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TITLE 1. ADMINISTRATIVE CODE

Chapter 1.1. In General.

Section 1.1.1. Debts, Obligations, Liabilities and Contracts.

The City shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Code takes effect and shall be subject to all its debts, obligations, liabilities and contracts.

Section 1.1.2. Vested Rights.

Nothing in this Code shall be so construed as to impair any vested rights or valid obligations existing when it takes effect.

Section 1.1.3. Repeal.

All ordinances and parts of ordinances in conflict with the provisions of this Code or relating to the subject matter of this Code and not reenacted as a part of this Code are hereby repealed, except as otherwise specifically provided.

Section 1.1.4. Ordinances Saved from Repeal.

Nothing contained in this Ordinance Revision shall be construed to repeal or otherwise affect in any manner:

- a. Any ordinance or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;
- b. Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- c. Any contract or obligation assumed by the city;
- d. Any right or franchise granted by the city;
- e. Any budget or appropriation ordinance;
- f. Any ordinance which, by its own terms, is effective for a stated or limited term;
- g. Any ordinance providing for local improvements and assessing taxes therefore;
- h. Any ordinance fixing the salary of any city officer or employee; or

- i. Any ordinance of an administrative character not in conflict with the provisions of the Ordinance; and
- j. All such ordinances are hereby saved from repeal and recognized as continuing in full force and effect to the same extent as if set out at length in the Ordinance.

Section 1.1.5. Jurisdiction.

That, as authorized by **SDCL 9-29-1**, the City of Flandreau shall exercise jurisdiction for all authorized purposes within one mile of its corporate limits and within its City Park which is located outside of the boundaries of the City for the purpose of promoting the health, safety, morals and general welfare of the community and of enforcing its ordinances and resolutions relating thereto.

Section 1.1.6. Misdemeanor. (Ordinance 597)

Except as in this Ordinance otherwise specifically or additionally provided, any person or persons, firm, or corporation, violating any of the provisions thereof, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500.00, or imprisonment in jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment. The fine may be served in jail at the rate equal to the rate provided for by State law. Each act of a violation and each day upon which a violation occurs shall constitute a separate offense for which a penalty can be imposed.

Section 1.1.7. Corporation may be fined.

For a violation of this Code or any other ordinance of the City of Flandreau which, by nature, does not require intent exercisable only by natural persons, a corporation may be fined or punished by appropriate penalties in addition to any punishment provided for its agents who violate this Code or other ordinance while acting as such agents.

Chapter 1.2. Mayor and City Council.

Section 1.2.1. Mayor - Duties.

The Mayor shall:

- a. preside at all meetings of the Council but shall have no vote except in case of a tie; and
- b. perform such other duties as may be prescribed by the laws and ordinances, and take care that such laws and ordinances are faithfully executed; and

- c. annually and from time to time give the Council information relative to the affairs of the City, and shall recommend for their consideration such measures, as the Mayor may deem expedient; and
- d. have the power to sign or veto any ordinance or resolution passed by the Council, and the power to veto any part or item of any ordinance or resolution appropriating money as provided for by State law.

Section 1.2.2. Meetings. (Ordinance 540)

Unless otherwise determined and announced, regular meetings of the governing body shall be held in the City Council Chambers, 1005 W. Elm Avenue, Flandreau, on the first and third Monday of each month at 6:30 o'clock P.M. Special meetings may be called at any time by the Mayor to consider such matters as may be mentioned in the call for the meeting.

Section 1.2.3. Notice of Special Meeting.

The City Finance Officer shall issue written notice of each special meeting, stating by what authority the meeting is called, the time and place of holding such meeting, and the matters to be considered.

Section 1.2.4. President of Council - Vice President.

Article 1.2.4.1 At the first regular meeting after the annual election in each year and after the qualification of the newly elected aldermen, the Council shall elect from among its own members a president and vice president, who shall hold their respective offices for the municipal year.

Article 1.2.4.2 The President of the council, in the absence of the Mayor, shall be presiding officer of the council; and during the Mayor's absence, shall be acting mayor and possess all of the powers of the Mayor.

Article 1.2.4.3 In the absence or disability of the Mayor and President of the Council, the vice-president shall perform the duties of the Mayor and President of the Council

Chapter 1.3. Officers and Employees.

Section 1.3.1. City Administrator (Ordinance 519)

Article 1.3.1.1 Creation of Office. The office of the City Administrator is hereby created. The City Administrator shall be the chief administrative officer of the City and shall be responsible to the City Council for the proper administration of all affairs of the City.

Article 1.3.1.2 Appointment of City Administrator. The City Administrator shall be appointed by the mayor with the consent of a majority vote of the City Council for an indefinite term.

Article 1.3.1.3 Powers and Duties of City Administrator. The City Administrator shall perform all duties and have all powers as provided by law and by resolution or motion of the City Council.”

Section 1.3.2. Appointment of Officers.

At the first regular meeting in May of each year, there shall be appointed by the governing body a City Attorney, and other such officers as may be provided by ordinance, to hold office until the appointment and qualification of their successors. The Mayor shall make all such appointments with the approval of the Council.

Section 1.3.3. Compensation.

The annual salary of the mayor, council members, and appointed officers and employees shall be set by the resolution of the City Council at a regular or special meeting.

Section 1.3.4. Bonds.

Appointed officers of the City shall furnish bonds to be approved by the City Council in such sum as may be determined by resolution or ordinance conditioned upon the faithful performance of their duties. Appointed officers shall account and pay over and deliver all moneys or property coming into their hands by virtue of their office.

Section 1.3.5. Rate of Pay and Overtime.

The City, in reference to employees of the City of Flandreau, South Dakota, shall comply with applicable State or Federal wage and hour laws.

Section 1.3.6. Employee Benefits.

Employee benefits shall be those as set forth in the City's personnel policy