

ORDINANCE #823

An ordinance to amend the Milbank Municipal Code regarding the addition of lack of snow removal as a general nuisance.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Milbank, Grant County, South Dakota, that Chapter 11.20 be amended to read as follows:

11.20.000 – General nuisances

(13) Accumulations of snow and ice on sidewalks that remain for a period of time in excess of 72 hours after the snow or ice have accumulated thereon.

(14) Any closely related condition or conditions.

Passed and adopted this _____ day of _____, _____.

Aye: _____ Nay: _____ Absent: _____

Pat Raffety, Mayor

ATTEST:

Cynthia Schumacher, Finance Officer

First Reading: _____

Second Reading: _____

Adopted & Approved: _____

Published: _____

Effective: _____

CURRENT CODE

Chapter 11.20

NUISANCES

Sections:

- 11.20.000 General nuisances
- 11.20.010 Sewerage accumulation/removal private premises
- 11.20.020 Offensive matter
- 11.20.030 Barbed wire/electrified fences
- 11.20.040 Obstructing drain
- 11.20.050 Sidewalks and alley kept clean
- 11.20.060 No livestock allowed within public waterways
- 11.20.070 No polluting of water

11.20.000 General nuisances. A building or premises within the City of Milbank is hereby declared to constitute a public nuisance where there exists any of the following condition or conditions:

- (1) Buildings which are unsafe, abandoned, boarded up, partially destroyed, dilapidated due to deterioration, fire, wind, or other hazard, or partially constructed and uncompleted to the expiration of building permit.
- (2) Buildings with excessively deteriorating concrete, siding, masonry, or roofing materials or peeling paint or other conditions that allows the exterior building to deteriorate or become unsightly or permit the effects of weather penetration to encourage decay, dry rot, warping, and/or cracking of the structure.
- (3) Broken windows, doors or attic vents.
- (4) Overgrown vegetation in excess of 10 inches which is unsightly and/or likely to harbor rats, mice, vermin. All noxious weeds shall be prohibited. Vegetation shall be defined as all grasses, annual plants, other than trees or shrubs, this term shall not include cultivated flowers and gardens.
- (5) The accumulation of dead animals, animal matter or waste of any kind, dead diseased or decayed trees. See Title 12 Section 12.48. Dead animals cannot be left to remain on any public street, alley, public ground or private lot within the city.
- (6) Trash, garbage or refuse cans, bins, boxes, bags or other such containers permanently stored in front yards visible from public streets or avenues.
- (7) Lumber, junk, trash, tires, debris or salvage materials, abandoned, discarded or unused furniture, stoves, sinks, toilets, cabinets or other fixers or equipment which is visible from a public street, avenue, alley or adjoining property. Commercial and Industrial properties may store essential inventory, equipment and supplies outdoors, except that items of property retained for salvage, repair, or reclamation shall be kept from view by utilizing fences or other enclosures.
- (8) Abandoned, wrecked, dismantled or inoperative trailers, campers, boats and other motor vehicles. (Reference as defined by Chapter 10.52 Abandoned, wrecked, dismantled or inoperative motor vehicles)
- (9) Any water or liquid that may become stagnant or allow mosquito larvae to exist.

(10) Accumulations of combustible refuse matter such as papers, sweepings, rags, grass, tree branches, wood shavings, wood scraps, magazines, cardboard, etc. Properly maintained compost bins for these materials are acceptable.

(11) Accumulations of lumber, boxes, barrels, bricks, stones, construction debris or any other similar material unless it is stored elevated not less than four (4) inches above the ground on an open type rack to prevent the harborage of rodents.

(12) Abutting sidewalks and alleys must be kept clean and in good repair.

(13) Any closely related condition or conditions.

(Ord. 669, Sec. 2, 2000)

11.20.010 Sewerage accumulation/removal private premises. No person shall permit any house, barn, cellar, vault, private drain, cesspool, or sewer upon any premises belonging to or occupied by him or her within the city limits to become nauseous, offensive or injurious to public health. The owner or any person occupying or using any private barn or stable where livestock is kept shall thoroughly clean up and remove from the premises where located all manure and refuse from barn, stable, pen, kennel at least once a week. No offensive, harmful, solid matter, liquids or gases may be permitted to escape from any structure. (Ord. 669, Sec. 2, 2000)

11.20.020 Offensive matter. It is unlawful for any person within the city limits on the premises owned or occupied by him to permit any unwholesome or offensive substance or offensive or foul odors, stench or otherwise which is considered to be offensive, hurtful or dangerous to the neighborhood. (Ord. 669, Sec. 2, 2000)

11.20.030 Barbed wire or electrified fences. No person shall erect or maintain any barbed wire or electrified fence within the city, except by permission of the city council. This section shall not apply to barbed wire or electrified fencing on commercial property used for security purposes. (Ord. 669, Sec. 2, 2000; Ord. 670, Sec. 1, 2000)

11.20.040 Obstructing drain. It shall be unlawful to fill or obstruct or impede the free passage of water therein any ditch, drain or other passage for water in any street, alley, or creek in the city. (Ord. 669, Sec. 2, 2000)

11.20.050 Sidewalks and alleys kept clean. It shall be the duty of the owner or occupant of any lot in the city abutting on any alley or sidewalk, to keep such sidewalk and also to keep such alley to the center thereof, free from all filthy, unwholesome substance or any matter of any sort. (Ord. 669, Sec. 2, 2000)

11.20.060 No livestock allowed within public waterways. It shall be unlawful for any owner to permit any cow, horse, sheep, hog or other livestock to enter the Whetstone River or any other stream, river or waterway within the City of Milbank. (Ord. 669, Sec. 2, 2000)

11.20.070 No polluting of water. It shall be unlawful for any person to place any dirt, garbage, manure, or other offensive matter in any body or stream of water within the City of Milbank. (Ord. 669, Sec. 2, 2000)