

### **8.24.030 – Nuisance defined.**

- A. General Definition. A nuisance consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either:
1. Annoys, injures or endangers the comfort, repose, health or safety of others;
  2. Offends decency;
  3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any lake or navigable river, bay, stream, canal or basin, or any public park, square, street, or highway;
  4. In any way renders other persons insecure in life, or in the use of property.
- B. Nuisance Per Se. It is hereby declared that one or more of the following conditions, either alone or in combination with others, constitutes a nuisance per se, however, this enumeration shall not be deemed to be exclusive:
1. Undressed hides. Undressed hides kept longer than twenty-four (24) hours, except at a place where they are to be commercially processed or manufactured, or in a storeroom or basement approved by the South Dakota Department of Health.
  2. Breeding places for flies. The accumulation of manure, garbage, refuse, or anything whatever which provides a harboring place or breeding area for flies.
  3. Dead animals. A dead animal, or any part thereof, permitted to remain undisposed of longer than twenty-four (24) hours after its death.
  4. Plants. The existence of any tree, shrub or foliage, unless by consent of the City, which is apt to destroy, impair, interfere with, or restrict:
    - a. Streets, sidewalks, sewers, utilities, or other public improvements, and
    - b. Visibility on or free use of, or access to such improvements.
  5. Fire Hydrants, etc. The existence of any vines or climbing plants growing into or over any public hydrant, utility pole or transformer, or the existence of any shrub, vine or plant growing on, around, or in front of any hydrant, standpipe, or any other appliance or facility provided for fire protection purposes, in such a way as to obscure the view thereof or impair the access thereto.
  6. Refuse and Garbage. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the City, any one or more of the following places, conditions or things:
    - a. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, the whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter; but nothing in this chapter shall prevent the temporary retention of waste in appropriate, fly-proof, covered receptacles;
    - b. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from insects and rodents, or which emit foul or pungent odors;
    - c. Any filthy, littered or trash-covered dwellings, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises;
    - d. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, broken stone or cement, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles;
    - e. Any trash, litter, rags, accumulations of empty barrels, boxes, crates, paper, packing cases, mattresses, bedding, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard;
  7. Depositing or Burning on Public Property. The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, park, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material.
  8. Building Materials. The storage or keeping on any premises for more than 30 days of any used or unused building materials whose retail value would exceed \$1,000, provided that nothing herein shall:
    - a. Prohibit such storage when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion;
    - b. Prohibit such storage upon the premises of a bona fide lumber yard, dealer in building materials or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable laws; and
    - c. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws.
  9. Salvage Yards. The existence or maintenance on any premises of a storage area, junkyard or dumping ground for the wrecking or disassembling of automobiles, trucks, trailers, house trailers, boats, tractors or other vehicle or machinery of any kind, or for the storing or leaving of worn out, wrecked, inoperative or abandoned automobiles, trucks, trailers, house trailers, boats, tractors or other vehicle or machinery or any major parts thereof. This definition shall not include the temporary (not more than twenty (20) days) disassembly of automobiles, trucks, trailers, boats, tractors, or other vehicles for the purpose of maintaining or repairing the same.
  10. Wells and Cistern. The existence on any premises of any abandoned or unused well, cistern or storage tank without securely closing or barring the entrance thereto or filling any well or cistern or capping the same with sufficient security to prevent access thereto by children.

11. Dilapidated Building or Structure. Any building or structure which is kept or maintained in an unsafe, incomplete, abandoned, damaged, or dilapidated condition. Included in this definition are structures or buildings which have been destroyed or rendered unsafe by natural disasters or fire and buildings or structures for which the building permits have expired and/or construction has not been completed.
12. Appliances. The existence on any premises, in a place accessible to children, of any unused and/or discarded icebox, refrigerator or other large appliance.
13. Junk. Any deteriorated, wrecked, or derelict property in unusable condition, having no value other than nominal scrap or junk value, if any, and which has been left unprotected from the elements outside of a permanent structure, and shall include, without being so restricted, deteriorated, wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, appliances, and any other similar articles in such condition.
14. Graffiti. Any writing, printing, marks, signs, symbols, figures, designs, inscriptions, or other drawings which are scratched, scrawled, painted, drawn, or otherwise marked or placed on any exterior surface of a building, wall, fence, sidewalk, curb, or other permanent structure on public or private property which is visible from any public street, sidewalk, highway, or right of way.
15. Offensive odors. No person may permit offensive, foul odors or stenchs that are dangerous or offensive to be emitted from their property.

(Ord. No. 3-2001; Ord. No 3-2002; Ord. No. 3-2013, 3-4-13)

