

CHAPTER 2-1 NUISANCES

2-1-1 NUISANCE DEFINED

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 other;
2. Offends decency;
3. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage, any public park, square, street or highway;
4. Any way renders another person insecure in life, limb, or in the use of property.

Authority: SDCL 9-29-13

2-1-2 SPECIFIC ACTS AS NUISANCE

The following specific act, conditions and things are each and all of them defined to constitute nuisances:

1. Imperfect plumbing. Any imperfect, leaking, unclean or filthy sink, water causes urinal or other plumbing fixture in any building used or occupied by human beings.
2. 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, excrement, any decaying fruit, vegetables, fish, meat or bones, any oyster shells, or any foul, putrid, or obnoxious liquid or substances.
3. Manure. The accumulation of manure, unless it can be in a properly constructed pit, bin or box.
4. Breeding place for flies. The accumulation of manure, garbage or anything whatever in which flies breed.
5. Any stagnant pool of water. It shall be unlawful for any person to permit any such nuisance to remain or exist on any property under his or its control.
6. Weeds. Permitting weeds, especially those whose pollen is known to cause hay fever, to grow to maturity on private property, including vacant lots.
7. Dead animals. The owner of a dead animal permitting it to lie on a public street, alley, public ground, private lot, or other place within the City limits.
8. Rubbish. The growing or letting fall on or permitting to remain on any street, alley, public ground, any manure, garbage, rubbish, filth, leaves, grass clippings, tree branches, ash piles, fuel or wood.

9. Bonfires on public places. Burning causing or permitting to be burned in any street, alley or public ground any filth, manure, garbage, sweepings, leaves, paper or rubbish of any kind.
10. Privies and cesspools. Erecting or maintaining any privy or cesspool in the City except such sanitary privies and cesspools as are approved by the City Council.

Authority: SDCL 9-32-12, 9-38-28, 9-38-29, 9-30-5

2-1-3 ABANDONMENT OF REGRIGERATORS

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structures under his or its control in a place accessible to children any abandoned or discarded icebox, refrigerator or other container which has an air tight door or lid, snap lock or other locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device from said icebox, refrigerator or container.

Authority: SDCL 34-28-3

2-1-4 REFRIGERATORS AS NUISANCE

The keeping of any discarded iceboxes, refrigerators or other containers as set forth in 2-1-3 shall be and the same is hereby declared to constitute a public nuisance and the same shall be abated as provided by state statute and the abatement of such nuisances shall not, in any manner, affect the penalty provisions of the ordinance.

Authority: SDCL 34-28-3

2-1-5 ABATEMENT OF NUISANCES

It shall be unlawful for any person to maintain or permit the existence of any nuisance as defined in 2-1-3. The Finance Officer shall give 15 days' notice in writing by sending a "Notice of Violation" to the person creating such nuisance in the City, at his last known post office address, to abate such nuisance forthwith, and if the person shall not do so within the time set after such notice, he shall be guilty of a misdemeanor. It is hereby made the duty of the Finance Officer to enforce this section, and he shall cause to be removed or abated immediately such nuisance upon the expiration of a reasonable time after the service of such notice if the same can be done without committing a breach of the peace, and the City may recover the costs of the abating of such nuisance so incurred from the person maintaining such nuisance in a civil action for such purpose. If any such nuisance cannot be abated without a breach of the peace, the City may commence and maintain a civil action for the abatement of such nuisance.

Authority: SDCL 9-29-13