

ORDINANCE #685

NUISANCES

AN ORDINANCE OF THE CITY OF HARTFORD, SOUTH DAKOTA, AMENDING ORDINANCE 430, TITLE 3 – HEALTH AND SANITATION, CHAPTER 3.01 – NUISANCES, SECTION 3.0102 (C) (F) AND (H) - PROHIBITED;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HARTFORD, SOUTH DAKOTA:

THAT TITLE 3, CHAPTER 3.01, SECTION 3.0102(C) (F) & (H) BE AMENDED AS FOLLOWS:

3.0102 Prohibited. No person shall create, commit, maintain, or permit to be created, committed, or maintained any nuisance as defined herein, within the City. The following specific acts, conditions and things are, each and all of them, hereby declared to constitute nuisances: (SDCL 9-32-1)

C. The growth of weeds or plants declared to be a statewide or local noxious weed in Minnehaha County pursuant to SDCL Chapter 38-22, all weeds declared to be locally noxious by the City Council, and all other weeds and grasses growing upon any real property in the City to a height greater than 8 inches, or which have gone or are about to go to seed, or a dense growth of brush or grasses, shall be deemed noxious, dangerous and unhealthful vegetation and are hereby declared to be a nuisance. Fallen tree limbs, diseased or dead trees, and dead tree limbs shall also be declared dangerous and a nuisance, provided, however, that vegetation that is not a primary or secondary noxious weed and is being grown as hay for livestock consumption, as a native prairie display garden, or as a wildflower display garden, or other nature areas, so long as the same are approved to be used as such by the City Council, shall not constitute a nuisance.

Violation of this section in undeveloped areas, defined as a parcel with no building or structure upon it, will be subject to a fine of \$250.00 for the first violation and \$500.00 for each additional violation within the same year. Upon failure to comply, the City is hereby authorized to abate the nuisance per section 3.0118 or pursue civil action per section 3.0121.

F. Throwing or letting fall on or permitting to remain on any street, alley, or public ground any manure, garbage, rubbish, filth, grass, fuel or wood while engaged in handling or removing any such substance. (SDCL 9-32-10)

H. Disposing of garbage, waste, refuse, leaves, or hazardous materials by open burning, or causing, allowing, or permitting the conducting of a salvage operation by open burning in the City. The following types of open burning shall be permissible for a specific purpose when conducted in conformity with the subsections set forth below:

1. Fires set for the elimination of a fire hazard, which cannot be abated by any other means when authorized by the Fire Chief of the City Volunteer Fire Department.

2. Fires purposely set by the city maintenance personnel for the purposes as authorized by the Fire Chief of the City Volunteer Fire Department.
3. Fires purposely set by the Hartford Area Fire and Rescue Inc personnel and authorized by the Fire Chief for the purpose of training and conducted in accordance with live fire-training standards.
4. Fires for the heating or cooking of food for human consumption in residential areas and City of Hartford parks.
5. Fires for recreational purposes when the fires are confined to a fireplace or fire pit.
6. Fires for ceremonial purpose that are authorized by the City Administrator

Adopted this 21st day of April 2020.

Mayor Jeremy Menning

ATTEST:

Karen Wilber, Finance Officer

(seal)

First Reading: April 7, 2020
Second Reading and Adoption: April 21, 2020
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