

TITLE X

OFFENSES AND MISDEMEANORS

CHAPTER 10.01

OFFENSES AGAINST THE PEACE AND DIGNITY OF THE CITY

10.0101 Intoxication – Public Place

It shall be unlawful for any person to be or appear in any public place in the City of Springfield, including its public parks, in a state of intoxication or drunkenness or to be found intoxicated therein.

10.0102 Unlawful Assemblage

It shall be unlawful for any two or more persons to assemble together within the limits of the City of Springfield for the purpose of doing or conspiring to do any unlawful act with force or violence against the person or property of another or against the peace and dignity of the City or in any manner for the purpose of terrorizing or frightening any person, family or neighborhood within said city.

10.0103 Same – Failure or Refusal to Disburse

Any person or persons who shall fail or refuse to leave any unlawful assemblage as prescribed in the preceding section, or any assemblage calculated to or which might disturb the peace or excite the public after having been ordered to leave by a police officer or any person lawfully assisting such officer, shall be deemed guilty of a misdemeanor.

10.0104 Disturbing the Peace

No person shall disturb the peace of the city or of any person by violent, tumultuous, offensive or indecent conduct, or by loud or unusual noises, or by profane, obscene, indecent, violent or threatening language, or by assaulting, striking or attempting to assault or strike another person or inviting or defying another person to fight or quarrel, or by engaging in a fight with another person, or by willfully and maliciously destroying or attempting to destroy or injure any property belonging to another, or by taking of personal property accomplished by stealth or fraud and with intent to deprive another thereof.

10.0105 Malicious Mischief

It shall be unlawful for any person to, in any way injure, damage, break or destroy any plant, flower or shrub being or growing upon the private property of another or to injure, damage or destroy any tree, plant, or shrub on the parking space adjacent to property owned or controlled by another.

10.0106 Assault and Battery

It shall be unlawful for any person to willfully and unlawfully or maliciously commit any assault or assault and battery against another person.

10.0107 Indecent Conduct – Profanity

It shall be unlawful for any person to appear in any public place in a state of nudity or to indulge in any indecent, lewd or lascivious conduct or behavior or to commit any indecent, wanton or filthy act in the presence or hearing of any person or to use vile, profane or vulgar language in any public place in the presence or hearing of any other person.

10.0108 Larceny

It shall be unlawful for any person to take or attempt to take from any other person or any store, building or other place within the City of Springfield by fraud or stealth, or by any manner any money, property or anything of value, tangible or intangible, with the intent to deprive the owner of such property.

10.0109 Automobile Disturbance

It shall be unlawful for any person or persons to drive upon or about the streets of the City of Springfield in such a way as to disturb the peace and quiet of any of the inhabitants of the City of Springfield by unnecessarily sounding or honking automobile horns or by excessive motor or muffler noise either in the daytime or at night.

10.0110 Obscene Written or Printed Matter, Plays, Shows, Etc.

It shall be unlawful for any person to exhibit, sell, offer for sale, or to distribute or dispose of in any manner in the City of Springfield, any indecent, lewd or immoral book, picture, print or other thing; or to exhibit any indecent or immoral or lewd play, show or other representation.

10.0111 Carrying Concealed Weapons Prohibited – Related Offenses

It shall be unlawful for any person to carry concealed upon his person, in the City of Springfield, any description of firearm, being loaded or partly loaded, or sling shot, brass knuckles or any other weapon which when used is likely to produce death or great bodily harm, except officers of the law in line of duty.

No person, except a law enforcement officer in the discharge of his duty, shall draw any description of firearm, knife or other deadly or dangerous weapon upon another person.

It shall be unlawful for any person to discharge or shoot off any description of firearms, or use for any purpose any sling shot or other device for throwing or forcing through the air

missiles or projectiles of any character whatever provided this section shall not apply to any law enforcement officer in the discharge of his duty.

TITLE X

CHAPTER 10.02

VAGRANCY

10.0201 Vagrant Defined

A vagrant, as contemplated by this chapter is one who goes about from place to place, who has no lawful or visible means of support and who lives upon charity although physically able to support himself.

10.0202 Vagrancy Unlawful

It shall be unlawful for any person within the City of Springfield to pursue the calling defined by the preceding section as vagrancy. Vagrants, as defined by the preceding section include gamblers, persons without visible occupation or means of support, loitering around gambling houses or places where liquor is sold or consumed, common prostitutes, habitual drunkards, persons who beg in public places or from house to house or who procure children to do so or persons who fraudulently represent themselves as collectors of alms for charitable institutions.

TITLE X

CHAPTER 10.03

GAMBLING

10.0301 Area and Games of Chance Defined

Any person who shall, in the City of Springfield or within one mile from the outer limits thereof or within any of the public parks of the City of Springfield or within one mile of the outer limits thereof, keep or conduct a house or place resorted to for the purpose of gambling or permit or suffer within said limits any person in any house, shop or place under his or her control to play at cards, dice, faro, roulette or other games for money or other thing or things representing money or property shall be guilty of a misdemeanor.

10.0302 Slot Machines or Similar Devices Unlawful

It shall be unlawful for any person to have on, in, or about his premises, any slot machines or other like device within the City of Springfield or within one mile of the limits thereof, whether the same is played for money, chips, credit or other representatives of value.

10.0303 Gambling Equipment – Slot Machines – Public Nuisance

All gambling equipment, including cards, dice, tables and any other thing used in connection with gambling and all slot machines used or operated in violation of the provisions of this title, are hereby declared to be a public nuisance and upon the conviction of any person under the provisions of this title, all such equipment seized in connection therewith, shall be destroyed.

TITLE X

CHAPTER 10.04

MINORS

10.0401 Minors on “On-Sale” Premises; Duty of Proprietor

All provisions of SDCL 35-4, as amended, pertaining to exclusion of persons under the age of 21 from “On-Sale” liquor-licensed premises shall apply for the purposes and intent of this ordinance. No person under the age of 21 may sell, serve, or dispense alcoholic beverages, nor may such person(s) loiter on “On-Sale” licensed premises. It shall be the duty of the owner or proprietor of such licensed premises or establishment to comply with this section and all provisions of SDCL 35-4, as amended.

10.0402 Minors on “Off-Sale” Premises; Duty of Proprietor

All provisions of SDCL 35-4, as amended, pertaining to sales of malt beverages and/or other alcoholic beverages on “Off-Sale” liquor-licensed premises by persons less than 21 years of age shall apply for the purposes and intent of this ordinance; and as they also pertain to the duties of the owner or proprietor.

10.0403 Curfew

It shall be unlawful for any minor under the age of sixteen (16) to be abroad on any street, public place, public ground(s), or alley(s) of the City of Springfield between the hours of eleven (11:00) o’clock p.m. and six (6:00) o’clock a.m., unless directly in charge and/or specific presence of said minor’s parent, guardian, or other adult person having him/her in charge or standing in the place of such parent or guardian. An “adult person” shall be hereby defined as a person who has reached the age of twenty-one (21) prior to such incident.

10.0404 Violation of Curfew

Any person who violates any of the provisions of the proceeding Section shall be subject to arrest by any public officer, or any citizen without process. Upon such first arrest, the offender shall be taken and delivered into the hands of the parent, guardian, or adult person legally in charge or standing in the place of parent or guardian. Upon second or

subsequent violation(s), and/or arrest(s), such offender shall be taken by such officer or person, or cause to be made to appear or be placed in custody of a juvenile court of jurisdiction, magistrate, or other appropriate presiding court officer or judge.

Upon conviction of a violation of 10.0403, such violator shall be punished by a fine not exceeding twenty-five dollars (\$25.00), by imprisonment not exceeding three days, or both such fine and imprisonment.

10.0405 Parental Responsibility for Curfew Compliance

It shall be unlawful for the parent(s), guardian(s), or other adult person standing in the place of parent or guardian having the care and custody of the minor under the age of sixteen (16) years, to permit such minor to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks and playgrounds, public grounds, public places, public buildings, places or amusement and entertainment, vacant lots or other unsupervised places, or upon the private property of others to constitute trespass between the hours of eleven (11:00) o'clock p.m. and six (6:00) o'clock a.m. of the following day.

Upon conviction of a violation of this Section, such parent(s), guardian(s), or other adult person standing in the place of parent or guardian having care and custody of such minor shall be subject to a fine not to exceed fifty dollars (\$50.00), by imprisonment not exceeding five (5) days, or both such fine and imprisonment.

10.0406 Exceptions

Exception to 10.0403, 10.0404, and 10.0405 is granted for cases or situations after the hour of eleven (11:00) o'clock p.m. under the following extenuating circumstances(s): When the minor is performing duties of employment specifically assigned during such hours of curfew; or when the minor is returning directly home from employment, public entertainment, athletic games, or other activity sponsored by the public school, church, or community; and

1. The minor has participated in such event or activity to the cessation of such event or activity;
2. The event or activity has extended beyond a time which has made return before eleven (11:00) o'clock p.m. an impossibility; and
3. The minor returns directly home upon leaving or cessation of such event or activity.

The absence of any one of the above conditions for exception shall be prim facie evidence that the minor is in violation of the curfew; and no reasonable excuse exists therefor.

TITLE X

CHAPTER 10.05

PROTECTION OF PUBLIC AND PRIVATE PROPERTY

10.0501 Willful Injury to Public or Private Property

It shall be unlawful for any person to carry away or remove or to willfully, maliciously or negligently break, or deface, destroy or otherwise injure any bridge, crossing, culvert, sidewalk, lamp or lamp post or any ornamental or shade tree, shrub, railing, fence or other property, article or thing belonging to the City of Springfield or belonging to any private person therein.

10.0502 Injury to Streets, Crossings, Etc.

It shall be unlawful for any person, either the owner or in charge of any steam or power engine, tractor, thresher, or vehicle of any kind to cross or attempt to cross over any bridge or culvert or to drive on any pavement or highway in the City of Springfield which vehicle shall have metal mud lugs attached to its wheels in such a manner as to injure or destroy such city property and any person violating the provisions of this section shall be guilty of a misdemeanor and in addition thereto, shall be liable to the city for all damages incurred thereby.

10.0503 Designation of Streets Closed to Trucks and Heavy Vehicles, Exceptions; Violations

The City Council is hereby empowered and/or authorized to designate, specify, and/or identify by Resolution:

- (a) Certain streets within the City of Springfield that are closed to traffic, passage, driving, pulling, or use by trucks, heavy construction, agricultural, industrial, business, or other vehicles or conveyances. Upon such designation by the Council, such vehicles or conveyances are prohibited from driving on or utilizing such streets so designated by Resolution.
- (b) Certain exceptions to this section, based upon necessity, impossibility, or special situations; and/or to designate or specify routes for such exceptions to apply to avoid undue utilization of streets so closed to trucks, heavy construction, agricultural, industrial, business or other vehicles or conveyances.
- (c) Truck routes, or other routes for vehicles or conveyances referred to in this section, to utilize for passage to locations.

Any person violating any of the provisions of this section, or the Resolution relating thereto, shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding \$100.00 for each and/or every offense.

10.0504 Obstructions on Public Right-of-Way

It shall be unlawful for any person to obstruct any public highway, street or alley or to make or cause to be made, any structure, enclosure, fence, cellar, door, stairway or

building encroaching in or in part on any such street, alley or sidewalk within the City of Springfield without having first obtained written permission to do so from the City Council and a record of such permission shall have been made in the minutes of said city.

10.0505 Sports Likely to Pose a Safety Threat

No person or persons shall, upon the public streets of the City of Springfield, fly any kite, throw stones, clods or snowballs, roll hoops, throw balls, or engage in any sport or exercise liable to pose a safety threat, or obstruct any lawful business of any person or be liable to result in the injury of persons lawfully on the streets or injury to buildings or windows adjacent thereto.

10.0506 Duties of Citizens to Assist Peace Officers

It shall be unlawful for any person, when so requested, to refuse to aid and assist any peace officer of the City of Springfield to suppress any riot or disturbance, any unlawful assemblage or to arrest or attempt to arrest any person for any violation of any ordinance of said city or to prevent the violation of any of said ordinances.

10.0507 Insurance of Public Property

The Municipal Finance Officer shall, under the direction of the City Council, keep all public property of the city properly protected by insurance against loss or damage by fire, lightning, tornado and hail in reliable and responsible insurance companies and securely keep such policies of insurance. The Municipal Finance Officer shall also advise the City Council in writing at least thirty (30) days before the expiration date of any policies of insurance carried on said public property.

TITLE X

CHAPTER 10.06

NUISANCES IN GENERAL

10.0601 Common Nuisances

It shall be unlawful for any person to do any act or conduct any business or keep any house, room, or building in the City of Springfield for any purpose which, by act of the Legislative Assembly of the State of South Dakota or ordinance of this city is declared to be a nuisance or an offense against public peace, public health, public safety, or public morals as defined in SDCL 1967 and all such nuisances or offenses are declared a misdemeanor under this ordinance.