

Chapter 23

Ordinances and Resolutions

Section 23-1 Definition of terms.

Ordinance. The word “ordinance” as used in this chapter shall mean a permanent legislative act of the governing body of the city within the limits of its powers.

Resolution. The word “resolution” as used in this chapter shall mean any determination, decision, or direction of the city council of a special or temporary character for the purpose of initiating, effecting, or carrying out its administrative duties and functions under the laws and ordinances of the city.

Section 23-2 Power to adopt, amend and repeal ordinances and resolutions – Maximum penalty.

The city may enact, make, amend, revise, or repeal all such ordinances, resolutions, and regulations as may be proper and necessary to carry into effect the powers granted thereto, and to provided for the punishment of each violation thereof by a fine not exceeding two hundred dollars. (SDCL 9-19-3)

Section 23-3 One subject expressed in title of ordinance.

An ordinance must embrace but one subject which shall be expressed in its title. (SDCL 9-19-5)

Section 23-4 Style of ordinance.

The style of all ordinances shall be as follows:

“*An Ordinance* _____(inserting the title): followed by:

“*Be it ordained by the City of Menno, South Dakota*” followed by the substance of the ordinance. (SDCL 9-19-6)

Section 23-5 Reading, passage, and publication of ordinance.

The title of all ordinances shall be read twice (2) with at least five (5) days between the first and second reading. The ordinance shall be signed by the mayor or acting mayor, filed with the finance officer and published once in the official newspaper. Twenty (20) days after the completed publication of such notice, unless the referendum shall have been invoked, such ordinance shall become effective.

Exceptions to the above: An ordinance incorporating or adopting comprehensive regulations or a code promulgated, approved, and published by a recognized and established national organization prescribing building, electrical, plumbing, safety, fire, health, or milk regulations need not be published in a newspaper, but upon adoption of such an ordinance the finance officer shall publish a notice of the fact of adoption once (1) a week for two successive weeks in the official newspaper, and twenty (20) days after the completed publication of such notice, unless the referendum shall have been invoked, such ordinance shall become effective. (SDCL 9-19-7)

Section 23-6 Passage, recording, and publication of resolutions.

Any resolution may be passed after one reading and shall be recorded at length in the minutes of the meeting at which it is passed, with a statement of the number of votes for and against it and published in full as part of the minutes. (SDCL 9-19-8)

Section 23-7 Recording of votes on ordinances.

The vote upon all ordinances upon the second reading and to pass the same over any veto shall be taken by yeas and nays and entered upon the minutes of the meeting. (SDCL 9-19-9)

Section 23-8 Veto power of the mayor.

If the mayor disapproves of an ordinance, he may veto the same by filing his written objection thereto with the finance officer within ten (10) days after its passage upon second reading. Such veto may extend to any one or more items contained in an ordinance making an appropriation or to the entire ordinance, and in case the veto only extends to a part of such ordinance, the remainder shall take effect. (SDCL 9-19-10)

Section 23-9 Reconsideration of vetoed ordinance.

If the mayor vetoes any ordinance or resolution, it shall be presented by the finance officer with the mayor's written objection to the next meeting of the council and may be reconsidered. If it shall pass by a two-thirds (2/3) vote of all the council members, it shall be published and become effective notwithstanding the mayor's disapproval. (SDCL 9-19-11)

Section 23-10 Ordinance becoming law without mayor's signature.

If the mayor shall fail to sign any ordinance or file written objection thereto within ten (10) days after its passage upon second reading, it shall be published and become a law without his signature. (SDCL 9-19-12)

Section 23-11 Effective date of resolutions and ordinances.

Except such resolutions or ordinances as may be necessary for the immediate preservation of the public peace, health, or safety, or support of the municipal government and its existing public institutions, or which provide for an election or for hearing on an improvement or assessment or which call for bids, which take effect upon the passage and publication thereof, every resolution or ordinance passed by the city council shall take effect on the twentieth (20) day after its publication unless suspended by operation of a referendum. (SDCL 9-19-13)

Section 23-12 Recording ordinances in ordinance book.

After an ordinance takes effect, the finance officer shall record the same together with a date of its publication in a book to be known as the "Ordinance Book" and file the affidavit of publication with the original ordinance.
(SDCL 9-19-14)

Section 23-13 Compilation of ordinances.

The city may compile without revision or amendment, not more often than once in five (5) years, for publication in book form, the ordinances of the city. The compilation shall be effective without publication as required for ordinances. (SDCL 9-19-15)

The finance officer shall furnish a free copy of the book to the clerk of courts and the county law library of Hutchinson County. (SDCL 9-19-15)

Section 23-14 Revision of ordinances – Committee to prepare revision.

The city council shall have the power to revise the ordinances not oftener than once every five (5) years. They may appoint a committee of one or more competent persons to prepare and submit for its consideration an ordinance in revision of the ordinances of the city. (SDCL 9-19-16)

Section 23-15 Notice of adoption of ordinance in revision – Effective date – Publication in book form.

Upon the adoption of an ordinance which revises the municipal ordinances by the city council, the finance officer shall publish a notice of the adoption of the revised ordinances once in the official newspaper. Twenty (20) days after the completed publication of notice, unless the referendum is invoked, the ordinance shall become effective without publication in a newspaper. (SDCL 9-19-17)

The governing body may publish the revised ordinances in book form. The finance officer shall furnish a free copy of the book of the revised ordinances to the circuit clerk of courts and the Hutchinson County law library. (SDCL 9-19-17)

Section 23-16 Evidence of ordinances and resolutions.

An original ordinance or resolution, the record or a certified copy thereof, or any compilation or revision of ordinances purporting to be printed under the authority of the city are admissible in evidence without further proof. (SDCL 9-19-18)

Section 23-17 Ordinances and resolutions presumed valid unless controverted.

In any action or proceeding instituted by the city, it shall not be required to show compliance with the provisions of this title as to the passage or publication of any ordinance or resolution unless the same be controverted under oath. (SDCL 9-19-19)