

CODIFIED LAW #23
TOWN OF MISSION HILL

NUISANCES FOR OFFENSIVE CONDITIONS

BE IT ORDAINED by the Board of Trustees of Mission Hill, SD:

Sec. 1. Prohibited.

No person shall create, commit, maintain, or permit to be created, committed, or maintained any nuisance within the city.

Sec. 2. Illustrative enumeration.

Whatever is dangerous to human health, whatever renders the ground, the water, the air, or food a hazard or an injury to human health, and the following specific acts, conditions, and things are, each and all of them, hereby declared to constitute nuisances; provided, however, that this enumeration shall not be deemed to be exclusive:

- (1) Imperfect plumbing. Any imperfect, leaking, unclean, or filthy sink, water closet, 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 animal or vegetable matter which attends the processing, preparation, transportation, cooking, eating, sale, or storage of meat, fish, vegetables, fruit and all other food or food products found within the town which is likely to cause or transmit disease, or which may be a hazard to health.
- (3) 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.
- (4) Undressed hides. Undressed hides kept longer than 24 hours, except at the place where they are to be manufactured, or in a storeroom or basement whose construction is approved by the town board.
- (5) Manure. The accumulation of manure or livestock waste unless it is in a securely tied closed biodegradable package placed in a leak proof metal container with a tight fitting lid.
- (6) Breeding places for flies. The accumulations of manure, garbage, or anything whatever which are harboring places and breeding areas for flies and rodents.
- (7) Stagnant water. Any water or liquid in which mosquito larvae exist.
- (8) Poison ivy. Permitting poison ivy to grow upon any public or private property.
- (9) Dead animals. The owner of a dead animal permitting it to remain undeposited of longer than 24 hours after its death.
- (10) Polluting river. Throwing or leaving any dead animal or decayed animal or vegetable matter or any slops or filth whatever, either solid or fluid, into any pool of water or into any waterway.
- (11) Privies and cesspools. Erecting or maintaining any privy or cesspool except such sanitary privies and cesspools the plans of which are approved by the Town Board.
- (12) Improper garbage handling. 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 substances.
- (13) Private sanitary landfill. Operating or permitting the operation of a private sanitary landfill without controlling rodents, insects and litter; without compacting and covering solid waste each day; and without preventing and prohibiting burning.

- (14) Rubbish. Depositing, maintaining, or permitting to be maintained or to accumulate upon any public or private property any combustible refuse matter such as papers, sweepings, rags, grass, tree branches, wood shavings, wood, magazines, cardboard, etc.
- (15) Waste material. All noncombustible inorganic matter such as ashes, glass, sand, earth, stones, concrete, mortar, metals, tin cans, used building materials, etc.
- (16) Livestock waste. Any accumulation of waste manure or straw resulting from the transportation, housing or confining of animals.
- (17) Litter. Garbage, rubbish, waste material or livestock waste improperly disposed of by discarding, abandoning, allowing to accumulate, scattering or depositing outside an approved container.
- (18) Vegetation. All weeds or plants declared to be primary noxious weeds or secondary noxious weeds by the state weed board and all other weeds and grass growing upon any lot or parcel of land in the city to a greater height than one foot or which have gone or are about to go to seed. Fallen tree limbs, dead trees, and dead tree limbs, which in the opinion of the town board constitute a health, safety, or fire hazard are declared to be a nuisance condition. This section does not prohibit the cultivation of crops.
- (19) Abandoned property. 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 outside of a completely enclosed permanent structure from the elements, and shall include, without being so restricted, deteriorated, wrecked, inoperative, or partially dismantled motor vehicle, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture and other similar articles in such condition.
- (20) Graffiti. Any writing, printing, marks, signs symbols, figures, designs, inscriptions, or other drawings which are scratched, scrawled, painted, drawn, or otherwise placed on any exterior surface of a building, wall, fence, sidewalk, curb, or other permanent structure on public or private property and which has the effect of defacing the property.

Sec. 3. Notice to abate – Issuance.

Whenever the town board shall find that a nuisance exists within the town, it shall give written notice to the person creating, permitting, or maintaining such nuisance to abate the nuisance. Such notice may be served by mail. Such notice may likewise be served by conspicuously posting a copy of such notice upon the premises where the nuisance exists, whenever the owner of agent thereof is not known or cannot be located.

Sec. 4. Same – Issuance.

It shall be unlawful for any person who is served a written notice to abate a nuisance under the provisions of this article to fail to do so within the time allowed in such notice.

Sec. 5. Abatement by town; costs levied against premises.

When there exists on private property a condition which has been determined a nuisance by the town of Mission Hill, a notice will be served by certified mail or personal service. The notice will describe the matter to be removed and required removal thereof within 14 days. If at the end of such 14 days the nuisance has not been removed or corrected, the town shall cause the correction or removal and disposition. All costs incurred by the town for the removal and disposition of the nuisance or for correcting the nuisance shall be assessed, levied and collected as a special assessment payable in one sum or by up to five equal annual installments as the town board may provide against the premises from

which it was removed, in the manor provided by law for the levy and collection of other special assessments.

Sec. 6. Storage of firewood on residential property.

(a) For the purposes of this section, unless apparent from the context, certain words and phrases used in this section shall be defined as follows:

Cord of wood means a unit of quantity for cut fuel wood, equal to 128 cubic feet in a stack measuring four feet by four feet by eight feet.

Firewood means neatly stacked burnable wood cut into lengths of approximately one to two feet that require no further cutting of the wood prior to placing it in a wood burner of fireplace.

(b) No person shall store firewood on residentially zoned property, except for the use on the premises and in conformance with the following.

(1) No more than six cords of firewood shall be stored at any time, without the written approval of the town board.

(2) The firewood must be cut and neatly stacked and may not be stacked closer than five feet to any property line and not higher than six feet from grade.

Exception: Firewood may be cut and neatly stacked on or near the lot line or against a fence, provided that it is not higher than the fence and that it is located a minimum of six feet from any structure on adjacent property.

(3) All brush, debris and refuse from processing of firewood shall be promptly removed from the premises.

Sec. 7. Responsibility of owner, occupant to maintain premises.

Every owner and occupant of a single or multiple dwelling shall be responsible for maintaining the areas of the premises in a clean and sanitary condition as specified in this article.

Sec. 8. Penalty for violation of this ordinance.

Every owner and occupant of a single or multiple dwelling who is in violation of this ordinance shall be subject to the maximum penalty allowed by law, per occurrence, per day, and ordered to come into compliance with this ordinance. The town of Mission Hill shall have all remedies available for the collection of the penalties including (but not limited to) those available under civil law. This section is not meant to limit the available remedies to the Town of Mission Hill.

Sec. 9-15. Reserved.

IN WITNESS WHEREOF, the Town Board of the Town of Mission Hill has duly adopted this ordinance and caused it to be executed by the officers of the Board of Trustees of Mission Hill, SD

Scott Vanburen
Town Board President

LeAnne J. Cutts
Finance Officer

BOARD REVIEWED 10-14-14

ORDINANCE #103