

**ORDINANCE # 234**

**AN ORDINANCE TO AMEND TITLE ONE, CHAPTER FIVE, THE FINE AND BOND SCHEDULE FOR THE CITY OF MARTIN**

BE IT ORDAINED BY THE CITY COUNCIL OF MARTIN, SOUTH DAKOTA, BENNETT COUNTY, THAT THE CITY HEREBY ADOPTS THE ATTACHED FINE AND BOND SCHEDULE, CONTINGENT UPON ADOPTION BY THE 6<sup>TH</sup> CIRCUIT :

STATE OF SOUTH DAKOTA            )    IN CIRCUIT COURT  
   ) SS  
 COUNTY OF BENNETT                )    SIXTH JUDICIAL CIRCUIT

FINE/BOND SCHEDULE FOR MARTIN, SD  
 MUNICIPAL ORDINANCE VIOLATIONS  
 July 13, 2022

Comes now the Presiding Judge of the Sixth Judicial Circuit and makes the following order, superseding all previous such orders and authorizes lay magistrates to fix bond, take fines or take personal recognizance for Martin Municipal Ordinance violations as follows:

<u>Ord.</u>	<u>VIOLATION</u>	<u>FINE</u>	<u>COSTS</u>	<u>TOTAL &amp; BOND</u>
2-1-2	Abandoned Vehicle	\$100 First Offense \$200 Second Offense \$500 Third Offense	\$60.00	\$160.00/P.R. \$260.00/P.R. \$560.00/P.R.
2-1-3	Racing or Antique Vehicles	\$100 First Offense \$200 Second Offense \$500 Third Offense	\$60.00	\$160.00/P.R. \$260.00/P.R. \$560.00/P.R.
2-1-4	Failure Maintain Litter-Free Premises	\$100 First Offense \$200 Second Offense \$500 Third Offense	\$60.00	\$160.00/P.R. \$260.00/P.R. \$560.00/P.R.
2-1-5	Noxious Weeds	\$100 First Offense \$200 Second Offense \$500 Third Offense	\$60.00	\$160.00/P.R. \$260.00/P.R. \$560.00/P.R.
2-1-6	Operation of Jacob Brakes	\$100 First Offense \$200 Second Offense \$500 Third Offense	\$60.00	\$160.00/P.R. \$260.00/P.R. \$560.00/P.R.
2-1-7	Creating or Maintaining a Nuisance	\$100 First Offense \$200 Second Offense \$500 Third Offense	\$60.00	\$160.00/P.R. \$260.00/P.R. \$560.00/P.R.

<u>Ord.</u>	<u>VIOLATION</u>	<u>FINE</u>	<u>COSTS</u>	<u>TOTAL &amp; BOND</u>
2-1-10	Underage Gathering, Disorderly House	\$100 First Offense \$200 Second Offense \$500 Third Offense	\$60.00	\$160.00/P.R. \$260.00/P.R. \$560.00/P.R.
2-1-11	Leasing for Unlawful Purposes	\$100 First Offense \$200 Second Offense \$500 Third Offense	\$60.00	\$160.00/P.R. \$260.00/P.R. \$560.00/P.R.
2-1-12	Premises Used for Unlawful Purposes	\$100 First Offense \$200 Second Offense \$500 Third Offense	\$60.00	\$160.00/P.R. \$260.00/P.R. \$560.00/P.R.
2-1-13	Maintenance of Conditions Constituting Nuisance	\$100 First Offense \$200 Second Offense \$500 Third Offense	\$60.00	\$160.00/P.R. \$260.00/P.R. \$560.00/P.R.
2-1-20	Recreational Vehicles	\$100 First Offense \$200 Second Offense \$500 Third Offense	\$60.00	\$160.00/P.R. \$260.00/P.R. \$560.00/P.R.
<b>2-1-21</b>	<b>International Property Maintenance Code</b>	<b>\$200.00</b>	<b>\$60.00</b>	<b>\$260.00/P.R.</b>
2-2-2	Littering	Less than 1lb - \$25.00 1lb to 2lb - \$50.00 2lb to 3lbs - \$75.00 3lb to 4lbs - \$100.00 4lb and more- \$200.00	\$60.00	\$85.00/P.R. \$110.00/P.R. \$135.00/P.R. \$160.00/P.R. \$260.00/P.R.
2-2-3	Unlawful Deposit	\$100.00	\$60.00	\$160.00/P.R.
2-2-4	Sweeping Litter into Gutter	\$100.00	\$60.00	\$160.00/P.R.
2-2-5	Failure Maintain Litter-free Premises	\$30.00	\$60.00	\$90.00/P.R.
<b>2-2-5a</b>	<b>Unlawful deposits and litter</b>	<b>\$200.00</b>	<b>\$60.00</b>	<b>\$260.00/P.R.</b>
2-3-2	Licensing – Dogs & Cats	\$60.00	\$60.00	\$120.00/P.R.
2-3-3	Tag & Collar Required – Dogs & Cats	\$60.00	\$60.00	\$120.00/P.R.
2-3-4	Animals Running at Large	\$60.00	\$60.00	\$120.00/P.R.
2-3-7	Vicious Animals	\$100.00	\$60.00	\$160.00/P.R.
2-3-8	Keep or Maintain Dog or Cat without Vaccinations	\$60.00	\$60.00	\$120.00/P.R.
2-3-9	Limit of Dogs & Cats per household	\$60.00	\$60.00	\$120.00/P.R.
2-4-1	Keeping of Animals within City Limits	\$60.00	\$60.00	\$120.00/P.R.

<u>Ord.</u>	<u>VIOLATION</u>	<u>FINE</u>	<u>COSTS</u>	<u>TOTAL &amp; BOND</u>
3-1-1	Fireworks Prohibited in City Limits	\$60.00	\$60.00	\$120.00/P.R.
3-1-2	Distribution of Fireworks Prohibited	\$60.00	\$60.00	\$120.00/P.R.
3-1-3	Storage of Explosives	\$60.00	\$60.00	\$120.00/P.R.
3-1-4	Storage of Flammable Liquids	\$60.00	\$60.00	\$120.00/P.R.
3-1-6	Bulk Storage Facilities	\$60.00	\$60.00	\$120.00/P.R.
3-2-3	Buildings within Fire Limits – Construction	\$60.00	\$60.00	\$120.00/P.R.
3-2-4	Buildings within Fire Limits – Chimneys and Flues	\$60.00	\$60.00	\$120.00/P.R.
3-2-5	Moving or Building Structure within Fire Limits without Permit	\$60.00	\$60.00	\$120.00/P.R.
<b>3-3-2</b>	<b>International Building Code Adopted</b>	<b>\$100.00</b>	<b>\$60.00</b>	<b>\$160.00/P.R.</b>
<b>3-3-3</b>	<b>International Residential Code Adopted</b>	<b>\$100.00</b>	<b>\$60.00</b>	<b>\$160.00/P.R.</b>
<b>3-3-5</b>	<b>Requirement for Building Permit</b>	<b>\$100.00</b>	<b>\$60.00</b>	<b>\$160.00/P.R.</b>
<b>3-3-7</b>	<b>Mobile Homes, Trailers, and Manufactured Home Application required</b>	<b>\$100.00</b>	<b>\$60.00</b>	<b>\$160.00/P.R.</b>
<b>3-3-10</b>	<b>Single Dwelling Requirement</b>	<b>\$100.00</b>	<b>\$60.00</b>	<b>\$160.00/P.R.</b>
4-1-2	Failure to Pass to Right on Street	\$60.00	\$60.00	\$120.00/P.R.
4-1-3	Failure to Properly Turn & Signal	\$60.00	\$60.00	\$120.00/P.R.
4-1-4	Backing Motor Vehicle	\$60.00	\$60.00	\$120.00/P.R.
4-1-5	Failure to Yield Emergency Vehicles	\$60.00	\$60.00	\$120.00/P.R.
4-1-6	Failure to Yield Right-of-Way at Intersections	\$60.00	\$60.00	\$120.00/P.R.
4-1-7	Driving on Left Side of Street	\$60.00	\$60.00	\$120.00/P.R.
4-1-8	Driving Over Sidewalks	\$60.00	\$60.00	\$120.00/P.R.
4-1-9	Driving in Manner which Obstructs or Hinders Traffic	\$60.00	\$60.00	\$120.00/P.R.
4-1-10	Reckless or Careless	\$140.00	\$60.00	\$200.00/P.R.

<u>Ord.</u>	<u>VIOLATION</u>	<u>FINE</u>	<u>COSTS</u>	<u>TOTAL &amp; BOND</u>
	Driving-Excessive Speed			
4-1-11	Leaving Vehicle Unattended	\$60.00	\$60.00	\$120.00/P.R.
4-1-12	Driving Vehicle with Excessive Noise, Smoke or Dust	\$60.00	\$60.00	\$120.00/P.R.
4-1-13	Failure to Drive in Compliance with State Laws – Brakes, Lights and Signaling Devices	\$60.00	\$60.00	\$120.00/P.R.
4-1-14	Underage Driving	\$60.00	\$60.00	\$120.00/P.R.
4-1-15	Driving on Sidewalks	\$60.00	\$60.00	\$120.00/P.R.
4-1-16	Interference with Funeral Procession	\$60.00	\$60.00	\$120.00/P.R.
4-1-17	Obstruction of Streets or Alleys	\$60.00	\$60.00	\$120.00/P.R.
4-1-18	Backing of Vehicles at Curbs	\$60.00	\$60.00	\$120.00/P.R.
4-1-19	Parking	\$60.00	\$60.00	\$120.00/P.R.
4-1-20	Truck Parking	\$60.00	\$60.00	\$120.00/P.R.
4-1-21	Unloading of Cargo on Certain Streets	\$60.00	\$60.00	\$120.00/P.R.
4-1-22	Restricted Parking Trucks	\$30.00	\$60.00	\$90.00/P.R.
4-1-23	Speed Limit at 15 m.p.h. – Trucks	\$60.00	\$60.00	\$120.00/P.R.
4-1-24	Parking – Trucks	\$30.00	\$60.00	\$90.00/P.R.
4-1-25	Parking – Farm Equipment	\$30.00	\$60.00	\$90.00/P.R.
4-1-26	Parking Regulations/U-Turns/Stopping in Street/stop sign violation, etc.	\$60.00	\$60.00	\$120.00/P.R.
4-1-27	Speeding	(1-5 mph over) \$30.00 (6-10 mph over) \$45.00 (11-15 mph over) \$65.00 (16-20 mph over) \$85.00 (21-25 mph over) \$105.00 (26 and over) \$160.00	\$60.00	\$90.00/P.R. \$105.00/P.R. \$125.00/P.R. \$145.00/P.R. \$165.00/P.R. \$220.00/P.R.
4-1-28	Parking Too Close to Fire Hydrant	\$60.00	\$60.00	\$120.00/P.R.

<u>Ord.</u>	<u>VIOLATION</u>	<u>FINE</u>	<u>COSTS</u>	<u>TOTAL &amp; BOND</u>
4-1-29	Failure to Yield to Fire Department Vehicles	\$60.00	\$60.00	\$120.00/P.R.
4-1-30	Driving Over Fire Hose	\$35.00	\$60.00	\$95.00/P.R.
4-1-31	Careless Driving – Other	\$60.00	\$60.00	\$120.00/P.R.
4-1-32	Handicap Parking	\$100 before 72 hours \$110 after 72 hours	\$60.00	\$160.00/P.R. \$170.00/P.R.
4-2-1	Failure Property License Bicycle	\$10.00	\$60.00	\$70.00/P.R.
4-2-3	Failure Bicyclist to Follow Traffic-Control Device	\$30.00	\$60.00	\$90.00/P.R.
4-2-4	Riding on Bicycles	\$10.00	\$60.00	\$70.00/P.R.
4-2-5	Riding Bicycles on Roadways and Bicycle Paths	\$10.00	\$60.00	\$70.00/P.R.
4-2-6	Bicycle – General Traffic Rules & Operation	\$60.00	\$60.00	\$120.00/P.R.
4-2-7	Bicycle Parking	\$10.00	\$60.00	\$70.00/P.R.
4-2-8	Equipment for Bicycles	\$10.00	\$60.00	\$70.00/P.R.
4-2-9	Unauthorized Use of Bicycle without Owner's Consent	\$60.00	\$60.00	\$120.00/P.R.
4-2-10	Parents Not to Excuse Bicycle Violations	\$60.00	\$60.00	\$120.00/P.R.
5-1-5	Unlawful Use of Water System	\$60.00	\$60.00	\$120.00/P.R.
5-1-9	Reconnect to Water Service	Without Deposit - \$15.00 If Deposit Required - \$75.00	\$60.00	\$75.00 \$135.00
5-1-15	Use of Water During Fire	\$200.00	\$60.00	\$260.00/P.R.
5-1-17	Failure to Pay Snow Removal Fee	\$200.00	\$60.00	\$260.00/P.R.
5-1-20	Prohibition of Private Water Well	\$60.00	\$60.00	\$120.00/P.R.
5-2-2	Sewer System Usage Mandatory	\$60.00 (after notice and reasonable time to cure)	\$60.00	\$120.00/P.R.
5-2-4	Discharge of Sewer or Polluted Water	\$60.00 (after notice and reasonable time to cure)	\$60.00	\$120.00/P.R.
5-2-5	Privies, Cesspools, Etc. Prohibited	\$60.00 (after notice and reasonable time to cure)	\$60.00	\$120.00/P.R.
5-2-6	Toilets Connected to Sewer	\$60.00 (after notice and	\$60.00	\$120.00/P.R.

<u>Ord.</u>	<u>VIOLATION</u>	<u>FINE</u>	<u>COSTS</u>	<u>TOTAL &amp; BOND</u>
		reasonable time to cure)		
5-2-7	Dwellings to be Connected to Sewer System	\$60.00 (after notice and reasonable time to cure)	\$60.00	\$120.00/P.R.
5-2-8	Sewer Connection Permit Required	\$60.00 (after notice and reasonable time to cure)	\$60.00	\$120.00/P.R.
5-2-15	Groundwater Connections to Sewer System Prohibited	\$60.00 (after notice and reasonable time to cure)	\$60.00	\$120.00/P.R.
5-2-16	Prohibition of Clear Water Connections	\$60.00 (after notice and reasonable time to cure)	\$60.00	\$120.00/P.R.
5-2-19	Street Excavations for Sewer Work	\$60.00 (after notice and reasonable time to cure)	\$60.00	\$120.00/P.R.
5-2-20	Water Runoff Prohibited in Sewer	\$60.00 (after notice and reasonable time to cure)	\$60.00	\$120.00/P.R.
5-2-21	Storm Water to be Discharged to Designated Sewers	\$60.00 (after notice and reasonable time to cure)	\$60.00	\$120.00/P.R.
5-2-22	Prohibited Discharges into Sewer System	\$60.00 (after notice and reasonable time to cure)	\$60.00	\$120.00/P.R.
5-2-28	Sewer Usage Data to be Provided to City upon Request	\$60.00 (after notice and reasonable time to cure)	\$60.00	\$120.00/P.R.
5-2-31	Damage to Sewer Facilities	\$60.00 (after notice and reasonable time to cure)	\$60.00	\$120.00/P.R.
5-2-36	Commercial Waste Water License	\$60.00 (after notice and reasonable time to cure)	\$60.00	\$120.00/P.R.
5-30-20	Prohibition of Clear Water Connections	\$200.00	\$60.00	\$260.00/P.R.
5-4-3	Use of Garbage Cans	\$60.00	\$60.00	\$120.00/P.R.
5-4-4	Burning of Garbage	\$60.00	\$60.00	\$120.00/P.R.
5-4-5	Failure Provide Container	Less than 1lb - \$25.00 1lb to 2lb - \$50.00 2lb to 3lbs - \$75.00 3lb to 4lbs - \$100.00 4lb and more- \$200.00	\$60.00	\$85.00/P.R. \$110.00/P.R. \$135.00/P.R. \$160.00/P.R. \$260.00/P.R.
5-4-6	Garbage Containers for Commercial Establishment	\$60.00	\$60.00	\$120.00/P.R.
5-4-7	Improper Accumulation of Non-food Wastes	\$60.00	\$60.00	\$120.00/P.R.
5-4-8	Placement of Paper Wastes	\$60.00	\$60.00	\$120.00/P.R.
5-4-12	Dumping in a non-	\$200.00	\$60.00	\$260.00/P.R.

<u>Ord.</u>	<u>VIOLATION</u>	<u>FINE</u>	<u>COSTS</u>	<u>TOTAL &amp; BOND</u>
	designated area			
6-1-6	Excavation	\$200.00	\$60.00	\$260.00/P.R.
6-1-7	Failure to Construct, Repair, or Rebuild Sidewalk	\$60.00	\$60.00	\$120.00/P.R.
6-1-9	Construction of Streets & Sidewalks – Driveway approaches.	\$200.00	\$60.00	\$260.00/P.R.
6-1-12	Construction of Streets & Sidewalks - Construct Sidewalk	\$200.00	\$60.00	\$260.00/P.R.
6-1-13	Nuisance Streets & Sidewalks	\$100 First Offense \$200 Second Offense \$500 Third Offense	\$60.00	\$160.00/P.R. \$260.00/P.R. \$560.00/P.R.
6-3-1	Entering, remaining, or loitering at Park after Closed	\$60.00 (after 3 informal reprimands)	\$60.00	\$120.00/P.R.
6-3-2	Basketball Court – Rules of Conduct	\$60.00 (after 3 informal reprimands)	\$60.00	\$120.00/P.R.
6-4-1	Curfew for Minors Under 18	\$25.00	\$60.00	\$85.00/P.R.
6-4-3	Duty of Parents or Guardian	\$25.00	\$60.00	\$85.00/P.R.
6-5-1	Duty to Remove Snow/Ice	\$60.00	\$60.00	\$120.00/P.R.
6-5-2	Disposal of Snow and Ice	\$200.00	\$60.00	\$260.00
6-5-3	Disposal of Snow/Ice	\$60.00	\$60.00	\$120.00/P.R.
6-6-1	Disturbing the Peace	\$50.00 First Offense \$100.00 Second Offense \$200.00 Third Offense	\$60.00	\$110.00/P.R. \$160.00/P.R. \$260.00/P.R.
6-6-2	Discharging Firearms	\$50.00 First Offense \$100.00 Second Offense \$200.00 Third Offense	\$60.00	\$110.00/P.R. \$160.00/P.R. \$260.00/P.R.
6-6-3	Discharging Weapons	\$50.00 First Offense \$100.00 Second Offense \$200.00 Third Offense	\$60.00	\$110.00/P.R. \$160.00/P.R. \$260.00/P.R.
6-6-3.1	Discharging Firearms or Weapons within 1 mile of City Limits	\$50.00 First Offense \$100.00 Second Offense \$200.00 Third Offense	\$60.00	\$110.00/P.R. \$160.00/P.R. \$260.00/P.R.
6-6-4	Public Begging	\$50.00 First Offense \$100.00 Second Offense \$200.00 Third Offense	\$60.00	\$110.00/P.R. \$160.00/P.R. \$260.00/P.R.
6-6-5	Trespass and Unauthorized	\$50.00 First Offense	\$60.00	\$110.00/P.R.

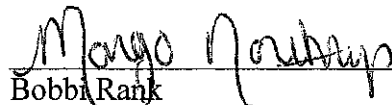
<u>Ord.</u>	<u>VIOLATION</u>	<u>FINE</u>	<u>COSTS</u>	<u>TOTAL &amp; BOND</u>
	Use of Property	\$100.00 Second Offense \$200.00 Third Offense		\$160.00/P.R. \$260.00/P.R.
6-6-6	Disorderly Assemblies	\$50.00 First Offense \$100.00 Second Offense \$200.00 Third Offense	\$60.00	\$110.00/P.R. \$160.00/P.R. \$260.00/P.R.
6-6-7	Public Intoxication	\$50.00 First Offense \$100.00 Second Offense \$200.00 Third Offense	\$60.00	\$110.00/P.R. \$160.00/P.R. \$260.00/P.R.
7-1-1; 7-1-2	Failure to Obtain Trade License	\$80.00	\$60.00	\$140.00/P.R.
7-1-3;	Failure to Post Trade License	\$80.00	\$60.00	\$140.00/P.R.
7-2-2	Failure to Pay Sales Tax	\$80.00	\$60.00	\$140.00/P.R.
7-2-5	Failure to Pay Use Tax	\$80.00	\$60.00	\$140.00/P.R.
7-4-2	Failure to Obtain Pawnbroker License	\$80.00	\$60.00	\$140.00/P.R.
<b>10-1-3</b>	<b>License Required for cannabis establishment</b>	<b>\$500.00</b>	<b>\$60.00</b>	<b>\$560.00/P.R.</b>
<b>10-1-13</b>	<b>Cannabis license not transferable</b>	<b>\$500.00</b>	<b>\$60.00</b>	<b>\$560.00/P.R.</b>
<b>10-1-14</b>	<b>Cannabis hours of operation</b>	<b>\$500.00</b>	<b>\$60.00</b>	<b>\$560.00/P.R.</b>
Ord. 125	Failure to Pay Bed, Board, Booze and Ticket Sales Tax	\$80.00	\$60.00	\$140.00/P.R.

The fines above itemized are only binding upon cases where a power of attorney is issued by the officer and/or when the appearance is made before a lay magistrate. State statutes provide that magistrate judges or circuit judges are not bound by this schedule.

This schedule shall be effective Oct 6, 2022 and shall continue in effect until further order of the Court.

Dated this 6<sup>th</sup> day of October, 2022.

BY THE COURT:

  
 Bobbi Rank  
 Circuit Court Judge



ATTEST:

Rebecca Klaudt  
Clerk of Courts



\_\_\_\_\_  
Deputy Clerk of Courts

Dated this 6 day of October, 2022.

City of Martin, A Municipal Corporation

Gay L. Rayhill  
Mayor

ATTEST:

Jean Kirk  
Jean Kirk, Finance Officer

1<sup>st</sup> Reading July 13, 2022  
2<sup>nd</sup> Reading Aug 10, 2022  
Published Aug 24, 2022  
Effective Sept 13 2022