

TITLE 5 - HEALTH CODE

CHAPTER 5-1 - ESTABLISHMENT OF HEALTH OFFICER

CHAPTER 5-2 - CONTAGIOUS DISEASES

CHAPTER 5-3 - DUMPING GROUNDS

CHAPTER 5-4 - GARBAGE

CHAPTER 5-5 - NUISANCES

CHAPTER 5-6 - RODENT ERADICATION

CHAPTER 5-7 - RESTAURANTS

CHAPTER 5-8 - SLAUGHTER HOUSES AND MEAT MARKETS

CHAPTER 5-9 - CATS

CHAPTER 5-1 - ESTABLISHMENT OF HEALTH OFFICER

5-1-1 Appointment

There shall be appointed at the time of the appointment of other municipal officers, a Health Officer who shall be an actively practicing physician employed in the City of Mobridge.

5-1-2 Powers

The Health Officer, in conjunction with the police officers of the City, shall exercise a general supervision over the health of the City and shall have general and direct supervision of the enforcement of the provisions of this title.

CHAPTER 5-2 CONTAGIOUS DISEASES

5-2-1 Power

The Health Officer, or Chief of Police, shall have the power and authority to enter any premises in the City in search of contagious diseases or nuisances. He/She shall have the power and authority to quarantine any premises, and to remove any persons suffering from, suspected of suffering from, or who has been exposed to said disease or nuisance. Said officer may place a sign denying general public access and/of denying affected persons to leave the premises per SDCL 34-22-12 and ARSD 44:20.

Every physician practicing within the city limits of Mobridge shall report Class I diseases or nuisance immediately to the Health Officer. The Health Officer shall notify the State Health Lab within 24 hours with the name, age, sex, and address of such case, the name of the disease, and the source of contamination, if known. Upon termination of said disease, the Health Officer shall also give the state notification. Class II diseases need to be reported within three days, using the same criteria. An updated list of classes of diseases shall be on file at local medical facilities.

5-2-2 Penalty

Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter; or who refuses or neglects to obey any of the rules, orders or sanitary regulations of the Health Officer, or

who omits, neglects or refuses to comply with any order or special regulation of the Health Officer, or who resists such officer, shall be subject to the penalty as provided in the Chapter of General Penalties of this Ordinance.

CHAPTER 5-3 DUMPING GROUNDS

5-3-1 Site of Landfill

The governing body has contracted with Walworth County to provide a place or places known as garbage collection sites or sanitary landfill for the deposit of all garbage, rubbish, metal debris, tires, appliances, ashes, grass cuttings, tree materials, and other waste and discarded materials collected or accumulated in the City. Such material shall be taken to and placed within the landfill in accordance with the rules and regulations promulgated by the Walworth County Commissioners.

5-3-2 Rubble Site

A rubble site shall be setup by the City for the acceptance of trees and tree branches, subject to regulations as set by the Council in regard to fees and ties of operation.

5-3-3 Refuse Hauling

Every domestic family unit and multiple dwelling shall have their normal quantity of refuse hauled by the garbage contractor. Businesses may contract with the city contractor or shall make other provisions to, in a timely manner, have their refuse hauled. Refuse derived from dismantling or remodeling homes or other building, new construction, including curb and sidewalks, fire damages, barn wastes, excavated earth or sand from contractors' projects or individual construction, shall be disposed of by the person, persons, firm or contractor responsible for such refuse. Refuse shall not include dead carcasses, carrion, entrails and bones of slaughtered animals, filth from any privy box or from a cesspool.

Properly cut tree debris, scrap lumber and metal debris, tires, appliances, mattresses, and other furniture may be collected by the City when authorized and directed by the governing body during designated clean-up periods. Some material may be subject to a fee to City Hall prior to collection. Citizen haulers shall be permitted to haul tree branches, tree trunks and other waste and rubbish to the collection site or sanitary landfill which they shall deposit at a designated location as directed by the County Sanitary Landfill Supervisor, except that car bodies, machinery and large pieces of scrap metal shall not be deposited or permitted at the garbage collection site or sanitary landfill area at any time unless authorized by the Walworth County Council. All applicable fees are the responsibility of the citizen hauler.

5-3-4 Refuse Deposit

No garbage, rubbish or waste material collected in the city shall be deposited at any location except such area or sites that are so designated or contracted for by the governing body.

5-3-5 Regulation Enforcement

The operation and enforcement of this Ordinance shall be vested in the City Council, Chief of Police and Health Officer. The City Council and Health Officer shall have the right to promulgate rules and regulations for the carrying out of the intents and purposes of this Ordinance, subject to the approval of the governing body. Any such rules and regulations so adopted shall be filed with City Finance Officer, who shall keep the same available for public inspection and published once prior to the effective date thereof.

5-3-6 Violations

Any person, persons, firms or corporations violating any of the provisions of this Ordinance or violating any rule or regulation promulgated by the City Council and Zoning Officer and approved by the governing body and duly published shall upon conviction thereof, be deemed guilty of a misdemeanor and punished pursuant to the penalties set forth under the General Penalties ordinance

Each day that a violation of the Ordinance, or any rule or regulation promulgated thereunder, shall be considered a separate offense, punishable upon conviction as stated.

Chapter 5-4, Garbage and Ashes, of the Revised Ordinances of the City of Mobridge, South Dakota, 1998 Ordinance in Revision No. 746 is REPEALED.

5 – 4A GARBAGE

5-4A-1 DEFINITIONS.

- A. The term “refuse” or “solid waste” as used in this chapter shall be interpreted to mean kitchen waste, an accumulation of animal and vegetable matter which attends the preparation, cooking, and eating of food; cans, bottles, paper, other waste materials ordinarily originating in a household, but excluding yard waste, tree limbs, industrial byproducts, building materials, metal objects more than 12 inches in length, ashes, dirt, rock, sand, brick, tile or concrete, asphalt, sewage and body wastes, and any object that will not fit into the waste container hereinafter defined.
- B. The term “owner” shall mean the actual owner of the building or real estate, either individual, partnership, or corporation, the agent of the owner in charge of such property, or the person to whom any rental or such property is paid.
- C. The term “occupant” shall mean the individual, the partnership, or the corporation that has the use of the building or real estate, either residence or commercial, or a part or a portion thereof, whether the actual owner, tenant, or sub-tenant. In the case of vacant buildings, residence or commercial, or any vacant portion of the building or real estate, the owner, agent or custodian shall have responsibility or an “occupant” of said property.

In the case of a multiple family building or residence, each family shall have the responsibility of the “occupant” of said building.

- D. The term “business building” shall mean any structure, public or private, that is adapted for occupancy, for transaction of business, for rendering professional services, for amusement, the display, sale or storage of foods, wares, or merchandise, or for the performance of work or labor, including – but not being limited in its application to hotels, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, warehouses, work shops, factories, and all out-buildings, sheds, barns, and other structures and premises used for business purposes.
- E. The term “residence building” shall mean any structure that is used for the housing and living quarters.
- F. The term “yard waste” shall mean organic materials that can be composted and shall be limited to yard and garden materials such as grass, leaves, weeds, and flower and vegetable garden waste. (2003)

5-4A-2 COLLECTION-RESIDENTIAL SERVICE.

A. General

All garbage, rubbish, rubble, and refuse created, produced, or accumulated in or about a dwelling house, residence building or place of human habitation in the City limits of the

City of Mobridge shall be removed from the premises at least once each week. The city may require a greater number of collections per week.

The city shall contract for lowest bid to a solid waste hauler for a period of three (3) years. The city shall set the billing rate by resolution and bill all residents on their utility statements. No billing will be done by the private hauler for residential service. (2005ORD810) (2003ORD798)

B. Property Owner's Responsibility

The owner or person in control of any private property, residence building or business building shall at all times maintain the premises free of commercial waste, household waste, garbage, infectious waste, industrial waste, rubble or yard waste except that used for composting. (2003)

C. Customer Containers and Location

1. No person or occupant shall deposit any refuse for collection by a licensed garbage collector or hauler, except in a suitable watertight metal or plastic container, with a tightly fitted cover or in a garbage dumpster/tote which may be provided. All paper, pasteboard boxes, building material waste, and similar rubbish and waste shall be deposited for collection in a box or bin provided with a lid which shall be kept closed.
2. The owner or manager of any dwelling who rents, leases, or lets dwelling unit(s) for human habitation shall provide in a location accessible to all dwelling units at least one 30-gallon receptacle for each dwelling unit, or receptacles with a capacity sufficient to prevent the overflow of garbage and rubbish from occurring, and receptacles for recycling, into which garbage, rubbish, and recyclable materials from the dwelling units may be emptied between days of collection. The owner or manager of the units shall subscribe to and pay or provide for garbage removal and recyclable service as required by ordinance.
3. Garbage containers shall be kept on the premises adjacent to an alley bordering on the premises so they are accessible from the alley adjoining the premises. Where no alley is available, they may be placed on the boulevard, driveway or parkway adjoining the premises on the day of garbage collection. If alleys become impassable, the City may order that residents place the containers in the boulevard, driveway or parkway adjacent to the premises on the day of garbage collection until such time as the alleys again become passable. (2003)

5-4A-3 COLLECTION-COMMERCIAL/BUSINESS ESTABLISHMENTS.

All commercial establishments, including but not limited to hotels, motels, food or beverage service establishments, and retail, wholesale, service, industrial and warehousing establishments, shall arrange for disposal of refuse generated by or accruing to such establishment by a licensed commercial garbage collector or hauler. This will not include churches or apartment buildings. (2003)

5-4A-4 COMMERCIAL GARBAGE COLLECTORS OR HAULERS.

A. General

It is unlawful for contract or commercial collectors or haulers to use the streets for the collection, removal or disposal of any receivable solid waste and yard waste without first having obtained a license to perform such services from the finance officer and upon approval by the City Council. As a condition to the granting of any said license, all commercial collectors and haulers shall agree to abide by all city ordinances or landfill regulations involving the collection or depositing of any receivable solid waste and yard waste. In the event any commercial garbage collector or hauler fails to abide by these said ordinances or regulations the City of Moberg reserves the right to terminate said license. This requirement does not apply to building contractors removing and disposing of receivable solid waste incidental to a construction contract, nor to any firm or individual who, for a fee engages in the removal of receivable solid waste for disposal for fewer than two days in any calendar year. (2003)

B. License Application

Application for license shall be filed and license fee paid in full at the office of the finance officer five (5) days prior to any consideration and approval by the council. The license fee shall be three hundred sixty five dollars (\$365.00) per year, without regard to the time of year of issuance, for commercial collectors or contract haulers collecting and transporting receivable solid waste including any one of the following types of material: garbage, household waste, industrial waste, and commercial waste. Such license shall also entitle holder to collect and transport yard waste and large trees and limbs. All licenses expire December 31 in the year they are issued. The license plate or placard issued shall be displayed on each such vehicle at all times. Licenses cannot be transferred. (2003)

C. Liability Insurance

Each license applicant shall, at the time of the submission of the license application, provide written verification to the city that the applicant met the financial liability requirement of state law for liability insurance coverage for the vehicles used in the collector's or hauler's business. (2003)

D. License Revocation, Suspension or Denial

The City Council may revoke, suspend, refuse to issue or transfer any license under this article to any licensee or applicant who fails to comply with the requirements of this article or engages in unfair business practices. Any license issued under the provision of this chapter may be suspended or revoked by the City Council for violation of any applicable provision of this chapter, any other City ordinance rule or regulation or provision of state or federal law by such licensee, its agent or employee. The council shall give fifteen days' written notice prior to hearing. (2003)

E. Rules and Regulations

The City Council is hereby empowered to promulgate and from time to time change any and all rules and regulations necessary for the conduct of garbage collectors and haulers.

5-4A-5 DUTY OF COLLECTORS AND HAULERS

Licensed collectors and haulers shall obey all the ordinances and all the rules and regulations of the City of Mobridge or its designated officer and report to the police department any violation of this chapter which may come to their notice. All licensed collectors and haulers may provide a subscription service for each customer. All charges for the collection of yard waste shall be made separate and distinct from any basic charges for all other collection services of receivable solid waste. Any violation of this article or other rules and regulations that may be made from time to time by the City of Mobridge, or any nonpayment of the fees provided by this article will result in the suspension or revocation of the license to haul. (2003)

5-4A-6 COLLECTION

Every licensed commercial collector or hauler shall collect receivable solid waste from the residence buildings at least once in each week and from the business buildings at least three times in each week. The collection for the business shall be made as early in the day as is convenient. When there is more than two inches of snow, the Street Superintendent may determine, when the residential and business alleys are passable for purposes of garbage collection. Commercial garbage collectors and haulers shall be under no obligation to remove receivable solid waste unless the payments for the removal of such receivable solid waste, as provided by arrangement with the customer, shall have been made. Every licensed commercial collector or hauler may, in addition to the regular collection, collect all yard waste. (2003)

5-4A-7 GARBAGE COLLECTION/HAULING VEHICLES

- A. Licensed collectors and haulers of garbage and/or commercial solid waste and industrial waste shall provide themselves with suitable vehicles which shall be all metal, water tight, and be of the packer type. Such vehicles shall be thoroughly washed and sanitized weekly from May through September and bi-weekly from October through April. Garbage shall be so loaded and unloaded so that the contents shall not fall or spill upon the ground. No article or item shall be carried on such vehicles so as to drag upon the streets.
- B. Licensed collectors and haulers of yard waste and large trees and limbs shall provide themselves with suitable vehicles, which, when transporting or loading, the contents shall not spill upon the ground. No articles or items shall be carried on such vehicles so as to drag upon the streets.
- C. It is prohibited for any licensed refuse collector or hauler to collect or haul wet refuse or material subject to rot, decay or putrefaction, or material or liquids emitting strong or noxious odors, in any type of vehicle except in an all metal, packer type vehicle.
- D. Any licensed commercial collector or hauler shall not operate a refuse collection vehicle except in conformity with this chapter and any other applicable ordinances.

- E. Painting and identification. Refuse hauling vehicles used by licensed collectors or haulers under this article shall be painted at regular intervals so as to be kept in a sanitary condition. Each vehicle shall identify the name of the collector or hauler. In addition, the box capacity shall be displayed on the left side of all compact vehicles in such a manner that the capacity numbering is visible from twenty-five feet. The tire weight shall be shown in like manner and shall be certified annually at time of licensing.
- F. Refuse truck weight limits. Trucks used for regular daily residential solid waste and yard waste collection, and commercial solid waste, shall adhere to all state size and axle weight limitations and shall, under no circumstances, exceed a total gross weight of 55,000 pounds.
- G. Premises where parked or serviced. The premises on which commercial refuse vehicles under this article are parked or serviced shall be kept free from rubble, trash, debris or garbage. They shall not be parked in a residential area. (2003)

5- 4A-8 VIOLATIONS

Any person, firm or corporation failing to comply with provisions of this Chapter shall be subject to a fine of two hundred dollars (\$200) for each day's failure to comply therewith and each day shall be a separate violation. In addition, any commercial garbage collector or hauler convicted of a violation of any terms of this Chapter shall forfeit his/her/its license for not less than 30 days. (2003)

5-4A-9 EFFECTIVE DATE

This Chapter shall not become effective until July 1, 2003. (2003)

CHAPTER 5-5 NUISANCES DANGEROUS TO THE PUBLIC AND MAINTENANCE AND SANITATION OF PREMISES AND BUILDINGS

5-5-1 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.

5-5-2 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.

(d) Building Official: As used in this ordinance, shall be construed to mean the City Health Officer, the Chief of Police, the Fire Chief, the Building Official, their respective authorized representatives, or any other city official authorized by the legislative body of this jurisdiction with enforcement of this ordinance.

5-5-3 Maintenance of Premises and Buildings Generally

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.

5-5-4 Enumeration of Conditions Constituting Nuisance

- (1) 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.
- (2) Undressed Hides. Undressed hides kept longer than twenty-four hours, except at the place where they are to be manufactured, or in a storeroom, or basement whose construction is approved by the Health Department.
- (3) Manure. The accumulation of manure, unless it be in a properly constructed fly-proof, pit, bin, or box.
- (4) Breeding Places for Flies. The accumulation of manure, garbage, or anything whatsoever in which flies breed.
- (5) Stagnant Water. Any excavation in which stagnant water is allowed to collect.

- (6) Weeds. Permitting weeds to grow to maturity, or permitting weeds or grass to grow in excess of 10" tall, on any property, including vacant lots. All noxious weeds are prohibited. (2006ORD841) (1998ORD746)
- (7) Dead Animals. For the owner of a dead animal to permit to remain undisposed of longer than twenty-four hours after its death.
- (8) Privies and Cesspools. Erecting or maintaining any privy or cesspool except such sanitary privies and cesspools, the plans of which are approved by the State Health Department.
- (9) Handling Garbage Improperly. Throwing or letting fall on or permitting to remain on any street, alley or public ground any manure, garbage, rubbish, filth, fuel or wood engaged in handling or removing any such substance.
- (10) Rodents. Accumulating of junk, old iron, automobiles, or parts thereon, or anything whatsoever in which Rodents live, breed, or accumulate.
- (11) Bonfires in Public Places. Burning, causing, or permitting to be burned in any street, alley, or public ground any dirt, filth, manure, garbage, sweeping, leaves ashes, paper, rubbish, or material of any kind.
- (12) Parking Livestock Trucks or Trailers in Residential Districts. Parking or permitting livestock trucks or trailers to remain on any street, area, or public ground in a residential district where such truck or trailer gives off any offensive odor or is contaminated with manure or other filth.
- (13) Buildings which are abandoned, boarded up, partially destroyed, or partially constructed and uncompleted subsequent to the expiration of building permits.
- (14) Building 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.
- (15) Broken windows, doors, attic vents and under floor vents.
- (16) Overgrown vegetation which is unsightly and/or likely to harbor Rodents or vermin.
- (17) Dead, Decayed, or diseased trees, weeds and other vegetation.
- (18) Trash, garbage, or refuse cans, bins, boxes, bags, or other such containers permanently stored in front yards visible from public streets.
- (19) Lumber, junk, trash, tires, debris or salvage materials maintained upon any premises which is visible from a public street, alley, or adjoining property.

- (20) Abandoned, discarded or unused furniture, stoves, sinks, toilets, cabinets, refrigerators, deep freezers, washer and dryer appliances, or other household fixtures or equipment stored on the premises.
- (21) Premises having topography, geology, or configuration which as a result of grading operations or improvements to the land causes erosion, subsidence unstable soil conditions, or surface or subsurface drainage problems as to pose a threat to or be injurious to adjacent premises.
- (22) Abandoned, wrecked, dismantled or inoperative trailers, campers, boats, and other motor vehicles which are accumulated or stored in yard areas.
- (23) Building exteriors, walls, fences, driveways, or walkways which are cracked, broken, defective, or deteriorated, in disrepair or defaced.
- (24) Any like and similar condition or conditions.
- (25) No person, firm or corporation shall 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 their 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.
- (26) Every privy in the City of Mobridge which is located upon any lot, part of a lot, or parcel of ground abutting upon a street in Mobridge along which an underground sanitary sewer passes adjoining said lot in front or on the side, is hereby declared to be a public nuisance.
- (27) Every outdoor privy in the City of Mobridge which is located upon any lot, part of a lot, or parcel of ground abutting upon a street in said City along which an underground City water main passes in front of or along the side of said lot; and where there is a sanitary sewer adjacent thereto, shall be provided by installation and maintenance of septic tanks or cesspools; and any such privy located adjacent to said water main and not having available sanitary sewer facilities as above described, which does not provide sanitary septic tanks or a cesspool, shall be and is hereby declared a public nuisance.

5-5-5 Required Sanitation of Buildings and Premises

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 or surrounding a house, place of business, or premises, in 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 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.

For sites where filling, grading, or excavation activities have or will span more than one year it shall be the duty of the owner, lessee, occupant or person in possession of said premises to level or remove the waste materials from said premises at least once each year during the months of either June, July, or August for the purpose of maintaining weed and rodent control.

5-5-6 Right of Entry

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the building official or his/her authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which is prohibited under this ordinance, the building official, or his/her authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this ordinance, provided that if such building or premises be occupied, he/she shall first present proper credentials and demand entry and if such building or premises be unoccupied, he/she 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 building official or his/her authorized representative shall have recourse to every remedy 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 has been made as herein provided, to properly permit entry therein by the building official, or his/her authorized representative, for purpose of inspection and examination pursuant to this ordinance. Any person violating this subdivision shall be guilty of a misdemeanor.

5-5-7 Notice to Abate, Issuance

Whenever the building official is notified that any condition or conditions prohibited in this ordinance exist on any premises located within the city, the building official 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 as follows:

- (a) If the building official has determined that the building or structure must be repaired, the order shall require that all permits be secured therefore and the work physically commenced within such time (not to exceed sixty days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.
- (b) If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the building official to be reasonable.
- (c) If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine reasonable (not to exceed sixty days from the date of the order), that all required permits be secured therefore within sixty days from the date of the order, and that the demolition be completed within such time as the building official shall determine is reasonable.

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 building official 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.

5-5-7.1 Notice of Violation and Order – Not Buildings.

Whenever an authorized city official determines or has grounds to believe that there has been a violation of this code, other than a building violation under Section 5-5-7, notice and order shall be given to the owner of the property where the violation is occurring, and/or the person or persons responsible for the property. Such notice and order shall:

- 1. Be in writing.
- 2. Include a description of the property where the violation is occurring, sufficient for identification.
- 3. Include a statement of the violation(s).
- 4. Include an order to correct the violation and bring the property into compliance with the provisions of this code within a specified reasonable amount of time.
 - a. Notice and Order to cut weeds and grass may be given at the beginning of or during the growing season and shall require the owner or person(s) responsible for the property, within seven (7) days after the mailing thereof and at all times subsequent during the growing season as may be necessary, to cut and remove all weeds and grass as described in Section 5-5-4(6).
- 5. Inform the property owner or other persons responsible of their right to appeal.
- 6. Be delivered either in person or by certified mail. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the property where the violation is occurring.

Whenever the owner, occupant, or agent of any premises in or upon which any nuisance may be found is unknown, or reasonably cannot be found, the city official shall proceed

to abate the issuance 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. (2006ORD841; 1998ORD746)

5-5-8 Right of Appeal from Building Official's Determination

The owner, or any person affected, shall have the right of appeal to the City Council for investigation and review of the building official's determination. Such appeal shall be in writing, shall state the objections of the person filing the same, shall be filed with the City Finance Officer within ten days after the date of posting, publishing, serving, or mailing of notice to abate, and shall be presented to the City Council by the City Finance Officer at its next regular meeting. The City Council shall determine by resolution whether the building official 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.

5-5-9 Abatement of City

In the event that a person shall fail to abate any nuisance created, permitted, or maintained by him/her following written notice to do so, the Building Official shall cause such nuisance to be abated. . In the event one notice to abate a nuisance has been provided to a property and that property again is the subject of a like kind nuisance, the Building Official shall cause such nuisance to be abated without further notice.

The Building Official shall prepare a statement of expense incurred in the raising, demolishing, removing, reconstruction, or other affirmative act necessary to abate the unlawful conditions and shall file such statement with the City Finance Officer. Such statement shall refer to the particular premises including and improvement, 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.

Upon receipt of the statement referred to herein, the City Finance Officer shall add to the expense an administrative fee which shall be an amount set by Resolution to compensate the City for the additional time and costs of City personnel associated with abating the nuisance condition.

5-5-10 Alternate Abate Procedure

In addition to any method of abatement of nuisance 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.

5-5-10.1 Emergency Action Without Notice

This Article shall not apply to any nuisance that an authorized city official believes is an immediate danger to any person(s), in which case said official may take

emergency action to abate the nuisance immediately without the Notice and Order described in Section 5-5-7. (2006ORD841)

5-5-11 Notice of Equalization Assessment

Within 30 days after the receipt of the expense statement referred to in 5-5-9, the City Finance Officer shall cause the expense statement to be billed to and 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 personally or by mail addressed to his/her last known address, or to the general delivery, Mobridge, South Dakota, 57601, if such address is unknown.

For any billing statement which remains unpaid more than 90 days after service, the City Finance Officer shall add an Additional Administrative Fee which shall be an amount set by Resolution to compensate the City for the additional time and costs of City personnel associated with assessing the costs as a lien on the property upon which nuisance was abated.

5-5-12 Equalization of Assessment; Hearing

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

5-5-13 Recovery of Expenses-Special Assessment

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

5-5-14 Recovery of Expenses-Civil Suit

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

5-5-15 Property Demolition Requirements

Upon demolition of real estate, the property owner(s) shall remove all basement concrete or wood walls and floors at the expense of the owner and shall cap the sewer and water at its access point within 10 days. The demolition shall be under the direction of the Code Enforcement Officer and the disconnecting and/or capping of sewer and water shall be inspected and approved by the Water Superintendent. (2006ORD838; 2005ORD824)

CHAPTER 5-6 RODENT ERADICATION

5-6-1 Definitions

Terms used in this chapter, unless the context otherwise plainly requires, shall mean:

- A. "Business Building" - Any structure, either public or private, that is adapted for occupancy for transaction of business, play, sale or storage of goods, wares or merchandise, or for the performance of work and labor, including, but not being limited in its application to hotels, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, work shops, factories, and all out buildings sheds, barns and other structures on premises used for business purposes.
- B. "Rodent-proofing" - A form of rodent -proofing to prevent the ingress into business buildings, from the exterior or from one business building to another. It consists essentially of the closing, with material impervious to rodent gnawing, of all openings, in the exterior walls, ground on first floors, basements and foundations, that may be reached by rodents from the ground by climbing or by burrowing.
- C. "Rat Harbors" - Any condition which provides shelter or protection for rodents, thus factoring their multiplication and continuous existence in, under or outside of a structure of any kind.
- D. "Health Officer" - The City Health Officer, or his or her authorized representative.
- E. "Owner" - The actual owner of the business building, either individual, partnership or corporation, the agent of the owner in charge of said building, the person having custody of said building, and the person to whom any rental upon said building is paid. In case of business buildings leased under agreement that the lessee will in such cases also be considered as the "owner" for the purpose of this Ordinance.
- F. "Occupant" - The individual or partnership who, or the corporation that, has the use of or occupies any business building, or a part or portion thereof, whether the actual owner, tenant or sub-tenant. In the case of vacant buildings, or any vacant portion of a business building, the owner, agent or other person having custody of said building, shall have the responsibilities or an "occupant" of said building.

5-6-2 Rodent -proofing Buildings

It is hereby provided and required that all business buildings in said City shall be rodent - proofed, freed of rodents, and maintained in a rodent -proof and rodent -free condition, and to repair all breaks and leaks that may occur in the rodent-proofing, under the direction and supervision of the Health Officer.

5-6-3 Notice to Owners

Upon receipt of written notice and/or order from the Health Officer, the owner of any building specified in said notice or order shall take immediate steps for rodent -proofing said building, and unless said work and improvements required for such rodent -proofing have been completed by the owner of said building in the time specified in said written notice or order, or within the time to which a written extension may have been granted by the Health Officer, then the owner shall be deemed to have violated a provision of this Ordinance.

5-6-4 Notice, Charge Against Owner

Whenever the Health Officer notifies the occupant of a business building that there is evidence of rodent infestation of said building, said occupant shall immediately institute appropriate steps for freeing the premises of all rodents, and unless suitable measure for freeing said building of Rodents are instituted within ten days after receipt of such notice, and unless continuously maintained in a reasonable manner until said building is free of rodents, the Health Officer is hereby authorized and directed to free said building of rodents and to levy a charge against the occupant to cover the charge for labor, materials and equipment necessary for the eradication measures carried out.

5-6-5 Inspections

The Health Officer is empowered to make unannounced inspections of both the interior and exterior of business buildings within said City as in his or her opinion may be necessary to determine whether there has been a full compliance with this Ordinance, and to require a full compliance with this Ordinance. If at any time of any such inspection, the Health Officer finds evidence of rodent infestation, and/or the existence of breaks and leaks in the rodent -proofing, or new openings through which rodents may again enter said building, the Health Officer shall serve upon the owner or occupant of said building a notice and/or order to abate the conditions so found.

5-6-6 Installation of Floors

Whenever conditions inside or under business buildings provide such extensive harbors for rodents that the Health Officer deems it necessary to eliminate such harbors, he or she may require the owner to install cement floors in basement or to replace wooden first floors or ground floors or require the owner to correct such other interior rodent harbors as may be necessary in order to facilitate the eradication of rodents in a reasonable length of time.

5-6-7 Removal of Rodent -Proofing

It shall be unlawful for the occupant, owner, contractor, public utility company, plumber or any other person to remove the rodent -proofing from any business building for any purpose and fail to restore the same in a satisfactory condition; and, in like manner, it shall be unlawful for any such person to make any new openings that are not sealed or closed against the entrance of rodents.

5-6-8 Storage of Feed

All food and feed kept within said City for feeding poultry, cattle, swine, horses or other animals shall be kept and stored in rodent -free and rodent -proof building.

5-6-9 Metal Containers

All garbage or other refuse consisting of waste, animal or vegetable matter upon which rodents may feed, and all small dead animals, shall be placed and stored, until collected by the garbage department, in covered metal containers, and it is hereby declared to be a violation of this Ordinance for any person, firm or corporation to dump or place on any premises any dead animals, or any waste, vegetable or animal matter of any kind.

5-6-10 Dumping of Garbage or Rubbish Unlawful

It shall be unlawful for any person, firm or corporation to place, leave, dump or permit the accumulation of any garbage, rubbish or trash in any building or upon any premise so that the same shall or may provide food or harbors for rodents.

5-6-11 Storage of Lumber and Other Material

It shall be unlawful for any person, firm or corporation to permit to accumulate upon any premises, whether improved or vacant, or upon any open lot or alley in said City, any lumber, boxes, barrels, bricks, stones, or any other materials that may be permitted to remain thereon for any longer time than a temporary period reasonably required for the use of such materials in the building or repairing of property, unless the same shall be evenly piled or stacked so that such material will not afford harbors for rodents. That all persons and businesses shall store firewood on their premises in a neat pile with no junk materials mixed in with the firewood. no more than two cords of wood may be stored at a time.

CHAPTER 5-7 RESTAURANTS

5-7-1 License

It shall be unlawful for any person to operate a restaurant in the City who does not possess a license to do so issued by the State of South Dakota, under the provisions of SDCL 34-18 and acts amendable thereto.

5-7-2 Regulations

Every restaurant in the City shall conform to all sanitary regulations in the operation of said restaurant as provided by SDCL 34-18 and acts amendable thereto or as may hereafter be provided by the rules and regulations of the Department of Agriculture of the State of South Dakota.

5-7-3 Inspection

The Health Officer of the City shall have the right to inspect any such restaurant at any time and to report infractions of sanitary regulations to the Department of Agriculture of the State of South Dakota.

CHAPTER 5-8 SLAUGHTER HOUSES AND MEAT MARKETS

5-8-1 Offensive and Unwholesome Material on Premises

It shall be unlawful for any person or persons, firm or corporation engaged in the business of slaughtering animals or packing them for market, or rendering of any animal matter, or conducting a meat market within the City limits or within one mile thereof, to permit or suffer to remain on the premises where such business is carried on, any decaying meat, blood, bones, offal, filth or other animal matter so that the same shall become offensive and unwholesome and endanger health or be a nuisance to the neighborhood. Such premises shall at all times be kept in a clean, healthy and inoffensive condition.

5-8-2 May Enter for Inspection

The Health Officers and police of the City, and any or all of their assistants, shall be permitted free entrance at all hours of the day or night to all places used for any purpose specified in this Chapter, and shall have the right to free unrestrained examination of such places and of the machinery and utensils therein contained, and of the meat or provisions therein exposed for sale and the manner of conducting and operation such business.

5-8-3 Destroying Spoiled Meats, etc.

If in the opinion of the Health Officers of the City, any meat provisions exposed for sale in any market, shop or other building in the City are tainted, putrid, unwholesome and dangerous to the public health, it shall be the duty of the Health officer of the City to serve notice in writing upon the person exposing for sale such meat provisions, requiring him or her to destroy the same in such manner and within such time as shall such notice be prescribed, and if the person so served neglects to conform to such notice, it shall be the duty of the Health officer to destroy such meat provisions at the expense of the City, and report in writing to the City Council the amount of such expense and the name of the persons exposing such meat provisions for sale, and the person violating the provisions of this Section shall be liable to the City for any expense incident to the abatement of this dangerous and unwholesome condition.

CHAPTER 5-9 CATS

5-9-1 Cats as a Nuisance

No person owning a cat confined on his/her premises, running at large or otherwise, shall suffer or permit such cat to disturb the peace and quiet of the neighborhood by continuously making loud or unusual noises, depositing upon any public or private property offal or excrement from a cat or cats, fighting or interfering with the property of others.

5-9-2 Notification of Violation

Upon a complaint to the animal control officer that any person is keeping or harboring any cat which disturbs the peace as herein set forth, it shall be the duty of the animal control officer to notify the owner of such cat in writing of said complaint; after said owner has been given forty-eight hours notice of such violation the animal control officer, police officer, and any person with proper authority is empowered to go upon the premises and impound any such cat so disturbing the peace. If there is no known owner of the cat, then the cat may be immediately impounded.

5-9-3 Disposal of Cats

All cats impounded shall be disposed of pursuant to Section 6-4-4 of the City Ordinances except that no license for the cat is required. (2001 ORD 783)