
ORDINANCE NO. 744**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 34
OF THE CITY OF BOX ELDER MUNICIPAL CODE**

WHEREAS, the City of Box Elder seeks to enhance the clarity and consistency of its ordinances through periodic review; and

WHEREAS, the City of Box Elder has reviewed the entirety of its municipal code so that amendments might be made to improve the clarity and consistency of various sections.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Box Elder, that the following Sections of Chapter 34 of the City of Box Elder Municipal Code be amended to read as follows:

Chapter 34. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**ARTICLE II. CONSTRUCTION IN CITY RIGHTS-OF-WAYS****Sec. 34-20. Permit Required.**

34-20(a). It is deemed a violation of this article for any person, except the city, public utility, state department of transportation, or county highway department engaged in the performance of their authorized duties, to commence construction within any public or private right-of-way within the city limits without first obtaining a right-of-way permit to do such work. Construction otherwise permitted by an approach, building, sewer and water, or other permit issued by the city shall be exempt from the right-of-way work permit requirement.

34-20(b). A right-of-way permit application must be submitted to the city planning department at least five (5) business days before the start of work. A right-of-way permit application shall consist of an application form provided by the planning department, a right-of-way work permit application fee, proof of a city contractor's license (when required), and, if necessary, a late application fee.

34-20(d). The city shall review and may approve right-of-way permits.

34-20(e). The city may require the contractor to post surety with the city as a condition of approval of the right-of-way permit.

Sec. 34-21. Inspection Of Work.

All construction within rights-of-way shall be performed in a workmanlike manner and meet city standards for construction. The construction site within the right-of-way is subject to inspection and approval by the city to ensure that the right-of-way is properly restored after the construction is complete. The contractor shall notify the city before such inspections are to occur.

Sec. 34-23. Temporary Sidewalks.

If a sidewalk is blocked by construction for more than 24 hours, a temporary sidewalk shall be constructed or provided at the expense of the contractor which shall be safe for traveling and convenient for users.

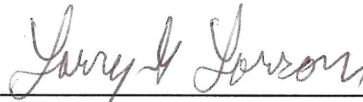
Sec. 34-26. Violations And Penalties.

Any person violating any provision of this code shall be assessed a civil penalty by means of an administrative citation issued by the enforcement officer and shall be payable directly to the city. A continuing violation of this code constitutes a separate and distinct violation each day that the violation exists. Penalties assessed by an administrative citation shall be collected in accordance with the master fee schedule.

Violations of this chapter also constitute a Class 2 misdemeanor for each day in violation. In addition to any fine or penalty assessed by the court, the violator shall pay all court costs and expenses involved in the case.

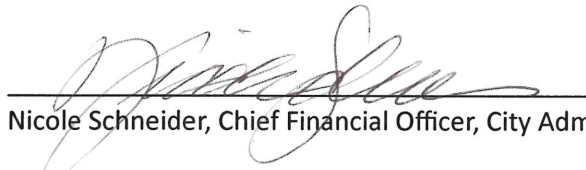
PASSED AND APPROVED ON FIRST READING this 2nd day of January, 2024.

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 16th day of January, 2024.



Larry Larson, Mayor

ATTEST:



Nicole Schneider, Chief Financial Officer, City Administrator

(SEAL)



ATTESTATION

I, Chaz Kokesh, the City Clerk of the City of Box Elder, South Dakota, do hereby attest and state the above ordinance was published on: January 25 2024 in the manner required by law and that all procedures required by the State of South Dakota law were complied with. This ordinance shall become effective on the twentieth day after its publication, that date being: February 14 2024.



Chaz Kokesh, City Clerk