

CHAPTER 1-1

NAME, BOUNDARIES, POWER AND GENERAL PROVISIONS

1-1-1

NAME

The City of Brandon in the County of Minnehaha and the State of South Dakota shall be a municipal corporation under the name "City of Brandon."

Legislative History:
Ordinance No. 33, §2, 3/8/76.

Authority:
SDCL Ch. 9-3 generally.

1-1-2

BOUNDARIES

The boundaries of the City of Brandon are those boundaries established by the Articles of Incorporation dated July 23, 1973 and all such changes in boundaries made by subsequent action of the Brandon City Council.

Legislative History:
Ordinance No. 33, §3, 3/8/76.

Authority:
SDCL Ch. 9-3 generally.

1-1-3

POWERS OF THE CITY

The City of Brandon shall have perpetual succession and the right to adopt and alter a common seal, the right to take, hold, purchase, lease and convey any and all property or interests in property, real, personal and mixed, within or without its boundaries, as the purposes of the City may require or the transaction of its business may render convenient. The City shall also have all powers, functions, rights, privileges and immunities possessed by a municipal corporation at common law or given or granted by the Constitution and laws of the State of South Dakota to municipalities of a class which includes the City of Brandon.

Legislative History:
Ordinance No. 33, §6, 3/8/76.

Authority:
SDCL Ch. 9-3 generally.

1-1-4

SEAL OF BRANDON

The seal of Brandon shall be circular in form. In the center shall be the words "Corporate Seal", elsewhere, the words "Brandon City Council" and "Brandon, South Dakota" shall be plainly legible.

Legislative History:
1990 Revisions.

Authority:
SDCL Ch. 9-3 and 9-8.

1-1-5

DISCLOSURE OF CONFIDENTIAL OR PRIVILEGED INFORMATION PROHIBITED

No person, including not but limited to any employee, member of any City agency or committee, City Council member, and the Mayor may publicly disclose information received, discussed or decided in Executive Session, or in a communication with legal counsel that is protected by the attorney client privilege or that has been confidentially

disclosed at an Executive Session, unless a majority of the members of the City Council has authorized that disclosure or unless such disclosures is required by a court of competent jurisdiction.

Legislative History:
Ordinance No. 501, 3/19/13
Ordinance #571, 1/1/19

Authority:
SDCL § 1-25-2 &

1-1-6

ORDINANCE VIOLATION PENALTIES

Unless otherwise provided by Ordinance or Resolution, a violation of an Ordinance of the City of Brandon is a class two (2) misdemeanor punishable with a fine as set forth in SDCL 22-6-2(2). Each day any violation of this Code or Ordinance continues shall constitute a separate offence.

Legislative History:
Ordinance #571, 1/1/19

Authority:
SDCL Ch. 9-3 generally.

1-1-7

COMPLAINTS; ENFORCEMENT OF JUDGMENTS

When a Complaint shall be filed charging the violation of any provision of City Ordinance, instead of requesting the arrest of the person, the Complaint may state that a Summons be issued as permitted in that Court, or, at any time before the trial of the action, the City Attorney may file a written request in the Court having jurisdiction that a Summons be issued on the Complaint to recover the fine or penalty provided by City Ordinance 1-1-6, or by other City Ordinance or Resolution for the violation; that in case the fine or penalty to be recovered in such action shall be the maximum amount of any such fine or penalty for such violation, and the action shall be tried and determined according to the rules of Courts in civil actions, and in such cases the judgment of the Court may be enforced by execution and all remedies available for the collection of a civil judgment, or by arrest and confinement of the defendant as provided by the laws of the State of South Dakota.

In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the City Attorney may elect under which to proceed, but not more than one (1) recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Legislative History:
Ordinance #571, 1/1/19

Authority:
SDCL Ch. 9-3 generally.