

TITLE XIII: GENERAL OFFENCES

Chapter

130. General Offenses

Big Stone City - General Offences

CHAPTER 130: GENERAL OFFENCES

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Offenses Against the Public Welfare

§ 130.01 Public Intoxication.

No person shall be or remain in a state of intoxication, drunkenness, or under the influence of intoxicating liquor or narcotics in any public place, which includes streets, alleys, parks, or buildings open to the public.

(Prior Code, § 6-1-1) Penalty, see § 130.99

Statutory reference:

Similar provisions, see SDCL § 9-29-3

§ 130.02 Disorderly Conduct.

A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his or her conduct is likely to cause public danger, alarm, disorder or nuisance, he or she willfully does any of the following acts in a public place:

(A) Commits an act in a violent and tumultuous manner towards another whereby that other person is placed in danger of his or her life, limb, or health;

(B) Commits an act in a violent and tumultuous manner towards another whereby the property of another is placed in danger of being damaged or destroyed; or

(C) Causes, provokes, or engages in any fight, brawl, or riotous conduct so as to endanger the life, limb, health, or property of another.

(Prior Code, § 6-1-2) Penalty, see § 130.99

Statutory reference:

Similar provisions, see SDCL §§ 9-29-3 and 22-18-35

§ 130.Vagrancy.

(A) It shall be unlawful for any vagrant to remain within the city limits. A vagrant is an idle person, having to legitimate means of support, who does not seek or desire lawful employment, and who subsists through charity or others or by unlawful means. Whenever it shall, in a prosecution under this section, be shown that any person who is able to work:

(1) Wanders about in idleness or lives in idleness without property sufficient for his or her support;

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- (2) Leads an idle, immoral or profligate life and does not work;
 - (3) Loafs, loiters or idles in the city, upon a public highway, or about a public place without any regular employment and without sufficient property for his or her support;
 - (4) Trades or barterers stolen property;
 - (5) Unlawfully sells or barterers any spiritous, vinous, malt or other intoxicating liquors;
 - (6) Attends or operates any gambling device or apparatus;
 - (7) Engages in practicing any trick or device to procure money or other things of value;
 - (8) Engages in any unlawful calling;
 - (9) If an able-bodied married person, neglects or refuses, without lawful excuse, to provide support for his or her family;
 - (10) Begs in any public place or from house to house, or induces children or others to do so;
- or
- (11) Falsely represents himself or herself as a collector of alms for a charitable institution or purpose.

(B) If any of the above acts are done, it shall constitute a prima facie presumption that such person is a vagrant as defined in this section.

(Prior Code, § 6-1-3) Penalty, see § 130.99

Statutory reference:

Similar provisions, see SDCL § 9-29-3

§ 130.04 Carrying Concealed Weapons.

No person shall carry concealed about his or her person any pistol or other firearm, slingshot, brass knuckles or knuckles of other material or any sand bag, dagger, bowie knife, dirk knife, or other dangerous or deadly weapon, or any instrument or device which when used is likely to produce death or great bodily harm unless properly licensed to do so by the state as provided by law. However, any peace officer may wear or carry such weapons as may be necessary and proper for the discharge of his or her official duties.

(Prior Code, § 6-1-4) Penalty, see § 130.99

Statutory reference:

Similar provisions, see SDCL §§ 9-29-3 and 22-14-8

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§ 130.05 Resisting, Escaping From or Assaulting an Officer.

(A) No person shall resist or obstruct any law enforcement officer while he or she is in the performance of an official duty, nor in any way aid or assist any person to resist or escape from any such officer, nor assist any person to escape from any lawful confinement.

(B) No person shall assault or strike any law enforcement officer, nor in any way interfere with a law enforcement officer in the discharge of his or her duty.

(Prior Code, § 6-1-5) Penalty, see § 130.99)

Statutory reference:

Similar provisions, see SDCL § 9-29-3 and 22-14

§ 130.06 Impersonating Officer.

No person who is unauthorized shall exercise the duties conferred by law upon a law enforcement officer; wear a law enforcement officer's badge or represent himself or herself as being a law enforcement officer or peace officer, or attempt to exercise the duties of a law enforcement officer or peace officer.

(Prior Code, § 6-1-6) Penalty, see § 130.99

Statutory reference:

Similar provisions, see SDCL §§ 9-29-3 and 22-40-16

§ 130.07 Public Nudity; Cross-Dressing.

No person shall appear in any public place in a state of nudity or in dress intended to deceive others as to his or her sex, nor make any indecent exposure of his or her person. (Prior Code, § 6-1-7)

Penalty, see § 130.99

Statutory reference:

Similar provisions, see SDCL § 9-29-9 (in part) and Ch. 22-24

§ 130.08 Disturbing the Peace.

No person shall use any profane, vulgar or obscene language which tends to incite the person to whom it is directed to physical violence, upon any street or other public place.

(Prior Code, § 6-1-8) Penalty, see § 130.99

Statutory reference:

Similar provisions, see SDCL § 9-29-3

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§ 130.09 False Emergency Alarms Prohibited.

No person shall knowingly make or give any false alarm of fire or other emergency by calling or causing to be called the Fire Department, law enforcement officers or any authorized emergency vehicles. (Prior Code, § 6-1-9) Penalty, see § 130.99

Statutory reference:

Similar provisions, see SDCL §§ 9-29-2, 22-11-9 and 22-11-9.1

§ 130.10 Discharge of Firearms or Air Rifles.

It shall be unlawful for any person, except a public officer in the performance of his or her duty, to discharge or fire any gun, air rifle, slingshot, bow and arrow, or other dangerous weapon within the limits of the city, unless prior approval is obtained from the city covering a designated location approved by the city. (Prior Code, § 6-1-10) Penalty, see § 130.99

Statutory reference:

Similar provisions, see SDCL § 9-29-3 and 22-14-7

§ 130.11 Firecrackers and Fireworks.

(A) It shall be unlawful for any person or persons to use or cause to be used, or burn, or ignite, or cause to be burned or ignited, any firecracker, Roman candle, torpedo, shy rocket, or powder, either alone or combined with any other substance, or use, burn or ignite or cause to be used, burned or ignited any explosive or combustible material or matter of any kind, including all kinds of fireworks anywhere in the city, and within one mile from the corporate city limits thereof. Nothing herein provided shall prevent the City Volunteer Fire Department from conducting a fireworks display when such display is for public purposes and under the direct supervision of the City and Rural Volunteer Fire Department.

(B) This section shall not apply between the hours of 10:00 a.m. and 10:00 p.m. of any day during which the state authorizes and allows fireworks to be sold at retail to citizens of the state and the general public.

(Prior Code, § 6-1-11) Penalty, see § 130.99

Statutory reference:

Similar provisions, see SDCL § 9-33-1

§ 130.12 Curfew; Minors Under 18.

It shall be unlawful for any minor to loiter, idle, wander, stroll or play in and upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement or entertainment, vacant lots or other unsupervised places between the hours of 10:00

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p.m. on Sunday through Thursday, inclusive, and 6:00 a.m. the following morning, and between 12:00 a.m. on Friday and Saturday or each week and 6:00 a.m. on the following day; provided however, that this section shall not apply to a minor accompanied by his or her parent, guardian or other adult person having care, or custody of the minor, if the minor is on an errand of business directed his or her parent, guardian or other adult person having care or custody of the minor, engaged in activities related to interstate commerce or protected by the First Amendment or the United States Constitution, traveling to or from work, responding to an emergency, is married, or is attending a supervised school or religious activity. (Prior Code, § 6-1-12) Penalty, see § 130.99

§ 130.13 Curfew; Responsibility of Parents.

It shall be unlawful for the parent or parents, guardian or other adult person having care or custody of a minor to knowingly permit such minor to loiter, idle, wander, stroll or play in and upon the public streets, highways, roads, alleys, parks, playgrounds, vacant lots or other public grounds, public places and public buildings, places of amusement or entertainment, vacant lots or other unsupervised places between the hours of 10:00 p.m. on Sunday through Thursday, inclusive, and 6:00 a.m. the following morning, and between the hours of 12:00 a.m. on Friday and Saturday of each week and 6 a.m. on the following day; provided, however, that this section shall not apply to minor accompanied by his or her parent, guardian or other adult person having care or custody of the minor, if the minor is on an errand of business, directed by his or her parent, guardian or other adult person having care or custody of the minor, if the minor is engaged in activities related to interstate commerce or protected by the First Amendment of the United States Constitution, if the minor is traveling to or from work, responding to an emergency, is married, or is attending a supervised school or religious activity. (Prior Code, § 6-1-13) Penalty, see § 130.99

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§ 130.25 Injuring Signs.

No person shall deface, remove, change, mar or in any way interfere with or obliterate either wholly or in part any sign, signboard, or card placed, posted, extended or erected by the city. (Prior Code, § 6-2-1) Penalty, see § 130.99

Statutory reference:

Similar provisions, see SDCL § 9-29-3

§ 130.26 Traffic Signs; Injuring or placing unauthorized Prohibited.

(A) No person shall deface, injure, move, obstruct or interfere with any official traffic sign or signal, or street sign, or parking meter.

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(B) No person shall place, maintain, or display upon or in view of any street an unofficial sign, signal or device which purports to be, or is an imitation of, or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic. Every such prohibited sign, or device is hereby declared to be a public nuisance, and law enforcement is hereby empowered to remove the same or cause the same to be removed without notice.

(Prior Code, § 6-2-2) Penalty, see § 130.99

Statutory reference:

Similar provisions, see SDCL § 9-29-3

§ 130.27 Interference With Electric Light Posts and Apparatus.

No person shall interfere with, injure, break or jar any electric light, telephone, telegraph or fire alarm system, post or pole or apparatus in any manner, or climb any telegraph, telephone, electric light, or fire alarm pole without being properly authorized so to do.

(Prior Code, § 6-2-3) Penalty, see § 130.99

Statutory reference:

Similar provisions, see SDCL § 9-29-3

§ 130.28 Unauthorized Connection With Gas, Water or Electrical Pipe or Wire.

No person shall, without lawful authority, connect or cause to be connected with any main service pipe, wire or other conductor of any gas, water or electrical energy, any pipe, wire or other device for the purpose of obtaining gas, water or electrical current therefrom; nor shall they with 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 or in any manner so interfere with any such meter or any pipe, wire or appliance connected therewith, that such meter will not measure or register the full amount of gas, water or electricity supplied to any customer.

(Prior Code, § 6-2-4) Penalty, § 130.99

Statutory reference:

Similar provisions, see SDCL § 9-29-3

§ 130.29 Interference With City Property.

No person shall climb on or in any manner interfere with any building, water tower, bridge or structure belonging to the city, without being authorized so to do by the city; and no person shall in any manner injure or deface any such structure.

(Prior Code, § 6-2-5) Penalty, see § 130.99

Statutory reference:

Similar provisions, see SDCL § 9-29-3

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§ 130.30 Destroying Property.

No person shall willfully damage, deface, break, destroy or interfere with the property of the city or any other person.

(Prior Code, § 6-2-6) Penalty, see § 130.99

Statutory reference:

Similar provisions, see SDCL § 9-29-3

§ 130.99 Penalty.

Any person found to have violated the provisions of this chapter shall be punished as follows:

(A) By a fine not to exceed \$500; and

(B) If the offense is for a second or subsequent violation of the same ordinance within a period of one year, by fine not to exceed \$500 or by imprisonment no exceeding 30 days, or both such fine and imprisonment.

(Prior Code, § 6-3-1) (Ord. 2009-07, passed 12-7-2009)