

AGENDA
CITY OF NORTH SIOUX CITY, SOUTH DAKOTA
REGULAR MEETING OF THE CITY COUNCIL
JUNE 2, 2014
7:00 P.M. – CITY HALL

1. Call meeting to order at 7:00 P.M.
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes: May 19, 2014, Regular Meeting
6. Mayor: Don Fuxa
 - A. Swearing In of Councilmember (Christiansen)
 - B. Recognition of Gary, Mary and Shelby Olson
 - C. Declare Surplus Property (2001 Crown Victoria Police/DARE cruiser)
 - D. Malt Beverage License Renewals
 - E. Sign Ordinance Amendments (Second Reading)
 - F. Animal Control Ordinance Amendments (Second Reading)
 - G. Change Order – North Sioux City Community Library Project
 - H. Highway 105 Resurfacing Project Bids Results
 - I. New Beginning Presentation
 - J. Harvest Bend Revolving Fund Proposal
 - K. Retail Fireworks Permit Applications
 - L. Requests for Temporary Street Closure
 - M. Property Tax Abatement Request
7. Community and Council Input
8. Executive session*
9. Approval of Fines
10. Approval of Bills
11. Adjournment

*SDCL 1-25-2 (sections 1-5) allows a majority of the body present to vote to close a meeting when discussion revolves around personnel, legal matters or contract negotiations. Meetings may also be closed for certain economic development matters (SDCL 9-34-19).

**UNAPPROVED
CITY OF NORTH SIOUX CITY, SOUTH DAKOTA
REGULAR MEETING OF THE CITY COUNCIL
JUNE 2, 2014
7:00 P.M. CITY HALL**

Meeting called to order at 7:00 p.m. by Mayor Fuxa. Roll call: Leitru, Parks, Christiansen, Meyer, Reiff, Beavers, Rogers and Verdoorn were present.

Mayor Fuxa led the Pledge of Allegiance.

Motion by Parks, second by Verdoorn to approve the agenda as presented. Unanimous.

Motion by Leitru, second by Meyer to approve the May 19, 2014, regular Council meeting minutes as presented. Unanimous.

Mayor Fuxa swore into office Councilmember Joanie Christiansen.

Gary Olson, Mary Olson and Shelby Olson were honored for their heroic actions on May 10, 2014. It was noted that the family came to the aid of a stranger, and have been credited by law enforcement officials with saving her life.

Motion by Beavers, second by Christiansen to declare the following property as surplus and authorize the advertisement for sealed bids. Unanimous.

2001 Ford Crown Victoria Police/DARE Cruiser (VIN# 2FAFP71WX1X154046)

Motion by Parks, second by Beavers to approve the following malt beverage license renewal applications. Unanimous.

BET ON BROWN, INC. (FREEWAY, GOODE TO GO)
BROWN ACES (SUGAR DADDY'S)
CASEY'S RETAIL COMPANY (CASEY'S GENERAL STORE)
THE COLOR OF MONEY (DISCOUNT LIQUOR)
DAKOTA ROSE, INC. (DAKOTA REDS)
ERIC'S CASINO, INC. (ERIC'S CASINO)
FREEDOM INC OF N SIOUX CITY (WHISTLESTOP)
FOUR HORSEMEN, LLC (TRIPLE CROWN CASINO)
GLASS SLIPPER, INC. (THE GLASS PALACE)
INTREPID VENTURES OPERATING, LLC (MONACO)
JD GAMING, INC. (PLAYER'S CLUB)
J & U, INC. (i-29 LOUNGE)
MCCOOK LAKE IZAAK WALTON LEAGUE
MILLER LIQUOR, INC.
RJ'S, LLC (TOWNHOUSE PIZZA)
SHE BE, INC. (BEANO & SHERRY'S)
SKY JC, INC. (SKYLINE)
WORLDWIDE HOLDINGS, INC. (VIP LOUNGE)
ZORT BROS, INC. (ZORT'S)

Motion by Meyer, second by Leitru to approve the second reading of amendments to the City's sign ordinances. Unanimous.

ORDINANCE #2014-03

TITLE 17. AN ORDINANCE AMENDING SIGNS ORDINANCE SECTION 17.72.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NORTH SIOUX CITY, SOUTH DAKOTA:

Chapter 17.72.050 of the North Sioux City Municipal Code is amended to read as follows:

17.72.050 Exceptions.

The following signs may be allowed in addition to the signs permitted in Section 17.72.030. They are exempt insofar as requiring the issuance of a sign permit, but must be in conformance with all other state laws and local ordinances.

- A. Automobile Service Stations. Gasoline dispensing stations may have, in addition to all other signs, one twelve (12) square foot sign on each street frontage. Such signs shall be firmly attached to a structure and shall contain gasoline pricing information only. Also, in addition to all other signs, each gas pump shall be allowed one gas pump topper sign of three square feet maximum.
- B. Awnings and Canopies. Shall contain the name of the business exclusively in letters not to exceed eight inches in height in the B-R, CB, HC and I districts.
- C. Integral Signs. Names of buildings, dates of erection, monumental citations, commemorative tablets, and the like, of permanent type construction and made an integral part of the building structure shall be permitted.
- D. Menu Signs. Signs that give menu items and prices for drive-up windows shall be allowed up to thirty-two (32) square feet. Signs in excess of thirty-two (32) square feet may be permitted; however, the excess area shall be counted against the total sign area allowed on the premises; and provided further, the sign is approved by the city council.
- E. Neighborhood Identification Signs. In any zone, a masonry wall, landscaping and other similar material or feature may be combined to form a permanent display for neighborhood or tract identification. The legend of such sign or display shall consist only of the neighborhood or tract name and shall be approved by the city council.
- F. Permanent Identification Signs. Churches, schools, day care centers, institutional and public uses in residential districts may have a sign not exceeding twenty-five (25) square feet in area per frontage.
- G. Private Traffic Direction Signs. Signs directing traffic movement onto and out of a commercial, industrial, institutional office, apartment, and manufactured home park uses may have one nine-square-foot sign, six feet in height at each vehicular entrance onto a public way (street or alley). These uses may have two interior traffic directional signs of six square feet and four feet in height. One additional interior traffic directional sign may be added for each forty-three thousand five hundred sixty (43,560) square feet of lot area up to a maximum of six interior traffic directional signs.
Seventy-five (75) percent of the sign area of each sign shall be used for traffic information.
- H. Public Signs. Signs of a noncommercial nature and in the public interest erected by or on the order of a public officer in the performance of his or her duties shall be permitted.
- I. Public Telephone Signs. Public telephone booths may have attached to them signs not exceeding a total area of six square feet, provided such signs do not materially obstruct the vision at any street intersection.
- J. Single-Family Residential Name and Street Address Signs. Two name or address signs not exceeding one square foot each shall be permitted.
- K. Other.

1. Construction Signs: shall not exceed one hundred (100) square feet and twenty (20) feet in height in any B-R, CB, HC or I district. Shall not exceed one hundred (100) square feet and twenty (20) feet in height for

churches, schools, day care centers, institutional uses, public uses and multiple dwellings of twelve (12) units or more in any R district. Shall not exceed eight square feet for any property with less than twelve (12) dwelling units in any R district. Shall be removed upon the completion of the project.

2. Pennants and Banners. Banners shall not exceed a total square footage of one hundred (100) square feet in B-R, CB, HC, or I districts. Pennants are allowed in the CS, HC, or I districts, but are not limited as to total square footage.

3. Political Campaign Signs: shall not exceed nine square feet in any R district and twenty-four (24) square feet in any B-R, CB, HC, I or F districts. Such signs may be displayed sixty (60) days prior to, and seven days after the election for which they are intended.

4. Real Property for Sale, Rental or Lease Signs: (a) shall not exceed a total of sixteen (16) square feet in any B-R, CB, HC, I-1 or I-2 district, and in R districts containing properties with twelve (12) or more dwelling units; and (b) shall not exceed a total of eight square feet for R districts containing properties with less than twelve (12) dwelling units and shall be removed upon the rental/lease or sale closing of the dwelling unit or units.

Exception: One thirty-two (32) square foot sign per frontage may be allowed in an R district for a development of ten lots or more and in cases of un-subdivided lands of at least 1.5 acres.

5. Any sign inside a building, not attached to a window or door, that is not legible from a distance six feet (6') beyond the lot line of the lot or parcel on which such sign is located.

6. Works of art that do not include a commercial message.

7. Holiday lights and decorations with no commercial message.

8. Signs on vehicles regularly and customarily used to transport persons or property for a business.

9. Signs or graphics on outside vending machines provided such machines are not part of the principal use of the lot.

(Ord. 386 § 1405-A, 2002) (Amended – Effective: January 26, 2010) (Amended May, 2014)

Chapter 17.72.070 of the North Sioux City Municipal Code is amended to read as follows:

17.72.070 Prohibited signs.

The following signs are prohibited and shall be removed within the time periods specified:

A. Miscellaneous Signs and Posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on walls of buildings, barns, shed, trees, poles, posts, fences or other structures is prohibited; and such sign shall be removed upon notice.

B. Painted Wall Signs. Painted wall signs shall be prohibited except that existing signs may remain provided said signs are maintained. Signs which are not maintained shall be removed or renovated within sixty (60) days upon notice. Painted wall graphics shall be permitted; however, such graphics shall not contain any words or graphics advertising the business or products sold within.

C. Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premises. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.

D. Nuisance Signs. Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic-control device or which hide from view any traffic, street sign or signal shall be removed upon notice.

E. Signs on Public Property or in Public Right-of-Way. No sign, including political signs, shall be erected or located in, under or over any public right-of-way or on public property except for the following:

1. Public signs erected by or on behalf of a governmental body to identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.

2. Informational signs by a public utility regarding poles, lines, pipes or facilities.

3. Awning, canopy, marquee, projecting and suspended signs in conformity with any other applicable section(s) of this Chapter.

4. Flags subject to the following:

a. The flag shall not exceed 15 square feet in area.

b. No artificial illumination shall be directed at the flag.

c. The flag shall be mounted on a non-permanent pole not exceeding ten feet in height and the pole shall be securely attached at or below grade. If a devise is used to hold the pole, it shall be located at or below grade. Attachment to a mailbox, tree, or other organic matter is not permitted.

d. The flag shall not obstruct the traffic visibility at an intersection nor interfere with the full use of the roadway by vehicular traffic.

e. Flags displayed under the regulations of this section shall be limited to 10 days in any calendar year. (Ord. 386 § 1407-A, 2002) (Amended May, 2014)

EFFECTIVE DATE. The above Ordinance shall be in full force and effect 20 days after publication pursuant to South Dakota law.

Dated this 2 day of June, 2014.

Don Fuxa, Mayor

ATTEST:

Donna Houck, Finance Officer

First Reading: May 19, 2014

Second Reading: June 2, 2014

Published: June 12, 2014

Motion by Meyer, second by Leitru to approve the second reading of amendments to the City's animal control ordinances, expressly lifting the ban on pit bulls as well as preventing dogs/animals which have been declared dangerous in other jurisdictions from being relocated to North Sioux City. It was noted that the changes are in response to recent State legislation which prohibits municipalities from enforcing policies specific to a particular breed. Ayes: Leitru, Meyer, Reiff, Beavers, Rogers and Verdoorn. Nays: Parks and Christiansen. Motion passed.

ORDINANCE #2014-05

TITLE 6. AN ORDINANCE AMENDING CHAPTERS 6.04, 6.12 AND 6.13.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NORTH SIOUX CITY, SOUTH DAKOTA:

Chapter 6.04 of the North Sioux City Municipal Code is amended to read as follows:

Chapter 6.04

INTRODUCTORY PROVISIONS

Sections:

6.04.010 Definitions.

(Amended June, 2014)

6.04.020 Animal control --Office created.

(Amended June, 2014)

6.04.010 Definitions.

For use in the title, the following terms are defined:

"Animal" means dogs and cats and every other animate being other than humans.

"At heel" means under the voice control and within fifteen (15) feet of the owner or person in custody of the animal.

"At large" means any licensed or unlicensed animal found off the premises of its owner and not under the control of a person, restrained, within a vehicle, housed in a veterinary hospital or kennel, or on a leash, or at heel beside a person and obedient to that person's command.

"Cat" means both male and female animals of the cat family (*felis catus*), whether neutered or not.

"Dangerous animal" means any animal which is not naturally tamed or gentle; or which is of a wild nature or disposition; or which is capable of killing or inflicting serious injury upon human beings and having known tendencies individually to do so; or which, because of its' size or other characteristics, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters, including, but not limited to, the following animals, which shall be deemed as dangerous per se: bears, wolves, lions, tigers, panthers, elephants, bison, poisonous snakes and spiders, alligators, crocodiles, anacondas, pythons, boa constrictors, and piranhas.

Further, any animal, except a dog assisting a peace officer engaged in law enforcement duties that demonstrates any of the following behavior, is a "dangerous animal":

(1) Any animal that, when unprovoked, inflicts severe injury on or kills a human being who is conducting himself or herself peacefully and lawfully. A "severe injury" within this chapter means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

(2) Any animal designated as a dangerous animal that, after its owner or keeper has been notified of this designation, exhibits any of the behaviors described above.

(3) Any animal that attacks livestock off the property of the owner of the attacking animal.

For the purposes of this Title 6, a person is peaceably and lawfully upon the private property of an owner or possessor of the animal when he or she is on the property in the performance of any duty imposed upon him or her by the laws of this state or any city or county, or by the laws or postal regulations of the United States, or when he or she is on the property upon express or implied invitation.

"Dart" means the process whereby a drug of a sedative nature is delivered to and injected into an animal by means of a projectile shot from a rifle or gun, for the purpose of subduing or rendering an animal unconscious for capture.

"Dog" means both male and female animals of the canine species, whether neutered or not.

"Neutered" means a surgical procedure that has been performed on a dog or cat that renders it incapable of siring or bearing offspring.

"Owner" means any person or persons, firm, association or corporation owning, keeping, sheltering or harboring an animal. (Prior code § 4.0801) (Amended June, 2014)

6.04.020 Animal control --Office created.

There is created the office of animal control of North Sioux City, South Dakota the duties of which shall be to carry out the provisions of the animal control ordinances of the city. The duties of an animal control officer, as defined herein, shall be assumed and performed by the duly authorized designee of the mayor or the mayor's authorized representative. (Prior code § 4.0810) (Amended June, 2014)

Chapter 6.12 of the North Sioux City Municipal Code is amended to read as follows:

Chapter 6.12

Chapter 6.12

ANIMAL CONTROL
AND REGULATIONS

Sections:

- 6.12.010 At large prohibited.**
(Amended June, 2014)
- 6.12.020 Impoundment and ticketing.**
(Amended June, 2014)
- 6.12.030 Disposition of impounded animals.**
(Amended June, 2014)
- 6.12.040 Impoundment fees.**
(Amended June, 2014)
- 6.12.050 Injured animals at large.**
(Amended June, 2014)
- 6.12.060 Keeping of dangerous animals prohibited.**
(Amended June, 2014)
- 6.12.070 Exceptions to keeping of dangerous animals.**
- 6.12.080 Regulation of keeping dangerous animals.**
(Amended June, 2014)
- 6.12.090 Regulations of keeping dangerous animals.**
(Amended June, 2014)
- 6.12.100 Harboring of strays--Notice to city pound.**
(Amended June, 2014)
- 6.12.110 General prohibitions and duties.**
- 6.12.120 Euthanasia.**
(Repealed June, 2014)
- 6.12.130 Impounded animals to be sold or destroyed when.**
(Repealed June, 2014)
- 6.12.140 Impoundment and boarding fees.**
(Repealed June, 2014)
- 6.12.150 Maximum number of domestic pets on premises.**
- 6.12.160 Housing of certain animals.**
- 6.12.170 Pigeons.**
- 6.12.180 Maintenance of livestock or fowl.**
- 6.12.190 Impoundment--Notice.**
(Amended June, 2014)
- 6.12.200 Violations--Penalties.**

6.12.010 At large prohibited.

The owner of an animal shall at all times restrain such animal to prevent it from running at large. Violators of this section shall be subject to a fifty dollar (\$50.00) fine for the first violation; a fine of seventy-

five dollars (\$75.00) for the second violation which occurs within 365 days of the first violation; a fine of one hundred dollars (\$100.00) for each violation thereafter occurring within 365 days of the second violation. For all violations there will be a court cost added to the ticket of an amount as may be established by the Unified Judicial System. (Prior code § 4.0811)
(Amended March 2006) (Amended June, 2014)

6.12.020 Impoundment and ticketing.

A. An animal found at large shall be seized and impounded with the Siouxland Humane Society in Sioux City, Iowa; or, at the discretion of the animal control officer or his or her designee, the owner may be served a citation and/or complaint to appear before the magistrate court to answer charges made thereunder.

B. If the owner of an impounded animal can be identified, the owner shall be notified by the animal control officer or his or her designee within two days that, upon payment of impounding fees, plus cost of food and care, the animal will be returned.

C. An impounded, unlicensed animal or an animal with no identification may be redeemed to the owner thereof upon:

1. Proof of ownership;

2. Payment of the board-and-keep fee, impoundment fee, and any other related costs incurred by the city; and

3. Presentation of the city license for the current year, if required by law, or by purchasing such license which shall not be issued until proof of a current rabies vaccination is presented. (Prior code § 4.0812) (Amended June, 2014)

6.12.030 Disposition of impounded animals.

A. After the expiration of the applicable impoundment period of quarantine, except as otherwise provided, an unredeemed animal, whether licensed or unlicensed, may, at the discretion of the animal control officer or the Siouxland Humane Society, be disposed of in the following manner:

1. Be humanely destroyed; or

2. Upon the payment of an adoption fee, be adopted to a person other than the animal's owner.

B. Any animal which appears to be suffering from rabies or infected with disease, or which is mortally injured, or which in the opinion of the administrative authority is vicious, shall not be adopted, or released, but shall be immediately destroyed in a humane manner. If the animal appears to have suffered from rabies or infected with a disease, the body of the animal shall be subject to autopsy and disposal by local or state health officials. (Prior code § 4.0813) (Amended June, 2014)

6.12.040 Impoundment fees.

Impoundment fees shall be determined by the Siouxland Humane Society in Sioux City, Iowa, or its successor in interest. (Prior code § 4.0814) (Amended March 2006) (Amended June, 2014)

6.12.050 Injured animals at large.

A. In the event that an injured animal, licensed pursuant to the ordinances of North Sioux City, is found at large, the animal control officer or his or her designee may cause the animal to be darted, if necessary, and may take the animal into custody. Upon taking an injured animal into custody, the animal control officer or his or her designee shall notify the animal's owner of its location and condition. Upon being so notified, the owner of such animal shall either immediately take custody of such animal or cause the animal to be transported to a veterinarian.

B. In the event the injured animal is unlicensed, or in the event that the finance officer or his or her designee is unable to determine the ownership of the animal, or is unable to contact the owner, or should the owner refuse to either take custody of such injured animal or cause it to be transported to a veterinarian, the animal control officer or his or her designee shall transport such animal to the nearest available veterinarian for treatment.

C. If an injured animal at large cannot be darted and it displays vicious tendencies which would make its capture by any other means unduly hazardous, the animal control officer or his or her designee may cause the immediate destruction of such animal.

D. In the event that an animal is found at large so seriously injured as to make its recovery improbable or unlikely, the animal control officer or his or her designee may, in his or her discretion, immediately destroy such animal in a humane manner in the interest of humane treatment.

E. In the event that animal control officer or his designee transport an injured animal to the nearest available veterinarian pursuant to the foregoing, he or she shall thereupon offer to give custody of the animal to the veterinarian for treatment at the veterinarian's cost.

In the event that the veterinarian refuses to take custody of such animal, or advises that it would be humane to destroy it, the animal control officer or his or her designee shall immediately destroy the animal in a humane manner in the interests of humane treatment. (Prior code § 4.0815) (Amended June, 2014)

6.12.060 Keeping of dangerous animals prohibited.

A. No persons shall keep, shelter or harbor for any purpose within the city a dangerous animal, as defined in Section 6.04.010.

B. Any person violating this section shall be subject to a fine in the sum of Five Hundred Dollars (\$500.00) for each violation thereof. Each day in which a dangerous animal is kept within the city limits of the city shall constitute a separate violation.

Hearing procedures.

(a) If an animal control officer determines there is probable cause to believe that an animal is dangerous, the animal control officer shall hold a public hearing to determine whether grounds exist to designate the animal dangerous, and if so, what orders and penalties should apply. If the owner or keeper of the animal does not dispute the charges alleged, he or she may waive the right to a hearing.

(b) At least five business days prior to the hearing, the animal control officer shall serve the owner or keeper of the animal with a notice containing a statement of the charges, and the date, time and place of hearing. Service shall be by certified mail with signed receipt requested, first-class mail or personal service.

(c) Evidence received at the hearing must be relevant and of such nature as responsible persons are accustomed to rely on in the conduct of serious affairs. Written statements by a city officer or employee, an officer or employee of the state, or an officer or employee of any law enforcement or fire protection agency acting in the course and scope of their official duties or employment, written records of the animal services department, and statements under penalty of perjury may be accepted as evidence that the fact(s) or condition(s) expressed therein do or do not exist.

(d) The animal control officer will consider the following factors in determining whether an animal is dangerous:

(1) Whether any injury or damage to a person by the animal was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing, or assaulting the animal;

(2) Whether a person injured or damaged by the animal was committing a trespass or other tort upon premises occupied by the owner or keeper of the animal, or was committing or attempting to commit a crime;

(3) Whether any injury or damage to a domestic animal was caused or contributed to by the actions of the domestic animal, including acts of teasing, tormenting, abusing, or attacking the animal;

(4) Whether a person injured or damaged by the animal had gained uninvited and unauthorized entry onto fenced or indoor property of the animal's owner or keeper. As used in this section, "unauthorized entry" does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry;

(5) Whether any injury or damage to a person by the animal was caused while the animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault.

Findings after hearing.

After notice and hearing upon charges following the procedure described above in this Section 6.12.060, the owner or keeper of the animal will be provided with written notice, served by first-class mail, of the determination and order issued by the animal control officer. If a determination is made after hearing that an animal is or dangerous, the animal will be designated dangerous and may only be owned, kept or maintained by the current or any subsequent owner or keeper pursuant to Section 6.12.090 of this ordinance. (Prior code § 4.0816)(Amended March 2006) (Amended 2007) (Amended June, 2014)

6.12.070 Exceptions to keeping of dangerous animals.

The prohibitions contained in Section 6.12.060 shall not apply to the keeping of dangerous animals in the following circumstances:

- A. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, museum or other place where they are kept as live specimens for the public to view, or for the purpose of instruction or study;
- B. The keeping of dangerous animals for exhibition to the public by circus, carnival, exhibit, show or pet shop;
- C. The keeping of dangerous animals in a bona fide, licensed veterinarian hospital for treatment. (Prior code § 4.0817)

6.12.080 Regulation of keeping dangerous animals.

- A. While on the owner's property, a dangerous animal must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than two feet. The enclosure must also provide the animal protection from the elements.
- B. The owner or keeper shall display a sign on his or her premises warning that there is a dangerous or vicious dog on the property. The sign shall be visible and capable of being read from the public highway or thoroughfare. In addition, the owner shall conspicuously display the sign with a symbol warning children of the presence of a dangerous or vicious animal. (Prior code § 4.0818) (Amended June, 2014)

6.12.090 Regulations of keeping dangerous animals.

- A. Every person, firm or corporation owning, keeping, sheltering or harboring a dangerous animal shall report such fact to the North Sioux City animal control officer, together with the following information:
 - 1. The species name of each such animal;
 - 2. The number of such animals of each species kept on the premises;
 - 3. A physical description of each such animal, including any pet name to which it might respond;
 - 4. The location of such animal or animals, the location of the cage or place of confinement upon or in the premises wherein the animal or animals are kept;
 - 5. In the case of poisonous dangerous animals, the location of the nearest source of anti-venom for that species.
- B. Every person, firm or corporation keeping, sheltering or harboring a dangerous animal shall at all times keep such animals securely confined within a cage or other enclosure.
- C. No person, firm or corporation owning keeping, harboring or sheltering a dangerous animal shall permit or allow such animal to enter upon or traverse any public property, park property, public right-of-way, or the property of another, except when such animal is being transported while caged or confined.
- D. In the event that a dangerous animal is found at large and unattended upon public property, park property, public of right-of-way, or the property of someone other than its owner, such animal may, in the discretion of the city manager or his or her designee, or the chief of police, be destroyed if it can not be confined or captured, thereby creating a hazard to life or property. The city, its officers and employees shall be under no

duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have the duty to notify the owner of such animal prior to its destruction.

E. Animals from other jurisdictions.

No animal that has previously been determined to be dangerous or vicious after an administrative hearing by any other jurisdiction shall be kept, owned or harbored in the City of North Sioux City. (Prior code § 4.0819) (Amended June, 2014)

6.12.100 Harboring of strays--Notice to city pound.

Any person who harbors any animal found astray within the city limits shall, within twenty-four (24) hours, notify the animal control officer. (Prior code § 4.0820) (Amended June, 2014)

6.12.110 General prohibitions and duties.

A. No person shall aid or cause any animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment be upon the such person's property or that of another, by opening any gate, door or window, by making an opening in any fence, enclosure or structure, or by unleashing such animal.

B. It shall be prohibited for any person to permit or allow an animal owned by that person or under that person's custody or control to defecate upon public property, park property, public right-of-way, or the property of another.

C. It shall be the duty of every person owning or having the custody or control of an animal to clean up, remove and dispose of the feces deposited by such animal upon public property, park property, public right-of-way, or the property of another.

D. It shall be the duty of every person owning or having the custody or control of an animal to physically restrain the animal within an enclosure or upon a leash when such animal is left unattended outside or is not at heel. The animal must be restrained so as to prevent the animal from leaving the premises of its owner or from coming in contact with public right-of-way or the property of another.

E. It is unlawful for a person, owning or having the care or custody or control of an animal to permit such animal to disturb the peace and quiet of the neighborhood by barking, howling, whining, or making any other loud or unusual noise. Leaving an animal unattended who subsequently disturbs the peace and quiet of the neighborhood shall be in violation of this subsection.

F. In the event an animal is making any noise to the disturbance of the peace and quiet of the neighborhood and the person owning or having the care or custody or control over the animal cannot be found to remedy the situation or if found refuses to do so, the animal may be impounded. A notice of impoundment must be left with the person or in an obvious place on the premises where the dog was impounded. A written notice of impoundment must also be mailed as soon as possible to the licensed owner of the animal if known; or the lessee of the premises upon which the animal was found, if known; or the record owner of the premises. Nothing in this title shall be construed to require dual notice of or to prohibit the filing of criminal charges. The animal may be claimed on any regular work day during regular work hours. The impoundment fee will assessed prior to release of the animal.

G. It shall be prohibited for any person in any manner to interfere with any employee or designated representative of the city so as to hinder, delay or prevent his or her executing his or her duties pursuant to this title.

H. No person may set traps in the city for the purpose of apprehending wild or domesticated animals. This section does not prohibit:

1. Trapping mice, rats or other household vermin;
2. The setting of traps to destroy moles and other underground pests so long as the traps used may be triggered only by subsurface action; or
3. The setting of traps in the line of duty by an animal control officer or with written permission from and under supervision of an animal control officer or licensed pest-control operators. (Prior code § 4.0821)

6.12.120 Euthanasia.

(Prior code § 4.0822) (Amended March 2006) (Repealed June, 2014)

6.12.130 Impounded animals to be sold or destroyed when.

(Prior code § 4.0839) (Repealed June, 2014)

6.12.140 Impoundment and boarding fees.

(Prior code § 4.0840) (Repealed June, 2014)

6.12.150 Maximum number of domestic pets on premises.

It is unlawful for any person or persons to have or to keep more than five domestic pets in the aggregate over the age of six months, except fish, on any lot or premises in the city, unless otherwise provided by the ordinances of North Sioux City. "Domestic pets" as used in this title shall include but are not limited to, (felis domesticus) the domestic cat, (mustela putorius furo) the European polecat otherwise known as the ferret, (canis familiaris) the domestic dog, the domestic fowl of the order Galliformes and Galinaceous birds (fowl-like birds), and the order anseriformes (water fowl). The city humane society, veterinarian offices, and retail pet stores are exempt from the provisions of this section. (Prior code § 4.0841)

6.12.160 Housing of certain animals.

No person within any residential estates zone, single-family residence zone, or general residence zone in the city shall have in his or her possession or control, or keep or harbor, any equine or bovine animals, any sheep, goats, dogs in kennels for commercial purposes, pigs, mink or any live hares, rabbits, guinea pigs, chickens, turkeys, geese, ducks, doves, pigeons, game birds or other fowl, within one hundred fifty (150) feet of any dwelling or building used for human habitation. (Prior code § 4.0835)

6.12.170 Pigeons.

It shall be lawful for any member of a recognized national pigeon association to keep, house and maintain racing homing pigeons and fancy breeds of pigeons which are banded with numbered leg bands showing the same to be registered with such associations, providing such pigeons are maintained in a closed loft and are exercised only on the owner's property. Such pigeons shall be allowed as long as they do not constitute a nuisance or create a hazard to public health. (Prior code § 4.0836)

6.12.180 Maintenance of livestock or fowl.

No person shall keep or maintain any building or enclosure where such livestock or fowl is kept unless he or she shall keep the same at all times in a clean, neat and sanitary condition and free from substances attracting rodents and flies. (Prior code § 4.0837)

6.12.190 Impoundment--Notice.

Any such animal or animals found in the city in violation of any of the provisions of Sections 6.12.160 through 6.12.180 shall be impounded by any police officer or other person appointed by the governing body of the city as its agent and employee for that purpose. The chief of police, or any officer of the police department or the animal control officer appointed by the governing body, shall within twenty-four (24) hours following the impounding of such animal or animals notify the owner of the animal(s) having been impounded as to its location. If the owner of the animal(s) is unknown, such officer shall post written notices in the city hall and the post office in the city describing the animal(s) and stating a time and place when and where the animal(s) was apprehended and the place where it is being kept and how the same may be recovered by the owner.

Exception.

Nothing in this chapter shall limit the right of any person or officer to take any proceedings against a or dangerous animal or its owner or keeper that are otherwise permitted or provided by law, and nothing in this chapter shall be construed to limit the access of any person in violation of state or federal laws. (Prior code § 4.0838) (Amended June, 2014)

6.12.200 Violations--Penalties.

Any person who violates Sections 6.12.050 through 6.12.110 of this Ordinance shall be subject to a fine of Five Hundred Dollars (\$500.00). Each day a violation occurs shall be deemed a separate offense and subject to an additional Five Hundred Dollar (\$500.00) fine. (Prior code § 4.0823) (Amended March 2006) (Amended 2007)

Chapter 6.13 of the North Sioux City Municipal Code is amended to read as follows:

Chapter 6.13

Chapter 6.13

IRRESPONSIBLE ANIMAL OWNER

Section:

6.13.010 Definition

6.13.020 Determination

6.13.030 Owner - Banned

6.13.040 Impound

(Amended June, 2014)

6.13.050 Destruction

(Repealed June, 2014)

6.13.010 Definitions.

“Irresponsible animal owner” means any animal owner that has:

- A. Been convicted or plead guilty three times or more for separate incidents that occurred in any twelve month period concerning:
 - 1. An animal at large;
 - 2. An animal disturbing the peace;
 - 3. An unlicensed animal;
 - 4. An excessive number of animals; or
 - 5. Unsanitary premises due to animals.
- B. Been convicted or plead guilty two times or more for separate incidents that occurred in any thirty-six month period concerning:
 - 1. Animal cruelty;
 - 2. Animal neglect,
 - 3. Keeping animals covered by section 6.12.60 without obtaining a permit; or
 - 4. An animal declared a vicious animal.

6.13.020 Determination

The determination of an “irresponsible animal owner” shall be in accordance with the following procedures:

- A. The Mayor or the Mayor’s designee, upon being satisfied that an owner is an irresponsible animal owner, shall cause to be served upon the owner a written notice of said determination.
- B. The written notice shall contain:

1. A finding that the owner is an irresponsible animal owner.
 2. A description of the acts relied upon in determining the owner is an irresponsible animal owner.
 3. A copy of the appropriate municipal code.
 4. A statement advising the owner of the right to request a hearing.
- C. Notice. Notice shall be by personal service or by certified mail to the owner.
- D. Request for hearing and appeal. Any owner advised that the owner is declared an irresponsible animal owner may have, upon request, a hearing with the officials making said determination as to whether the owner is an irresponsible animal owner. A request for a hearing must be made in writing and delivered to the office of the city manager or the city manager's designee within the time stated in the notice or it will be conclusively presumed that the owner is an irresponsible animal owner.

The Mayor or the Mayor's designee will act as hearing officer. At the conclusion of the hearing or within three days thereafter, the hearing officer shall render a written decision as to whether the owner is an irresponsible animal owner. An appeal from this decision may be had by filing a written notice with the hearing officer. This appeal will be heard before the city council at a time and place fixed by the council. The findings of the council shall be conclusive.

6.13.030 Owner – Banned

If an owner is declared to be an irresponsible animal owner the owner shall be banned from having animals within the city limits of North Sioux City.

6.13.040 Impound

The Mayor or Mayor's designee shall cause the animal to be impounded with the Siouxland Humane Society in Sioux City, Iowa if an owner has been declared an irresponsible animal owner and is found to have an animal within the city.

6.13.050 Destruction

(Repealed June, 2014)

EFFECTIVE DATE. The above Ordinance shall be in full force and effect 20 days after publication pursuant to South Dakota law.

Dated this 2 day of June, 2014.

Don Fuxa, Mayor

ATTEST:

Donna Houck, Finance Officer

First Reading: May 19, 2014

Second Reading: June 2, 2014

Published: June 12, 2014

Motion by Christiansen, second by Parks to approve a change order in the amount of \$12,297 for the North Sioux City Community Library project (landscaping, trash slab and fence, installation of duress button and other incidentals). Unanimous.

It was noted that bids for the Highway 105 Resurfacing Project were opened by the South Dakota Department of Transportation (SDDOT) on May 21, 2014, and that the project has been awarded to Knife River. The contract completion date is October 31, 2014.

Representatives from New Beginning provided an overview of the organization's mission and goals. Motion by Leitru, second by Reiff to donate \$1000 to the organization's "Raise the Roof" fundraising event. Unanimous.

Discussion was held on a proposal to establish a revolving loan fund for the Harvest Bend residential development. Motion by Parks, second by Leitru to establish a \$250,000 revolving loan fund with a three year sunset clause. It was noted that the fund will be administered by the North Sioux City Housing & Redevelopment Commission (HRC). Ayes: Leitru, Parks, Christiansen, Meyer, Reiff and Rogers. Nays: Beavers and Verdoorn. Motion passed.

It was noted that the City has not received any new retail fireworks permit applications since the May 19, 2014, regular Council meeting.

Motion by Beavers, second by Verdoorn to approve the following temporary street closures for neighborhood events with the understanding the residents are responsible for clean-up, returning City barricades and signing a liability waiver. Unanimous.

Corner of Main & Victor and Rose & Victor – July 4, 2014 (10:00 a.m. to midnight)
Corner of Lloyd on Rose to Wallace Avenue – July 4, 2014 (noon to midnight)
Corner of North Main to Corner of Leneve – July 5, 2014 (3:00 p.m. to midnight)

Motion by Christiansen, second by Meyer to approve property tax abatement request #2014-013 as presented (tax freeze). Unanimous.

During community/council input: 1.) Mayor Fuxa noted that there has been discord between the North Sioux City Senior Citizens Service Center and Dakota Senior Meals/Rural Office of Community Services, and thus Dakota Senior Meals has begun looking for a new location to serve the meals. The City of North Sioux City funds a significant portion of the Dakota Senior Meals program; and 2.) Pat Burnight inquired about the issuance of additional liquor licenses for restaurants. The matter will be placed on the July 7, 2014, regular Council meeting agenda.

Motion by Parks, second by Meyer to enter Executive Session at 7:49 p.m. in accordance with SDCL 1-25-2 (sections 1 and 3) to discuss personnel and legal matters. Unanimous.

Regular session resumed at 8:23 p.m.

Motion by Parks, second by Christiansen to accept the resignation of Officer Donald Eagleman from the North Sioux City Police Department and thank him for his service to the community. Unanimous.

Motion by Christiansen, second by Parks to advertise for a full-time police officer. Unanimous.

Motion by Parks, second by Christiansen to hire Larry Wolverton as a full time public works employee at a wage of \$14.00 per hour and subject to the regular 90-day probationary period. Unanimous.

Motion by Leitru, second by Christiansen to increase the wage of Library Assistant Erin Nilges to \$13.75 per hour. Unanimous.

No fines to report.

Motion by Meyer, second by Leitru for the approval of bills. Unanimous.

AFLAC	\$1,391.64	MAY 2014 PREMIUMS (3 PAY PERIODS)
ARAMARK	\$84.15	MEALS 2014 LIBRARY TRAINING INSTITUTE
COVENTRY HEALTH & LIFE INS CO	\$14,322.98	JUN 14 PREMIUMS
NORTHERN STATE UNIVERSITY	\$137.10	HOUSING 2014 LIBRARY TRAINING INSTITUTE
PRINCIPAL LIFE INSUR CO	\$1,907.62	JUN 2014 LIFE/DTL PREMIUMS
AMERICAN LEGAL SERVICES	\$36.20	PD COVERAGE
AMSAN	\$228.74	TRASH LINERS, TOILET TISSUE, HAND TOWELS
ASI	\$1,425.45	DEPOSIT FOR NEW LIBRARY SIGNAGE
BOHLMANN INC	\$44.59	FERRARI PARK - DRINKING FOUNTAIN
BOMGAARS	\$166.16	GLOVES, PUNCH/CHISEL SET, SAW, OIL, LINE
CUMMINS CENTRAL POWER LLC	\$3,064.72	MILLER BACKUP GENERATOR – MAIN, REPLACE HTR,
DAKOTA AMMO, INC.	\$909.30	SUPPLIES
DAKOTA DUNES/NSC TIMES	\$35.85	SUBSCRIPTION RENEWAL-CITY HALL
ELECTION SYSTEMS & SOFTWARE	\$425.41	BALLOTS (4 WARDS)
ELECTRIC INNOVATIONS	\$1,630.00	JUN 2014 TECH SUPPORT
FIRST FINANCIAL BANK USA	\$2,927.39	CC CHARGES/TRAVEL EXPENSES
FLOYD RIVER MATERIALS INC	\$10,689.02	ROCK FOR 10 FT DRAIN AT LAKE
FOUR SEASONS NORTH	\$124.75	JUN 2014 FITNESS CTR MEMBERSHIPS
HAWKINS, INC	\$1,376.70	WATER CHEMICALS/POTASSIUM/CHLORIDE
HCI CONSTRUCTION	\$173,686.75	NEW LIBRARY PROJECT
JANITOR DEPOT, INC.	\$88.86	TOILET TISSUE, TOWELS
K & P SERVICES, INC	\$530.35	MAY 2014 PARKS TOILET RENTALS
MALLOY ELECTRIC	\$614.00	ELECTRA MOTOR - MAINTENANCE PLUS PARTS ON MOTOR
MARTEL ELECTRONICS, INC	\$310.00	TB TX & RECEIVER & DVD
MB CLEANING	\$700.00	MAY 2014 CLEANING-CITY HALL
MID-AMERICA COUNCIL	\$3,000.00	2014 PLEDGE FRIENDS OF SCOUTING
MIKE S SIOUX CITY CARPET	\$811.00	COMM CTR ENTRYWAY - REMOVE AND INSTALL TILE
NATE'S FINE SHINE	\$315.00	MAY 2014 CLEANING-PD
NATIONAL PEN CO, LLC	\$89.90	PROMOTIONAL PENS
IOWA OFFICE SUPPLY, INC	\$24.42	NOTARY STAMP
OFFICE SYSTEMS CO	\$171.07	JUN 2014 LEASE & COPY EXPENSE
OVERDRIVE, INC.	\$136.92	eBOOKS
ROBERT LABRUNE CONSTRUCTION	\$55.00	REPAIR CASH DRAWER
ROBERTSON IMPLEMENT CO	\$5,762.70	GRAVELY COMMERCIAL LAWN MOWER
SD PARKS & WILDLIFE FOUNDATION	\$1,000.00	DONATION TO ADAMS HOMESTEAD-SONNY'S ACRES
SD DEPT OF REVENUE	\$217.00	4/18-5/13 SOLIDS,FECAL,BOD TESTING
SIOUX SALES CO.	\$132.00	CLOTHING ALLOWANCE
TOWN & COUNTRY LAWN SERVICE, I	\$1,407.75	MAY 2014 WEED CTRL
USABLUBOOK	\$2,395.61	BLOWER COUPLING HOSE, SUTORBILT 4L BLOWER
VERIZON WIRELESS	\$753.65	MAY 14 CELL CHARGES
WESTERN OFFICE TECHNOLOGIES	\$351.49	PENS, JUMP DRIVES , FOLDERS, LABELS, CS PAPER
WOODBURY CTY EMERG SVCS	\$3,805.75	MAY 2014 STARCOMM, CALHOUN MICROWAVE PROJECT

As required by SDCL 6-1-10, the following is a list of the May 2014 payroll by department:

Council / P&Z	26,200.00
Finance	19,396.04
Library	7,050.06
Police	45,156.74
Public Works	24,122.95

Adjournment was at 8:25 p.m., motion by Beavers and second by Verdoorn. Unanimous.

CITY OF NORTH SIOUX CITY

Don Fuxa, Mayor

ATTEST:

Donna Houck, Finance Officer

ATTEST:

Kory Menken, Human Resources Director