

**TITLE 7
CITY GOVERNMENT**

(Title replaced in its entirety effective 12/22/07, Ordinance 2007-40)

Chapters:

- 7.01: General Provisions
- 7.02: Wards
- 7.03: Mayor, City Council and City Manager
- 7.04: Appointed Officials
- 7.05: Salaries and Wages
- 7.06: Budget
- 7.07: Police Department
- 7.08: Planning Commission Established

**Chapter 7.01
GENERAL PROVISIONS**

SECTIONS:

- 7.01.01: Scope and Purpose
- 7.01.02: Definitions

7.01.01: SCOPE AND PURPOSE

The purpose of this Title is to set forth certain policies and regulations relating to the administration of the City of Sturgis.

**7.01.02: DEFINITIONS
RESERVED**

**Chapter 7.02
WARDS**

SECTIONS:

7.02.01: Ward Boundaries, Voting Precincts

7.02.01: WARD BOUNDARIES, VOTING PRECINCTS

The City is hereby divided into four wards, each of which shall consist of a voting precinct.

The First Ward shall be that portion of the City located north and west of the following described line:

Beginning at the intersection of the centerline of Lazelle Street and the Eastern City Boundary, thence westerly along the centerline of Lazelle Street to its intersection with the centerline of Fifth Street, thence southerly along the centerline of Fifth Street to its conversion to Ball Park Road, thence southerly along the centerline of Ball Park Road to its intersection with the centerline of Farley Street, thence westerly along the centerline of Farley Street to its westerly extension to the City Boundary.

The Second Ward shall be that portion of the City located within the following description:

Beginning at the intersection of the centerlines of Junction Avenue and Lazelle Streets, thence westerly along the centerline of Lazelle Street to its intersection with the centerline of Fifth Street, thence southerly along the centerline of Fifth Street to its conversion to Ball Park Road, thence southerly along the centerline of Ball Park Road to its intersection with the centerline of Dolan Creek Road, thence southwestwardly along the centerline of Dolan Creek Road to its intersection with the southern boundary of I-90, thence southeasterly along the southern boundary of I-90 to its intersection with the centerline of Junction Avenue, thence northerly along the centerline of Junction Avenue to its intersection with the centerline of Harmon Street, thence easterly along the centerline of Harmon Street to its intersection with the centerline of Davenport Street, thence northerly along the centerline of Davenport Street to its intersection with the centerline of Howard Street, thence westerly along the centerline of Howard Street to its intersection with the centerline of Junction Avenue, thence northerly along the centerline of Junction Avenue back to the point of beginning.

The Third Ward shall be that portion of the City located within the following description:

Beginning at the intersection of the centerline of Lazelle Street and the East City Boundary Line, thence westerly along the centerline of Lazelle Street to its intersection with the centerline of Junction Avenue, thence southerly along the centerline of Junction Avenue to its intersection with the centerline of Howard

Street, thence easterly along the centerline of Howard Street to its intersection with the centerline of Davenport Street, thence southerly along the centerline of Davenport Street to its intersection with the centerline of Harmon Street, thence westerly along the centerline of Harmon Street to its intersection with the centerline of Junction Avenue, thence southerly along the centerline of Junction Avenue to its intersection with the southern boundary of I-90, thence southeasterly along the southern boundary I-90 to its intersection with the East City Boundary Line, thence northerly along the City Boundary Line back to the point of beginning.

The Fourth Ward shall be that portion of the City located west and south of the following described line:

Beginning at the intersection of the centerline of Farley Street and its westerly extension to the West City Boundary Line, thence easterly along the centerline of Farley Street to its intersection with the centerline of Ball Park Road, thence southerly along the centerline of Ball Park Road to its intersection with the centerline of Dolan Creek Road, thence southwesterly along the centerline of Dolan Creek Road to its intersection with the southern boundary of I-90, thence southeasterly along the southern boundary of I-90 to its intersection with the East City Boundary Line.

This Chapter shall become effective upon the passage and publication thereof, the same being necessary for the support of the municipal government and its existing public institutions.

(Revision of 7.02.01 effective February 1, 2002, Ordinance 2001-29)

(Revision of 7.02.01 effective December 27, 2011, Ordinance 2011-08)

(Title 7.03 to 7.08 replaced in its entirety effective 12-05-2012, Ordinance 2012-16)
(Revision of 7.03.04, 7.03.05, 7.03.06, 7.03.12, effective 6/4/2014, Ordinance 2014-07)

Chapter 7.03
MAYOR, CITY COUNCIL AND CITY MANAGER

SECTIONS:

- 7.03.01: Form of Government
- 7.03.02: Regular Meetings
- 7.03.03: Special Meetings
- 7.03.04: Election of President and Vice President
- 7.03.05: Council Procedure
- 7.03.06: Appointment of Council Members to Boards and Committees
- 7.03.07: Office of City Manager
- 7.03.08: Powers and Duties of the City Manager
- 7.03.09: Powers and Duties of the Mayor
- 7.03.10: Appointment of Designee By City Manager
- 7.03.11: Appointment of Designee By City Council
- 7.03.12: Proprietary Information

7.03.01: FORM OF GOVERNMENT

The City shall be a municipality under the mayor/aldermanic form of government employing a City Manager. The Mayor and Council shall be elected and shall perform such duties as prescribed by the laws of the State of South Dakota, and such specific duties as are provided in this Title.

(A) The Council shall consist of the Mayor, elected at large, and two (2) Council members elected from each of the four (4) wards within the City.

(B) Beginning with the term of office that shall commence with the election in April, 2012, the term of office for the Mayor and Council members shall be three (3) years or until their successors are elected and qualified.

(C) For the transition period, the Mayor and Council members whose two (2) year term of office shall commence with the election of April, 2011, the term of office they shall serve shall remain a two year term. Thereafter the term of office for the Mayor and all Council members shall be three (3) years.

(Revision of 7.03.01 effective July 21, 2010, Ordinance 2010-02)

7.03.02: REGULAR MEETINGS

Regular meetings of the governing body shall be held on the first and the third Monday of each month at 6:30 o'clock P.M. except when a Monday is a holiday, and in that case, the meeting

shall be held at 6:30 o'clock P.M. the following day. Any regular meeting may be adjourned from day to day.

(Revision of 7.03.02 effective Nov. 30, 2001, Ordinance 2001-20)

(Revision of 7.03.02 effective Feb. 18, 2009, Ordinance 2009-01)

7.03.03: SPECIAL MEETINGS

Special meetings of the Council may be called at any time, subject to the requirements of state law by the Mayor, the President of the Council and any three aldermen, or by any four aldermen, to consider those matters stated to be the purpose in the notice for such meeting. The written notice stating the time, place and the matters to be considered at such meeting shall be issued by the Finance Officer or designated Deputy Finance Officer. A copy of the notice shall be delivered with a copy of the agenda for the special meeting to all Council members in the manner designated in writing by the Council member in the record maintained for such purpose by the Finance Office. In the alternative, notice can be given by hand delivery to the council member. Hand delivery to a council member means delivery in person to a council member of the Notice of Meeting at the City Finance Office during business hours, or such delivery at the Council member's place of employment, place of business, or place of residence, by a city employee having authorization to do so from the City Manager, at least twenty-four (24) hour(s) before the time specified in the Notice for such meeting.

(Revision of 7.03.03 effective April 4, 2012, Ordinance 2012-02)

7.03.04: ELECTION OF PRESIDENT AND VICE PRESIDENT

At the first meeting of the Council in May of each year, and after the qualification of the newly elected Council Members, the Council shall elect from among its own members, a President and Vice President of the Council, whose duties are prescribed by the laws of the state of South Dakota. Nominations for the office of Council President shall be made by members of the Council and when nominations close then ballots shall be cast for that office. If more than two candidates are nominated then the vote shall be by private ballot, to be reviewed and counted by the Finance Officer and an assistant. After the votes are tabulated, the Finance Officer shall report the ballot tabulation and state the name of the person elected. Following that election, nominations for the office of Council Vice President shall be made by members of the Council and when nominations close then ballots shall be cast for that office in the same manner as for Council President.

7.03.05: COUNCIL PROCEDURE

Robert's Rules of Order: The 11th edition shall be the standard for procedure by which all regular meetings of the Council shall be governed. Any suspension of the procedure of a Council meeting, except as provided by City Ordinance, shall be as provided for in those Rules.

7.03.06 APPOINTMENT OF COUNCIL MEMBERS TO BOARDS AND COMMITTEES

Following the election of officers at the first meeting of the Council each May, each Council member shall have an opportunity to make their request, identifying the order of importance, for the member to be appointed to any of the “outside” Boards or Commissions listed in this subsection. Following that meeting, the Mayor and City Manager shall confer and review all the requests. At the second Council meeting in May, the City Manager shall announce the Council member appointments for a one year term to each Board or Commission listed below:

1. Planning and Zoning Commission
2. Library Board
3. Forestry Board
4. Sturgis Chamber of Commerce Board
5. Parks Board
6. Transportation Board
7. Sturgis Motorcycle Museum Board
8. Sturgis Motorcycle Rally, Inc. (SMRi)
9. Sturgis Rally Charities
10. Meade County Senior Citizens Center Board
11. Sturgis Economic Development Corporation

For other ad hoc committees as may be appointed from time to time, each Council member shall have an opportunity to make their recommendation for the Council members to be appointed to that committee. Thereafter, the Mayor and City Manager shall confer and review all recommendations and the City Manager shall notify those appointed to the committee.

7.03.07: OFFICE OF CITY MANAGER

The office of City Manager is hereby created. The City Manager shall be employed by the City Council and the City Council shall determine the compensation of the City Manager. The City Manager shall be appointed for an indefinite term but may be removed as prescribed by the laws of the State.

7.03.08: POWERS AND DUTIES OF THE CITY MANAGER

The powers and duties of the City Manager shall be such as are prescribed by the laws of the State, by section 7.04.02 and other provisions of this City of Sturgis Code of Ordinances, and such further duties as are incident to the office and provided for in an employment agreement.

7.03.09: POWERS AND DUTIES OF THE MAYOR

The powers and duties of the Mayor shall be such as are prescribed by the laws of the State, and other provisions of the City of Sturgis Code of Ordinances, and such further duties as are incident to the office.

7.03.10: APPOINTMENT OF DESIGNEE BY CITY MANAGER

The City Manager by the 10th of January of each year shall delegate for the following year, if the City has not employed an Assistant City Manager, and in the event of the absence or disability of the City Manager which leaves him/her unable to perform all of the tasks required to discharge

the necessary management tasks and responsibilities of that position, to a designated department head whom shall discharge said responsibilities. Such designation shall be reported to the Council, shall be effective for 12 months and shall continue, unless sooner rescinded by the City Manager, until the successor appointee is so designated. Said appointment shall be made in a letter of designation. The designation letter shall identify the responsibilities delegated to individual, and shall be for a specified period of time. The designation letter shall be maintained in the official record kept by the Finance Office, and a copy shall also be provided to or delivered to the Mayor and Council President before the period of such designated responsibility commences. No additional compensation shall be required for any designee unless approved by action of the Council.

7.03.11: APPOINTMENT OF DESIGNEE BY CITY COUNCIL

In the event of the disability or absence of the City manager resulting in a period of time when he/she is unable to perform all of the tasks required to discharge the responsibilities of that position, and the City has not employed an Assistant City Manager, or during a period of suspension as provided for in SDCL 9-10-11 when there is no Assistant City Manager employed by the City and the City Manager has not provided the designation by letter referred to in 7.03.09, the Mayor, with the approval of the Council, may designate one or more department head(s) to perform all of the tasks required to discharge the primary responsibilities of the City Manager. Upon approving such designation by the Mayor, the Council may also consider adjusting the compensation paid to reflect the additional, temporary responsibilities assigned to that individual as a result of such designation.

7.03.12: PROPRIETARY INFORMATION

The terms of any contract for the lease of City property or space of any kind, the information contained in the Vendor data base, and the terms of any contract for emergency, health or professional services provided by the City through its employees are hereby determined to be confidential trade secret and proprietary information, as defined by SDCL Chapter 1-27-1.5 and 1-27-1.6 respectively. To protect the public interest in such municipal information, it shall not be disclosed or released without authorization by Resolution of the City Council. Furthermore, the terms of price, rates and/or fees charged and the allocation of all expenses contained in any marketing or Sponsorship contract of any kind entered into by the City of Sturgis are hereby determined to be confidential trade secret and proprietary information, as defined by SDCL Chapter 1-27-1.5 and 1-27-1.6 respectively, and it shall not be disclosed or released without authorization by Resolution of the City Council. This classification of confidential trade secret and proprietary information shall cease thirty-six (36) months after expiration of the relationship between the City and the other party(s) to the contract containing the information.

(Revision of Chapter 7.03 by adding 7.03.10 and 7.03.11, effective January 19, 2010, Ordinance 2010-15)

(Revision of 7.03.04, 7.03.05, 7.03.06, 7.03.12, effective 6/4/2014, Ordinance 2014-07)

Chapter 7.04
APPOINTED OFFICIALS

SECTIONS:

- 7.04.01: Officers Appointed by Council
- 7.04.02: Officers Appointed by the City Manager
- 7.04.03: Duties
- 7.04.04: Special Duty of City Attorney
- 7.04.05: Oath and Undertaking Required

7.04.01: OFFICERS AND TRUSTEES APPOINTED BY COUNCIL

There shall be appointed by the City Council a Finance Officer, City Attorney, and a Library Board of Trustees. The Library Board of Trustees shall consist of five members appointed by the Council for three year terms, and in addition a sitting member of the Council shall be appointed to that Board for the duration of their Council term. The method of appointment by the Council shall be as provided for in SDCL Chapter 14-2 and shall occur each January as needed.

The Finance Officer and City Attorney shall be appointed by a City contract consistent with the duties and requirements of Section 7.04.03 herein. They shall hold office and serve until their successors shall be appointed and qualified, unless their employment shall be terminated as provided for by contract.

7.04.02 BOARDS AND COMMISSIONS APPOINTED BY THE CITY MANAGER

All other officers, including all members of City Boards and Commissions, shall be appointed by the City Manager and may be removed by the City Manager, except as otherwise provided by state law in the case of Municipal Utility Board members.

7.04.03: DUTIES OF COUNCIL APPOINTEES

Each-officer appointed by the governing body shall perform all of the duties as prescribed by this Title, the statutes of the state of South Dakota. The City Attorney and Finance Officer shall perform their duties as prescribed by the City Council through the means of an employment contract.

7.04.04: SPECIAL DUTY OF CITY ATTORNEY

The City Attorney, in addition to those duties prescribed for him by State law, shall have the special duty to make or cause to be made proper designations for any ordinance or amendments thereto, and he/she shall see that the organization and numbering of all ordinances is kept as uniform as possible and in keeping with the organization of this Ordinance in revision. In order to carry out this duty, the City Attorney shall have the power to change any of the numbering designations of any of the City Ordinances without having to pass an amendment therefore, provided that in so doing, the substance of any City Ordinance shall not be changed.

7.04.05: OATH AND UNDERTAKING REQUIRED

Each appointed officer, before entering upon the discharge of his or her duties shall take and subscribe an oath or affirmation of office in the form required by the Constitution of the State. Each appointed officer shall furnish an undertaking to the City in the sum of Two Thousand Five Hundred Dollars (\$2,500.00) with the exception of the Finance Officer and City Manager who shall furnish an undertaking to the City in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000.00). Said bond shall be conditioned for the faithful performance of the duties of their respective officers and to account for, pay over and deliver all money coming into their hands by virtue of the office, according to law. Bonds for deputies shall be determined by the appointing officer.

Chapter 7.05
SALARIES AND WAGES

SECTIONS:

7.05.01: Council to Determine Salary or Wages of Department Heads and Supervisory Personnel

7.05.02: Council to adopt Personnel Policy

7.05.01: COUNCIL TO DETERMINE SALARY OR WAGES OF DEPARTMENT HEADS AND SUPERVISORY PERSONNEL

The salaries and/or wages of the Mayor and alderman shall be determined by the Council by resolution to be published as required annually in the Council minutes in January of each year. The salaries and/or wages of all Department Heads and supervisory personnel shall be approved by Council after recommendation from the City Manager. The salary and/or wages of the City Manager shall be determined by the Council. If the City Attorney is appointed as an employee of the City, then consistent with the duties required by SDCL 9-14-22 the salary may include representing the City in Court actions, bond proceedings, enforcement of City Ordinances, furnishing an opinion on matters related to the municipality or the duties of its officers, and such other professional services incident to the office as required by ordinance or directed by the governing body. The specific activities expected to fulfill these general duties will be contained in the employment contract and job description for the position. Each officer or other employee, shall, except where special conditions exist, be paid according to the applicable Personnel Policy or collective bargaining agreement. The Council and the City Manager shall, after having prepared the budget for the ensuing year, meet to determine salaries for all appointed officers, department heads and supervisory personnel of the City by approving the annual budget in the manner required by law. The Council and the City Manager may at any other time of the year, meet to consider salary changes for employees not subject to the terms of a Negotiated Agreement or at the time of his or her employment with the City.

(Revision of 7.05.01 effective July 21, 2010, Ordinance 2010-02)

7.05.02: COUNCIL TO ADOPT PERSONNEL POLICY

The Council shall adopt a personnel policy which shall govern the conduct of the City employees and officials. A copy of said personnel policy shall be given to each employee or appointed officer at the time of his or her employment with the City.

Chapter 7.06 BUDGET

SECTIONS:

7.06.01: Budget Required

7.06.02: Duties of Officials

7.06.03: Preparation

7.06.04: Public Hearing

7.06.05: Adoption

7.06.06: May spend More or Less than Provided for Each Item in Budget

7.06.07: Responsibility of City Officials

7.06.01: BUDGET REQUIRED

An annual budget, for the calendar year, shall be prepared and adopted in the manner hereinafter provided. Said budget shall state in detail the proposed expenditures of the City for the following calendar year. This budget shall not only specify the expenditures required for each department, but shall specify the items for which expenditures are to be made from the total amount stated for each department.

7.06.02: DUTIES OF OFFICIALS

The City Manager shall be considered the Budget Director, and it shall be his or her duty to cause said budget to be prepared in the manner hereinafter provided. The Finance Officer shall assist the City Manager in the preparation of the budget. All Department Heads shall cooperate with the City Manager in preparation of the budget and shall provide a detailed and itemized estimate of the expenses which each Department Head believes will accrue for his or her respective department during the following year and said estimates shall be submitted at the request of the City Manager. The City Manager shall prepare and submit to the Council an annual budget not later than September 1st of each year. The Chairmen of all other Boards or Committees for which expenditures will occur during the following year shall also submit to the City Manager upon his or her request a detailed and itemized estimate of anticipated expenses. All other City officials shall be required to assist in the preparation of the budget at the call of the City Manager.

7.06.03: PREPARATION

It shall be the duty of the City Manager, with the assistance of the Finance Officer and such other persons as the City Manager may request, to prepare a proposed budget for the following year no later than September 1st. To successfully perform this endeavor, the City Manager shall have the duty and power to make all necessary inquiries and investigations in regards to the submitted estimates, and to require the cooperation of all City officials and other citizens to the extent that they may be of some help in the preparation of the Budget, and to hold or call all necessary meetings with supervisors, other officials or citizens, and to request a special meeting of the Council, if such action is deemed necessary. The City Manager shall present the proposed budget to the Council no later than September 1st of each year.

7.06.04: PUBLIC HEARING

After the proposed budget has been presented to the Council, the Council shall then establish a time and a place for a public hearing to be held for the purpose of allowing any interested citizen or City official to be heard on said budget. A notice of said hearing shall be published once at least four days before said day of hearing.

7.06.05: ADOPTION

After said hearing has been held, the Council may adopt the proposed budget as proposed or as amended. The appropriation Ordinance shall then be adopted as required by State law and in conformance with the adopted budget.

7.06.06: MAY SPEND MORE OR LESS THAN PROVIDED FOR EACH ITEM IN BUDGET

More or less than the amount stated in the adopted budget for a specific line item may be spent so long as the amount authorized by the Appropriation Ordinance or any supplement thereto is not exceeded.

7.06.07: RESPONSIBILITY OF CITY OFFICIALS

It shall be the responsibility and duty of all City officials to make reasonable efforts to keep within the expenditures specified in the City budget.

Chapter 7.07
POLICE DEPARTMENT

SECTIONS:

7.07.01: Members

7.07.02: Appointment

7.07.03: Require Aid

7.07.01: MEMBERS

The police force in this City shall consist of the Chief of Police, and as many more individuals as the Council, after recommendation from the City Manager shall, from time to time, approve for employment for the proper protection of the City.

7.07.02: APPOINTMENT

The Chief of Police shall be hired by the City Manager with the consent of the Council. The Chief of Police shall recommend for hire all other personnel required to fulfill the functions of the Police Department, subject at all times to the approval of the City Manager and the approval of the City Council.

7.07.03: REQUIRE AID

In the execution of the duties of any police officer in arresting any person accused or suspected of any crime or any suppression of any riot or unlawful assembly, or in the prevention of any offense against the City or State, said officer shall have the power, when necessary, to require the aid of any citizen; and it shall be unlawful for any person to refuse or willfully neglect to obey the summons of any police officer in such cases.

Chapter 7.08
PLANNING COMMISSION ESTABLISHED

SECTIONS:

7.08.01: Official Name

7.08.02: Establishment and Composition

7.08.03: Powers and Duties

7.08.01: OFFICIAL NAME

That the official name of the Planning Commission created hereunder shall be known as "Sturgis City Planning Commission" hereafter referred to as "commission".

7.08.02: ESTABLISHMENT AND COMPOSITION

The Sturgis City Planning Commission shall consist of seven (7) members appointed and to hold office as set forth by South Dakota Law. One member shall be chosen from the membership by the members as Chairman and in addition one member of the Sturgis City Council shall sit as an ex-officio and non-voting member of the Commission.

7.08.03: POWERS AND DUTIES

The Sturgis City Planning Commission shall carry on its functions in accordance with SDCL 11-6 and shall have all the powers, duties and responsibilities as set forth in said Statutes.

(Title 7.03 to 7.08 replaced in its entirety effective 12-05-2012, Ordinance 2012-16)