

CHAPTER [9-19](#) ORDINANCES AND RESOLUTIONS

- [9-19-1](#) Definitions.
 - [9-19-2](#) Continuation in force of prior ordinances and resolutions.
 - [9-19-3](#) Authority to enact, amend, and repeal--Seek injunctive relief--Establish penalties.
 - [9-19-3.1](#) Ordinance violation--Criminal procedure if subject to criminal penalty.
 - [9-19-4](#) ~~[9-19-4](#)~~. Repealed by SL 1973, ch 130, § 14.
 - [9-19-5](#) Single subject--Title of ordinance.
 - [9-19-6](#) Style of ordinance.
 - [9-19-7](#) Reading, signing, filing, and publishing ordinances.
 - [9-19-7.1](#) Notice requirements for substantial amendment at second reading.
 - [9-19-8](#) Passing, recording, and publishing resolutions.
 - [9-19-9](#) Final vote on ordinances--Recording.
 - [9-19-10](#) Veto power of mayor under aldermanic form--Line item in appropriation ordinance--Emergency exception.
 - [9-19-11](#) Reconsideration of vetoed item--Vote to override.
 - [9-19-12](#) Ordinance becoming law without mayor's signature--Emergency excluded.
 - [9-19-13](#) Effective date of resolutions and ordinances--Grounds for immediate effectiveness.
 - [9-19-14](#) Recording in ordinance book.
 - [9-19-14.1](#) Posting of ordinance book on municipal website--Official ordinances.
 - [9-19-15](#) Compilation of ordinances.
 - [9-19-16](#) Ordinance of revision--Committee to prepare revision.
 - [9-19-17](#) Ordinance of revision--Notice of adoption--Effective date.
 - [9-19-18](#) Evidence of ordinances and resolutions.
 - [9-19-19](#) Ordinances and resolutions presumed valid unless controverted.
 - [9-19-20](#) Firearms regulation prohibited--Action by attorney general.
 - [9-19-21](#) Municipality implementation of pretreatment program--Fines for violations by industrial users.
 - [9-19-22](#) Repealed.
 - [9-19-23](#) Ordinance adopting comprehensive regulations or code--Publication not required--Notice of adoption published--Effective date--Applicability.
 - [9-19-24](#) Copy of ordinances--Available to court upon request.
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[9-19-1](#). Definitions.

Terms in this title mean:

- (1) "Ordinance," a permanent legislative act of the governing body of a municipality; and
- (2) "Resolution," any determination, decision, directive, or other act of a special or temporary character, of the governing body of a municipality, for the purpose of initiating, effecting, or carrying out the body's administrative duties and functions under the laws and ordinances governing the municipality.

Source: SL 1913, ch 119, § 38; RC 1919, §§ 6242, 6250; SDC 1939, §§ 45.1001, 45.1008; SL 2026, ch 33, § 33.

[9-19-2](#). Continuation in force of prior ordinances and resolutions.

All ordinances and resolutions in force in any municipality when this code takes effect which are not inconsistent with its provisions shall continue in force and effect until repealed or amended as provided by law.

Source: SL 1890, ch 37, art I, § 9; RPolC 1903, § 1178; RC 1919, § 6157; SDC 1939, § 45.0109.

9-19-3. Authority to enact, amend, and repeal--Seek injunctive relief--Establish penalties.

A municipality may amend, enact, repeal, or revise ordinances and resolutions to exercise the authorized powers of the municipality. The municipality may seek injunctive relief and establish penalties for violations of ordinances and resolutions, not exceeding those specified in subdivision [22-6-2\(2\)](#).

Source: SL 1890, ch 37, art V, § 1, subdiv 79; SL 1890, ch 37, art XXII, § 1; RPolC 1903, § 1229, subdiv 81; RPolC 1903, § 1380; RPolC 1903, § 1438, subdiv 19; SL 1903, ch 90; SL 1913, ch 119, § 53, subdiv 78; RC 1919, § 6169 (81); SL 1923, ch 238; SDC 1939, § 45.0201 (19); SL 1991, ch 187, § 2; SL 2007, ch 39, § 2; SL 2026, ch 33, § 34.

9-19-3.1. Ordinance violation--Criminal procedure if subject to criminal penalty.

In a prosecution for the violation of any municipal ordinance or resolution that authorizes a criminal penalty, the proceedings are governed by the procedures set forth in title 23A.

Source: SL 1975, ch 96, § 1; SL 1992, ch 60, § 2; SL 2026, ch 33, § 35.

9-19-4. Repealed by SL 1973, ch 130, § 14.

9-19-5. Single subject--Title of ordinance.

An ordinance may only contain one subject, which must be expressed in the title.

Source: RC 1919, § 6242; SDC 1939, § 45.1001; SL 2026, ch 33, § 36.

9-19-6. Style of ordinance.

The style of all ordinances shall be as follows: "An ordinance _____ (inserting the title)" followed by: "Be it ordained by the (city or town) of _____ (inserting the name of municipality)" followed by the substance of the ordinance.

Source: SL 1890, ch 37, art IV, § 16; RPolC 1903, § 1213; SL 1913, ch 119, § 36; RC 1919, § 6243; SDC 1939, § 45.1002.

9-19-7. Reading, signing, filing, and publishing ordinances.

The title of any ordinance must be read twice with at least five days intervening between the first and second reading. The ordinance must be:

- (1) Signed by the mayor, mayor pro tempore, acting mayor, or president of the board of trustees;
- (2) Filed with the municipal finance officer; and
- (3) Published once in the official newspaper.

Source: SL 1890, ch 37, art IV, § 16; RPolC 1903, § 1213; SL 1913, ch 119, § 35; RC 1919, § 6244; SDC 1939, § 45.1003; SL 1947, ch 197; SL 1972, ch 49; SL 1982, ch 73; SL 2021, ch 38, § 2; SL 2026, ch 33, § 37.

9-19-7.1. Notice requirements for substantial amendment at second reading.

If any amendment presented and approved by the governing body at the second reading of an ordinance substantially alters the substance of the ordinance from the first reading, the proposed ordinance as amended may not be considered for final adoption until at least five days after a duly noticed public meeting of the governing body pursuant to chapter [1-25](#).

Source: SL 2016, ch 51, § 1.

[9-19-8](#). Passing, recording, and publishing resolutions.

Any resolution may be passed after one reading, and must be recorded, entirely, together with the number of votes for and against the resolution, either as part of the minutes of the meeting at which the resolution passed, or separately.

Source: RC 1919, § 6251; SL 1921, ch 315; SDC 1939, § 45.1009; SL 1987, ch 77; SL 2026, ch 33, § 38.

[9-19-9](#). Final vote on ordinances--Recording.

The final vote to adopt an ordinance must be taken orally or by roll call, with the results entered into the minutes of the meeting.

Source: SL 1890, ch 37, art IV, § 16; RPolC 1903, § 1213; RC 1919, § 6245; SDC 1939, § 45.1004; SL 2026, ch 33, § 39.

[9-19-10](#). Veto power of mayor under aldermanic form--Line item in appropriation ordinance--Emergency exception.

Except as otherwise provided in this section, a mayor in any municipality operating under the aldermanic form pursuant to chapter [9-8](#) may exercise the veto power granted by § [9-8-3](#), by filing a written objection with the finance officer within ten days after its passage. If only part of an ordinance or resolution making an appropriation is vetoed, the remainder must take effect.

The mayor may not veto any ordinance or resolution necessary for the immediate preservation of the public peace, health, safety, or support of the municipal government and its existing institutions if the ordinance or resolution:

- (1) Is passed by a two-thirds vote of all the aldermen qualified to serve by election or appointment pursuant to chapter [9-13](#); and
- (2) States on its face that the ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety, or support of the municipal government.

Source: SDC 1939, § 45.1004; SL 2001, ch 45, § 1; SL 2026, ch 33, § 40.

[9-19-11](#). Reconsideration of vetoed item--Vote to override.

If a mayor exercises veto power pursuant to § [9-19-10](#), the municipal finance officer must present the vetoed item, together with the mayor's written objection, for reconsideration at the next meeting of the common council. If at that meeting the ordinance or resolution is passed by a two-thirds vote of the aldermen qualified to serve by election or appointment pursuant to chapter [9-13](#), the ordinance or resolution must:

- (1) Be published, together with a statement of the votes for and against the ordinance or resolution; and
- (2) Become effective, notwithstanding the mayor's veto, unless suspended by referendum.

Source: SDC 1939, § 45.1004; SL 2001, ch 45, § 2; SL 2017, ch 56, § 11; SL 2026, ch 33, § 41.

9-19-12. Ordinance becoming law without mayor's signature--Emergency excluded.

If the mayor fails to sign any ordinance or resolution or file written objections within ten days after its passage, the ordinance or resolution:

- (1) Must be published; and
- (2) Becomes law without the mayor's signature.

This section does not apply to any ordinance or resolution necessary for the immediate preservation of the public peace, health, safety, or support of the municipal government and its existing institutions if the ordinance or resolution:

- (1) Is passed by a two-thirds vote of all the aldermen qualified to serve by election or appointment pursuant to chapter [9-13](#); and
- (2) States on its face that the ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety, or support of the municipal government.

Source: SDC 1939, § 45.1004; SL 2001, ch 45, § 3; SL 2026, ch 33, § 42.

9-19-13. Effective date of resolutions and ordinances--Grounds for immediate effectiveness.

Except as otherwise provided in this section, every resolution or ordinance passed by the governing body takes effect on the twentieth day after its publication, unless suspended by operation of a referendum.

An ordinance or resolution may take effect immediately if it:

- (1) Is necessary for the immediate preservation of the public peace, health, safety, or support of the municipal government and its existing institutions;
- (2) Is not subject to referendum pursuant to § [9-20-19](#); or
- (3) Provides for an election or hearing on an improvement or assessment or calls for bids.

Source: SL 1899, ch 94, § 1; RPolC 1903, §§ 1213, 1214; SL 1913, ch 119, § 38; RC 1919, §§ 6246, 6252, 6253; SDC 1939, § 45.1010; SL 1957, ch 244; SL 2026, ch 33, § 43.

9-19-14. Recording in ordinance book.

After an ordinance takes effect, the municipal finance officer shall record the ordinance and a certificate of the date of its publication in a book to be known as the "ordinance book," and file the affidavit of publication with the original ordinance.

Source: SL 1890, ch 37, art IV, § 16; RPolC 1903, § 1213; RC 1919, § 6247; SDC 1939, § 45.1005; SL 2026, ch 33, § 44.

9-19-14.1. Posting of ordinance book on municipal website--Official ordinances.

If a municipality posts the ordinance book or any part of the book on the municipality's official website, the municipality must make reasonable efforts to ensure the most current version of the ordinance book or any part of the book is posted, provided that the official version of the municipality's ordinances is the ordinance book referenced in § [9-19-14](#).

Source: SL 2019, ch 50, § 2; SL 2026, ch 33, § 45.

9-19-15. Compilation of ordinances.

A municipality may compile the municipal ordinances, without revision or amendment, for publication in ordinance book or codified form. The codification is effective without publication as required for ordinances.

Source: SDC 1939, § 45.0201 (20); SL 1984, ch 57, § 1; SL 1997, ch 49, § 1; SL 2026, ch 33, § 46.

9-19-16. Ordinance of revision--Committee to prepare revision.

The governing body of any municipality may, not more than once every five years, appoint a committee to prepare and submit for its consideration an ordinance revising the ordinances of the municipality.

Source: SL 1890, ch 37, art III, § 13; RPolC 1903, § 1194; SL 1913, ch 119, § 37; RC 1919, § 6249; SL 1925, ch 247; SDC 1939, §§ 45.0201 (21), 45.1007; SL 2026, ch 33, § 47.

9-19-17. Ordinance of revision--Notice of adoption--Effective date.

Upon the adoption of an ordinance revising the ordinances of a municipality by the governing body, the municipal finance officer must publish a notice of the adoption of the revised ordinances once in the official newspaper. Twenty days after the completed publication of the notice, unless referendum is invoked, the ordinance becomes effective without publication of the revised ordinance book in a newspaper.

Source: SL 1913, ch 119, § 37; RC 1919, § 6249; SL 1925, ch 247; SDC 1939, § 45.1007; SL 1982, ch 60, § 4; SL 1984, ch 57, § 2; SL 1991, ch 24, § 4; SL 2026, ch 33, § 48.

9-19-18. Evidence of ordinances and resolutions.

An original ordinance or resolution, the record or a certified copy of the record, or any compilation or revision of ordinances printed under the authority of the municipality are admissible in evidence without further proof.

Source: PolC 1877, ch 24, § 57; CL 1887, § 1094; SL 1890, ch 37, art IV, § 16; RPolC 1903, §§ 1213, 1470; RC 1919, § 6247; SDC 1939, § 45.0113; SL 2026, ch 33, § 49.

9-19-19. Ordinances and resolutions presumed valid unless controverted.

In any action or proceeding instituted by an acting municipality it shall not be required to show compliance with the provisions of this title as to the passage or publication of any ordinance or resolution unless the same be controverted under oath.

Source: PolC 1877, ch 24, § 53; CL 1887, § 1078; RPolC 1903, § 1467; RC 1919, § 6159; SDC 1939, § 45.0111.

9-19-20. Firearms regulation prohibited--Action by attorney general.

No municipality may pass an ordinance that restricts or prohibits, or imposes any licensure requirement or licensure fee on the possession, storage, transportation, purchase, sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components. Any ordinance prohibited by this section is null and void. The attorney general shall send a cease and desist order to any municipality that passes or enforces an ordinance in violation of this section. If the municipality fails to comply with the order, the attorney general shall bring an action in the name of the state for injunctive relief against any municipality that has passed an ordinance in violation of this section. A court shall grant any person charged with a violation of an ordinance prohibited under this section reasonable costs, expenses, and attorney's fees. This section does not apply to any generally applicable zoning ordinance, building regulation, or fire code so long as the ordinance, regulation, or code is not used to circumvent the prohibition under this section.

Source: SL 1983, ch 38, § 1; SL 2019, ch 51, § 3.

9-19-21. Municipality implementation of pretreatment program--Fines for violations by industrial users.

Any municipality that is required to develop a pretreatment program in accordance with chapter [34A-2](#) may enact, make, amend, revise or repeal all such ordinances, resolutions, and regulations as may be proper and necessary to implement the pretreatment program and to provide for the punishment of each pretreatment violation by industrial users pursuant to § [34A-2-15](#) with a civil penalty of up to one thousand dollars per day for each violation.

Source: SL 1992, ch 254, § 89.

9-19-22. Repealed.

Source: SL 2024, ch 27, § 3; SL 2026, ch 33, § 66.

9-19-23. Ordinance adopting comprehensive regulations or code--Publication not required--Notice of adoption published--Effective date--Applicability.

An ordinance incorporating and adopting comprehensive regulations or a code promulgated, approved, and published by a recognized and established national organization prescribing building, electrical, plumbing, safety, fire, or health regulations need not be published in its entirety in a newspaper. Upon adoption or amendment of the ordinance, the municipal finance officer must publish a notice of the fact of adoption or amendment once a week for two successive weeks in the official newspaper. The ordinance becomes effective twenty days after the completed publication of the notice, unless referendum is invoked. The publication procedures provided in this section apply whether or not a municipality has modified the comprehensive regulations or codes during the adoption or amendment process.

Source: SL 2026, ch 33, § 50.

9-19-24. Copy of ordinances--Available to court upon request.

Upon request of the circuit clerk of court or law library of the county in which a municipality is situated, the municipal finance officer must choose one of the following forms to make available, for free, to the requesting clerk or library:

- (1) A physical copy of the ordinance book;
- (2) A link to the electronic compilation of the ordinance book; or
- (3) An electronic copy of the codification.

Source: SL 2026, ch 33, § 51.