

**CHAPTER 9**  
**PUBLIC SAFETY/PUBLIC OFFENSES**

**9-101 FIRE DEPARTMENT ESTABLISHED**

The Philip City Volunteer Fire Department shall be subject to the provisions of this Ordinance, ordinances and regulations hereafter adopted by resolution of the City Council, and the conditions of the bylaws of said Fire Department. The Fire Department shall have the control of fire apparatus and equipment of the City of Philip and the right to establish regulations as are necessary to the control of the Fire Department and the furnishing of adequate fire protection for the persons and property within the corporate limits of the City of Philip.

**9-102 FIRE EQUIPMENT**

All trucks, fire equipment and fire apparatus purchased by the City of Philip shall be the property of the City of Philip and the same shall be under the control of the Fire Department. The Fire Department shall, at all times, keep a complete inventory of all fire equipment and fire apparatus, listing all property owned by the City of Philip separately, from that owned by the Volunteer Fire Department.

**9-103 FINANCES OF DEPARTMENT**

The City of Philip may appropriate monies for the maintenance of the Fire Department and provide said department with necessary fire fighting 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.

**9-104 HOUSING**

The City of Philip may provide adequate housing and storage space for all fire trucks, fire apparatus, equipment and supplies.

**9-105 POLICING POWERS**

The officers and members of the Fire Department shall, while in performance of their duties, have reasonable policing powers.

**9-106 OBSTRUCTING FIRE HYDRANT**

No person shall erect or place any obstruction, nor pile any goods or other things within 15 feet of any fireplug or hydrant.

**9-107 DRIVING OVER FIRE HOSE**

No vehicle shall be driven over any hose nor against any fire apparatus. No member of the Fire Department shall run any fire truck over any hose or against any apparatus in service unless same is necessary in the performance of duty.

**9-108 DEFINITION OF FIRE APPARATUS**

Fire apparatus as used in this Ordinance shall include fire trucks, hose carts, ladder wagon or ladder trucks and vehicles carrying members of the Fire Department, which vehicles must display the insignia or sound the bell or siren of the Philip City Fire Department. No driver of any vehicle carrying such bell or siren shall permit such bell or siren to be sounded within the City of Philip except when responding to fire alarms.

- 9-109 FOLLOWING FIRE APPARATUS**  
No driver of a vehicle, including bicycles, except drivers of other fire apparatus, shall follow any fire apparatus.
- 9-110 ALARMS**  
It shall be unlawful for any person to deface, injure or tamper with any fire alarm, telegraph box, police telephone box or wire, or any apparatus used or connected therewith, or in any manner to open or give any fire alarm except in case of fire.
- 9-111 HYDRANTS**  
It shall be unlawful for any person to unscrew or remove any cap of any water hydrant, or in any way interfere with such hydrant, except authorized personnel in the course of their duties.
- 9-112 CONSENT NECESSARY TO WORK ON ALARMS**  
It shall be unlawful for any person to loosen or in any way change or remove any installation belonging to, used or connected with a fire alarm without having first obtained consent of the Chief of the Fire Department for that purpose.
- 9-113 OPERATION OF FIRE EQUIPMENT**  
All fire apparatus shall be operated with reasonable regard for the person and property of others.
- 9-201 FIREWORKS – TIME SALES ALLOWED**  
Fireworks shall only be sold and discharged from June 27<sup>th</sup> of each year up to and including the 5<sup>th</sup> of July of each year, except that toy cap pistols and toy caps may be sold at any time.
- 9-202 PUBLIC DISPLAY OF FIREWORKS**  
Nothing in this section shall prohibit the use of a public display of fireworks provided that any individual, firm or partnership prior to making such public display of fireworks shall first secure written permit to do so from the governing board of the city.
- 9-202.1 DISCHARGE OF FIRE WORKS IN FIRE LIMITS**  
It shall be unlawful for any person to discharge or cause to be discharged any fireworks within the fire limits of this City as those limits are set forth in 11-1601 of this Code.
- 9-203 JOBBERS, WHOLESALERS OR DISTRIBUTORS**  
This section does not prohibit any jobber, wholesaler or distributor from offering for sale merchandise to be sold and shipped out of the city.
- 9-204 DISCHARGE OF FIREWORKS ABOUT THE BODY**  
It shall be unlawful for any person to discharge or cause to be discharged, any fireworks about the body of any person in a manner that would cause injury or apprehension of injury to such person.
- 9-301 STORING EXPLOSIVES**  
No person shall keep in store any gun or blasting powder, nitroglycerin, dynamite or like substance, except in such place as shall have been approved by the City Council and the Fire Chief for that purpose. A reasonable amount of small arms ammunition may be stored. Both State and Federal laws regarding licensing and regulation shall be applicable.

**9-302 TRANSPORTING EXPLOSIVE SUBSTANCES**

No person shall transport on the streets or in public places any quantity of explosive substances or blasting powder so as to endanger the safety of the public.

**9-303 STORING PETROLEUM PRODUCTS, ETC.**

It shall be unlawful for any person, company or corporation to keep or store in the city, any petroleum products or linseed oil in any quantity exceeding one barrel, unless the same shall be kept in a fireproof warehouse or fireproof tank conformed with the published standards of the National Board of Fire Underwriters.

Written application for such storage, endorsed by the Fire Chief, shall be made to the City Council, with plans and specifications for the proposed storage, and shall be filed with the City Finance Officer. If the Council is satisfied that such storage will not cause a fire hazard, they shall grant a permit therefor. Upon completion of the installation of tanks or other storage facilities, the Fire Chief shall inspect said facilities and approve them before any such products are stored therein.

State statutes regulating the storing of petroleum products shall be observed at all times.

**9-401 REGULATION OF DANCES**

All dances held within the confines of the exterior boundaries of the City Limits of Philip, are hereby subject to the following rules and regulations:

- a) All dances shall conclude and the members of the public in attendance be dispersed by the hour of 2:00 o'clock A.M.
- b) The City may require security as determined by police department or City directive.

**9-501 BARBED WIRE AND ELECTRICAL FENCES PROHIBITED**

Barbed wire and electrically charged fences are hereby declared to be a public nuisance and shall not be constructed or maintained on any property within the exterior boundaries of the City of Philip.

**9-601 ACTS AND OFFENSES**

It shall be unlawful for any person, firm or corporation to commit, allow or to engage in any act which offends the public morals, health or safety of others including any violation of these ordinances and the following specific acts.

**9-602 DISORDERLY CONDUCT**

Any person who intentionally causes serious public inconvenience, annoyance or alarm to any person or creates a risk thereof by:

- a) engaging in fighting or in violent or threatening behavior;
- b) making unreasonable noise;
- c) disturbing any lawful assembly or meeting of persons without lawful authority;
- d) obstructing vehicular or pedestrian traffic;
- e) public indecency: a person commits a crime of disorderly conduct if the person exposes his or her bare buttocks or urinates in a public place where another is present or may have access to, and who may be offended or alarmed by the person's act.

- 9-603 CARRYING CONCEALED WEAPON**  
It shall be unlawful for any person, not a law enforcement officer as defined in SDCL in the execution of his duty, to carry about his person, any firearm, sling shot, sheath or dirk knife, brass knuckles or any other device, instrument or material or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or bodily harm. This Ordinance shall not prohibit a person from carrying any weapons pursuant to a permit issued under SDCL
- 9-604 WEAPONS PROHIBITED IN LIQUOR/BEER ESTABLISHMENTS**  
No person, excluding a law enforcement officer in the performance of his duty, may carry any weapon as heretofore defined in any business establishment licensed to sell alcohol beverages. This Ordinance shall prohibit any person who has a permit issued under SDCL to carry a concealed weapon, to carry such weapon into any alcoholic beverage establishment. If a violation of this ordinance occurs and an arrest is made State Statute SDCL must be used.
- 9-605 DISCHARGING WEAPONS**  
Every person who willfully discharges any species of firearm, air gun, BB-gun, arrow, including target arrows, or other weapon, projecting lead or other missiles, or throws any missile in any public place, or in any place where there is any person to be endangered thereby, except in a regularly established shooting gallery at the National Guard Armory, although no injury to any person shall ensue, shall be deemed guilty of misdemeanor and punishable in accordance with a schedule of fines and penalties as promulgated from time to time by the City Council. This section shall not be construed to prohibit a law enforcement officer from discharging a firearm in the performance of his duty.
- 9-606 DRAWING DEADLY WEAPONS**  
It shall be unlawful for any person, not an officer of the law in the execution of his duty, to draw a pistol, revolver, knife or other deadly weapon upon another person.
- 9-701 FALSE ALARM OF FIRE**  
It shall be unlawful for any person or persons to knowingly or unlawfully create a false alarm of fire.
- 9-801 CRUELTY TO ANIMALS**  
It shall be unlawful for any person to cruelly or immoderately beat any horse, mule, cow, dog or other animal, or wantonly or maliciously torture or injure any animal or leave standing on the streets any horse, mule or team unprotected for any unreasonable time or to over load or overwork or overdrive any horse or other working animal.
- 9-901 FAILING TO OBTAIN LICENSE WHEN REQUIRED**  
It shall be unlawful for any person or persons, firm, corporation or association of individuals to run, operate, maintain, or engage in any business, act or conduct of any kind for which a license is required under the provisions of the ordinances of this city, without first having obtained such a license therefor.

**9-902**

**DISPLAYING LICENSE UNLAWFULLY**

No person shall carry or display any city license or permit which has been terminated or revoked or which has not been lawfully procured and issued.

**9-1001**

**OBSTRUCTING PUBLIC PLACES, STREETS OR BUILDINGS**

It shall be unlawful for any person or persons to, without having legal privilege so to do, obstruct any public street, alley, sidewalk, park, place, or building, whether alone or with others, and who after been warned by a police officer, persists so in obstructing the same. To “obstruct” means to render impassable without reasonable inconvenience or hazard.

A person in a gathering commits a violation if he refuses to obey a reasonable request or order by a police officer to move to prevent obstruction of a public street, alley or sidewalk, public way, place or building or to maintain public safety by dispersing those gathered in a dangerous proximity to a fire or hazard. “Public” for the purposes of this section means affecting or likely to affect persons in a place to which the public or a substantial group has access, among said places are included public streets, alleys, parks, places, public buildings, and places of business or amusement while said building, place of business or amusement are open to the public.

**9-1101**

**TRESPASS AND UNAUTHORIZED USE OF PROPERTY**

It shall be unlawful for any person to knowingly lodge, use or occupy any barn, garage, shed, shop, house or other building or structure, or any automobile, truck, railroad car or other vehicles without the permission of the owner or person entitled to possession. It shall be unlawful for any person to knowingly lodge in any public way, park or place. In addition, it shall be unlawful for any person to enter upon any privately or publicly owned real property, which is not open to the use of the public, unless he has first obtained the consent of the owner or person in possession or control thereof. 1992 Revised Ordinance 92, sec. 18; 12/30/92

**9-1201**

**DRINKING OUTSIDE OF LICENSED PREMISES**

It shall be unlawful for any person to drink or consume any alcoholic beverage as defined in SDCL in any public place, automobile, street, alley, sidewalk, public place except in those places duly licensed as an “on-sale” dealer.

**9-1301**

**AUTHORITY OF POLICE**

All police officers shall have jurisdiction to enforce city ordinances and all federal and state laws within the City of Philip, or within one mile of the exterior boundaries of the City of Philip, and within the exterior boundaries of the City Airport, Water Treatment Plant, City Parks, Lake Waggoner and any other public property owned or controlled by the City of Philip, in order to promote the health, safety and general well being of the community and protect public property. 1992 Revised Ordinance 92, sec. 10; 12/30/92

**9-1401**

**MINORS, LOITERING PROHIBITED**

It shall be unlawful for any minor under the age of sixteen (16) years to loiter, idle, wander, stroll, play or ride or be in any motor vehicle in or on the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or other unsupervised school function or returning directly home or to place of lodging from such school entertainment between the hours of 10:00 P.M. and 5:00 A.M. of the following day, Sunday through Thursday, inclusive, and 11:00 P.M. on Fridays and Saturdays to 5:00 A.M. the following day, official city time.

Provided, however, that the provisions of this section do not apply to a minor accompanied by his or her parents, guardian or other adult person having care or custody of the minor, and provided further that this section does not apply to a minor after he or she shall have passed his or her sixteenth birthday.

**9-1402 MINORS, RESPONSIBILITY OF PARENTS**

It shall be unlawful for the parent or guardian or other adult person having the care or custody of a minor under the age of sixteen to knowingly permit such minor to loiter, idle, wander, stroll, play or ride in any motor vehicle upon the public streets, highways, roads, alleys, playgrounds, public places or buildings, places of amusement, vacant lots or other unsupervised places, or to remain in any dance hall, restaurant, café, theatre or other public place, except supervised school functions as noted in section 9-1401, between the hours of 10:00 P.M. and 5:00 A.M. the following day, from Sunday through Thursday, inclusive, and between the hours of 11:00 P.M. on Fridays and Saturdays and 5:00 A.M. the following day, official city time, provided further that the provisions of this section do not apply when the minor is accompanied by his or her parents.

**9-1403 RESPONSIBILITY OF OTHERS**

It shall be unlawful for any person, firm, or corporation operating places of amusement and entertainment, restaurant, cafes, theatres or other public places to permit minors under the age of sixteen to enter or remain in such places of amusement and entertainment, restaurant, café, theatre, or other public place during the hours prohibited under this chapter, or owner or operator of any motor vehicle to permit or allow any minor to be in or ride in such motor vehicle during the hours prohibited by this chapter; provided, however, that the provisions of this chapter do no apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor.

**9-1404 WILLFUL INJURY TO PROPERTY**

It shall be unlawful for any person to willfully remove, injure, damage, deface, break, tamper with or otherwise harm any property, public or private, real or personal not his own.

**9-1405 SMOKING AND VAPING OF CANNABIS IN PUBLIC PLACES PROHIBITED**

a) It is unlawful for any person to smoke and/or vape cannabis in any public place including parks, sidewalks, streets, alleys, rights-of-way, sports complexes, publicly owned property, or in any place that is open to the public.

1. A place open to the public is a place to which the public is invited, including in, on, or around any place of business, parking lot, or place of amusement or entertainment, whether or not a charge of admission or entry thereto is required and includes the elevator, lobby, halls, corridors, and areas open to the public of any store, office, or multifamily residential building even if such place charges an admission or limits the number of admittees.

b) A violation of this section is subject to the general penalty provision in Sec. 13-101.

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