

**ORDINANCE NO. 1357**  
**AN ORDINANCE CREATING CHAPTER 1.20 SEVERABILITY**

NOW, THEREFORE, BE IT ORDAINED by the City Commissioners of the City of Deadwood that a new Chapter 1.20 of the Code of Ordinances of City of Deadwood, South Dakota entitled “Severability” is hereby established as follows:

**1.20 SEVERABILITY:**

The provisions of this City of Deadwood Code of Ordinances are severable. If any provision of any Title(s), Chapter(s), Section(s), Sub-section(s), clause(s) or provision(s) of the City of Deadwood Code of Ordinances or the application thereof to any person or circumstance is declared by any court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutional provisions shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application. The Deadwood City Commission hereby declares it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses and phrases be declared unconstitutional.

Strike the following sections of City of Deadwood Code of Ordinances

**~~3.16.080 Severability.~~**

~~—Should any section, clause, or provision of this chapter be declared by any court of competent jurisdiction to be invalid, such declaration shall not affect the validity of this chapter as a whole or any part thereof, other than the part so declared to be invalid.~~

**~~3.20.255 Severability.~~**

~~—Should any section, clause or provision of this article be declared by the courts to be invalid, the same shall not affect the validity of the article as a whole or any part thereof, other than the part declared to be invalid.~~

**~~3.20.400 Severability.~~**

~~—Should any section, clause or provision of this article be declared by the courts to be invalid, the same shall not affect the validity of the article as a whole or any part thereof, other than the part declared to be invalid.~~

~~5.56.16 SEVERABILITY The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.~~

**~~12.45.060 Severability.~~**

~~—A. The provisions of this chapter are severable. If any provision of this chapter is held to be invalid or unconstitutional or if the application of any provision of this chapter to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Deadwood City Commission that this chapter would have been adopted had any invalid or unconstitutional provision or applications not been included herein.~~

**~~15.01.070 Severability.~~**

~~—If any section, subsection sentence or clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The Deadwood city commission hereby declares it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses and phrases be declared unconstitutional.~~

**~~15.36.065 Severability.~~**

~~—If any section, provision, or portion of the ordinance codified in this chapter is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.~~

**~~17.04.080 Severability.~~**

~~—A. The requirements and provisions of this title are severable, and should any section, part or provision of this title be declared invalid or unconstitutional by any court of competent jurisdiction, the decision of the court shall not affect the validity of the title, as a whole or any section thereof, other than the section, part or provision thereof, so declared to be invalid or unconstitutional.~~

~~—B. Appeals from decisions of the board of adjustment may be taken as provided in SDCL 11-4-25. Ordinances or parts of ordinances in conflict or inconsistent with the provisions of this title are repealed to the extent necessary to give this title full force and effect.~~

Dated this 18th day of July, 2022

CITY OF DEADWOOD

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David Ruth Jr., Mayor

ATTEST:

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Jessicca McKeown, Finance Officer

First Reading:	July 5, 2022
Second Reading:	July 18, 2022
Published:	July 21, 2022
Adopted:	August 10, 2022