

ORDINANCE NO 234-10

AN ORDINANCE FOR THE DECLARATION AND ABATEMENT OF PUBLIC NUISANCES

PURSUANT to SDCL 9-29-1 and consistent with the purpose of promoting the health, safety, morals and general welfare of the residents of the Town of Ramona and their posterity; and

WHEREAS, the Town Board believes a general definition of and a non-exhaustive list of enumerated conditions will serve to clarify potential public nuisance situations in the Town of Ramona; then therefore,

BE IT ORDAINED BY THE TOWN BOARD OF RAMONA , TO-WIT:

Section 1. Definitions.

Public Nuisance Unlawfully doing an act, or omitting to perform a duty which act or omission: (1) annoys, injures, or endangers the comfort, repose, health, or safety of others; (2) in any way renders other persons insecure in life, or in the use of property; (3) renders the ground, the water, the air, or the food a hazard or an injury to human health; (4) essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of property of others; and in addition (5) the specific acts, conditions, and things listed in Section 2 are hereby declared to constitute public nuisances, however such additional enumeration is not deemed to be exclusive

Section 2. The following are hereby declared to constitute public nuisances:

- A. Abandoned Property: Any deteriorated, wrecked, dismantled or partially dismantled, inoperable and/or abandoned property in unusable condition having no value other than nominal scrap or junk value, which has been left unprotected outside of a permanent structure from the elements. Without being so restricted, this shall include deteriorated, wrecked, dismantled, or partially dismantled, inoperable, abandoned and/or unlicensed motor vehicles, abandoned mobile homes, trailers, boats, machinery, refrigerators, washing machines, and other appliances, plumbing fixtures, furniture, building materials, and any other similar articles in such condition. This shall not include any item, which may be reasonably recognized as an antique by dealers in those types of items.
- B. Combustible Materials: Any dangerous accumulation upon any property of combustible refuse matter such as papers, sweepings, rags, grass, dead trees, tree branches, wood shavings, wood, magazines, cardboard, old tires, etc.
- C. Vegetation: Weeds and grass growing to a height of greater than twelve (12) inches.
- D. Obstructing Road Right of Ways (Excluding Alleys): Allowing vehicles, garbage, waste, refuse, or any discarded item or debris to accumulate within road right of way so that said items obscure the view of traffic at any intersection or block the passage of emergency vehicles on any public roadway.

Section 3. Enforcement Procedures

A. Complaint Received:

- 1. Upon a complaint being received the Town shall conduct an on-site investigation from the adjacent right-of-way, or from neighboring property, itself if permission granted to inspect from those locations.

2. Send property owner and resident a courtesy note asking for voluntary compliance, not to exceed 15 days, given to comply depending on clean-up required.
3. On-site recheck for compliance at end of given time period.
4. If nuisances are removed, thank you letter is sent.

B. If No Action Taken by Owner, No Contact:

1. Certified, Notice of Violation letter is sent with formal request to comply within fifteen (15) days clearly stating remedial action will be taken at owners expense.
2. If violation persists after fifteen (15) days, the Town may undertake legal action to remove the nuisance by either civil or criminal action, or by both.

Section 4. Civil Action.

A. Abatement By City.

The Town may request the Court order the property owner to clean up the property or in the alternative the Town may be permitted to abate the nuisance and be awarded a judgment for all costs and expenses including by not limited to attorney's fees and administrative costs of pursuing the action.

B. Special Assessment.

Upon entry of an order of a nuisance that as additional penalty the property owner is subject to a fine no to exceed \$200.00 per day for each day the nuisance exists commencing on the day the Court action is commenced.

TOWN OF RAMONA

Chairman of the Board

ATTEST

Town Finance Officer

First Reading

Second Reading

Published

Effective