

CHAPTER 4-2 NUISANCES

4-2-1 NUISANCES; DEFINED; PROHIBITION OF

- (a) No person shall create, commit, maintain, or permit to be created, committed, or maintained any nuisance as defined herein, within the City or within one mile of the boundaries thereof.
- (b) A nuisance shall be as defined in SDCL 21-10-1, including without limitation the following:

Garbage and Refuse. Depositing, maintaining, or permitting to be maintained or to accumulate upon any public or private property, any household waste water, sewage, garbage, tin cans, offal, or excrement, any decayed fruit, vegetables, fish, meat, or bones or any foul, putrid, or obnoxious liquid substance.

Impure Water. Any well or other supply of water used for drinking or household purposes which is polluted or which is so constructed or situated that it may become polluted.

Undressed Hides. Undressed hides kept longer than twenty-four hours, except at the place where they are to be manufactured, or in a storeroom, or basement whose construction is approved by the Health Department.

Manure. The accumulation of manure, unless it is a properly constructed fly-proof pit, bin or box.

Breeding Places for Flies. The accumulation of manure, garbage, or anything whatever in which flies breed.

Stagnant Water. Any excavation in which stagnant water is permitted to collect.

Weeds. Permitting weeds to grow to maturity on any private property, including vacant lots.

Dead Animals. For the owner of a dead animal to not dispose of it within twenty-four hours after its death.

Privies and Cesspools. Erecting or maintaining any privy or cesspool except such sanitary privies and cesspools, the plans of which are approved by the State Health Department.

Garbage Handled Improperly. Throwing or letting fall on or permitting to remain on any street, alley, or public ground any manure, garbage, rubbish, filth, fuel, or wood while engaged in handling or removing any such substance.

Rodents. Accumulation of junk, old iron, automobiles or parts thereof, or anything whatever in which rodents may live, breed or accumulate. Junk is defined to mean old ferrous or non ferrous metals, old cordage, ropes, fabrics, old rubber or old bottles or other glass, bones, wastepaper and other waste or discarded materials which may be prepared to use again in some other form, but “junk” shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business, or materials or objects held and used by a manufacturer as an integral part of his own manufacturing process.

Bonfires. Burning, causing or permitting to be burned in any street, alley, public ground, or any private property any dirt, filth, manure, garbage, sweepings, leaves, ashes, paper, rubbish, or material of any kind. Bonfires do not include burning wood, charcoal, and other incidental materials within a fire pit for recreational or food preparatory purposes, or as deemed appropriate by the City Council.

Parking Livestock Trucks or Trailers in Residential Districts. Parking or permitting livestock trucks or trailers to remain on any street, area, or public ground in a residential district where such truck or trailer gives off an offensive odor or is contaminated with manure or other filth.

Authority: SDCL 9-29-13; See also SDCL 9-32-10

4-2-2 NUISANCES; ABATEMENT OF

Nuisances shall be abated as provided in SDCL 21-10.

Authority: SDCL 9-29-13; See Also: SDCL Ch. 21-10; Compare: SDCL Ch. 21-10

4-2-3 WEEDS; DUTY OF PROPERTY OWNER

No owner of any lot, place or area within the city, or the agent of such owner or the occupant of such lot, place or area shall permit on such lot, place or area, or upon any sidewalk abutting the same, any weeds, grass or deleterious, unhealthful growths or other noxious matter that may be growing, lying or located thereon, and the growing of such weeds or other noxious or unhealthful vegetation is hereby declared to be a nuisance.

Authority: SDCL 9-32-12

4-2-4 NOTICE TO DESTROY WEEDS

The Chief of Police is hereby authorized and empowered to notify in writing the owner of any such lot, place or area within the city, or the agent of such owner, or the occupant of such premises, to cut, destroy, or remove any such weeds, grass, or deleterious or unhealthful growth or other noxious matter found growing, lying or located on such property, or upon the sidewalk abutting same. Such notice shall be addressed via registered mail to said owner, agent, or occupant at his last known address.

Authority: SDCL 9-32-12

4-2-5 ACTION ON NON-COMPLIANCE

Upon failure, neglect, or refusal of any owner, agent, or occupant so notified to comply with said notice within ten days after the mailing thereof, the City Council is hereby authorized and empowered to provide for the cutting, destroying or removal of such weeds, grass, deleterious matter, or other noxious growths and the defray the costs of the destruction thereof by special assessment against the property as allowed by SDCL.

Authority: SDCL 9-32-12

4-2-6 COSTS ASSESSED

The City Finance Officer shall cause an account to be kept against each lot for the destruction of noxious weeds upon said lot as herein provided and shall thereupon certify said account showing the amount, the description of the property, and the owner thereof to the City Council who shall add such assessment to the county or general assessment against said property and shall certify such special assessment together with the regular assessment to the County Auditor to be collected as municipal taxes for general purposes. Said assessment shall be subject to review and equalization the same as assessments or taxes for general purposes.

Authority: SDCL 9-32-12

4-2-7 RECOVERY BY CITY

In lieu of assessing the cost of the destruction of such noxious weeds and other deleterious matter against said property in the discretion of the City Council, said amount may be recovered in a civil action against the owner or occupant of such property.

Authority: SDCL 9-32-12

4-2-8 CLEANING OF CESSPOOLS

It shall be unlawful for any person in cleaning a cesspool within the city to discharge or allow to be discharged into the streets, alleys, or upon any property within the city of Platte the contents of any such cesspool. If said cesspools are discharged of any such contents upon the streets, alleys, or upon the surface of any lots within the City, then it is hereby declared to be a nuisance and injurious to the public health and shall be abated in the manner provided for the abatement of such nuisances.

Authority: SDCL 9-32-6