

## **Title 2**

### **ADMINISTRATION AND PERSONNEL**

#### **Chapters:**

**2.04 Mayor and City Council**

**2.08 City Officers Generally**

**2.12 City Attorney**

**2.20 City Finance Officer**

**2.24 Public Works Director**

**2.28 Fire Department**

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## Chapter 2.04

### MAYOR AND CITY COUNCIL

**Sections:**

- 2.04.010 Mayor-council form.**
- 2.04.015 Mayoral term.**
- 2.04.020 Aldermanic wards.**
- 2.04.030 Quorum required.**
- 2.04.040 Regular meetings.**
- 2.04.050 Special meetings.**
- 2.04.060 Order of business.**
- 2.04.070 Rules.**
- 2.04.080 Committee structure.**

**2.04.010 Mayor-council form.**

The city shall be governed by a mayor and common council, consisting of six alderpersons, two of whom shall be elected from each ward. (Prior code § 1-101)

**2.04.015 Mayoral term.**

The mayor of Custer City shall hold office for a term of two years. (Ord. 474, 1997)

**2.04.020 Aldermanic wards.**

The city is divided into three wards, as illustrated on the attached map, included at the end of this chapter as Exhibit "A", and as described on the attached legal description of recently annexed properties included at the end of this chapter as Exhibit "B", and which are described as follows:

A. First Ward. That part of the city which extends from the northern city limits on the west side of Seventh Street and continuing south to the southern city limits extending west to the western city limits.

B. Second Ward. That part of the city which extends from the northern city limits on the east side of Seventh Street and continuing south to the north side of Mt. Rushmore Road extending east to the eastern city limits.

C. Third Ward. That part of the city which extends south from the south side of Mt. Rushmore Road on the east side of Seventh Street, extending east to the eastern city limits, and the Boot Hill Subdivision. (Ord. 703, 2011; Ord. 512, 1999; Ord. 426, 1994; prior code § 1-102)

**2.04.030 Quorum required.**

A majority of the alderpersons elected shall constitute a quorum, but a lesser number may adjourn. A quorum must be present for the transaction of any business. (Prior code § 1-103)



2.04.040

**2.04.040 Regular meetings.**

The city council shall meet in the council chambers on the first and third Monday of each month. In the event that a meeting day falls on a legal holiday, the council shall meet on the next succeeding day. The city council shall by resolution establish the time of its meetings. (Prior code § 1-104)

**2.04.050 Special meetings.**

Upon request by the mayor, alderperson, or a city department head, the city finance officer shall call a special meeting. Notice of said special meeting shall be in accordance with SDCL 1-25-1.1. (Ord. 685, 2011; prior code § 1-105)

**2.04.060 Order of business.**

The mayor shall call to order all council meetings and the city finance officer shall call the roll, noting if a quorum is present so as to conduct business in the prescribed manner. Unfinished business from preceding meetings shall be taken up in order, unless some other business be made the special order of the meeting. (Prior code § 1-106)

**2.04.070 Rules.**

Robert's Rules of Order, Revised, shall be followed except when in conflict with a city ordinance. In addition the following rules and ordinances are adopted for the conduct of council business:

- A. If a quorum is not present at the opening of the meeting, a law enforcement officer may be sent to compel absent members to attend.
- B. All motions, except adjournment, tabling or referral to committee shall be reduced to writing.
- C. Reports made to the council, for record, shall be reduced to writing. (Ord. 250, 1980; prior code § 1-107)

**2.04.080 Committee structure.**

The mayor shall structure committees and committee functions as to best serve the governing of municipal affairs. Appointment to committees and committee functions shall be determined by the mayor. (Ord. 251, 1980; prior code § 1-108)

(Custer 4-00)

EXHIBIT 5A6

EXHIBIT 8B8

BOOT HILL RANCH SUBDIVISION (formerly Tract X of Clark Placer M.S. 506, Tract F of Hall Placer M.S. 594, H.E.S. 326, Tract D of Government Lot 2 of Section 19, Government Lot 3 of Section 19, Tract A of NE 1/4 SW 1/4 less Lot R of Section 19, Tract A of Government Lot 4 of Section 19, and Tract C Revised of Government Lot 5 of Section 19, Tract Cullum of Government Lot 5 and the NE 1/4 SW 1/4 of Section 19.) All Located in the SW 1/4 and the SW 1/4 NW 1/4 of Section 19, T3S, R5E, B.H.M. and in the SE 1/4 of Section 24, T3S, R4E, B.H.M., Custer City, Custer County, South Dakota.

## Chapter 2.08

### CITY OFFICERS GENERALLY

#### Sections:

- 2.08.010**      **Appointive officers.**
- 2.08.020**      **Qualifications of officers—Oath and bond.**
- 2.08.030**      **Salaries and compensation.**

#### **2.08.010**      **Appointive officers.**

At the first regular meeting in July of each year, the mayor with the approval of the common council, shall appoint such officers as needed and provided for by ordinance in accordance with SDCL 9-14-1, as amended. (Ord. 759 (part), 2015: Ord. 573 (part), 2002: Ord. 321, 1988: Ord. 252, 1980: prior code § 1-201)

#### **2.08.020**      **Qualifications of officers—Oath and bond.**

All officers, both elective and appointive, before entering upon the discharge of their duties shall take and subscribe an oath or affirmation of office, in the form required by the Constitution, and furnish an undertaking to be approved by the governing body in such sum as it shall prescribe, conditioned for the faithful performance of the duties of their offices and to account, pay over and deliver all money or property coming into their hands by virtue of their office according to law. The city finance officer shall execute a bond conditioned upon the faithful discharge of his or her duties according to law in a sum not to exceed one hundred fifty thousand dollars (\$150,000.00). All bonds shall be filed with the city finance officer. (Ord. 450, 1996: prior code § 1-202)

#### **2.08.030**      **Salaries and compensation.**

The common council shall fix the salary and compensation for alderpersons, the mayor and all other municipal officers and employees. Travel costs, including per diem and mileage, shall be the same as the state sets for its officers and employees. (Ord. 254, 1981: Ord. 253, 1980: prior code § 1-203)



## **Chapter 2.12**

### **CITY ATTORNEY**

#### **Sections:**

#### **2.12.010 City attorney.**

#### **2.12.010 City attorney.**

A. The city attorney shall furnish opinions on request of the mayor or common council, prosecute violations of city ordinances, represent the city in any court action, and perform other services required by nature of the office.

B. The city attorney shall draft all legal documents required of him and act as legal advisor to the city.

C. The common council shall by resolution decide whether or not appeals should be pursued regarding legal actions the city may be involved in. (Prior code § 1-205)





(Custer Supp. No. 13, 4-15)

## Chapter 2.20

### CITY FINANCE OFFICER

Sections:

#### 2.20.010 City finance officer.

2.20.010 City finance officer. A. The city finance officer shall maintain his or her office at the city hall, keep the corporate seal, and all papers and records of the municipality, attend council meetings and maintain a record of the council proceedings. He or she shall draw and countersign all warrants and keep a full and accurate account thereof. He or she shall keep regular books of accounts showing all indebtedness of the city and the amount outstanding. He or she shall countersign all bonds, warrants or other evidences of indebtedness of the city, keep an accurate account thereof, and perform duties required by ordinance and by state law.

B. The finance officer shall report to the governing body on the first day of March of each year the receipts, expenses and financial condition of the municipality, including the amount of funds in the treasury at the time of making such report and where and in what amounts such funds are deposited or invested, which report shall be published within thirty (30) days thereafter in the official newspaper, or such other newspaper as the governing body may direct. The finance officer shall further retain a list of the outstanding municipal bonds and recommend action to the common council on how to secure prompt payment.

Further, the city finance officer shall, on or before the first day of September, report to the governing body an estimate of the expenses of the municipality and likewise the revenue necessary to be raised for the current year.

C. The finance officer shall cause estimates to be made for any work to be done and must countersign all contracts made on behalf of the municipality and certificates of work authorized by any committee of the city or by any municipal officer.

D. All council proceedings, ordinances, resolutions or required notices shall be kept in the official records.

E. The finance officer shall record all ordinances in the Ordinance Book along with the date of publication and shall file the affidavit of publication and the original ordinance.

F. The city finance officer shall receive all moneys belonging to the municipality and keep accurate detailed accounts of the same.

1. The city finance officer is authorized to make the following recurring payments by means of electronic transfer:

- a. South Dakota State Revolving Fund loan payments;
- b. General obligation and revenue bond payments;
- c. Payroll tax payments;
- d. South Dakota state sales taxes.

2. All warrants shall be paid in order of presentation out of the respective funds and the finance officer shall note on the back date of presentation and when payment was made.

3. A separate account of each fund or appropriation and the debits and credits belonging thereto shall be kept by the finance officer.

4. Every person paying money into the treasury shall receive a duplicate receipt therefore specifying date of payment and upon what account paid.

5. The finance officer shall keep all municipal moneys separate and distinct.

6. The city finance officer shall report monthly to the governing body giving a detailed account of all receipts and expenditures since his last report and present a complete, register of warrants to be examined by the finance committee. 7. All special assessment money received shall be placed in a special fund to pay for the improvement for which the assessment was made and all special assessments certificates received shall be canceled and preserved as vouchers in the finance officer's office.

8. If no funds are available when a warrant is presented for payment, it shall be entered in the warrant register in order of presentation with the words "not paid for want of funds" and the warrant shall not draw interest until so registered.

9. When sufficient funds become available, the finance officer shall notify in writing all persons who hold registered warrants and upon issuance of notice, interest shall cease.

G. The finance officer shall perform such other duties as may be hereafter prescribed by ordinance, resolution or direction of the city council, or the laws of the state. (Ord. 552, 2002: Ord. 513, 1999; prior code § 1-204)



## Chapter 2.24

### PUBLIC WORKS DIRECTOR

#### Sections:

#### 2.24.010 Public works director.

#### 2.24.010 Public works director.

A. The public works director shall have supervision and control of all roads, streets and alleys within the municipality; supervision of a sewer and water facilities; supervision of all municipal buildings. He shall inspect all avenues of transportation as well as gutters, sewers, culverts, bridges, all sewer and water facilities, and public buildings, and report to the city council making recommendations as to necessary repairs, changes and improvements.

B. The public works director shall keep a complete record of all labor employed and material used in performing his duties, and shall in no case incur any expense without the order of the city council. (Prior code § 1-207)

#### Chapter 2.28

#### FIRE DEPARTMENT

#### Sections:

2.28.010 Fire department established.

2.28.020 Statement of officers filed.

2.28.030 Fire equipment.

2.28.040 Finances of department.

2.28.050 Housing.

2.28.060 Use of fire equipment.

2.28.070 Policing powers.

2.28.080 Turning hose on person or property.

2.28.090 Operation of fire equipment.

2.28.010 Fire department established.

The Custer City volunteer fire department shall be subject to the provisions of this chapter, ordinances and regulations hereafter adopted by resolution of the city council, and the conditions of the articles of incorporation and the by-laws of the fire department. The fire department shall have the control of fire apparatus and equipment of the city and the right to establish regulations as are necessary to control the fire department and the furnishing of adequate fire protection for the persons and property within the corporate limits of the city. (Prior code § 10-401)

2.28.020 Statement of officers filed.

The fire department shall file with the city finance officer an up-to-date statement of the names and exact post office numbers, telephone numbers and addresses of the fire chief and any other responsible officers. (Prior code § 10-402)

2.28.030 Fire equipment.

All trucks, fire equipment and fire apparatus purchased by the city shall be the property of the city and the same shall be under the control of the fire department. In the event of dissolution of such fire department, the title to all property of the department shall upon dissolution become the property of the city. The fire department shall at all times keep a complete inventory of all fire equipment and fire apparatus, listing all of the property owned by the city separately from that owned by the volunteer fire department. (Prior code § 10-403)

2.28.040 Finances of department. The city may appropriate moneys for the maintenance of the fire department and provide said department with necessary firefighting equipment and supplies. The amount so appropriated may be paid directly to the department or be used in the payment for equipment and supplies, and for reasonable maintenance and costs, upon proper vouchers presented to the city finance officer. (Prior code § 10-404)

**2.28.050 Housing.**

The city shall provide adequate housing and storage space for all fire trucks, fire apparatus, equipment and supplies. (Prior code § 10-405)

**2.28.060 Use of fire equipment.**

The fire department shall properly maintain and use all fire trucks, apparatus and equipment and shall at all times have necessary equipment in good repair and running order. At no time shall all of the fire equipment be removed from the city and the fire department shall be responsible for keeping enough firefighting equipment within the city to provide the persons and property with adequate fire protection. (Prior code § 10-406)

**2.28.070 Policing powers.**

The officers and members of the fire department shall while in performance of their duties have reasonable policing powers. (Prior code § 10-407)

**2.28.080 Turning hose on person or property.**

No member of the fire department shall wilfully turn a hose or water on any person or property susceptible to injury by water except when reasonably necessary for the protection of persons or property from damage by fire or other causes. (Prior code § 10-408)

**2.28.090 Operation of fire equipment.**

All fire apparatus shall be operated with reasonable regard for the person and property of others. (Prior code § 10-418)

**Chapter 2.32**

**PLANNING COMMISSION\***

**Sections:**

- 2.32.010 Establishment.**
- 2.32.020 Composition.**
- 2.32.030 Members—Terms**
- 2.32.040 Vacancies.**
- 2.32.050 Members—Removal for cause.**
- 2.32.060 Compensation.**
- 2.32.070 Organization.**
- 2.32.080 Meetings—Rules—Records.**
- 2.32.090 Employment of staff.**
- 2.32.100 Appropriation to planning commission.**
- 2.32.110 Miscellaneous powers.**
- 2.32.120 Preparation of comprehensive plan for city development—Contents of plan—Changes or additions.**
- 2.32.130 Comprehensive plan—Purpose.**
- 2.32.140 Comprehensive plan—Adoption.**
- 2.32.150 Legal status of comprehensive plan.**
- 2.32.160 Platting jurisdiction.**
- 2.32.170 Subdivision regulations.**
- 2.32.180 Subdivision Regulations—Scope.**
- 2.32.190 Improvements in unapproved streets.**
- 2.32.200 Construction outside municipality.**
- 2.32.210 New buildings on unapproved streets.**

\* Prior history: Prior code §§ 14-100 and 14-1001, as amended by Ords. 237 and 476.

**2.32.010 Establishment.**

There is created a city planning commission for the city, and for land within three miles of its corporate limits and not located within any other municipality. (Ord. 556 (part), 2002)

**2.32.020 Composition.**

The city planning commission/zoning board of adjustment shall consist of not less than six (6) and not more than nine (9) regular voting members, appointed by the mayor and confirmed by city council, who are qualified by knowledge or experience to act in matters pertaining to the development and administration of a city comprehensive plan and adjuncts. Membership may include a temporary member who shall reside outside of city limits but within



the three (3) mile subdivision jurisdiction of the city (SDCL 11-6-4.1), who shall only vote on matters within that three (3) mile jurisdiction. The mayor or one (1) member of the city council shall be a non-voting member of the commission. The mayor may also appoint two (2) additional voting members to serve as alternates who are entitled to vote only in place of an absent member. All voting members of the planning commission shall be resident electors within the jurisdiction served and shall not hold any elective office within the jurisdiction served. (Ord. 769, 2015: Ord. 758, 2015: Ord. 695, 2011: Ord. 556 (part), 2002)

**2.32.030 Members—Terms.**

The term of each member shall be five years except when first appointed. Approximately one-half of the members of the commission shall be appointed for three years and the balance of the members for a five-year period and, thereafter, the members shall be appointed for a five-year period. (Ord. 556 (part), 2002)

**2.32.040 Vacancies.**

Any vacancy in a membership on the planning commission shall be filled for the unexpired term in the same manner as for appointment. (Ord. 556 (part), 2002)

**2.32.050 Members—Removal for cause.**

The mayor with the confirmation of the council shall have authority to remove any member of the planning commission for cause, shall be stated in writing and made a part of the record of such meeting. (Ord. 556 (part), 2002)

**2.32.060 Compensation.**

All members of the planning commission shall be compensated with an amount to be determined by the council. (Ord. 556 (part), 2002)

**2.32.070 Organization.**

Upon appointment the planning commission shall be called together by the mayor and shall organize by electing a chairman from among its members for a term of one year with eligibility for reelection, and may fill such other of its offices as it may create in a manner prescribed by the rules of the planning commission. (Ord. 556 (part), 2002)

**2.32.080 Meetings—Rules—Records.**

The planning commission shall hold at least one regular meeting each month. Subject to the approval of the city council, it shall adopt such rules for transaction of its business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record. (Ord. 556 (part), 2002)

**2.32.090 Employment of staff.**

Subject to the approval of the city council, the planning commission may employ technical, engineering, clerical and other assistance as may be deemed essential to carry on the work of the planning commission. Persons



2.32.090

so employed shall not be under the civil service except as otherwise determined by the city council. In case of the employment of a fulltime planning administrator by the city, the planning administrator work shall be performed in cooperation with and under the direction of the planning commission. The compensation of all such employees shall be fixed by the city council. (Ord. 556 (part), 2002)

**2.32.100 Appropriation to planning commission.**

The city shall have the power and authority to appropriate money to a fund for the expenditures of the planning and zoning commission, and the planning and zoning commission, as established, in conjunction with the city council, shall, as soon as is reasonably possible, make, adopt, amend, extend, add to and carry out a general municipal plan of development, which shall be referred to as the "comprehensive plan." (Ord. 556 (part), 2002)

**2.32.110 Miscellaneous powers.**

The planning commission shall have all powers granted to zoning commissions and shall also be the zoning commission of the city. The planning commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens. It may recommend to the executive or legislative officials of the city programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its functions, may, after thirty (30) days' written notice by certified mail to the landowner, enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. In general, the commission has all powers necessary to enable it to fulfill and perform its functions, promote municipal planning or carry out all the purposes of this chapter. In general, the planning commission shall have all such powers as may be necessary to enable it to fulfill and perform its functions, promote municipal planning or carry out all the purposes of this chapter. (Ord. 556 (part), 2002)

**2.32.120 Preparation of comprehensive plan for city development—Contents of plan—Changes or additions.**

It shall be a function and duty of the planning commission to propose a plan for the physical development of the city, including any areas outside the boundary and within its planning jurisdiction which, in the planning commission's judgment, bear relation to the planning of the city. The comprehensive plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the planning commission's recommendations for the physical development and may include, among other things, the general location, character and extent of streets, bridges, viaducts, parks, parkways, waterways and waterfront developments, playgrounds, airports, and other public ways, grounds, places and spaces; the general location of public schools, of public buildings and other public property; a zoning ordinance for the regulation of the height, area, bulk, location and use of private and public structures and premises, and of population density as may be provided by law may be included as an adjunct to the comprehensive plan; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, heat, sanitation, transportation, communication and other purposes; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of such public



ways, grounds, places, spaces, buildings, properties, utilities or terminals; the general location, character, layout and extent of community centers and neighborhood units, and the general character, extent and layout of the replanning of blighted districts and slum areas. The planning commission may from time to time propose amendments, extensions or additions to the plan or carry any of the subject matter into greater detail. (Ord. 556 (part), 2002)

**2.32.130 Comprehensive plan—Purpose.**

In the preparations of the comprehensive plan, the planning commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the municipality and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development. (Ord. 556 (part), 2002)

**2.32.140 Comprehensive plan—Adoption.**

A. Plan Proposed as a Whole or in Part. The planning commission shall propose to the city council the comprehensive plan as a whole by a single resolution, or, as the work of making the whole comprehensive plan progresses, may from time to time propose parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan.

B. Public Hearing Required Before Recommendation of Plan to City Council; Notice; Submission. Before recommendation to the city council of the comprehensive plan or part thereof, the planning commission shall hold at least one public hearing, notice of the time and place of which shall be given at least ten (10) days in advance by publication in a newspaper having general circulation in the city. The planning commission shall submit the recommended comprehensive plan or part thereof to the city council.

C. Vote Required for Adoption of Plan; Notice and Hearing; Reference to Maps and Descriptive matters; Signature of Mayor; Ordinance Subject to Publication and Protest Provisions. The adoption by the city council of the plan or any part, amendment or additions shall, following the same type of notice and public hearing as required by subsection B of this section, be by resolution carried by the affirmative votes of not less than a majority of all the members of the city council. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the city council to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof, by the identifying signature of the mayor. If a zoning ordinance is included as an adjunct to the comprehensive plan, or any part, amendment or addition, that zoning ordinance shall be subject to the provisions of SDCL 11-4. (Ord. 556 (part), 2002)

**2.32.150 Legal status of comprehensive plan.**

A. Whenever the city council shall have adopted the comprehensive plan of the city or any part thereof, no street, park or other public way, ground, place, space; no public building or structure; no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the city or within its subdivision jurisdiction as defined in Section 2.32.160 until and unless the location and extent thereof shall have been submitted to and approved by the planning commission.



## 2.32.150

B. In case of disapproval, the planning commission shall communicate its reasons to the city council, and the city council, by vote of not less than two-thirds of its entire membership, shall have the power to overrule such disapproval and, upon such overruling, the city council or the appropriate board or officer shall have the power to proceed.

C. If the public way, ground, place, space, building, structure or utility is one the authorization or financing of which does not, under the law or Charter provisions governing such, fall within the province of the city council or other body or official of the city, the submission to the planning commission shall be by the board or official having such jurisdiction, and the planning commission's disapproval may be overruled by such board by a vote of not less than two-thirds of its entire membership or by such official.

D. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for any street or other public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled.

E. The failure of the planning commission to act within sixty-five (65) days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the city council or other submitting official. (Ord. 556 (part), 2002)

### **2.32.160 Platting jurisdiction.**

After the city council of any municipality has adopted a comprehensive plan that includes at least a major street plan or has progressed in its comprehensive planning to the stage of making and adopting a major street plan, and has filed a certified copy of the major street plan in the office of the register of deeds of the county in which the municipality is located, no plat of a subdivision of land lying within the municipality, or of land within three miles of its corporate limits and not located in any other municipality, may be filed or recorded unless the plat has the recommendation of the city planning and zoning commission and the approval of the city council. This provision applies to land within three miles of the corporate limits of the municipality and not located in any other municipality only if the comprehensive plan or major street plan includes such land. The plats shall, after report and recommendations of the commission are made and filed, be approved or disapproved by the city council or reviewed and approved. The commission shall make its recommendation to the council within sixty (60) days of submission. (Ord. 556 (part), 2002)

### **2.32.170 Subdivision regulations.**

In exercising the duties granted to it by this chapter, the planning commission shall recommend and the city council shall by ordinance adopt regulations governing the subdivision of land within its jurisdiction as defined in Section 2.32.160. Such regulations may provide for the harmonious development of the city and its environs; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan of the city; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience or prosperity. Before an adoption of its subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the city council. (Ord. 556 (part), 2002)

(Custer Supp. No. 14, 3-16)

**2.32.180 Subdivision Regulations--Scope.**

A. Subdivision regulations may include requirements as to the extent to which and the manner in which the streets of the subdivision shall be graded and improved, and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the subdivision. The regulations may provide for the tentative approval of the plat previous to such improvements and installation; but any such tentative approval shall not be entered on the plat.

B. Subdivision regulations may provide that, in lieu of the completion of such work and installations prior to the final approval of a plat, the city council may accept bond or other financial guaranty, in an amount and with surety and conditions satisfactory to it, providing for and securing to the city the actual construction and installation of improvements and utilities within a period specified by the city council and expressed in the bond; and the city is granted the power to enforce the bonds or other financial guaranties by all appropriate legal and equitable remedies.

C. Subdivision regulations may provide, in lieu of the completion of such work and installations previous to the final approval of a plat, for an assessment or other method whereby the city is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. (Ord. 556 (part), 2002)

**2.32.190 Improvements in unapproved streets.**

From and after the time when the platting jurisdiction of any municipality has attached by virtue of the adoption of a major street plan as provided in Section 2.32.160, the municipality or other public authority may not, except as provided by Section 2.32.200, accept, lay out, open, improve, grade, pave or light any street, or lay or authorize the laying of water mains, sewers, connections or other facilities or utilities in any street within the municipality unless such street has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the adoption of a comprehensive plan, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the council or on a street plat made by the planning commission and adopted by the council or reviewed and approved. (Ord. 556 (part), 2002)

**2.32.200 Construction outside municipality.**

The council, or, in the case of a street outside of the municipality, the governing body of such outside territory, may locate and construct or may accept any other street if the ordinance or other measure for such location and construction or for such acceptance be first submitted to the planning commission for its consideration, and, if disapproved by the commission, be passed by not less than two-thirds of the entire membership of the city council or said governing body. A street approval by the commission upon such submission, or constructed or accepted by a two-thirds vote after disapproval by the commission, has the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the council or on a plat made by the commission and adopted by the council. (Ord. 556 (part), 2002)



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**2.32.210 New buildings on unapproved streets.**

From and after the time when the platting jurisdiction of any municipality has attached by reason of the adoption of a major street plan as provided in Section 2.32.160, no building permit may be issued for or no building may be erected on any lot within the territorial jurisdiction of the commission and council as provided in Section 2.32.160, unless the street giving access to the lot upon which the building is proposed to be placed is accepted as opened as, or has otherwise received the legal status of, a public street prior to that time, or unless such street corresponds in its location and lines with a street shown on a recorded subdivision plat approved by the council or on a street plat made by the commission and adopted by the council or with a street located or accepted by the council, or, in the case of territory outside of the municipal corporation, by the governing body thereof, after submission to the commission, and, in case of the commission's disapproval, by the favorable vote required in Sections 2.32.200 and 2.32.210. Any building erected in violation of this section is an unlawful structure, and the municipality or governing body may bring action to enjoin such erection or cause it to be vacated or removed. (Ord. 556 (part), 2002)

(Custer Supp. No. 1, 3-03)

## Chapter 2.44

### PARK AND RECREATION BOARD

#### Sections:

#### **2.44.010 Park and recreation board**

#### **2.44.010 Park and recreation board.**

The purpose of the park and recreation board shall be to serve as an advisory committee to assist in planning, establishing, improvement, upkeep, regulation and management of a system of public parks and parkways, and to facilitate a system of public recreation and playgrounds in and for the City of Custer. The park and recreation board shall also serve as the city tree board in accordance with chapter 12.14, City Trees and Forest. The park and recreation board shall be governed by the following rules and regulations:

A. Composition. The voting portion of the park and recreation board shall be composed of five regular members, plus one alternate member to act in the absence of any regular member, five of whom shall be residents of the city and one member shall reside outside the city limits but within the three-mile subdivision jurisdiction of the city. Non-voting advisory members, one - executive director of the Custer chamber of commerce, one - executive director of the Custer YMCA, one - Custer school district board member, one - Mile Hi Garden Club member, one - City of Custer employee to serve as liaison and in the office of secretary, one - Custer city council person.

B. Members not Elected Officer. The voting members of the park and recreation board shall not hold any elective office in the government of the City of Custer or Custer school district or hold the executive director position with the Custer YMCA or Custer chamber of commerce.

C. Appointment. The members of the park and recreation board shall be appointed by the mayor with the approval of the common council of the city, at its first regular meeting in August of each year, as necessary or needed.

D. Terms. Of the voting members appointed initially to the park and recreation board, one member shall be appointed for one year, one for two years, one for three years, one for four years, one for five years, with the alternate member appointed for five years; thereafter each appointment shall be for five years. Such appointees shall hold office until their successors are appointed and qualified. Non-voting members shall be appointed annually.

E. Vacancies. Any vacancy on the park and recreation board shall be filled for the unexpired term of the member vacating such board in the same manner as is required for a regular appointment and shall also qualify for such position as is provided in this section.

G. Officers. At the first regular meeting of the park and recreation board in August of each year, the board shall elect from its voting members a president and a vice-president, each of whom shall serve until the first meeting of the board in August of the following year. The vice-president shall act in the absence or disability of the president. In case of death, resignation or retirement of an officer, a successor shall be elected at the board's next meeting.





H. Meetings. The park and recreation board shall hold regular meetings at least once each month, and as many special meetings as it deems proper.

I. Quorum. Three voting members of the park and recreation board shall constitute a quorum for the transaction of business.

J. Affirmative Action. An affirmative vote of at least three members of the park and recreation board shall be necessary to authorize any action of the board.

K. Records Reports. The secretary of the park and recreation board shall keep a record of its proceedings and make such reports as may be required by the board. In the absence or inability of the secretary to act, the board may appoint a secretary pro tem to perform his or her duties. The records of the board kept by its secretary or copies of any such records, when duly certified by the secretary, shall be competent evidence of the proceedings of the board.

L. Budgeted Funds. Budgeted amounts for park and recreation purposes shall be combined in one account, pursuant to SDCL, 1967, 9-38-90.3, as from time to time amended. (Ord. 748, 2014; Ord. 696, 2011; prior code § 2-101)

## Chapter 2.56

### PERSONNEL SYSTEM

#### Sections:

**2.56.010 Personnel policy.**

**2.56.010 Personnel policy.**

The personnel policy manual as revised to July 24, 2006, and as revised by motion or resolution of the city council thereafter, and as on file at the finance office at city hall, be and is adopted as the personnel policy for the city. (Ord. 759 (part), 2015: Ord. 239 (part), 1980: prior code § 1-301)