

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE MAINTENANCE OF PROPERTY AND SANITATION OF PREMISES AND BUILDINGS WITHIN THE CITY OF CROOKS.

BE IT ORDAINED by the City Council of the City of Crooks, South Dakota:

Sec. 1.01 Purpose

The purpose of this ordinance is to protect, promote and enhance the welfare, safety, health and property of the general public by prohibiting the keeping or maintaining of properties at variance with and inferior to the level of maintenance of surrounding properties.

Sec. 1.02 Definitions

- a. Building. Any structure designed or intended for the support, enclosure, shelter or protection of persons or property.
- b. Premises. A lot or parcel of land, improved or unimproved, parking areas thereon, walkways, and sidewalks.
- c. Sidewalk. A strip of property lying in front of and between the curb line and property line of the adjoining or abutting lot, piece, or parcel of land within the city.

Sec. 1.03 Maintenance of Premises and Buildings.

It shall be unlawful for any person owning, leasing, occupying, or having charge or possession of any buildings or premises in the city to keep or maintain such building or premises in a manner which is at variance with and inferior to the level of maintenance of surrounding properties.

Sec. 1.04 Enumeration.

A building or premise is maintained or kept in a manner which is at variance with and inferior to the level of maintenance of surrounding properties and is hereby declared to constitute a public nuisance where there exists upon any building or premises any of the following condition or conditions:

- a. Buildings which are abandoned, boarded up, partially destroyed or partially constructed and uncompleted subsequent to the expiration of building permit.
- b. Buildings with deteriorating or peeling paint that allows the exterior building coverings to deteriorate or to permit the effects of sun and water penetration so as to encourage decay, dry rot, warping and cracking;

- c. Broken windows and doors;
- d. Overgrown vegetation which is unsightly and/or likely to harbor rats or vermin;
- e. Dead, decayed or diseased trees, weeds and other vegetation;
- f. Trash, garbage or refuse cans, bins, boxes, bags, or other such containers permanently stored in front yards visible from public streets.
- g. Lumber, junk, trash, tires, debris or salvage materials maintained upon any premises which is visible from a public street, alley, or adjoining property;
- h. Abandoned, discarded or unused furniture, stoves, sinks, toilets, cabinets or other household fixtures or equipment stored so as to be visible at ground level from a public alley, street or adjoining premises;
- i. Abandoned, wrecked, dismantled or inoperative trailers, campers, boats and unlicensed motor vehicles which are accumulated or stored in yard areas; and
- j. Any like and similar condition or conditions.

Sec. 1.05 Sanitation of premises and buildings required.

It shall be unlawful to permit by act or omission the following specific acts, conditions and things which are hereby also declared to be public nuisances:

- a. Failing, refusing, or neglecting to keep the sidewalk in front of a house, place of business, or premises in a clean and safe condition.
- b. Maintaining upon a premise any unsightly, partly complete or partly destroyed buildings, structures or improvements in the city which may endanger or injure neighboring properties or the public health, safety or general welfare.
- c. Maintaining upon such premises or upon the sidewalk abutting or adjoining such lot, parcel, tract or piece of land, loose earth, mounds of soil, fill material, asphalt, concrete rubble or waste material of any kind (all such materials shall hereinafter be referred to as "waste materials"), except for waste materials used for construction or landscaping upon premises in which case it shall be the duty of the owner, lessee, occupant, or persons in possession of premises wherein the waste materials exist, to maintain weed control during construction and to level or remove waste materials after construction is completed, or in any event, within eight (8) months from time of placement of waste materials upon premises.



Sec. 1.06 Enforcement of Article.

The City Council is hereby authorized and directed to administer and enforce all of the provisions of this Article.

Sec. 1.07 Right of Entry.

Whenever necessary to make an inspection to enforce any of the provisions of this Article, or whenever the City Council has reasonable cause to believe that there exists in any building or upon any premises, any condition which is prohibited under this Article, an authorized representative of the City may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon such representative by this Article; provided that if such building or premises be occupied, she or he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, she or he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge or care of any building or premises shall fail or neglect, after proper demand made as herein provided, to properly permit entry therein by an authorized representative of the City for purpose of inspection and examination pursuant to this Article. Any person violating this subdivision shall be guilty of a misdemeanor.

Sec. 1.08 Notice to Abate - Issuance

Whenever the City is notified, by written complaint, that any condition or conditions prohibited in this Article exist on any premises located within the City, the City Council shall give, or cause to be given, notice to abate the unlawful condition or conditions existing on the premises. Such notice shall be in writing to the person creating, permitting or maintaining such nuisance to abate the same within a reasonable time as provided in such notice.

Sec. 1.09 When Notice Waived

Whenever the owner, occupant or agent of any premises in or upon which any nuisance may be found is unknown or cannot be found, the City Council shall proceed to abate the nuisance without notice. In either case, the expense of such abatement shall be collected from the person who may have created, caused or suffered such nuisance to exist.

Sec. 1.10 Right of Appeal

The owner or any person affected shall have the right of appeal to the City Council for a Notice to Abate. Such appeal shall be in writing, shall state the objections of the person filing the

same, shall be filed with the Finance Officer within ten (10) days after the date of posting, publishing, serving or mailing of Notice to Abate, and shall be presented to the City Council by the Finance Officer at its next regular meeting. The City Council shall determine by resolution whether the City shall proceed in accordance with the Abatement Notice, or as modified by the Council, or not at all, and its decision thereon shall be final and conclusive.

#### Sec. 1.11 Abatement by City

In the event a person shall fail to abate any nuisance created, permitted or maintained by him following written notice to him to do so, the City Council shall cause such nuisance to be abated.

The City Attorney shall prepare a statement of the expense incurred in the razing, demolishing, removing, reconstruction or other affirmative act necessary to abate the unlawful condition(s) and shall file such statement with the Finance Officer. Such statement shall refer to the particular premises including any improvements, structures, or buildings thereon, upon which the actions taken to abate the unlawful conditions occurred. With regard to the premises or each piece of property therein referred to, the statement shall show the number of the lot and block and the name of the addition or subdivision in which the lot lies or upon which the structures, improvements or buildings were located at the time that the actions to abate the unlawful conditions were taken or shall describe such premises in any other way that they may be easily identified.

#### Sec. 1.12 Alternate Abatement Procedure

In addition to any method of abatement of nuisances within the City provided by the provisions of this Article, any nuisance found within the City may be abated in the manner provided by state law.

#### Sec. 1.13 Notice of Equalization of Assessment

Within ten (10) days after the filing of the statement referred to in Section 1.11 of this Article, the Finance Officer shall cause to be served upon the owner, agent of the owner, lessee, occupant or person in possession of the parcel of land described in the statement and in the notice personally or by mail addressed to his or her last known address or to general delivery, Crooks, South Dakota, if such address is unknown.

#### Sec. 1.14 Equalization of Assessment - Hearing

The owner or any person affected shall have the right to appeal to the City Council concerning the proposed assessment. Such appeal shall be in writing, shall state the objections of the person filing the same, and shall be filed with the Finance Officer within ten (10) days after the notice. Said objections shall be presented to the City Council by the Finance Officer at



their next regular meeting. The City Council shall determine by resolution the assessment and shall proceed to place a lien against said property until the assessment is paid.

Sec. 1.15 Recovery of Expenses - Special Assessment

The City Council may recover the expenses incurred by the City in abating a public nuisance by taxing the cost thereof by special assessment against the real property on which the nuisance occurred.

Sec. 1.16 Recovery of Expenses - Civil Suit

The City Council may recover the expenses incurred by the City in abating any nuisance under the provisions of this Article from the person creating, permitting or maintaining the same in a civil suit instituted for such purpose.

Sec. 1.17 Conflicting Ordinances Repealed

All ordinances in conflict herewith are hereby repealed.

Paul A. Anderson  
Paul Anderson, Mayor

ATTEST:

Susan Doty  
Susan Doty, Finance Officer

FIRST READING:

June 3, 1985

SECOND READING:

August 5, 1985

EFFECTIVE DATE:

August 25, 1985