

CHAPTER 2 – GOVERNMENTAL ORGANIZATION & ADMINISTRATION

ARTICLE 3 - OFFICES AND DEPARTMENTS, OFFICERS AND EMPLOYEES

SECTIONS:

Sections 2-3-101 to 199, inclusive. General provisions.

Section 2-3-101. Organization of the city administrative service.

Section 2-3-102. Appointive officers.

Section 2-3-103. Appointive and elective officers - salaries.
(REPEALED)

Section 2-3-104. Terms and conditions of employment of all city employees other than appointive.

Section 2-3-105. Appointive officers - bonds and oaths.

Section 2-3-106. Officers and employees - assuming duties.

Section 2-3-107. Officers and employees - vacations.

Section 2-3-108. Officers and employees - administrative policies and procedures.

Sections 2-3-109 to 199, inclusive. Reserved.

Sections 2-3-201 to 2-3-299. Retirement systems - general provisions.

Section 2-3-201. Retirement systems - city participation.

Section 2-3-202. Retirement systems - effective date.

Section 2-3-203. Retirement systems - membership.

Section 2-3-204. Retirement systems - payroll deductions.

Section 2-3-205. Retirement systems - city matching.

Section 2-3-206. Retirement systems - administrative fee. (REPEALED)

Sections 2-3-207 to 299, inclusive. Reserved.

Sections 2-3-301 to 399, inclusive. Officers - duties and responsibilities - general provisions.

Section 2-3-301. Office of the finance officer.

Section 2-3-302. Office of the finance officer.

Section 2-3-303. Office of the city attorney.

Section 2-3-304. Office of the director of public works.

Section 2-3-305. Office of the director of public works-organization.

Section 2-3-306. Office of the airport manager.

Section 2-3-307. Office of the health officer.

Section 2-3-308. Office of the liquor store manager.

Section 2-3-309. Office of the cemetery sexton.

Sections 2-3-310 to 399, inclusive. Reserved.

Sections 2-3-401 to 499, inclusive. Departments - duties and responsibilities - general provisions.

Section 2-3-401. Fire department - responsibility.

Section 2-3-402. Fire department - adoption of constitution, by-laws and rules.

Section 2-3-403. Fire department - definition of fire apparatus.

Section 2-3-404. Fire department - executive officers.

Section 2-3-405. Fire department - method of selecting executive officers.

Section 2-3-406. Fire department - executive officers bonds.

Section 2-3-407. Fire department - duties of executive officers.

Section 2-3-408. Fire department - removal of executive officers.

Section 2-3-409. Fire department - qualifications of firemen.

Section 2-3-410. Fire department - notification in case of change of status of firemen.

Section 2-3-411. Fire department - wearing of badges and uniforms by firemen.

Section 2-3-412. Fire department - order of command at fires and filling vacancies of officers.

Section 2-3-413. Fire department - duties of firemen.

Section 2-3-414. Fire department - restricting limits of access in vicinities of fires.

Section 2-3-415. Fire department - dismissal of firemen for failure to attend drills and meetings.

Section 2-3-416. Fire department - permission to go beyond city limits - penalty for violation.

Section 2-3-417. Police department - responsibility.

Section 2-3-418. Police department - duties of chief of police.

Section 2-3-419. Police department - reports to the commission by the chief of police. (REPEALED)

Section 2-3-420. Police department - evaluation and disposition of reports of the chief of police. (REPEALED)

Section 2-3-421. Streets and solid waste department.

Section 2-3-422. Water and sewer department.

Section 2-3-423. Pumping, generating and signal department. (REPEALED)

Section 2-3-424. Electric department.

Section 2-3-425. Parks and public buildings department.

Section 2-3-426. Deferred Compensation Plan - Pierre Volunteer Fire Department.

Sections 2-3-427 to 499, inclusive. Reserved.

Sections 2-3-101 to 2-3-199. Offices and departments - officers and employees – general provisions.

Section 2-3-101 Organization of the city administrative service.

The city administrative service shall consist of the following offices and departments and the officers and employees thereof who shall serve subject to the conditions and terms of employment as provided in this chapter:

1) Office of the City Administrator, which shall have general responsibility for all other administrative offices and functions of the City, subject to supervision of the Mayor and Commission, and may include such other employees as may be authorized and approved.

- 2) Office of the Business Manager, which shall have general responsibility for those functions previously delegated to the finance officer, and the functions of the office of the Comptroller, Information Technology Office and may include such other general employees as may be authorized and approved;
- 3) Office of the city attorney, which shall consist of the city attorney and such assistant city attorneys as may be authorized and approved;
- 4) Office of the City Engineer/Planning Director, which shall have general responsibility for the functions of the office of the , Building Official, Planning Office, Engineering Staff, Landfill, Airport, and such other functions and general employees as may be authorized and approved;
- 5) Office of Public Safety, which shall have general responsibility for the functions of the Police Department, Fire Superintendent, Volunteer Fire Department, Animal Control, Health Officer and such other functions and general employees as may be authorized and approved;
- 6) Office of the Utilities Manager, which shall have general responsibility for the Electric Department, billing personnel and meter readers, Construction & Operations Office who shall have charge of the Water, Wastewater and Street Departments, and such other functions and general employees as may be authorized and approved;
- 7) Office of Parks and Recreation, which shall have general responsibility for the Cemetery Department, Park Department, Recreation Department, and Golf Course, and such other functions and general employees as may be authorized and approved;
- 8) Rawlins municipal library, which shall be under the supervision of the library board and shall consist of the librarian and such other general employees as may be authorized and approved. For purposes of reporting, the library shall communicate through the Office of the Business Manager;
- 9) Human Resources Department, which shall have general responsibility for the Human Resources functions for the City and may consist of the human resources director and other general employees as may be authorized and approved.

Source: R.O. Pierre, 1970, as amended by ordinance 1168, 1986; Rev. of Ord., 1990; Ord. No.1460, 1999; Ord. No. 1565, 2005

Sections 2-3-102 Appointive officers.

There shall be appointed by majority vote of the members of the City Commission, a City Administrator, a Business Manager, City Attorney, City Engineer/Planning Director, Public Safety Director, Utilities Manager, Park and Recreation Director, Human Resources Director and such other officers as may be provided for by ordinance. Any Officer may hold at the same time more than one office as approved by the Commission.

Source: R.O. Pierre, 1957, 1.0101, as amended by ordinances number 778, 1967; 790, 1968; 810, 1969; 812, 1970; 898, 1974; 1168, 1986; Rev. of Ord., 1990; Ord. 1421, 1998; Ord. No. 1565, 2005

Section 2-3-102.1 City Administrator Office Established.

The office of City Administrator is hereby established.

- a. The City Administrator shall be appointed by the Mayor with the consent of a majority vote of the Commission for an indefinite term.
- b. The City Administrator may be removed at any time by the Mayor, with the consent of a majority vote of the Commission, with or without cause.
- c. The City Administrator shall be the chief administrative officer of the City and shall be responsible to the Mayor and Commission for the proper administration of all City functions. The Administrator shall have the powers and shall be required to perform the duties as set forth from time to time by the City Commission by ordinance, resolution or motion.

Source: Ord. No. 1565, 2005

Statutory reference: SDCL 9-14-1, appointive officers; and SDCL 9-14-3, authority to appoint municipal officers.

Section 2-3-103 Appointive and elective officers - salaries. (REPEALED)

Source: R.O. Pierre 1957, 1.0106 as amended by ordinances number 648, 1956; 672, 1958; 684, 1960; 686, 1960; 688, 1960; 690, 1960; 696, 1961; 711, 1962; 728, 1963; 743, 1964; 758, 1966; 759, 1966; 799, 1968; 791, 1968; 797, 1969; 811, 1970; 813, 1970; 827, 1970; and 836. 1971; motion December 22, 1970; 853, 1971; 855, 1971; 866, 1972; 881, 1973; 892, 1974; 894, 1974; 913, 1974; 914, 1974; 923, 1975; 933, 1976; 955, 1977; 965, 1977; 984, 1977; 996, 1978; 1008, 1979; 1028, 1979; 1042, 1980; 1054, 1980; 1060, 1981; 1072, 1981; 1185, 1986; Ord. No. 1098, 1082; Ord. No. 1116, 1983; Ord. No. 1126, 1984; Ord. No. 1140, 1984; Ord. No. 1164, 1985.

Statutory reference: SDCL 9-14-28, salaries and compensation of municipal officers.

Section 2-3-104 Terms and conditions of employment of all city employees other than appointive.

The terms and conditions of employment, including salaries, of all city employees other than appointive shall be as provided by law. The board shall set all such terms and conditions of employment as it deems necessary and expedient consistent with the laws of this state and as may otherwise be provided in this code.

Section 2-3-105 Appointive officers - bonds and oaths.

All appointive officers, before entering upon the discharge of their duties, shall take and subscribe to an oath or affirmation of office in the form required by the constitution and laws of the

state, and furnish an undertaking to the city, in such sum as is consistent with the laws of the state, conditioned for the faithful discharge of the duties of their respective offices, and to account for, pay over and deliver all moneys and property coming into their hands by virtue of their office according to law.

All such undertakings, after approval, shall be filed with the city finance officer.

Source: R.O. Pierre, 1957, 1.01056; Rev. of Ord., 1990.

Statutory reference: SDCL 9-14-6, oath of office and bond of city officers; and SDCL 9-14-9, place of filing bonds.

Section 2-3-106 Employees - assuming duties.

Employees of the city shall enter upon the discharge of their duties as soon as they shall be employed and shall hold office until relieved of their duties.

Source: R.O. Pierre, 1957, 1.0103 and 1.0104; Rev. of Ord., 1990.

Section 2-3-107 Officers and employees - vacations.

Vacations shall be set forth in the personnel policy manual and be updated as the Commission directs.

Source: R.O. Pierre, 1957, 1.0107; Rev. of Ord., 1990.

Section 2-3-108 Officers and employees - administrative policy and procedures.

1) Performance of duties. Each officer and employee shall perform all duties required of his office of position by state law, this code, ordinances of the city, and such other duties not in conflict therewith as may be required by the board, mayor, designated commissioner, supervising officer or employee, and other appropriate direction.

2) Duties of supervising officers and department heads. Each supervising officer and department head shall:

(a) Responsibility to mayor and designated commissioner. Be immediately responsible to the mayor or and the designated commissioner for the effective administration of their respective offices and departments and all activities assigned thereto.

(b) Inauguration of sound practices. Keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the mayor and designated commissioner, such new practices as appear to be of benefit to the city and to the public.

(c) Reports to mayor and designated commissioner. Submit timely and accurate reports at least annually, and at all times as may be requested and immediately in case of emergencies, to the mayor and the designated commissioner concerning the activities over which they are responsible.

(d) Maintenance of records. Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish information necessary for proper control of office and departmental activities and to form a basis for the periodic reports.

(e) Authority over employees. Have power, when authorized by the commission, mayor, or designated commissioner, to appoint and remove all subordinates.

(f) Maintenance of equipment. Be responsible for the safekeeping and proper maintenance of all city property and equipment used in his office or department.

3) Offices and departments - cooperation. Each office and department shall furnish upon the direction of the mayor or the designated commissioner, each and every other office and department such service, labor, and materials as may be requisitioned by the head of such office or department and as its own facilities permit, through the same procedure and subject to the same audit and control as other expenditures are incurred.

4) Office hours. Each unit of the city administrative service shall be open during the hours as prescribed by law on all days, except Saturdays, Sundays and legal holidays.

5) Receipt and payment of moneys. All officers and employees shall make a daily deposit, except as may otherwise be provided, with the city finance officer of any moneys received from all sources and belonging to the city, and shall pay out moneys belonging to the city only in the manner prescribed by law.

Source: Rev. of Ord., 1990.

Statutory reference: SDCL 9-14-27, additional duties prescribed for municipal officers.

Sections 2-3-109 to 199, inclusive. Reserved.

Sections 2-3-201 to 2-3-299. Retirement systems - general provisions.

Section 2-3-201 Retirement systems - city participation.

The city shall become a participating municipality in the South Dakota Municipal Retirement System and the South Dakota Police Retirement System, as provided by law, for the purpose of including policemen and general employees in its employ under the retirement systems, hereinafter

called the "retirement systems."

Source: Ordinance No. 705, Sec. 1, 1962; and Ord. No. 754, Sec. 1, 1965.

Section 2-3-202 Retirement systems - effective dates.

The effective date of the city's participation in the retirement system for policemen shall be January 1, 1962, and for general employees shall be January 1, 1966.

Source: Ord. No. 705, Sec. 2, 1962; and, Ord. NO. 754, Sec. 2, 1965.

Section 2-3-203 Retirement systems - membership.

All policemen in the employ of the city from and after January 1, 1962 and all general employees of the city from and after January 1, 1966, shall be included in the membership of the retirement systems.

Source: Ord. No. 705, Sec. 3, 1962; and, Ord. No. 754, Sec. 3 and 4, 1965.

Statutory reference: SDCL 9-15-27, determination of membership in retirement system.

Section 2-3-204 Retirement systems - payroll deductions.

The city finance officer is hereby authorized and directed to deduct five per cent (5%) of the salaries paid full-time general employees and an amount set by the SDRS for full-time policemen and forward the same to the retirement systems. These deductions shall be made from each and every policemen's and general employee's salary on each and every payroll and for each and every payroll period subsequent to the effective date of the city's participation in the retirement systems.

Source: Ord. No. 705, Sec. 4, 1962; and, Ord. No. 754, Sec. 5, 1965; Rev. of Ord., 1990.

Statutory references: SDCL 9-15-47, amount of members' contributions to system - deductions from salary; SDCL 9-15-48, consent to deductions of contributions from salary; and SDCL 9-19-49, payment of members' contributions to system - crediting to individual accounts.

Section 2-3-205 Retirement systems - city matching.

The city finance officer is hereby authorized and directed to pay from city funds a matching percentage of retirement to be forwarded to the retirement systems, together with payment of the employees' contributions as herein provided.

Source: Ord. No. 754, Sec. 6, 1965; Rev. of Ord., 1990.

Statutory reference: SDCL 9-15-47, amount of members' contributions to system - deductions from salary.

Section 2-3-206 Retirement systems - administrative fee. (REPEALED)

Source: Ord. No. 754, Sec. 7, 1965; Rev. of Ord., 1990.

Section 2-3-207 to 299 inclusive. Reserved.

Sections 2-3-301 to 2-3-399. Officers - duties and responsibilities - general provisions.

Section 2-3-301 Office of the Business Manager.

The City of Pierre Board of Commissioners, by Resolution #1398 (5/26/81) combined the duties of the treasurer and auditor/clerk under one officer who shall be known as the Business Manager. Wherever in this Code, City Charter or state law where there is reference to the finance officer, it shall be deemed to refer to the Business Manager or the Business Manager's designee. The Business Manager shall perform all the duties of the treasurer and auditor/clerk.

The Business Manager shall be responsible for the performance of all duties assigned to his office by state law, this code and the ordinances of the city, the commission, mayor and designated commissioner including, but not limited to, the following:

Keep the regular books of account (SDCL 9-14-18)

Supervise accounting system. (SDCL 9-14-19)

Keep a record of governing board proceedings. (SDCL 9-14-17)

Draw and countersign all warrants. (SDCL 9-14-17, 9-14-18)

Examine treasurer's records. (SDCL 9-14-21)

Audit and adjust all claims against the municipality before they are allowed by the governing board (SDCL 9-14-21)

Keep a book in which all contracts shall be entered (SDCL 9-14-21)

Certify annual tax levy to county auditor. (SDCL 9-21-20)

Maintain special assessment record. (SDCL 9-43-24)

File bonds of all employees and officials of municipality except auditor's bond (SDCL 9-14-9)

Prepare, publish and file annual financial report (SDCL 9-22-21)

Maintain bond record (SDCL 9-22-22)

Prepare budget before September 1 of each year and submit to governing board (SDCL 9-22-23)

Maintain a file of annual inventories. (SDCL 5-24-3)

Establish and maintain a fund entitled the Capital Replacement Reserve Fund, to be used for the purpose of accumulating monies for the replacement of general fixed assets. (SDCL 9-21-31)

Source: Rev. or Ord., 1990; Ord. 1387, 1996; Ord. No. 1565, 2005

Statutory reference: SDCL 5-24-3, place of filing of duplicate inventories; SDCL 9-14-9, place of filing of bonds; SDCL 9-14-17, records maintained by auditor; SDCL 9-14-18, financial records maintained by auditor - signature of evidences of indebtedness; SDCL 9-14-19, supervision of municipal accounting system; SDCL 9-14-20, special assessment records and reports by auditor; SDCL 9-14-21, auditing and adjustment by auditor - miscellaneous records and duties; SDCL 9-21-20, certification of annual tax levy; SDCL 9-22-21, auditor or clerk's semiannual financial report - publication and filing with state dement; SDCL 9-22-22, bond record maintained by auditor; SDCL 9-22-23, annual estimate by auditor of expenses and revenue; SDCL 9-43-24, special tax book maintained by auditor; and SDCL 9-45-37, record of street proceedings kept by auditor.

Cross reference: Section 3-1-108, annual tax levy to be certified to the county auditor.

Section 2-3-302 Office of the Business Manager.

The City of Pierre Board of Commissioners, by Resolution #1398 (5/26/81) combined the duties of the treasurer and auditor/clerk under one officer who shall be known as the Business Manager. Wherever in this Code, City Charter or state law where there is reference to the finance officer, it shall be deemed to refer to the Business Manager or the Business Manager's designee. The Business Manager shall perform all the duties of the treasurer and auditor/clerk.

The Business Manager shall be responsible for the performance of all duties assigned to his office by state law, this code and the ordinances of the city, the commission, mayor and designated commissioner including, but not limited to, the following:

Receive monies of municipality and maintain a cash receipts journal. (SDCL 9-22-2)

Issue prenumbered receipts in triplicate giving the original to the payer, the duplicate to the auditor and retaining the third copy in a bound book. (SDCL 9-22-3)

Invest surplus cash balances of municipality. (SDCL 9-22-12)

Maintain a warrant register listing all warrants issued by funds. (SDCL 9-22-18)

Compare cash balances monthly with auditor (SDCL 9-22-19)

Report to the governing board giving full and detailed account of all receipts and expenditures since the last report. (SDCL 9-22-20)

Maintain a register of all warrants not paid for want of funds. (SDCL 9-23-9)

File auditor's bond. (SDCL 9-14-9)

Source: Rev. of Ord., 1990; Ord. No. 1565, 2005

Statutory reference: SDCL 9-14-9, place of filing of bonds; SDCL 9-21-24, highway taxes paid to municipal treasurer quarterly; SDCL 9-22-2, treasurer to receive moneys of municipality - accounting; SDCL 9-22-3, duplicate receipts given by treasurer - filing with auditor or clerk; SDCL 9-22-12 investment of debt service funds, surplus, utility revenues and bond proceeds; SDCL 9-22-18, register of warrants paid; SDCL 9-22-19, treasurer's monthly settlement with auditor; SDCL 9-22-20, treasurer's reports to governing body; SDCL 9-23-4, warrants paid or registered on presentation; SDCL 9-23-5, warrants paid in order of presentation; SDCL 9-23-6, notation on back of paid warrant; SDCL 9-23-7, endorsement of warrant for payment by depository; SDCL 9-23-8, warrant register maintained by treasurer; SDCL 9-23-9, registration of warrants presented but not paid; SDCL 9-23-10, endorsement of warrants not paid for want of funds - registration not required; SDCL 9-23-15, call of registered warrants for annual payment of interest; SDCL 9-23-19, call of registered warrants for payment - termination of interest; SDCL 9-23-20, cancellation of warrants on payment; SDCL 9-27-12, sale of tax certificate for total amount of taxes due; SDCL 9-27-25, report of sale to governing body; SDCL 9-38-18, park funds kept separate by city treasurer - disbursements on warrants; and, SDCL 9-38-89, separation of recreation board moneys by city treasurer.

Cross references: Section 2-4-109, board of library trustees - control of library funds by the city treasurer; and, section 2-4-110, board of library trustees - reports of the board and city treasurer.

Section 2-3-303 Office of the city attorney.

The city attorney shall be responsible for the performance of all duties assigned to his office by state law, this code and the ordinances of the city, the commission, mayor and individual commissioners including, but not limited to, the following:

- 1) furnishing opinions on any matter relating to the affairs of the city or the duties of the municipal officers and employees;
- 2) conducting the prosecution for violation of ordinances, and representing the city in all actions and proceedings pertaining thereto;

- 3) Assisting in the preparation of all ordinances and resolutions requested by the commission'
- 4) insuring that all ordinances and resolutions are in proper legal form and properly cover the subject matter intended;
- 5) serving as legal advisor to the offices, departments and agencies, boards and committees of the city;
- 6) performing all other professional services incident to his office;
- 7) attending all commission meetings in their entirety for the purpose of giving the commission any legal advice requested by its members or deemed necessary and proper by him; and,
- 8) preparing for execution of all contracts and instruments to which the city is a party and shall approve, as to form, all bonds required to be submitted to the city.

Source: Rev. of Ord., 1990.

Statutory references: SDCL 9-14-22, duties of city attorney; SDCL 9-38-19, legal assistance to park board; and, SDCL 9-38-90, legal assistance to recreation board.

Section 2-3-304 Office of the director of public works.

The Office of the Director of Public Works is eliminated. Wherever in this Code, City Charter or state law where there is reference to the Director of Public Works, it shall be deemed to refer to the department head or officer in charge of that function or duty.

Source: Rev. of Ord., 1990; Ord. No. 1565, 2005

Section 2-3-305 Office of the director of public works - organization. (Repealed)

Source: Rev. of Ord., 1990; ord. No. 1565, 2005

Section 2-3-306 Office of the airport manager.

The office in charge of the airport shall be known as the airport manager and he shall have charge of the buildings, fields, and other properties incidental to the management and operation of the municipal airport and shall be responsible for the performance of all duties assigned to his office by state law, this code and the ordinances of the city, the commission, mayor and designated commissioner and the director of public works.

The airport manager, in cooperation with and subject to the supervision of the director of public works, shall make a continuous study of the needs of the aviation and air transport industry of the city and vicinity and shall from time to time make such recommendations as are deemed proper for the development and regulation of aviation and for the improvement and development of the airport.

Cross reference: Sections 12-11-101, et. seq., airport zoning.

Section 2-3-307 Office of the health officer.

A city health officer shall be selected and appointed by the commission and at such times as it shall deem advisable and, upon appointment, it shall be the duty of the health officer to assist the commission and police department in carrying out the provisions of health and sanitary regulations as provided by state law, this code and the ordinances of the city.

The health officer shall be appointed for one year, or until the appointment is terminated by written notice to him at the discretion of the commission. The health officer shall file with the city finance officer his acceptance in writing within ten days after he has been appointed.

The health officer shall have the power and authority within the city to enter any premises in search of contagious disease or nuisances and the city police, upon his request, shall be required to assist in such searches to the extent necessary. He shall also have power to placard premises where contagious diseases are present subject to state law and regulations of the state department of health.

Source: R.O. Pierre, 1957, 7.0101; 7.0102, 7.0103; and, 7.0104; Rev of Ord., 1990.

Cross references: Ch. 7, health and sanitation; sections 8-2-101, et seq. offenses against public health.

Section 2-3-308 Office of the liquor store manager. (Repealed)

Source: Rev. of Ord., 1990; Ord. No. 1565, 2005

Statutory reference: SDCL Title 35, alcoholic beverages.

Section 2-3-309 Office of the cemetery sexton. (Repealed)

Source: Ord. No. 1565, 2005

Cross reference: Sections 5-3-101, et. seq., cemetery.

Sections 2-3-310 to 399, inclusive. Reserved.

Sections 2-3-401 to 2-3-499. Departments - duties and responsibilities - general provisions.

Section 2-3-401 Fire department - responsibility.

The department in charge of preventing, detecting, reporting, suppressing and extinguishing fires within and for the city shall be known as the Pierre Fire Department, and its officers and employees shall be responsible for the performance of all duties assigned to the department by state law, this code and the city ordinances, the commission, mayor and designated commissioner.

Source: R.O. Pierre, 1957, 1.0401, in part.

Cross reference: Ch. 8, morals and conduct, generally; sections 11-3-101, et. seq., fire protection code and permits.

Section 2-3-402 Fire department - adoption of constitution, by-laws and rules.

The fire department and each fire company may adopt such constitution, by-laws and rules for its regulation and government, subordinate to the ordinances of the city, as may be deemed best calculated to accomplish the object of its organization.

Source: R.O. Pierre, 1957, 1.0428.

Section 2-3-403 Fire department - definition of fire apparatus.

Fire apparatus, as referred to in this chapter, shall include fire trucks, hose carts, ladder wagons, police cars, ambulances, city electrician cars, and vehicles carrying members of the fire department, which vehicles display the insignia provided by the fire department consisting of the letters "P.F.D." in gold on a red background.

Source: R.O. Pierre, 1957, 1.0426; Rev. of Ord., 1990.

Section 2-3-404 Fire department - executive officers.

The fire chief, the first assistant chief and the second assistant chief shall be and constitute the executive officers of the fire department, and shall hold office for the term of one year, and until their successors shall be appointed, elected and qualified.

Source: R.O. Pierre, 1957, 1.0403.

Section 2-3-405 Fire department - method of selecting executive officers.

The fire department shall hold its annual election at its regular meeting in December of each year, at which time there shall be elected by a majority of the members present one department secretary and one treasurer. At the same time, by a majority vote, there shall be elected one chief and one first assistant chief and one second assistant chief, whose election shall be certified within three days by the department secretary to the commission. The commission shall at the first meeting after receiving said certificate, consider such elections and if they shall deem the persons so elected to be suitable persons, shall proceed to confirm such election; provided, that a majority of the commission shall be necessary for confirmation of the election.

In case the commission does not deem such officers or any of them suitable persons to fill such offices, notice in writing shall be given the fire department to that effect immediately, and within ten days thereafter, the fire department shall elect and certify to the commission as in the first instance another officer or officers. If no officer or officers are certified by the fire department within said ten days, the commission shall, by a majority vote, elect such officers as were not previously confirmed.

Source: R.O. Pierre, 1957, 1.0402; Rev. of Ord., 1990.

Section 2-3-406 Fire department - executive officers' bonds.

The chief, first assistant chief and second assistant chief, before entering upon the duties of their offices, respectively, shall qualify by giving a surety bond in the penal sum of five thousand dollars, payable to the city, conditioned that he will deliver to his successor all the property belonging to the fire department in his possession, charge or control. The city shall pay the premium on said bond.

Source: R.O. Pierre, 1957, 1.0404; Rev. of Ord., 1990.

Section 2-3-407 Fire department - duties of executive officers.

The chief, first assistant and second assistant chiefs shall, in cases of fire, have sole and absolute control of all the members of the fire department. They shall also at all times have the general direction and management of all fire trucks, engines, hose, hook and ladders, and other apparatus belonging to the fire department. They shall once each year report to the commission the condition of the fire department and the engines and apparatus belonging thereto, and shall recommend such alterations, improvements and additions as by them may be deemed necessary and expedient.

It shall be the duty of the assistant chiefs to assist the chief and obey his orders and to exercise a general supervision, under his direction, over all engines and other fire apparatus and buildings in which they are kept; to call either department or company drills; to make regular inspections of basements of store buildings in high valued districts, and shall have power to cause removal of rubbish and other fire hazards within twenty-four hours after discovery thereof.

Source: R.O. Pierre, 1957, 1.0405; Rev. of Ord., 1990.

Section 2-3-408 Fire department - removal of executive officers.

The commission shall have the power to remove the chief, or the first or second assistant chief from office, for failure to perform his duty as such officer.

Source: R.O. Pierre, 1957, 1.0425.

Section 2-3-409 Fire department - qualifications of firemen.

All members of any of the fire companies shall be able bodied persons of good moral character, and no person shall be recognized as a member of any of said companies, who shall not have been duly elected as such by a majority of the active members of the company.

Source: R.O. Pierre, 1957, 1.0409; Rev. of Ord., 1990.

Section 2-3-410 Fire department - notification in case of change of status of firemen.

Any changes in the membership in any of the fire companies now organized or that may be at any time hereafter organized within the city shall be approved by the city commission. Requested changes shall be presented to the city finance officer. The finance officer shall be notified within five days after the membership of any member shall cease.

Source: R.O. Pierre, 1957, 1.0410; Rev. of Ord., 1990.

Section 2-3-411 Fire department - wearing of badges and uniforms by firemen.

Each fireman when on duty shall wear such badge or uniform, to be provided by the city, as may be required by the rules of the respective companies, after the same shall have been approved by the commission.

Source: R.O. Pierre, 1957, 1.0412.

Section 2-3-412 Fire department - order of command at fires and filling vacancies of officers.

In case of the absence of the chief and first assistant chief at any fire, it shall be the duty of the second assistant chief, and in his absence, the duty of the captain who shall arrive at the fire first, to take charge of the organization, and he shall have and exercise all the powers of chief, and in case the different captains arrive at the fire at the same time, the senior captain in office shall take command.

In case of vacancy in the office of chief, the first assistant shall discharge the duties of chief. In case of vacancy of the first assistant chief, the second assistant shall discharge the duties of the first

assistant and the senior captain shall discharge the duties of the second assistant chief until the vacancies have been filled.

Source: R.O. Pierre, 1957, 1.0407.

Section 2-3-413 Fire department - duties of firemen.

The different fire companies under the direction of their proper officers, shall upon every alarm of fire, report to the place of the fire with the fire engines and other fire apparatus under their care, and there work and manage the same under the direction of the chief, or the first or second assistant chief, or captain acting in his place. In case of the absence of the chief, first and second assistant chiefs and all the captains, they shall place and work their apparatus in the most effective manner until the fire be extinguished. If any company shall, without the permission of the chief, or such other person as may be in command, leave any fire with its engine or other fire apparatus, the officer directing the command of such company, while so leaving, shall upon conviction be punished by a fine not to exceed one hundred dollars for each and every offense.

Source: R.O. Pierre, 1957, 1.0408; Rev. of Ord., 1990.

Section 2-3-414 Fire department - restricting limits of access in vicinities of fires.

The chief or any acting chief in command, may prescribe limits in the vicinity of any fire within which no persons excepting those who reside or have property interests therein, firemen and policemen, and those admitted by order of any officer of the fire department, shall be permitted to come.

Source: R.O. Pierre, 1957, 1.0406.

Section 2-3-415 Fire department - dismissal of firemen for failure to attend drills and meetings.

It shall be the duty of each member of a fire company to attend each and all of the drills and meetings of such company, and to respond to each and every call out for a fire, or to the proper alarms given, in cases of a fire within the corporate limits of the city. In the event that a member of such fire company shall fail or neglect to attend such company drills or meetings for three successive drills or meetings, or should a member fail or neglect to respond to such fire alarm or fail to be present at such fire for three fires in succession, without any sufficient reason or excuse for such failure or neglect, it shall become the duty of the chief of the fire department to make an order in writing, dismissing such member or members from membership in such fire company, and such action on the part of the chief shall be final as to such dismissal.

Source: R.O. Pierre, 1957, 1.0411.

Section 2-3-416 Fire department - permission to go beyond city limits - penalty for violation.

The mayor or fire commissioner shall have the power to permit any company to go with their respective fire apparatus beyond the limits of the city to be absent such length of time as he may direct. Any officer in command of any company who shall suffer or permit the apparatus in charge of said company to be taken beyond said limits without such permission shall, upon conviction, be punished by a fine of not less than one hundred dollars for each and every offense and shall also be liable for all damages that may happen to such fire apparatus during such absence.

Source: R.O. Pierre, 1957, 1.0422; Rev. of Ord., 1990.

Section 2-3-417 Police department - responsibility.

The department in charge of the enforcement and maintenance of law and order in the city shall be known as the Pierre Police Department, and its officers and employees shall be responsible for the performance of all duties assigned to the department by state law, this code and the ordinances of the city, the commission, mayor and designated commissioner.

Cross reference Ch. 8, morals and conduct, generally; and Ch. 9, vehicles, traffic and airplanes, generally.

Section 2-3-418 Police department - duties of the chief of police.

It shall be the duty of the chief of police to maintain records of persons arrested, crimes reported, and other police activity which may be required by state law or necessary for the efficient operation of the police department.

Source: R.O. Pierre, 1957, 1.0502; Rev. of Ord., 1990.

Statutory reference: SDCL 9-29-18, duties of chief of police.

**Section 2-3-419 Police department - reports to the commission by the chief of police.
(REPEALED)**

Source: R.O. Pierre, 1957, 1.0503; Rev. of Ord., 1990.

**Section 2-3-420 Police department - evaluation and disposition of reports of the chief of police.
(REPEALED)**

Source: R.O. Pierre, 1957, 1.0506; Rev. of Ord., 1990.

Section 2-3-421 Streets and solid waste department. (Repealed)

Source: Rev. of Ord., 1990; Ord. No. 1565, 2005

Cross references: Ch. 6, streets and public places, generally; Ch. 7, health and sanitation; and ch. 9, vehicles, traffic and airplanes.

Section 2-3-422 Water and sewer department. (Repealed)

Source: R.O. Pierre, 1957, 12.0201; Rev. of Ord., 1990; Ord. No. 1565, 2005

Cross reference: Ch. 4, utilities.

Section 2-3-423 Pumping, generating and signal department. (REPEALED)

Source: Rev. of Ord., 1990.

Cross reference: Ch. 4, utilities.

Section 2-3-424 Electric department.

The department in charge of the electrical distribution system of the city shall be known as the electric department, and its officers and employees shall be responsible for the duties assigned to the department by state law, this code and the ordinances of the city, the commission, mayor, designated commissioner and the director of public works.

The department shall consist of all plant equipment, poles, wires, meters, and other materials in use and owned by the city in operating and maintaining the city's electrical distribution system. The department shall be under the general direction of the electric superintendent.

Source: R.O. Pierre, 1957, 1.0601 and 1.0603.

Cross reference: Ch. 4, utilities.

Section 2-3-425 Parks and public buildings department. (Repealed)

Source: Ord. No. 1565, 2005

Cross reference: Sections 5-2-101, et. seq., parks.

Section 2-3-426 Deferred Compensation Plan-Pierre Volunteer Fire Department.

The City of Pierre does hereby establish a Deferred Compensation Plan for the members of the Pierre Volunteer Fire Department.

The Deferred Compensation Plan shall be funded initially by an appropriation by the City of Pierre of \$22,596.27 representing funds received for the rental of fire department equipment in the summer of 1988 in the Black Hills and Montana fires and by \$4,288.03 representing one-half of the annual fire insurance premium reversion money received by the Pierre Fire Department in 1988. Thereafter, the funding for the plan shall be provided by one-half of the annual fire insurance premium reversion money and any other funds made available to the Deferred Compensation Committee of the Pierre Fire Department.

The Deferred Compensation Plan shall be managed and administered by the Deferred Compensation Committee of the Pierre Volunteer Fire Department in accordance with all applicable state and federal laws and regulations. The committee shall consist of the Fire Chief, Department Secretary and Department Treasurer; three at large delegates elected by the department membership for one, two and three year terms with subsequent elections for three year terms; one annual appointee by the Fire Chief and one annual appointee by the Pierre City Commission.

The program of the Deferred Compensation Plan and the requirements for participation therein shall be established by majority vote of the membership of the Pierre Volunteer Fire Department at a regularly scheduled meeting. The Deferred Compensation Plan and the requirements for participation therein may be amended by majority vote of the membership of the Pierre Volunteer Fire Department at a regularly scheduled meeting.

If for any reason this program is terminated, all appropriated funds that have accrued shall revert to the City of Pierre.

Source: Ord. No. 1234, 1989.

Sections 2-3-427 to 499, inclusive. Reserved.