapor product, includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic smoking device, or similar product or device. The term, vapor product, does not include any product approved by the United States Food and Drug Administration for sale as tobacco cessation products and marketed and sold solely for that purpose.  
(SDCL § 34-46-20)

(B) *Prohibited.* No person may sell a vapor product other than in an unopened package originating with the manufacturer and depicting the warning labels required by federal law, or sell a vapor product through self-service display other than a display that is:

(1) A vending machine permitted under SDCL § 34-46-2(5); or

(2) Located in a tobacco specialty store.

(SDCL § 34-46-21) Penalty, see 130.99

### **§ 130.99 PENALTY.**

Any violation of this chapter shall result in a fine not to exceed \$500 or imprisonment not exceeding 30 days or by both such fine and imprisonment.  
Penalty, see § 10.99

## CHAPTER 131: OFFENSES AGAINST PUBLIC PEACE

### Section

- 131.01 Disorder and disturbances
- 131.02 Disorderly conduct
- 131.03 Unlawful assembly
- 131.04 Refusal to disperse or refrain from riot or unlawful assembly
- 131.05 Loud and raucous noise
  
- 131.99 Penalty

#### ***Cross-reference:***

*Amusements, see Ch. 114*

*Local provisions, see Title XVII*

### **§ 131.01 DISORDER AND DISTURBANCES.**

The municipality shall have power to provide for keeping and preserving the peace and quietness of the municipality, to prevent disorderly conduct, to prohibit public intoxication, and to prevent and suppress riots, affrays, noises, disturbances, and disorderly assemblies in any place.

#### ***Statutory reference:***

*General authority, see SDCL § 9-29-3*

### **§ 131.02 DISORDERLY CONDUCT.**

Any person who intentionally causes serious public inconvenience, annoyance, or alarm to any other person, or creates a risk thereof is guilty of disorderly conduct by engaging in the following:

- (A) Engaging in fighting or in violent or threatening behavior;
- (B) Making unreasonable noise;
- (C) Disturbing any lawful assembly or meeting of persons without lawful authority; or
- (D) Obstructing vehicular or pedestrian traffic.

Penalty, see § 131.99

**§ 131.03 UNLAWFUL ASSEMBLY.**

Any person who assembles with two or more persons for the purpose of engaging in conduct constituting riot or aggravated riot or who, if being present at an assembly that either has or develops such a purpose, remains there with intent to advance that purpose is guilty of unlawful assembly.

Penalty, see § 131.99

**§ 131.04 REFUSAL TO DISPERSE OR REFRAIN FROM RIOT OR UNLAWFUL ASSEMBLY.**

(A) It is unlawful for any person to, during a riot or unlawful assembly, intentionally disobey a reasonable public safety order to move, disperse, or refrain from specified activities in the immediate vicinity of the riot.

(B) A **PUBLIC SAFETY ORDER** is an order designed to prevent or control disorder, or promote the safety of persons or property, issued by a law enforcement officer or a member of the fire or military forces concerned with the riot or unlawful assembly.

Penalty, see § 131.99

**§ 131.05 LOUD AND RAUCOUS NOISE.**

(A) *Generally.*

(1) It shall be unlawful for any person to willfully make or allow or cause to be made or continued any loud and raucous noise. Quieter standards are expected during nighttime hours.

(2) (a) For purposes of this section, **LOUD AND RAUCOUS NOISE** shall mean any sound that, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the municipality.

(b) This term includes the types of noise generated by the activities enumerated in division (C), except as may be excluded in division (D). The term shall be limited to **LOUD AND RAUCOUS NOISE** heard in any occupied residential unit which is not the source of the noise or upon the yard or driveway of such occupied residential unit, upon the public sidewalks and streets, school or public building or upon the grounds thereof while in use, upon any parking lot open to members of the public as invitees or licensees, and in any event from a location not less than 50 feet from the source of the noise, measured in a straight line from the radio, loudspeaker, voice or other noise source.

(B) *Prohibited noise from a gathering of people.*

(1) No person in possession and present in any premises shall make or cause or allow to be made or allow to be continue any loud and raucous noise resulting from a gathering of people. Quieter standards are expected during nighttime hours.

(2) (a) For purposes of division (B)(1), the term **LOUD AND RAUCOUS NOISE** resulting from a gathering of people shall mean any sound that, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons or ordinary sensibilities within the limits of the municipality.

(b) The term includes the types of noise generated by the activities enumerated in division (C), except as provided in division (D). The term shall be limited to **LOUD AND RAUCOUS NOISE** heard in any occupied residential unit which is not the source of the noise or upon the yard or driveway of such occupied residential unit, upon the public sidewalks of any streets, in any public park, in any school or public building or upon the grounds thereof while in use, upon any parking lot open to members of the public as invitees or licensees, and in any event, from a location not less than 50 feet from the source of the noise, measured in a straight line from the radio, loudspeaker, voice or other noise source.

(C) *Activities.* The following acts, subject to the exceptions in division (D) are declared to be public nuisances in violation of divisions (A) and (B):

(1) *Radios, amplifiers, phonographs, and other devices for producing or reproducing sound.* The using, operating or permitting to be played, used or operated any radio, amplifier, musical instrument, tape player, compact disc, compact tape or phonograph or other device for the producing or reproducing of sound in such manner as to cause loud and raucous noise.

(2) *Yelling, shouting, and prolonged sounds by people.* Yelling, shouting, whistling, or singing, or any prolonged sounds made by people at any time or place so as to create a loud and raucous noise between the hours of 9:00 p.m. and 7:00 a.m. on any day of the week.

(D) *Exceptions.* The term **LOUD AND RAUCOUS NOISE** does not include noise or sound generated by the following:

- (1) Cries for emergency assistance and warning calls;
- (2) Radios, sirens, horns and bells on police, fire and other emergency response vehicles;

(3) Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agent;

(4) Fire alarms and security alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.

Penalty, see § 131.99

***Cross-reference:***

*Nuisances, see Ch. 90*

**§ 131.99 PENALTY.**

Any violation of this chapter shall result in a fine not to exceed \$500 or imprisonment not exceeding 30 days or by both such fine and imprisonment.

Penalty, see § 10.99

## CHAPTER 132: OFFENSES AGAINST PUBLIC MORALS

### Section

- 132.01 Gambling and lotteries
- 132.02 Public indecency
- 132.03 Sale or distribution of obscene matter
- 132.04 House of ill repute; abatement
- 132.05 Social host; underage drinking
  
- 132.99 Penalty

### § 132.01 GAMBLING AND LOTTERIES.

(A) (1) It shall be unlawful to engage in, run or allow gambling in any form with cards, dice, or other implements or devices of any kind wherein anything valuable is wagered upon the outcome.

(2) It shall also be unlawful to keep any establishment, place, equipment, lotteries or apparatus for such gambling or allow any agents or employees to engage in the same for such purpose.

(3) Any person who knowingly lets any establishment, structure, place, equipment, or apparatus for such gambling violates this section.

(B) The municipality shall have the right to enter any place where any such activity is practiced or allowed to be practiced, and seize and destroy any instrument, device or thing used for such purpose found therein.

(C) The provisions of this section do not apply to any lottery owned and operated by this state.

Penalty, see § 132.99

***Statutory reference:***

*Authority to prohibit gambling, see SDCL § 9-29-5*

**§ 132.02 PUBLIC INDECENCY.**

A person commits the crime of public indecency if the person, with an immoral purpose, exposes his or her anus or genitals in a public place where another may be present who will be offended or alarmed by the person's act.

Penalty, see § 132.99

**§ 132.03 SALE OR DISTRIBUTION OF OBSCENE MATTER.**

It shall be unlawful to sell or exhibit any obscene or immoral publication, print, film, picture, or illustration.

Penalty, see § 132.99

**§ 132.04 HOUSE OF ILL REPUTE; ABATEMENT.**

Whoever shall own, lease, establish, maintain, or operate any place for the purposes of lewdness, assignation, or prostitution, is guilty of a nuisance and the place, including ground, and all contents are declared a nuisance and shall be enjoined and abated as provided in SDCL §§ 21-10-11 through 21-10-20. (SDCL § 21-10-10) Penalty, see § 132.99

***Cross-reference:***

*Nuisances, see Ch. 90*

**§ 132.05 SOCIAL HOST; UNDERAGE DRINKING.**

(A) *Social host defined.* For purposes of this section, the term, ***SOCIAL HOST***, means anyone who hosts a social gathering and knowingly condones the illegal consumption of alcohol by underage persons on property that the host controls.

(SDCL § 35-9-13)

(B) *Social host prohibited from permitting consumption of alcoholic beverages by person under age 18.* No person, acting as a social host, may, knowingly, permit any person under the age of eighteen to illegally consume any alcoholic beverage, regardless of the source of the alcoholic beverage, on or at the premises of the person acting as social host.

(SDCL § 35-9-9)

(C) *Social host prohibited from permitting consumption of alcoholic beverages by person age 18, 19, or 20.* No person, acting as a social host, may, knowingly, permit any person aged eighteen, nineteen, or twenty to illegally consume any alcoholic beverage, regardless of the source of the alcoholic beverage, on or at the premises of the person acting as social host.

(SDCL § 35-9-10)



(D) *Defense.* It is a defense against a conviction for a violation of §§ 35-9-9 and 35-9-10 that, immediately upon learning of the illegal consumption, the social host or an agent of the social host took effective and appropriate action to stop the illegal consumption and to secure or to attempt to secure the contraband alcoholic beverages.

(SDCL § 35-9-11)

(E) *Social host's lack of physical presence not a defense.* It is not a defense of a violation of divisions (B) and (C) that the social host was not physically present on or at the premises if the social host knew that illegal consumption of alcoholic beverages would occur in his or her absence.

(SDCL § 35-9-12) Penalty, § 132.99

**§ 132.99 PENALTY.**

Any violation of this chapter shall result in a fine not to exceed \$500 or imprisonment not exceeding 30 days or by both such fine and imprisonment.

Penalty, see § 10.99



## CHAPTER 133: OFFENSES AGAINST PROPERTY

### Section

- 133.01 Intentional damage to property
- 133.02 Interference with municipal property
- 133.03 Injuring signs
- 133.04 Connections of franchised cable television company
- 133.05 Connection with utilities
  
- 133.99 Penalty

### § 133.01 INTENTIONAL DAMAGE TO PROPERTY.

It shall be unlawful for any person to intentionally injure, damage, or destroy public property without the lawful consent of the appropriate governing body having jurisdiction thereof, or private property in which other persons have an interest, without the consent of the other persons.

Penalty, see § 133.99

***Statutory reference:***

*Similar provisions, see SDCL § 22-34-1*

### § 133.02 INTERFERENCE WITH MUNICIPAL PROPERTY.

It shall be unlawful for any person to climb or in any manner interfere with any building, water tower, bridge or structure belonging to the municipality without being authorized to do so by the municipality, and it shall also be unlawful to interfere, deface or damage any such structure.

Penalty, see § 133.99

### § 133.03 INJURING SIGNS.

It shall be unlawful for any person to interfere with or to obliterate, either wholly or partially any sign, sign board, card placed, posted, extended or erected by the city.

Penalty, see § 133.99

**§ 133.04 CONNECTIONS OF FRANCHISED CABLE TELEVISION COMPANY.**

It shall be unlawful to connect or disconnect or otherwise tamper with any service connection of any franchised cable television company without the express, prior approval from a designated agent of the cable television company.

Penalty, see § 133.99

***Cross-reference:***

*General regulations, see Title IX*

*Public works, see Title V*

**§ 133.05 CONNECTION WITH UTILITIES.**

(A) It shall be unlawful to connect or cause to be connected with any main service pipe, wire or other conductor of any gas, water, electrical energy, any pipe, wire or other device for the purpose of obtaining gas, water or electrical current, without first obtaining prior approval from a designated agent of the appropriate entity.

(B) It shall also be unlawful for any person with the intent to defraud, connect or cause to be connected with any meter installed, for the purpose of registering the amount of gas, water or electricity supplied to any customer any pipe, wire or other device or disconnect, change in any manner, interfere with any such meter or pipe or appliance connected therewith, that the meter will not measure or register the full amount of gas, water, or electricity supplied to any customer.

Penalty, see § 133.99

***Cross-reference:***

*General regulations, see Title IX*

*Public works, see Title V*

**§ 133.99 PENALTY.**

Any violation of this chapter shall result in a fine not to exceed \$500 or imprisonment not exceeding 30 days or by both such fine and imprisonment.

Penalty, see § 10.99

## CHAPTER 134: WEAPONS

### Section

- 134.01 Carrying concealed weapon
- 134.02 Reckless discharge of firearm or shooting of bow and arrow
- 134.03 Air rifles and slingshots
- 134.04 Discharging weapons
- 134.05 Possession of pistols by minors prohibited
- 134.06 Minors prohibited from carrying concealed pistol except with parent or guardian

134.99 Penalty

### § 134.01 CARRYING CONCEALED WEAPON.

(A) (1) No person shall carry any concealed weapon such as, but not limited to, slingshot, brass knuckle or knuckle or other material or any sandbag, dagger, Bowie knife, dirk knife or other dangerous or deadly weapon or any instrument or device, when used is likely to produce death or great bodily harm unless he or she shall have a valid permit for the same pursuant to SDCL Chapter 23-7.

(2) No person shall carry any weapon concealed in a vehicle while operating the vehicle unless he or she shall have a valid permit for the same pursuant to SDCL Chapter 23-7.

(B) Any police officer or parole officer may wear or carry weapons necessary for him or her to carry out his or her official duties.

Penalty, see § 134.99

#### ***Statutory reference:***

*Carrying concealed pistol in malt or alcoholic beverage establishment prohibited, see SDCL § 23-7-70*

*Concealment of weapon with intent to commit felony, see SDCL § 22-14-8*

*Permit to carry concealed pistol, see SDCL § 23-7-7*

### § 134.02 RECKLESS DISCHARGE OF FIREARM OR SHOOTING OF BOW AND ARROW.

It shall be unlawful to:

- (A) Recklessly discharge a firearm or recklessly shoot a bow and arrow;

(B) Set a device designed to activate a weapon upon being tripped or approached, and leave it unmarked or unattended by a competent person; or

(C) Have in his or her possession a loaded firearm while he or she is intoxicated.  
Penalty, see § 134.99

### § 134.03 AIR RIFLES AND SLINGSHOTS.

It shall be unlawful for any person to discharge any air rifle or slingshot within the limits of the municipality.  
Penalty, see § 134.99

### § 134.04 DISCHARGING WEAPONS.

It shall be a violation for any person who willfully discharges any type of air gun, BB-gun, arrow, including target arrows, or other weapon, or throws any missile in any public place where there is any person to be endangered thereby, although no injury to any person shall ensue.  
Penalty, see § 134.99

### § 134.05 POSSESSION OF PISTOLS BY MINORS PROHIBITED.

(A) *Prohibited.* No person under the age of 18 years may knowingly possess a pistol.  
(SDCL § 23-7-44)

(B) *Exceptions.* The provisions of division (A) or to a criminal prosecution brought after transfer pursuant to SDCL Chapter 26-11, do not apply to any minor who has the consent of the minor's parent or guardian to possess such pistol, and:

- (1) That the minor was in the presence of the minor's parent or guardian;
- (2) That the minor was on premises owned or leased by the minor or the minor's parent, guardian, or immediate family member;
- (3) That the minor was in the presence of a licensed or accredited gun safety instructor; or
- (4) That the pistol was being used for farming, ranching, hunting, trapping, target shooting, or gun safety instruction.  
(SDCL § 23-7-45)

(C) *Age of minority; calculation of age.* Minors are natural male persons and natural female persons under eighteen years of age. The periods thus specified must be calculated from the first minute of the day on which persons are born, to the same minute of the corresponding day completing the period of minority. (SDCL § 26-1-1)

(D) *Penalty.* Any person who violates this section is subject to the penalties set forth in SDCL § 23-7-44.

***Statutory reference:***

*Proceedings on offense for which child not subject to delinquency, SDCL § 26-11-1*

**§ 134.06 MINORS PROHIBITED FROM CARRYING CONCEALED PISTOL EXCEPT WITH PARENT OR GUARDIAN.**

A person who is under the age of 18 years of age may not carry a concealed pistol except in the presence of a parent or legal guardian.

(SDCL § 23-7-71) Penalty, see § 134.99

**§ 134.99 PENALTY.**

Any violation of this chapter shall result in a fine not to exceed \$500 or imprisonment not exceeding 30 days or by both such fine and imprisonment.

Penalty, see § 10.99





## **CHAPTER 135: OFFENSES INVOLVING INJURY OR DANGER TO THE PERSON**

### Section

135.01 Threatening or harassing phone calls

135.99 Penalty

### **§ 135.01 THREATENING OR HARASSING PHONE CALLS.**

It is unlawful for a person to use a telephone for any of the following purposes:

(A) To call another person with intent to terrorize, intimidate, threaten, harass or annoy such person by using obscene or lewd language or by suggesting a lewd or lascivious act;

(B) To call another person with intent to threaten to inflict physical harm or injury to any person or property;

(C) To call another person with intent to extort money or other things of value;

(D) To call another person with intent to disturb him or her by repeated anonymous telephone calls or intentionally failing to replace the receiver or disengage the telephone connection.

Penalty, see § 135.99

### **§ 135.99 PENALTY.**

Any violation of this chapter shall result in a fine not to exceed \$500 or imprisonment not exceeding 30 days or by both such fine and imprisonment.

Penalty, see § 10.99



## CHAPTER 136: FIREWORKS AND EXPLOSIVES

### Section

- 136.01 Definition
- 136.02 Sale and use limited
- 136.03 Transporting explosive substances

### § 136.01 DEFINITION.

For the purposes of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***FIREWORKS.*** Includes those items enumerated in SDCL § 34-37-5, but shall not include nor apply to ammunition for firearms nor to dynamite and devices for exploding the same used in any industry.

### § 136.02 SALE AND USE LIMITED.

It shall be unlawful to use any fireworks within the corporate limits of the municipality.  
Penalty, see § 10.99

### § 136.03 TRANSPORTING EXPLOSIVE SUBSTANCES.

No person shall transport on the streets or in public places any quantity of explosive substances or blasting powder so as to endanger the safety of the public.  
Penalty, see § 10.99

