

## Chapter 9.08

### OFFENSES AGAINST PERSONS OR PROPERTY

#### Sections:

- 9.08.010 Prohibiting damage to property.**
- 9.08.020 Destroying property.**
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- 9.08.040 Operation of motor vehicles.**
- 9.08.050 Flood control levee or dike-- Restrictions of activity.**
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#### **9.08.010 Prohibiting damage to property.**

A. It is unlawful for any person to break, cut, mar, injure, deface or in any manner damage or destroy any sidewalk, pavement, curb, gutter, crosswalk, fence, post, tree, shrub, equipment, machinery, vehicle or building or any other public or private property located within the city.

B. Any person convicted of a violation of this section shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) and shall be ordered to compensate the city for the repairs to or replacement of the property so damaged. (Ord. 373 §§ 1, 2, 2002) (Amended 2007)

#### **9.08.020 Destroying property.**

Any person who shall deface or willfully injure any city property or any of the mains, meters, lamp posts, burners, or other fixtures belonging either to the water or lighting system of the city or who shall, without authority, turn on any water or sewer connection or turn on the water at any public hydrant, shall be

punished by a fine not exceeding Five Hundred Dollars (\$500.00). (Ord. 378 § 7, 2002) (Amended 2007)

#### **9.08.030 Dredged or fill materials.**

It is unlawful for any individual corporation, partnership or other entity to permit, authorize or cause the discharge of dredged or fill materials into McCook Lake, South Dakota, without a permit from the Army Corps of Engineers.

The penalty for violation of this section shall be a fine not to exceed Five Hundred Dollars (\$500.00). (Prior code § 5.0804) (Amended 2007)

#### **9.08.040 Operation of motor vehicles.**

It is unlawful for the driver or operator of any licensed or unlicensed motor vehicle to drive or operate such motor vehicle in or upon any flood control levee or dike within the city. It is unlawful for the driver or operator of any unlicensed motor vehicle to drive or operate such motor vehicle in or upon any city streets or upon any city property, except when such vehicle is being used for some authorized public purpose, including, but not limited to, emergency situations. "Licensed motor vehicle" includes motorcycles, mopeds and motor scooters. "Unlicensed motor vehicles" includes snowmobiles, all terrain vehicles (ATVs), go-carts, and similar type vehicles. (Ord. 372 § 1, 2002)

#### **9.08.050 Flood control levee or dike-- Restrictions of activity.**

A. It is unlawful for anyone to place trash, debris or other objectionable materials within the permanent right of way limits of any flood control levee or dike within the city.

B. It is unlawful for any person to cultivate any area, burn any vegetation cover, or erect any unauthorized fencing within the permanent right of way limits of any flood control levee or dike within the city.

C. It is unlawful for any owner or the person in charge of any domestic animals including but not limited to cows, horses, sheep, goats or swine to allow the said animals to graze or feed within the permanent right of way of any flood control levee or dike within the city.

D. It is unlawful to create or make any excavation within five hundred (500) feet of the inside edge of any flood control levee or dike within the city without the express written consent of the Omaha District Engineer of the United States Army Corp of Engineers. (Ord. 372 §§ 2--5, 2002)

**9.08.060 Violation--Penalty.**

Any person convicted of violating Sections 9.08.040 and 9.08.050 shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00). (Ord. 372 § 6, 2002) (Amended 2007)