

# HOME RULE CHARTER

## PREAMBLE

We the people of the City of Pierre, in order to establish a more representative and effective city government, do adopt this Charter in accordance with the Home Rule power granted in Article IX, Section 2 of the South Dakota Constitution and the procedural requirements of SDCL Chapter 6-12.

## ARTICLE I - POWERS OF THE CITY

**Section 1.01** – **Powers of the City.** The City shall have all powers possible for a city to have under the Constitutions of this State and of the United States. It is the intention of this Charter to confer upon the City every power it may have under law, as fully and completely as though the power was specifically mentioned.

**Section 1.02** – **Construction.** This Charter shall be construed liberally in favor of the City and the specific mention of particular municipal powers in other sections of this Charter does not limit the powers of the City to those so mentioned.

**Section 1.03** – **Intergovernmental Relations.** The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more states or any state division or agency, or the United States or any of its agencies or any township, county or municipality.

The City retains and reserves its right to Joint Exercise of Governmental Powers as set forth in SDCL Title 1. Further, the City adopts and ratifies each and every contract and agreement entered into by virtue of that power under any prior City organization or form of government.

### **Section 1.04** – **Limitations.**

1. Nothing in this Charter shall be construed to permit the City to do any of the following:
  - a. Levy a personal or corporate income tax,
  - b. Issue more liquor licenses,
  - c. Permit increased gaming, or
  - d. Incur additional debt,
  
2. The power of a home rule unit does not include the power to:

- a. Enact private or civil law governing civil relationships except as incident to the exercise of an independent county or municipal power;
- b. Define and provide for the punishment of a crime, but this limitation shall not abridge the power of a home rule unit to provide punishment for the violation of ordinances or charter provisions by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months or by both such fine and imprisonment;
- c. Abridge laws relating to elementary and secondary education;
- d. Change assessment practices and procedures relating to ad valorem taxation of property;
- e. Exempt itself from providing the necessary personnel and facilities to perform services required by general law to be performed by a like unit or units of local government;
- f. Deny referendum on ordinances or bylaws provided by Chapter 9-19;
- g. Regulate rates or conditions of service of any public utility regulated by the South Dakota Public Utilities Commission;

unless and except to the extent otherwise authorized to any City established as a SDCL Title 9 authorized form of City government.

**Section 1.05** – **New Taxes.** Any new form or type of taxation, which is approved by the City Commission, must be referred to a vote of the people before it can become effective. This does not apply to new or increased fees or increases in existing taxes.