

On motion made by Bell and seconded by Kjetland, it was moved that this Ordinance be adopted:

ORDINANCE NO. 44

"AN ORDINANCE TO ESTABLISH CRIMINAL PENALTIES FOR VIOLATIONS OF HANSON COUNTY ORDINANCES"

BE IT ORDAINED by the Hanson County Board of Commissioners of Hanson County, South Dakota, that:

- [1] The criminal penalty for violation of ordinances adopted by Hanson County, South Dakota, shall be that penalty authorized by SDCL 7-18A-2, and acts amendatory thereof and supplemental thereto.
- [2] At the time of adoption of this Ordinance, that authorized penalty is a maximum of a fine of \$500 or incarceration in the county jail for a period of up to thirty (30) days, or by both such fine and imprisonment.
- [3] This Ordinance applies only to that part of County Ordinances which have penalties of a criminal nature.
- [4] All other Ordinance penalties and remedies providing for civil remedies or penalties are hereby left intact and unchanged.
- [5] Repealer. All ordinances, or portions of Ordinances, which conflict with the provisions are repealed.
- [6] Severability Provision. Any section, portion, or part of this Ordinance determined by any Court to be invalid will be considered removed there from and the balance of the Ordinance will remain in effect if it can be done, to carry out the intent of this Ordinance.

Justification for Ordinance:

- [a] It is the intent of the Board of Commissioners to make available the maximum criminal penalty authorized by law where appropriate;
- [b] It is also the intent of the Board to retain all civil remedy and penalty options;
- [c] Hanson County has multiple ordinances which provide for various criminal penalties, involving both jail time and fines;

- [d] It is in the best interest of all parties referring to these ordinances to have a consistent penalty and enforcement options, in so far as we are able; and
- [e] It is in the best interest of the residence and citizens of Hanson County and the persons involved therewith, to have a known and consistent penalty process for ordinance violations.

Votes For: 5; Votes Against: 0

Ordinance adopted.

/s/ Gary Schoenrock, Chairman  
Hanson County Commissioner

ATTEST:

/s/ Lesa Trabing, Auditor  
Hanson County  
(SEAL)

First reading: December 4, 2018.  
Second reading: December 18, 2018  
Published: December 27, 2018  
Effective 20 days after publication