

## CHAPTER 32: CITY ORGANIZATIONS

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## ***FIRE DEPARTMENT***

### **§ 32.015 EXPENDITURES.**

The fire department shall submit and file an annual report with the finance officer by July 1 showing all of its receipts and expenditures for the past year so the City Commission can determine the amount of money to appropriate and budget for the department. The fire department shall advise the City Commission of any large expenditure; such as, new equipment they intend to purchase. (Ord. 1051, passed 4-16-2018)

## ***PLANNING AND ZONING COMMISSION***

### **§ 32.050 CITY PLANNING AND ZONING COMMISSION CREATED.**

There is created a City Planning and Zoning Commission for the city, with authority as provided by this subchapter and state law. (Prior Code, § 2.36.010)

### **§ 32.051 MEMBERSHIP OF THE PLANNING AND ZONING COMMISSION.**

The Planning and Zoning Commission shall consist of not less than five members. The members of this Planning and Zoning Commission shall be resident electors of the city, and may include the Mayor and elected City Commissioners. The City Commission may appoint administrative officials of the city as ex officio members of the City Commission. The City Commission shall oversee the management of the City Planning and Zoning Commission. (Prior Code, § 2.36.020) (Ord. 1051, passed 4-16-2018)

### **§ 32.052 TERMS OF MEMBERS.**

The term of each member of the Planning and Zoning Commission shall be for three years, except that when such Planning and Zoning Commission is first appointed, two members shall be appointed to serve a term of one year, two members shall be appointed for a term of two years, and one member shall be appointed for three years. Thereafter appointment of each member shall be for three years so that there will be an overlapping of tenures. (Prior Code, § 2.36.030)

### **§ 32.053 COMPENSATION AND EXPENSES.**

All members of the City Planning and Zoning Commission shall serve as such without compensation. The city agrees to pay for expenses for travel and training such as registration fees and mileage if properly approved by the entire City Commission. (Prior Code, § 2.36.040)

### **§ 32.054 ORGANIZATION, RULES, STAFF AND FINANCES.**

Such Planning and Zoning Commission shall elect its Chairperson from among its members for a term of one year with eligibility for reelection, and may fill such other of its offices as it may create in a manner prescribed by the rules of such Commission. The Commission shall hold at least one regular meeting each month and shall adopt rules for transaction of its business and keep a record of its resolutions, transactions, findings and determinations which shall be a public record. (Prior Code, § 2.36.050) (Ord. 1051, passed 4-16-2018)

### **§ 32.055 REZONING.**

All applications and proposals for changes in or amendments to the zoning ordinance shall first be submitted to the Planning and Zoning Commission. The recommendations of the Planning and Zoning Commission shall be made in writing. The City Commission shall have the authority to approve or disapprove any application recommendation or proposed recommendation made by the Planning and Zoning Commission. (Prior Code, § 2.36.060)

**§ 32.056 COMPREHENSIVE PLAN.**

(A) For the purpose of making a Comprehensive Plan for the physical development of the city, the Planning and Zoning Commission shall make careful and comprehensive studies of present traffic and infrastructure uses and conditions, zoning classifications of property and future growth of the city, with due regard to its relation to the neighboring territory. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs, which will, in accordance with present and future needs best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as efficiency and economy in the process of development.

(B) Before adopting a Comprehensive Plan or any part of it, or any substantial amendment thereof, the Planning and Zoning Commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the city, not less than 15 days before the date of hearing. The adoption of the Plan or amendment thereof shall be by resolution of the Planning and Zoning Commission carried by the affirmative vote of not less than a majority of the members of the Planning and Zoning Commission. After adoption of the Plan by the Planning and Zoning Commission, a copy thereof shall be certified to the City Commission and the City Commissioners may approve, disapprove or amend the same. The plan or amendment to the plan shall be approved or disapproved by the City Commission and as approved shall constitute the official comprehensive plan.

(C) After the Comprehensive Plan has been adopted and approved by the City Commission, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the Planning and Zoning Commission for its recommendation. (Prior Code, § 2.36.070)

**§ 32.057 SURVEYS AND STUDIES.**

The Planning and Zoning Commission shall have authority to make or cause to be made such surveys, studies, maps, plans or charts of the whole or any portion of the city, with prior approval of the City Commission. The Planning Commission may publish its studies and recommendations after receiving approval from the City Commission. (Prior Code, § 2.36.080) (Ord. 1051, passed 4-16-2018)

**§ 32.058 PUBLIC BUILDINGS AND IMPROVEMENTS.**

Except as otherwise provided by law, no statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefore obtained, nor shall any permit be issued by any department of the city for the erection or location thereof, until and unless the design and proposed location of any such improvement shall have been submitted to the Planning and Zoning Commission and its recommendations thereon obtained, except requirements and recommendations shall not act as a stay upon action for any such improvement when the Planning and Zoning Commission, after 30-days' written notice requesting such recommendations shall have failed to file same. (Prior Code, § 2.36.090)

**§ 32.059 PLATS AND SUBDIVISIONS.**

All plans, plats or re-plats of subdivisions or resubdivisions of land embraced in the city or adjacent thereto, laid out in lots or plats with the streets, alleys or other portions of the same intended to be dedicated to the public and the city shall first be submitted to the Planning and Zoning Commission and its recommendation obtained before approval of the City Commissioners. (Prior Code, § 2.36.100)

**§ 32.060 STREETS, PARKWAYS, PARKS AND PLAYGROUNDS.**

No plan for any street, parkway, park, playground, recreation area or boulevard, traffic way, riverfront or other public improvement affecting the city plan shall be finally approved by the city, or the character or location thereof determined, unless such proposals shall first have been submitted to the Planning and Zoning Commission and the latter shall have had 30 days within which to file its recommendations thereon.

(Prior Code, § 2.36.110)

## **AIRPORT BOARD**

### **§ 32.075 AIRPORT BOARD CREATED.**

The Airport Board for the city shall consist of five members. (Prior Code, § 2.40.010)

### **§ 32.076 QUALIFICATIONS AND TERM OF OFFICE.**

Each member of the Airport Board shall be a resident and freeholder to the city. Each members shall serve a three year terms, which shall be staggered. (Prior Code, § 2.40.020) (Ord. 1051, passed 4-16-2018)

### **§ 32.077 BOND REQUIRED.**

Each member of the Airport Board before entering upon his or her official duties shall give bond to the city conditioned and in amount as may be required by the governing body, for the faithful performance of his or her duties and shall file such bond in the office of the Municipal Finance Officer together with his or her oath of office. The city shall pay any premium for bonds required to be given by the members of the Board or its officers or employees. All bonds required under provisions of this subchapter shall be approved by the City Commission. (Prior Code, § 2.40.030)

### **§ 32.078 COMPENSATION AND EXPENSES.**

Compensation of the members of the Airport Board shall be as determined by the City Commission and set forth in the annual appropriation ordinance of the city. Members of the Airport Board shall be reimbursed their expenses incurred in the conduct of official business at the rate established by the governing body for city officials. (Prior Code, § 2.40.040)

### **§ 32.079 MEETINGS.**

The Airport Board shall hold regular meetings at least once each month and as many special meetings as it may deem proper. Three members shall constitute a quorum. (Prior Code, § 2.40.050)

### **§ 32.080 OFFICERS.**

The Airport Board shall elect from its number, a President, a Vice-President and a Secretary, each of whom shall serve for a term of one year or until a successor is elected and qualified. The Vice-President shall act in the absence or disability of the President. (Prior Code, § 2.40.060)

### **§ 32.081 AUTHORITY TO SIGN FOR BOARD.**

The President to the Airport Board, and in his or her absence or disability the Vice-President, shall have authority to sign, execute and acknowledge in the name of the Board, all maps, plats, contracts or documents of any character required or authorized by this subchapter. (Prior Code, § 2.40.070)

### **§ 32.082 RECORD OF PROCEEDINGS.**

The Secretary of the Airport Board shall keep a record of its proceedings and make such reports as may be required by the Board. In his or her absence or inability to act the Board may appoint a Secretary Pro Tempore to perform his or her duties. The records when duly certified by the Secretary shall be competent evidence of the proceedings of such

Board. (Prior Code, § 2.40.080)

**§ 32.083 DUTIES OF CITY ATTORNEY.**

The City Attorney shall be the legal adviser of the Airport Board and conduct proceedings in all courts. (Prior Code, § 2.40.090)

**§ 32.084 OFFICERS AND EMPLOYEES OF THE BOARD.**

The Airport Board may appoint and employ such officers and employees as may be deemed necessary and shall by resolution prescribe and fix their duties and compensation and may require a bond conditioned upon the faithful performance of their duties in such amount as shall be fixed, to be filed with the Finance Officer. (Prior Code, § 2.40.100) (Ord. 1051, passed 4-16-2018)

**§ 32.085 AUTHORITY OF BOARD.**

The Airport Board with the concurrence of the City Commission shall have the power and authority to establish, improve, care for, regulate, control, manage and operate the Canton Municipal Airport. With the approval of the governing body, the Airport Board may erect buildings and structures on the airport and acquire land for airport purposes. (Prior Code, § 2.40.110) (Ord. 1051, passed 4-16-2018)

**§ 32.086 RULES AND REGULATIONS OF BOARDS.**

Subject to the approval of the City Commission, the Airport Board shall make by-laws, rules and regulations for the orderly transaction and conduct of its business. It shall make and enforce contracts in the name of the city to carry out the purposes expressed in this subchapter. (Prior Code, § 2.40.120) (Ord. 1051, passed 4-16-2018)

**§ 32.087 ANNUAL ESTIMATES OF EXPENDITURES.**

The Airport Board, on or before July 1 of each year, shall make an estimate of the moneys necessary for maintaining, establishing, improving, caring for, regulating and managing the Canton Municipal Airport and for necessary structures and buildings to be placed thereon, for the ensuing fiscal year. Such estimate shall specify the amount required therefore, and shall be certified by the Secretary of the Board to the Finance Officer on or before July 15 of each year. (Prior Code, § 2.40.130) (Ord. 1051, passed 4-16-2018)

**§ 32.088 LEVY OF TAX FOR AIRPORT PURPOSES.**

The governing body of the city at the time of making the tax levy for the city and other purposes shall also levy the tax for airport purposes for the fiscal year next ensuing at whatever amount they may deem necessary as estimated by the Board, which tax shall not exceed two mills on the dollar of the assessed valuation of all real and personal property taxable within the city. Such levy shall be certified to the County Auditor at the same time and in the same manner as general city levies. (Prior Code, § 2.40.140)

**§ 32.089 SPECIAL FUND.**

The Municipal Finance Officer shall keep in a special fund all money derived from the tax levy for airport purposes and from any other source, and shall pay the same upon requisition by the President and Secretary of the Board upon warrants drawn by the proper officer of the governing body. (Prior Code, § 2.40.150)

**§ 32.090 REPORT OF THE BOARD.**

The Airport Board shall make an annual report to the governing body of the city of its accounts and all the expenditures, and the governing body may require a report from such Board at any time and the books, records, papers and accounts of the Board shall at all times be subject to inspection by the governing body or its officers or agents. (Prior Code, § 2.40.160)

**§ 32.091 RECOMMENDATIONS TO GOVERNING BODY.**

Any recommendation by the Airport Board to the governing body shall be by resolution. (Prior Code, § 2.40.170)

***RECREATION BOARD***

**§ 32.105 MEMBERSHIP.**

The Recreation Board shall consist of seven members, five of which shall reside within the city limits. Each member shall serve a three-year term, which shall be staggered. A member may be terminated by the City Commission if the member fails to attend two consecutive meetings or a majority of the regular scheduled meetings. (Prior Code, § 2.44.010) (Ord. 1051, passed 4-16-2018) (Ord. 1061, passed 2.19.19) (Ord. 1106, passed 05.15.23)

**§ 32.106 BOND.**

Each member of the Recreation Board before entering upon his or her official duties shall give such bond to the city, as may be required by the governing body, for the faithful performance of his or her duties and shall take and file in the City Finance Officer's office with any such bond the usual oath of office required from appointive officers of the city. The city shall pay any premium required to be given by the members of the Recreation Board or its officers or employees. All official bonds required by the governing body under the provisions of this subchapter shall be approved by the governing body. (Prior Code, § 2.44.020)

**§ 32.107 OFFICERS.**

The Recreation Board shall elect from its number a President, a Vice-President and a Secretary, each of whom shall serve for a term of one year or until his or her successor is elected and qualified. The Vice-President shall act in the absence or disability of the President. In case of death or retirement of an officer, a successor shall be elected immediately. (Prior Code, § 2.44.030)

**§ 32.108 AUTHORITY.**

The President shall have authority to sign, execute and acknowledge in the name of the Recreation Board all contracts or documents of any character as authorized by and to carry out the purposes of SDCL § 42-2-1, and to sign all requisitions upon the Finance Officer for warrants upon the city treasury for funds under control of and authorized to be expended by such Recreation Board. All such warrants shall be countersigned by the Secretary, and in his or her absence or disability, by some member of the Recreation Board other than the President or Vice-President. Subject to the approval of the governing body, the Board shall make by-laws, rules and regulations for the orderly transaction and conduct of its business. It shall make and enforce contracts in the name of the city to carry out the purposes of SDCL §§ 9-38-80 and 42-2-1. (Prior Code, § 2.44.040)

**§ 32.109 MEETINGS; QUORUM; RECORDS AND REPORTS.**

The Recreation Board shall have regular meetings to be held quarterly. Special meetings may be called by the Mayor, or President. The President shall have the discretion to cancel a regular meeting if there is no business to transact at the meeting. Five members shall constitute a quorum to transact business, and a majority of those present shall be necessary to approve any action. The Secretary shall keep a record of its proceedings and make reports as required by the Board. If the Secretary is not present, the Board may appoint a Secretary Pro Tempore to take his or her place at the meeting. (Prior Code, § 2.44.050) (Ord. 1051, passed 4-16-2018) (Ord. 1106, passed 05-15-2023)

**§ 32.110 OPERATION OF PUBLIC RECREATION AND PLAYGROUNDS.**

The Recreation Board shall have the power to operate a system of public recreation and playgrounds within the municipality, as provided by SDCL § 42-2-1, and for such purposes the Recreation Board is authorized to acquire, equip and maintain land, buildings or other recreational facilities, and expend its funds and money derived from the tax levy, provided further, that the acquisition of any land for such purposes by the Recreation Board shall be subject to the approval of the governing body of the city. The Recreation Board shall supply all of the supervision and management for the use of all recreation facilities. (Prior Code, § 2.44.060)

#### **§ 32.111 APPOINTMENT OF OTHER OFFICERS AND EMPLOYEES.**

The Board may appoint and employ such officers and employees as it may deem necessary and shall prescribe and fix their duties and compensation. The Board may require all its officers and employees, except laborers, to give bond for the faithful performance of their duties in such sum as shall be fixed by it, which bonds shall be filed with the Finance Officer. (Prior Code, § 2.44.070) (Ord. 1051, passed 4-16-2018) (Ord. 1106, passed 05-15-2023)

#### **§ 32.112 REPORTING REQUIREMENTS.**

Any recommendation by the Board to the City Commission shall be by resolution. The Board shall make an annual report to the City Commission of its acts and all its expenditures, showing the condition of all affairs under its control. The City Commission may require a report from such Board at any time, and the records, books, papers and accounts of the Board shall at all times be subject to inspection by any City Commissioner, Finance Officer or any committee appointed by the City Commission for that purpose, or any citizen. (Prior Code, § 2.44.080) (Ord. 1051, passed 4-16-2018)

#### **§ 32.113 FUNDS FOR OPERATION.**

The Recreation Board on or before July 15 of each year shall make an estimate of the moneys necessary for the operation of a system of public recreation and playgrounds. Such estimate shall be certified by the Secretary of the Board to the Finance Officer on or before July 15 of each year. The governing body at the time of making the tax levy for city and other purposes shall also levy the tax for recreation purposes of the fiscal year next ensuing at whatever amount it may deem necessary as estimated by the Board, which estimate and tax shall not exceed in any fiscal year one mill on the dollar of the assessed valuation of all real and personal property taxable within the city. Such levy shall be certified to the County Auditor at the same time and the same manner as general city levies. (Prior Code, § 2.44.090) (Ord. 1051, passed 4-16-2018)

### ***CELEBRATE CANTON BOARD***

#### **§ 32.201 MEMBERSHIP**

The Celebrate Canton Board shall consist of a total of 5 board members and shall include at least one City Commissioner. All members shall be appointed by the affirmative vote of a majority of the City Commission. Each board member shall serve a three-year term, which shall be staggered. A board member may be terminated at any time by the majority vote of the City Commission. (Ord. 1066, Passed 2.18.2020)

#### **§ 32.202 OFFICERS**

The Celebrate Canton Board shall annually elect from its number a President, a Vice-President, and a Secretary, each of whom shall serve for a one-year term or until his or her successor is elected. Each officer of the board shall be qualified and shall not be a City Commissioner. The Vice-President shall act in the absence or disability of the President. In case of death or resignation of an officer, a successor shall be elected by a majority vote of the remaining board members at the next regular board meeting. (Ord. 1066, Passed 2.18.2020)

#### **§ 32.203 AUTHORITY**

All contracts must be approved by the City Attorney and signed by the Mayor with the permission of the City Commission. (Ord. 1066, Passed 2.18.2020)

**§ 32.204 MEETINGS; QUORUM; RECORDS AND REPORTS**

The Celebrate Canton Board shall have regular meetings to be held at least quarterly. Special meetings may be called by the City Commissioner serving on the Board or by the President of the board. The President shall have the authority to cancel a regular meeting if there is no business to transact at the meeting. A majority of the members shall constitute a quorum to transact business, and a majority of the quorum present at a meeting shall be necessary to approve any board action. The Secretary shall keep a record of its proceedings and prepare reports as requested by the Board. If the Secretary is not present the Board may appoint a Secretary Pro Tempore to perform the duties of the Secretary at the meeting. (Ord. 1066, Passed 2.18.2020)

**§ 32.205 REPORTING REQUIREMENTS**

Any recommendation by the Board to the City Commission shall be by resolution of the Board. The Board shall make an annual report to the City Commission of its acts and expenditures. Such annual report shall show the condition of all affairs under the control of the Board. The City Commission may request a report from the Board at any time. The records, books, papers, and accounts of the Board shall at all times be available and subject to inspection by a City Commissioner, the Finance Officer, a committee appointed by the City Commission for that purpose, or by a citizen. (Ord. 1066, Passed 2.18.2020)

**§ 32.206 FUNDS FOR OPERATION**

The Celebrate Canton Board, on or before July 15 of each calendar year, shall make an estimate of the moneys necessary for the Celebrate Canton activities. Any additional insurance required shall be paid out of funds appropriated by the City Commission. (Ord. 1066, Passed 2.18.2020)



