Title 8

HEALTH AND SAFETY

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Chapter 8.06

BODY PIERCING AND TATTOOING ESTABLISHMENTS

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8.06.010 Regulation of body piercing and tattooing establishments.
It is unlawful to operate or maintain a temporary or permanent place of business which performs body piercing or tattooing on the human body in the city without first having registered the establishment with the city therefor, and in the case of a temporary place of business, a vendor license from the city. Any place of business that operates a body piercing or tattooing establishment or a person who performs body piercing or tattooing in a temporary operation only is considered a temporary business. Such a business is hereinafter defined. (Ord. 700 (part), 2011: Ord. 506 (part), 1999)

8.06.020 Definitions.
As used in this chapter:
"Body piercing" means placement of a permanent or temporary foreign object in a person's body such as ears, nose, lips, genitals, nipples or parts thereof, for decorative or other non-medical purpose by a person not directly under the supervision of a licensed physician as defined by SDCL 36-4-11.
"Body piercing or tattooing area" means within a body piercing or tattooing establishment, the immediate vicinity where body piercing or tattooing is performed.
"Body piercing or tattooing artist" means an adult (not a minor) who engages in the practice of body piercing or tattooing.
"Body piercing or tattooing establishment" means the building or structure where body piercing or tattooing is practiced.
"Business" means the activity of buying and selling.
"City official or his designee" means the individual directed by the city council.
"Communicable disease" means a disease which is capable of being transmitted from person to person.
"Minor" means a person who is under the age of eighteen (18) years.
"Operating" means in action, functioning on a year-round basis.
"Patron" means a person who undergoes body piercing or tattooing.
"Permanent body piercing or tattooing establishment" means a building where body piercing or tattooing is practiced on a year-round basis exceeding twenty-four (24) days in a calendar year.
"Sharps" means needles, punches or any other single use item for piercing skin.
"Tattooing" means to puncture the skin of a person with a needle and insert indelible permanent colors through the puncture to leave permanent marks or designs.
"Temporary body piercing or tattooing establishment" means a building or structure where body piercing or tattooing is practiced for up to 24 days in a calendar year.
"Year" means a twelve (12) month period. (Ord. 700 (part), 2011: Ord. 506 (part), 1999)

8.06.030 Adoption of state statutes and regulations.

The standards set forth in SDCL 9-34-17 and ARSD 44-12 shall constitute the standards for body piercing and tattooing in the city. (Ord. 700 (part), 2011)

8.06.040 Restricted activities.

A. Body Piercing or Tattooing Artist. A body piercing or tattooing artist may not engage in the practice of body piercing or tattooing while under the influence of alcohol or other mind-altering drugs. Minors are prohibited from the practice of body piercing or tattooing. A body piercing or tattooing artist who knowingly has an infectious disease in a communicable state may not body pierce a patron. Infectious diseases include rashes, skin lesions, boils and blood borne diseases such as viral hepatitis B and human immunodeficiency virus (HIV) infection. A body piercing or tattooing artist shall wear clean, laundered clothing and shall bathe daily.

B. Patrons Restricted/Notice Posted. A body piercing or tattooing artist may not body pierce or tattoo a patron without first obtaining a signed consent. The consent must include a statement by the patron that he is free from infectious or contagious disease in a communicable stage. This includes rashes, skin lesions, boils and blood borne diseases such as viral hepatitis B and human immunodeficiency virus (HIV) infection. A body piercing or tattooing artist may not pierce or tattoo a patron with evident skin lesions or skin infections or who is known or suspected to have an infectious or contagious disease in a communicable stage. No body piercing or tattooing artist may body pierce or tattoo a patron who is under the influence of alcohol or other mind-altering drugs.

C. Minors. Minors may not be body pierced or tattooed unless the minor's parents have signed a notarized consent form authorizing the body piercing or tattooing, or one of the minor’s parents is present at the time of the body piercing or tattooing. A body piercing or tattooing artist shall conspicuously post a notice stating that it is illegal to body pierce or tattoo any person under the age of eighteen (18) without the parents’s signed consent. (Ord. 700 (part), 2011: Ord. 506 (part), 1999)
Body piercing and tattooing artist's requirements for facilities.

A. General Provisions. A body piercing or tattooing establishment must be a minimum of sixty (60) square feet for one body piercing or tattooing artist and forty (40) square feet for each additional artist. A body piercing or tattooing establishment must be physically separated from other facilities used for practices other than body piercing or tattooing. A minimum of thirty (30) foot-candles of light shall be provided for body piercing or tattooing and a minimum of ten (10) foot-candles for general lighting. Floors and walls of the area must be smooth, easily cleanable, nonabsorbent and in good repair. Ceilings above the body piercing or tattooing area must be smooth, easily cleanable and in good repair. In no event may a tent be used as a body piercing or tattooing establishment.

B. Handwashing Facility Required. An easily accessible hand washing facility supplied with warm, potable running water must be provided in or directly adjacent to the body piercing or tattooing area. Each hand washing facility must be provided with liquid soap and single use paper towels.

C. Toilet Facilities. Toilet facilities must be available for employee or patron use.

D. General Use Equipment. Tables, chairs and other general use equipment must be constructed of plastic, metal with enamel or porcelain coating, or stainless steel. General use equipment must be maintained in an easily cleanable condition. Covered waste containers with single use plastic liners must be provided.

E. Animals Prohibited/Restricted Activities. Animals other than guide dogs are prohibited in body piercing or tattooing establishments. Smoking, eating and drinking are prohibited within ten (10) feet of the body piercing or tattooing area. Except for beauty salons, body piercing or tattooing establishments may not be used for activities which are not directly associated with the practice of body piercing or tattooing.

F. Maintenance. A body piercing or tattooing establishment must be maintained in a clean, sanitary, vermin free condition and in good repair.

G. Inspection. A body piercing or tattooing establishment must be inspected at least annually by the South Dakota Department of Health to determine compliance with this chapter.

H. Required Equipment. A body piercing or tattooing artist must have the following minimum equipment:

1. One gallon each of germicidal soap, isopropyl alcohol and distilled water for prepping skin;
2. Three hundred (300) disposable latex or vinyl examination gloves;
3. Access to the applicable sterilization and sanitization measures in this chapter;
4. Closed dust-proof containers for the exclusive storage of instruments;
5. Gauze and bandages.
6. Any other equipment required for compliance with any section of this chapter. (Ord. 700 (part), 2011: Ord. 506 (part), 1999)

General safety requirements.

A. Communicable Disease Reporting. A body piercing or tattooing artist shall immediately report to the South Dakota Department of Health any known or suspected communicable disease.

B. Record of Patrons. A body piercing or tattooing artist shall keep a record of each patron which includes name, address, age, consent form with medical inquiry and the locations and description of body piercing or tattooing. This record must be available for inspection and kept for a period of at least two (2) years.
C. Sterilization.

1. Sterilization Methods. All equipment, including but not limited to forceps, needles, snap gun and punches, must be sterilized by using the method of steam pressure sterilization with at least fifteen (15) pounds of pressure per square inch for at least thirty (30) minutes at a temperature of two hundred fifty (250) degrees Fahrenheit. This must be certified by a chemical indicator attached to the autoclave bag, which turns color when the appropriate temperature has been reached. A body piercing or tattooing establishment owner or operator shall provide lab result slips which state that each autoclave has been bacteriologically tested and passed on a monthly basis. Dry heat is not an acceptable method of sterilization for the purpose of this chapter.

2. Sterile Equipment—Packing and Storage. All sterile equipment and supplies shall be stored in a closed dustproof container in such a manner as to prevent being contaminated. Forceps and other equipment shall be packaged prior to autoclaving, either individually or in quantities for individual body piercing or tattooing. Packages containing equipment which has been autoclaved shall be dated with an expiration date. The expiration date shall not exceed thirty (30) days from the date autoclaved. Sterile equipment shall not be used after the expiration date without being re-sterilized.

3. Needles Construction—Sterilization Required. All needles must be either stainless steel or nickel plated carbon steel. Needles are a single service item and must be destroyed. Rusty or faulty needles may not be used for body piercing.

4. Snap Gun. Snap gun piercing is restricted to non-cartilaginous lobule portion of the ear. The gun shall be disinfected after each use with Glutaraldehyde two percent solution as noted in Appendix A, which is located at the end of this chapter or a disinfectant that will kill HIV and hepatitis virus, such as, but not limited to, the following:

Let's Touch:  
- Benzyl-p-chlorophenol δ 5.25%  
- Phenylphenol δ 1%  
- Inert ingredients δ 93.75%

Ultraceare:  
- Alkyl dimethyl benzyl ammonium chloride δ 2.25%  
- Alkyl ammonium chloride δ 2.25%  
- Inert ingredients δ 95.5%

Barbicide Plus:  
- Sodium Ortho benzyl para chlorphenate δ 4%  
- Sodium Ortho phenzyl phenol δ 2.85%  
- Sodium para teriarzy aurylphenace - 2.49%  
- Inert ingredients δ 90.29%

D. Razor Requirements. Razors shall be disposable single-use only. Single-use razors shall be used for one patron only and shall then be discarded.

E. General Use Equipment—Sanitation Required. All surfaces, counters and general use equipment in the body piercing or tattooing area must be cleaned and sanitized before a patron is seated. See Appendix B, which is located at the end of this chapter for a listing of approved sanitizing solutions.
F. Linen Cleaning and Storage. Cloth towels, robes and similar items used in conjunction with body piercing or tattooing shall be laundered in a washing machine with hot water, laundry detergent and chlorine bleach between uses. A closed, dust proof container shall be provided for the storage of clean towels and linen. A hamper or similar receptacle shall be provided for the storage of soiled towels and linen.

G. Hygienic Practice - Gloves Required. Each body piercing or tattooing artist shall use antiseptic techniques at all times in the practice of body piercing or tattooing. A body piercing or tattooing artist shall scrub his hands with liquid soap and water thoroughly before beginning preparation to body pierce or tattoo. Hands shall be dried with individual single use paper towels. At all times when preparing the skin and while doing the actual body piercing or tattooing, the body piercing or tattooing artist shall wear latex or vinyl exam gloves, which shall be discarded upon completion of the body piercing or tattooing.

H. Skin Preparation. The skin area to be body pierced or tattooed shall be shaved if needed and shall be washed with tincture of green soap or a similar antiseptic soap and water, rinsed, dried, and then washed with seventy (70) percent isopropyl alcohol. A single use gauze pad or tissue shall be used for washing the skin. All single use products used shall be discarded as they are used and become contaminated.

I. Use of Styptics. Styptics, if used to arrest bleeding, shall be used only in liquid or powder form and shall be applied with cotton swabs or gauze which shall be immediately discarded.

J. Care of Pierced or Tattooed Area. Complete instructions as to the care of the piercing or tattooing area shall be supplied by the person doing the body piercing or tattooing.

K. Storage of Spoiled Equipment. Upon completion of body piercing or tattooing, a body piercing or tattooing artist shall immerse the equipment in an effective sanitizing solution, as identified in Appendix A at the end of this chapter, until said equipment can be cleaned and sterilized.

L. Disposal of Contaminated Products. Gauze, cotton swabs or other single use products which are contaminated with body fluids shall be sealed. When needles or other multiple use products used in conjunction with the practice of body piercing or tattooing are disposed of, they shall be securely sealed. Sharps containers for used needles or other contaminated sharps shall be stored or disposed of separately from other waste material. (Ord. 700 (part), 2011: Ord. 506 (part), 1999)

8.06.070 License/Registration for temporary facilities.

A. Vendor License Required. Any person, firm, corporation, partnership or association which intends to operate a temporary body piercing or tattooing establishment within the corporate limits of the city for any timeframe up to twelve (12) days shall be required to purchase a transient merchant permit for each structure, stand location or place for each artist performing body piercing or tattooing. The city shall give the transient merchant permit to the city enforcement officer or his designee, who may go upon the premises of any person, firm, corporation, partnership or association performing body piercing or tattooing to ensure that the provisions of this chapter are being followed. If the business is in compliance with all regulations, both state and municipal, the city official or his designee shall then issue the transient merchant permit to the person, firm, corporation, partnership or association performing body piercing or tattooing services at each location, which shall include all sanitation fees.

A South Dakota state tax number shall be presented at the time of applying for a vendor license.
B. Registration. Temporary body piercing or tattooing artists shall register such establishment with the city.

C. Fee and Duration of License.
   1. A temporary body piercing or tattooing business shall pay a vendor license fee for each twelve (12) consecutive day period or portion thereof in any calendar year. This fee shall include all sanitation charges. The city shall note on the license the time period for which it is effective.
   2. A temporary body piercing or tattooing business may purchase only two vendor licenses per artist per twelve (12) month period.
   3. An artist may apply for both body piercing and tattooing under the same licensure fee, as long as the provisions under each respective ordinance are met. (Ord. 700 (part), 2011: Ord. 506 (part), 1999)

8.06.080 Health officer to issue license.

Upon completion of the registration process set forth above, the city shall give the vendor's license to the State Health Officer or his designee, who shall go upon the premises of any person performing body piercing or tattooing to insure that the provisions of this chapter are being followed. (Ord. 700 (part), 2011)

8.06.090 Penalty for violation.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a Class II misdemeanor. (Ord. 700 (part), 2011: Ord. 506 (part), 1999)

8.06.100 Assistance of Department of Health.

The city official or his designee may enlist the assistance of the South Dakota Department of Health to ensure that all provisions of this chapter are being followed. (Ord. 700 (part), 2011: Ord. 506 (part), 1999)
Appendix A

APPENDIX A

The following methods are approved for immersion of soiled equipment such as instruments and straight-edge razors prior to cleaning and sterilization:

1. Immersion in Glutaraldehyde two percent solution mixed according to manufacturer's instructions. Minimum contact time is ten (10) minutes. Thorough rinsing of equipment is required after use. Solution may cause chemical burns on the skin. Wear gloves.

2. Immersion in a five hundred (500) ppm solution of chlorine. (This requires a 1:100 dilution of 5.25% sodium hypochlorite (bleach) which is equivalent to two (2) teaspoons bleach per quart of water). A minimum contact time of ten (10) minutes is required to be effective. This solution shall be mixed fresh daily and may corrode metal instruments.

3. Immersion in a solution of seventy (70) percent isopropyl alcohol for a minimum of ten (10) minutes. Flammable. Use and store in cool, well ventilated area.

4. Immersion in a phenolic germicidal detergent solution for a minimum of ten (10) minutes. Mix according to manufacturer's instructions.

5. Immersion in an Iodophor germicidal detergent solution formulated as a disinfectant. Minimum contact time is ten (10) minutes. May stain instruments.

NOTE: After immersion in any of these solutions, instruments, needles, tubes, razors or similar equipment, shall be thoroughly cleaned, rinsed with warm water, dried thoroughly, and individually packaged for sterilization as described in Section 8.06.060(C)(1).
Appendix B

APPENDIX B

The following methods are approved for cleaning of environmental surfaces such as counter tops, floors, walls and chairs:

1. Application of any EPA approved Quaternary ammonium germicidal detergent solution. (Benzalkonium chloride is not acceptable.) Dilutions must be according to manufacturer's instructions.

2. Application of Phenolic germicidal detergent solution mixed according to manufacturer's instructions. (May cause skin irritation.)

3. Application of one hundred (100) ppm solution of chlorine. (This requires a 1:500 dilution of 5.25% sodium hypochlorite (bleach) which is equivalent to one-half teaspoon bleach per quart of water.) A minimum contact time of ten (10) minutes is required to be effective. This solution shall be mixed fresh daily.

NOTE: If using spray bottles for application of these solutions, the following procedure shall be followed: Each time the bottle needs refilling, any remaining old solution shall be discarded, the bottle rinsed, and fresh solution poured into the spray bottle. (Never add fresh solution to remaining old solution.)
Chapter 8.08

FIRE SAFETY REGULATIONS

Sections:

8.08.010 Obstructing fire hydrant.
No person shall erect or place any obstruction, nor pile any goods or other things within fifteen (15) feet of a fire hydrant or plug. (Ord. 732, 2013; Prior code § 10-409)

8.08.020 Driving over fire hose.
No vehicle shall be driven over any fire hose nor against any fire apparatus. No member of the fire department shall run any fire truck over any hose or against any apparatus in service unless same is necessary in the performance of duty. (Ord. 732, 2013; Prior code § 10-410)

8.08.030 Right-of-way.
It shall be the duty of all persons to give any fire truck coming to or from a fire alarm the right-of-way. (Ord. 732, 2013; Prior code § 10-411)

8.08.040 Definition of fire apparatus.
"Fire apparatus," as used in this chapter, shall include fire trucks, hose carts, ladder wagons or ladder trucks and vehicles carrying members of the fire department, which vehicles must display the insignia or sound the bell or siren of the city fire department. No driver of any vehicle carrying such bell or siren shall permit such bell or siren to be sounded within the city except for responding to fire alarms. (Ord. 732, 2013; Prior code § 10-412)
8.08.050 Vehicles to draw to the curb.
Immediately upon the approach of any fire apparatus going to a fire all vehicles including bicycles, shall draw as near as possible to the curb and remain standing until such fire apparatus shall have passed. (Ord. 732, 2013; Prior code § 10-413)

8.08.060 Following fire apparatus.
It shall be a misdemeanor for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or to drive into or park such vehicle within the block where the fire apparatus has stopped in answer to a fire alarm. (Ord. 732, 2013; Prior code § 10-414)

8.08.070 Alarms.
It is unlawful for any person to deface, injure or tamper with any fire alarm, telegraph box, telephone box or wire, or any apparatus used or connected therewith, or in any manner to open or give any fire alarm except in case of fire. (Ord. 732, 2013; Prior code § 10-415)

8.08.080 Hydrants.
It is unlawful for any person to unscrew or remove any cap of any water hydrant, or in any way interfere with such hydrant, except in such manner as provided by an ordinance or regulations of the fire department. (Ord. 732, 2013; Prior code § 10-416)

8.08.090 Consent necessary to work on alarms.
It is unlawful for any person to loosen or in any way change or remove any installation belonging to, used or connected with a fire alarm without having fire obtained consent of the chief of the fire department for that purpose. (Ord. 732, 2013; Prior code § 10-417)

8.08.100 Permit required for open burning.
The starting of a fire within the city limits or the permitting of a fire to burn in the presence of a person or a group of persons is prohibited, unless a burn permit to do so is first obtained from the chief of the fire department or a designated official of the fire department for the city. "Fire," as used in this section, means any fire to burn, brush, grass, stubble, in a sparkproof incinerator or otherwise, except that a permit shall not be required for wood-burning stoves, fireplaces and grills, whether private or in recreational areas. (Ord. 732, 2013; Ord. 279, 1983; prior code § 10-500)
8.08.110 Outdoor recreational open burning.

Within the city limits a burn permit will not be required for outdoor recreational open fires on private land, public land or developed recreation sites that meet the South Dakota Department of Agriculture Division of Forestry guidelines for minimum acceptable safety requirements for outdoor fireplaces, form #AG-DOF-216/89. These guidelines will apply to outdoor fireplaces, fire pots, chimineas, salamanders, and charcoal grills. (Ord. 732, 2013)

8.08.120 Open burning fire ban.

A. Open burning may become prohibited any time weather conditions become unfavorable or declared unsafe by any city official, the fire department, or the property owner.

B. All open burning will be prohibited when the National Weather Service predicts a red flag fire weather warning or forecasting the fire danger to be in the extreme category for the southern Black Hills area. A violation of this section is a class 2 misdemeanor. Any person who violates this section is liable for civil damages for all injuries, and suppression costs caused by the fire.

C. It is illegal to burn materials, including: garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than those necessary to start the fire), cardboard, treated wood, construction/demolition debris, metal, any other substance (other than natural vegetation) that releases toxic emissions, dense smoke or obnoxious odors when burned.

D. A permit-holder is responsible for complying with all local, state and federal laws while conducting burning pursuant to the permit. (Ord. 732, 2013)
Chapter 8.12

GARBAGE COLLECTION AND DISPOSAL

Sections:
8.12.010 Municipal garbage disposal systems.
8.12.020 Garbage collection may be by contract.
8.12.030 Definitions.
8.12.040 Unlawful to accumulate garbage or trash.
8.12.050 Garbage containers required.
8.12.060 Recyclable materials.
8.12.070 Maintenance and replacement of garbage containers.
8.12.080 Placement of unacceptable materials in garbage containers for transportation to landfill.
8.12.085 Landfill waste opt-out.
8.12.090 Location of garbage containers.
8.12.100 Specifications for garbage collection—Vehicles.
8.12.110 Rates for commercial units.
8.12.120 Frequency of garbage collection.
8.12.130 Garbage collection charged by city.
8.12.140 Exclusive contract.
8.12.150 Violation—Penalty.

8.12.010 Municipal garbage disposal systems.

The municipality of the city shall have power to collect and dispose of and regulate the manner of handling of garbage and other waste material and for such purpose to acquire, establish, maintain, operate and regulate equipment and a sanitary landfill and to fix and collect charges for such services, and to contract with one or more persons for the collection and hauling of garbage and other waste material from the municipality, as is permitted by SDCL 9-32-11. (Ord. 750 (part), 2014: Ord. 343 (part), 1990: prior code § 10-201)

8.12.020 Garbage collection may be by contract.

It is further provided that in lieu of licensing persons, firms or corporations to collect and haul garbage, upon the adoption by the common council of the city of the resolution in proper form, said city, through the common council, may enter into a contract for the purpose of collecting and hauling of garbage. (Ord. 750 (part), 2014: Ord. 343 (part), 1990: prior code § 10-202)

8.12.030 Definitions.

“Garbage,” as used in this chapter, means kitchen refuse, cans, bottles, paper, ashes, green/yard waste and other waste materials ordinarily originating on household or commercial premises, and items which can be, and are, placed in regulation garbage containers as provided for in this chapter. Heavy material accumulations such as earth
or dirt, brick, concrete, wood waste from construction or demolition, treated wood, lumber ashes, plaster, sheetrock, sand or gravel, large trees, automobile frames or parts, appliances, used tires, furniture, asphalt shingles and other bulky, heavy materials, shall be disposed of at the expense of the owner or person controlling the same.

Residential patron means individually metered residential units, apartment dwellings or mobilehome housing.

Rubbish, as used in this chapter, means large cardboard cartons, accumulations of tree leaves, tree limbs and branches, and other ordinary household or commercial rubbish or vegetation not customarily placed in regulation garbage containers.

1. DEFINITIONS.
   a. Bags - Plastic sacks designed for refuse with sufficient wall strength to maintain physical integrity when lifted by top; securely tied at the top for collection.
   b. Bid Bond - The corporate surety bond or a certified check drawn on a national bank, in the amount specified in the instruction to bidders submitted with the bid as a guarantee that the bidder will, if called upon to do so, accept and enter in the contract.
   c. Bulky waste - A large appliance, piece of furniture, or waste material from a residential source other than construction debris or hazardous waste.
   d. Bundle - Yard and garden trimmings or newspapers and magazines securely tied together forming an easily handled package not exceeding three feet in length or 35 lbs. in weight.
   e. City - Refers to the applicable municipal authority empowered under state law to solicit and award contract for the collection of residential refuse. City will also refer to the appropriate employee or office of the municipality authorized to act as its agent in handling the pertinent matter of this contract.
   f. Construction debris - Waste building materials resulting from construction, remodeling, repair, or demolition operations, i.e., concrete, rocks, dirt, or asphalt.
   g. Containers -
      1. Regulation garbage containers - A receptacle made of plastic or metal furnished by the contractor with a tight-fitting lid, and handles of adequate strength for lifting.
      2. Non-reusable containers - See definition of bags.
   h. Contract documents - The request for bids, instructions to bidders, contractor's bid, contract specifications, the contract, performance bond or letter of credit, and any addenda or changes to the foregoing documents agreed to by the city and the contractor.
   i. Contractor - The individual, firm, partnership, joint venture, corporation, or association performing refuse collection and disposal under contract with the city.
   j. Garbage - Kitchen refuse, cans, bottles, paper, ashes, and other waste materials ordinarily originating on household premises, and items which can be, and are, placed in regulation containers.
   k. Green/yard waste - Means clipped grass, shrubs, brush, accumulation of tree leaves, tree limbs, branches, pine needles, wood pile bark, wood chunks, garden refuse material and other ordinary household rubbish or vegetation not customarily placed in regulation garbage containers.
   l. Heavy material - Accumulations such as earth or dirt, brick, concrete, wood waste from construction or demolition, treated wood, lumber ashes, plaster, sheetrock, sand or gravel, large trees, automobile frames or parts,
appliances, used tires, furniture, asphalt shingles and other bulky material shall be disposed at the expense of the owner or person controlling the same.

m. Hazardous waste - Waste designated as hazardous by the United States Environmental Protection Agency or appropriate state agency.

n. Medical waste - Shall only be deposited in an approved container or placed in a closed clear plastic container such as a water or soda bottle.

o. Letter of credit - A written undertaking by a financial institution on behalf of the contractor to pay the city for non-performance in amounts and under conditions as may be specified in the agreement.

p. Performance bond - A corporate surety bond that guarantees compensation to the city in the event that it must assume the obligations and/or duties of the contractor in order to continue the service as defined by the contract specifications.

q. Refuse - Discarded waste materials in a solid or semi-liquid state, consisting of garbage, rubbish, or a combination thereof.

r. Recyclable materials - Includes, but not limited to: aluminum, glass, plastic, small appliances which do not include freon, clothing, shoes, foil, and miscellaneous metals, and paper fibers, i.e. cardboard, newspaper, office paper.

s. Residential patron - Individual metered residential units, apartment dwellings, or mobile home housing.

t. Rubbish - Asphalt shingles, wood waste from construction or demolition, useless waste or rejected matter, sheet rock and tree stumps.

u. Transfer site - A secured, fenced area kept free from accumulation of debris in and out of site, to be used for the processing of refuse including but not limited to sanitary landfills, incinerators, and waste processing separation centers, licensed, permitted or approved by all governmental bodies and agencies having jurisdiction. (Ord. 750 (part), 2014: Ord. 343 (part), 1990: prior code § 10-203)

8.12.040 Unlawful to accumulate garbage or trash.

It is unlawful for any owner, agent or occupant of any lot, yard, place, store, residence or premises of any kind, to suffer, allow or permit slop, decaying animal or vegetable matter, garbage, ashes, tin cans, discarded crockery, discarded metal or other substances to accumulate in any such yard, place, store, residence or premises or in or upon any sidewalk, alley, place, store, residence or premises. (Ord. 750 (part), 2014: Ord. 343 (part), 1990: prior code § 10-204)

8.12.050 Garbage containers required.

A. All residential patrons where kitchen garbage accumulates shall place such in a regulation garbage container furnished by contractor.

B. Garbage and rubbish may be placed in either such garbage containers or in suitable and sufficiently strong containers to adequately hold and confine such waste materials and then only after draining off moisture from moist substances and wrapping them in paper or plastic bags to avoid odor and to avoid freezing of such substances to the garbage can or container. No hot ashes shall be placed in any garbage container.
C. Garbage containers shall be kept tightly closed except during the collection or deposit of garbage. The contents of all receptacles shall be so protected that wind cannot blow out or animals scatter same over the streets, alleys and premises of the city. (Ord. 750 (part), 2014: Ord. 343 (part), 1990: prior code § 10-205)

8.12.060 Recyclable materials.

A. Required Sorting of Recyclable Materials. All residential accounts shall be encouraged to recycle the following materials, including but not limited to: aluminum, glass, plastic, appliances, clothing, shoes, foil miscellaneous metals, newspaper, cardboard, tin, petroleum oil and cooking oil.

B. Medical waste shall only be deposited in an approved container or placed in a closed clear plastic container such as a water or soda bottle. (Ord. 750 (part), 2014: Ord. 430, 1995: prior code § 10-205A)

8.12.070 Maintenance and replacement of garbage containers.

Every garbage can or container required by this chapter shall be maintained by the owner or user in as sanitary condition as possible. The residential patron shall notify the contractor to repair or replace any damaged regulation container. (Ord. 750 (part), 2014: Ord. 343 (part), 1990: prior code § 10-206)

Editor's Note: The prior code contained two sections numbered 10-206.

8.12.080 Placement of unacceptable materials in garbage containers for transportation to landfill.

No person, firm, corporation or other entity shall place any liquid waste, hazardous materials, oil or infectious waste in containers within the city which are to be transported to a landfill, no matter where the landfill is. In the event any person, firm, corporation or other entity shall place any such material in a container or containers which are to be transported to a landfill, he, she or it shall forthwith pay to the city a fee equal to one and one-half times the actual cost to the city, its heirs, successors or assigns, or a landfill, to correct the situation created thereby, including but not limited to the costs of isolating the area, removing the material, rehabilitating the disposal site, opening a new disposal site on the landfill as necessitated by the presence of such material, and technical and professional costs including but not limited to testing, engineering, investigation and legal fees and charges. The city shall not be responsible for the proper disposal of such materials; however, if the city should arrange for such disposal, the costs thereof shall be included in the above-listed costs. Infectious waste which has been treated to remove its infectious potential in such a manner acceptable to the director or board overseeing the particular landfill the city, its heirs, successors or assigns, is using at the particular time, may be placed for disposal provided the site manager is informed of its presence at the time of entry upon the landfill. (Ord. 750 (part), 2014: Ord. 407, 1994: prior code § 10-206)

Editor's Note: The prior code contained two sections numbered 10-206.

8.12.085 Landfill waste opt-out.

The city, having reviewed and documented that the cost of recycling of all printed paper products, corrugated paper or other cardboard paper will cost more than the true and total cost of unsubsidized land filling of all printed...
8.12.080  

paper products, corrugated paper or other cardboard paper and having followed the designated opt-out procedure, will be opting out of the waste reduction target effective on January 1, 1997. The city will review its determination for this specific waste reduction target at least once every two years starting with the effective date of the ordinance codified in this section. (Ord. 750 (part), 2014: Ord. 471, 1996: Ord. 465, 1996)

8.12.090  Location of garbage containers.  
A. On the days of the garbage collection, the garbage shall be put in such a place as shall be convenient for the garbage collectors or haulers. Garbage containers shall be placed on the premises adjacent to an alley bordering on the premises. Where no alley is available, garbage containers shall be placed on the parkway or parking adjoining the premises. Garbage containers shall be so placed that the collectors of garbage do not have to carry such containers for a distance of more than three feet to reach the collection vehicle.
B. No garbage collection vehicle shall be required to use any private driveway in collecting garbage under the provisions of this chapter. (Ord. 750 (part), 2014: Ord. 343 (part), 1990: prior code § 10-207)

8.12.100  Specifications for garbage collection—Vehicles.  
Licensed collectors of garbage shall provide themselves with suitable vehicles which shall be so constructed that garbage matter will not drip nor spill from the vehicle and also shall have a suitable cover to prevent the escaping of odors and contents. Such vehicles when collecting and hauling garbage or rubbish shall be so loaded and covered so as not to spill any of their contents on any street or alley or on the highway leading to the landfill. (Ord. 750 (part), 2014: Ord. 343 (part), 1990: prior code § 10-208)

8.12.110  Rates for commercial units.  
Rates for services at all places of business designated as commercial accounts by the common council shall be such as are agreed upon by the owners or occupants, and the duly licensed garbage collector. (Ord. 750 (part), 2014: Ord. 343 (part), 1990: prior code § 10-209)

8.12.120  Frequency of garbage collection.  
The duly licensed garbage contractor shall remove the garbage from each occupied residential patron at least once each week and from each commercial patron as necessary so as not to create an unsanitary condition. (Ord. 750 (part), 2014: Ord. 343 (part), 1990: prior code § 10-210)

8.12.130  Garbage collection charged by city.  
A. The city shall provide such garbage collection and hauling service for either business or residential patrons or both when, in the discretion of the governing body, such service is deemed necessary. Such garbage collection and hauling service shall be mandatory on every household and/or business firm within the city, without exception.
B. The residential water users shall be charged a monthly fee to be included and charged on the monthly water bill and collected at the same time as the water bill is collected. Residential units not served by water and/or sewer shall be charged and billed for garbage collection. The water collector is expressly forbidden to accept water
payment without payment for garbage service, but it is expressly provided that the city may collect the same by another method that may be feasible. The finance officer of the city shall collect a delinquent municipal garbage collection fee as a condition precedent to the payment of any water, sewer, utility or other charge collected by the municipality as permitted by SDCL 34A-6-29 or acts amendatory thereto. All rates to be charged by the contract hauler are subject to the approval of the city council which shall by ordinance establish any change in such rates.

C. Each residential customer shall be billed and collected monthly the charge of seventeen dollars and forty-five cents ($17.45) for garbage disposal. (Ord. 750 (part), 2014: Ord. 745, 2014; Ord. 734, 2013; Ord. 724, 2012; Ord. 661, 2009; Ord. 647, 2008; Ord. 633, 2006; Ord. 602, 2004; Ord. 558, 2002; Ord. 479, 1997; Ord. 372, 1992; Ord. 343 (part), 1990; prior code § 10-211)

8.12.140 Exclusive contract.

Pursuant to the provisions of SDCL 9-32-11, as amended, it is further provided that any contract issued by the city to any individual, partnership, corporation or other business entity providing the right to collect residential garbage as defined in this chapter within the city may be an exclusive contract, and further that no other person, partnership, corporation or other business entity shall engage in or contract for the collection of garbage within the city, when an exclusive contract to another individual or corporation has been let within the city for the exclusive right to collect residential garbage as defined. (Ord. 750 (part), 2014: Ord. 343 (part), 1990: prior code § 10-212)

8.12.150 Violation—Penalty.

Any person or person violating the provisions of this chapter, or engaging in or contracting for the service of collecting garbage within the city without having a contract from the city as provided in this chapter, is guilty of a class two misdemeanor. (Ord. 750 (part), 2014: Ord. 343 (part), 1990: prior code § 10-213)
Chapter 8.13

COMMERCIAL REFUSE COLLECTIONS

Sections:

8.13.010 License—Required—Fee—Term.
8.13.020 License—Revocation, suspension or denial.
8.13.030 Vehicles—General requirements.
8.13.040 Vehicles—Painting and identification.
8.13.050 Vehicles—Washing and sanitizing.
8.13.060 Customer containers.

8.13.010 License—Required—Fee—Term.

No person shall use the streets or alleys of the city for the collection or removal of any refuse for hire, without first having obtained a license to perform the services from the city under this chapter and having paid a license fee of $25 per year for each vehicle so engaged. The fee provided for herein is payable for each vehicle utilized during a calendar year or any fraction thereof. Each license issued under this chapter shall be renewed on or before December 31 of each year. Once a license is issued for a vehicle, a small window decal issued by the city shall be placed in the upper right hand corner of the vehicles front windshield. (Ord. 751 (part), 2014)

8.13.020 License—Revocation, suspension or denial.

A. The common council, in its discretion, may revoke, suspend, or refuse to issue or transfer any license for reason including, but not limited to the following: performance of work without a license; engagement in unfair business practices; violation of any applicable federal, state or local statute, ordinance, rule or regulation; violation of any provision of this chapter; or demonstrated inability or unfitness to perform the work for which he or she has been licensed.

1. The penalty of license revocation shall continue for a period of one year from the date the revocation became effective. Once the period of revocation has ended a licensee upon which the penalty of revocation has been imposed may apply for a new license.

2. The penalty of license suspension shall continue for a period not to exceed 30 days from the date the suspension became effective.

B. The penalties of license revocation and suspension shall be imposed only after licensee has had notice and an opportunity to be heard.

1. The notice of intent to impose penalty shall be sent first class to the licensee's address of record on file with the city finance office. The notice of intent to impose penalty shall be mailed no later than 14 days prior to the hearing date.
2. The penalty hearing will take place at a regular or special council meeting, at the discretion of the council, provided the notice of intent is mailed no later than 14 days prior to the meeting date. A vote of a majority of all council members shall be required to impose penalty. All decisions of the council shall be final.

3. The effective date of any penalty imposed shall be 14 days from the date of the council's decision made at the hearing.

C. Any licensee subject to investigation under this section shall cooperate fully with the investigation. Failure to cooperate fully is a basis for license revocation or suspension. (Ord. 751 (part), 2014)

8.13.030 Vehicles—General requirements.

A. Licensed collectors of refuse shall provide themselves with suitable vehicles so as to prevent the escape of the contents thereof.

B. It is prohibited for any licensed refuse collector to collect or haul wet refuse or material subject to rot, decay or putrefaction, or material or liquid emitting strong or noxious odors, in any type vehicle except in an all metal, packer type vehicle which has been approved by the director of public works or his or her designee.

C. It is prohibited for any licensed commercial refuse hauler to operate a refuse collection vehicle except in conformity with this chapter and any other applicable ordinances. (Ord. 751 (part), 2014)

8.13.040 Vehicles—Painting and identification.

Refuse hauling vehicles used by haulers licensed under this chapter shall be painted at regular intervals so as to be kept in a sanitary condition, or as directed by the director of public works or his or her designee. Each vehicle shall identify the name of the hauler in a manner acceptable to the hauler and the director of public works or his or her designee. (Ord. 751 (part), 2104)

8.13.050 Vehicles—Washing and sanitizing.

All vehicles used for the collection and hauling of refuse by license refuse collectors shall be washed and sanitized in accordance to the following schedule:

1. Weekly May through September; and

2. Biweekly October through April. (Ord. 751 (part), 2014)

8.13.060 Customer containers.

No person shall deposit any refuse for collection by a licensed commercial contractor, except in a suitable watertight metal or plastic container, which is provided with a tightly fitted cover, which shall be kept closed. (Ord. 751 (part), 2014)
Chapter 8.16

NIUSANCES*

Sections:

8.16.010 Nuisances defined.
8.16.020 Defective plumbing.
8.16.030 Privies and cesspools.
8.16.040 Weeds.
8.16.050 Lawn maintenance.
8.16.060 Dead or deceased trees or other vegetation.
8.16.070 Wastes.
8.16.075 Rubbish
8.16.080 Building materials and waste.
8.16.090 Combustible refuse.
8.16.100 Appliances, fixtures and furniture.
8.16.110 Graffiti.
8.16.120 Junked vehicles and personal property.
8.16.130 Nuisances prohibited.
8.16.140 Remedies.
8.16.150 Penalty.
8.16.160 Notice to abate—Issuance.
8.16.170 Abatement by city—Costs levied against premises.
8.16.180 Appeals.

* Prior history: Prior code §§ 10-301—10-315 as amended by Ords. 259, 420 and 529.

8.16.010 Nuisances defined.

Certain acts, omissions and conditions which constitute a danger to human health are declared nuisances.

A. No person or persons, owner, occupant or person in charge of any house, building, lot or premises, shall create, maintain or commit, or permit to be created, maintained or committed, any public nuisance as defined in this chapter, or as enumerated in this chapter.

B. Within the meaning of this chapter, a public nuisance consists in doing an act without lawful authority, or omitting to perform a duty, within the corporate limits of the city, which act or omission either:

1. Annoys, injures or endangers the comfort, repose, health or safety of others; or
2. Offends contemporary community moral standards; or
3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any lake or river, bay, stream, canal or basin, or any public park, square, street, right-of-way or highway; or,
4. In any way renders other persons insecure in life, or in the use of property, and which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal; or
5. Nuisances shall include, but are not limited to, the following enumerations, which are deemed and
declared nuisances. (Ord. 712 (part), 2012; Ord. 585 (part), 2003)

8.16.020

8.16.020 Defective plumbing.
Any defective, leaking or unsanitary sink, water closet, urinal or other plumbing fixtures in any building used or occupied by human beings shall constitute a nuisance. (Ord. 712 (part), 2012; Ord. 585 (part), 2003)

8.16.030 Privies and cesspools.
All privies or cesspools that emit or cause an offensive, noxious or disagreeable odor shall constitute a nuisance. (Ord. 712 (part), 2012; Ord. 585 (part), 2003)

8.16.040 Weeds.
Permitting noxious weeds to exist or grow on any private property or vacant lot constitutes a nuisance. Noxious weeds shall include, but not be limited to, the following: leafy spurge, Canada thistle, perennial sow thistle, hoary cress, Russian knapweed, purple loosestrife, saltcedar, st. johnswort, spotted knapweed, black henbane and common tansy. Also considered noxious weeds shall be those specifically stated as such by the South Dakota Department of Agriculture and Custer County.

The owner, tenant, or any person responsible for yard maintenance of said private property or vacant lot shall be responsible for removal of said noxious weeds. This responsibility shall include any public right-of-way adjacent to such property or vacant lot. No criminal penalty or billing shall be imposed under this section unless the city causes notice to be given to the owner, tenant or person responsible for such property that has noxious weeds to be removed within seventy-two (72) hours of receiving notice. City personnel shall either hand-deliver to the property owner or tenant of, or person responsible for, such property notification that they are in violation of this section, giving them seventy-two (72) hours to comply herewith, or mail such notice by certified mail, return receipt requested.

Any person violating any of the provisions of this section shall be subject to both criminal and civil sanctions. The city may proceed criminally for a violation of this section, with a maximum punishment as provided by ordinance for each day the violation exists, and/or the city may cause the property to be sprayed and bill the cost and expenses of such spraying to the property owner. In the event that such bill is not paid within thirty (30) days, said cost shall be assessed against the property. (Ord. 712 (part), 2012; Ord. 684, 2011; Ord. 585 (part), 2003)

8.16.050 Lawn maintenance.
A. The property owner, tenant or person in possession of any property located within the city shall maintain the lawn so that grass and/or weeds shall not be permitted to grow to more than an eight-inch height. Failure to do so is deemed a public nuisance. The only exceptions permitted hereto are for tracts of land in a naturally wild state, so long as exception of such tract does not hinder the safety of the public by impairing the vision of drivers operating motor vehicles on adjacent public thoroughfares.

B. Clearance of brush or vegetative growth from roadways. The code official is authorized to require areas within the right-of-way and contiguous with the property be maintained in accordance with Section 12.04.120. The Planning Director or designee shall consider the following factors, in descending order of importance when evaluating whether an exception is appropriate:

1. Fire control issues;
2. Terrain, geography, topography such as rocky outcrops, slopes, ravines, and the like;
3. Would create an issue or a conflict with other sections of the Municipal Code;
4. Size or acreage of property;
5. Type of vegetation.
C. No criminal penalty or billing shall be imposed under this section unless the city causes notice to be given, to all owners, tenants or persons in possession of said property within the city, that the height of the grass and/or weeds that exceed said height shall be removed within two (2) days of reaching that height. Notice shall be published in the official newspaper once a year, on or about June 1st. This published notice shall constitute notice to the public as required by this section. In addition, city personnel shall post on what appears to be the main entrance door, or on a conspicuous place on such property, notification that they are in violation of this section, giving them two (2) days to comply therewith, and mail such notice by certified mail, return receipt requested, to the property owner. If the certified letter is not signed for within seven (7) days of being mailed, the city at that time may proceed with mowing.

D. Any person violating any of the provisions of this section shall be subject to both criminal and civil sanctions. The city may proceed criminally for a violation of this section, with a maximum punishment as provided by ordinance for each day the violation exists, and/or the city may, at its option, cause the property to be mowed and bill the cost and expenses of such mowing, which shall include the cost of equipment, labor, administrative cost and a fine, to the property owner, or assess the cost thereof by special assessment against the property. (Ord. 727, 2013; Ord. 720, 2012; Ord. 719, 2012; Ord. 716, 2012; Ord. 712 (part), 2012; Ord. 585 (part), 2003)

8.16.060 Dead or diseased trees or other vegetation.

The city shall have the right to inspect and cause the removal of any dead or diseased trees or other vegetation on private property within the city, if such trees constitute a hazard to life or property or harbor pests, which constitute a threat to other trees within the city. The city shall notify the owners of such trees, in writing, to remove such trees within such reasonable time as shall be determined by the city. Removal shall be made by the owners at their own expense. In the event of failure of the owners to comply with such provisions, the city shall have the authority to remove such trees, and charge the cost of removal to the owners, or assess the costs thereof against the property. (Ord. 712 (part), 2012; Ord. 585 (part), 2003)

8.16.070 Wastes.

Wastes, including but not limited to, discarded items such as paper, rags, garbage, clothing, household items, cans, batteries of any kind, barrels or containers that would accumulate manure, garbage, stagnant water or anything in which flies or mosquitoes breed, and all substances which emit any foul, unhealthy, noxious or offensive odor in the neighborhood, any noncombustible inorganic matter such as ashes, glass, sand, earth, stones, concrete, mortar, metals, any used motor oil, tires, boxes, plastic containers, glass containers, plastic wrap, cardboard, discarded household fixtures and furnishings, and any like items when such items are stored, collected, piled or kept on private or public property. (Ord. 712 (part), 2012)

8.16.075 Rubbish.

A. It is unlawful for any person to deposit or leave any refuse, paper, cans, bottles or containers or garbage of any nature whatsoever on any public street, alley, sidewalk, public place or way or building, or upon any privately owned property, except in covered or enclosed garbage cans and containers located in designated areas.

B. A violation of this section is a Class II misdemeanor and subject to the penalties therefor as set forth in Chapter 1.12 of this code. (Ord. 712 (part), 2012; Ord. 585 (part), 2003)
8.16.080 Building materials and waste.

Building materials and waste, including but not limited to, such items as lumber, wood, lath, pallets, plaster, rod iron or other metal, concrete, brick and tile, piles of rock, sand, dirt or gravel when not used for landscaping purposes, doors, windows and scrap or salvage building materials, boxes, barrels or other containers, when such items are stored, collected, piled or kept and stored outside a building. Building materials that are temporarily stored for work on the premises authorized by a valid building permit obtained for the premises are exempt, provided lumber is neatly stacked on a platform off the ground, and that such building materials shall not remain on the premises for more than 30 days after the expiration of the building permit. (Ord. 712 (part), 2012)

8.16.090 Combustible refuse.

Depositing, maintaining or permitting to be maintained or accumulated upon any public or private property any combustible, refuse matter such as papers, sweepings, rags, grass, tree branches, dead leaves, wood shavings, wood magazines, cardboard, and the like. This excludes wood piles stacked neatly that are being used for woodstoves or fireplaces. (Ord. 712 (part), 2012)

8.16.100 Appliances, fixtures and furniture.

Appliances, fixtures and furniture, including but not limited to, items such as stoves, refrigerators, freezers, sinks, cabinets and other kitchen appliances, bedroom furniture, mattresses, tables, chairs, clothes washing and drying machines, bathroom appliances and fixtures, light fixtures, washtubs, lawn mowers, tillers, chainsaws, snow blowers, and garden equipment, when such items are stored, collected, piled or kept, and are not stored inside a building; except that patio furniture and other furniture designed for outdoor use shall not constitute a nuisance, when kept in any district. (Ord. 712 (part), 2012)

8.16.110 Graffiti.

Any unauthorized writing, printing, marks, signs, symbols, figures, designs, inscriptions, or other drawings which are scratched, scrawled, painted, drawn or otherwise placed on any exterior surface of a building, wall, fence, sidewalk, curb or other permanent structure on public or private property, and which has the effect of defacing the property. (Ord. 712 (part), 2012)

8.16.120 Junked automobiles and personal property.

A. Unsheltered storage of old, unused, stripped, junked and other automobiles, or parts thereof, not in good and safe operating condition, and not bearing a current and valid license, and of any other vehicles, machinery, implements, and/or equipment and personal property which are junked, abandoned or otherwise unused, for a period of thirty (30) days or more, except in licensed junkyards within the corporate limits of the city, is declared to be a public nuisance and dangerous to the public safety.

B. The presence of an abandoned, wrecked, dismantled, inoperative, junked or partially dismantled motor vehicle, or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such is accordance with the provisions of this chapter. This section shall not apply to any motor vehicle enclosed within a building on private property, or to any motor vehicle held in connection with a business
enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city or authorized by the city.

C. The section shall not apply to any motor vehicle, other vehicles, machinery, implements, and/or personal property of any kind enclosed within a building on private property, nor to any of the aforementioned property when covered with an appropriate cover to screen it from public view, nor to any vehicle bearing valid, current license.

Definitions. For the purposes of this section, the following terms, phrases, words and their derivations have the meaning given herein:

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8.16.120

"Abandoned motor vehicle" means any motor vehicle, as defined in this section, which is left unattended on any public street, alley, public place or parking lot within the city for a period longer than twenty-four (24) hours without notifying law enforcement and making arrangements for the parking of such motor vehicle.

"Inoperable vehicle" means any motor vehicle, as herein defined, which is not in operating condition due to damage or removal or inoperability of one or more tires and wheels, damage or removal or inoperability of the engine or other essential parts required for the operation of the vehicle, or which does not have lawfully affixed thereto a valid state license plate, or which constitutes an immediate health, safety, fire or traffic hazard.

"Junked motor vehicle" means any motor vehicle which does not have lawfully affixed thereto a valid state license plate or plates, or the condition of which is wrecked, dismantled, partially dismantled, inoperable or discarded.

"Motor vehicle" means any vehicle which is designed to travel along or on the ground or water, and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, trailers, boats and farm equipment. (Ord. 712 (part), 2012; Ord. 585 (part), 2003)

8.16.130 Nuisances prohibited.

No person shall create, commit, maintain or permit to be created or committed any nuisance as defined in this chapter or by this code. (Ord. 712 (part), 2012; Ord. 585 (part), 2003)

8.16.140 Remedies.

The remedies against a public nuisance, in addition to those prescribed herein, shall be those prescribed by state law. A public nuisance may be abated without civil action by the city or officer authorized thereto by law. (Ord. 712 (part), 2012; Ord. 585 (part), 2003)

8.16.150 Penalty.

In addition to the abatement remedies prescribed in this code, any person convicted of maintaining any nuisance in violation of any provision of this code shall be punished as prescribed in Chapter 1.12 of this code, unless otherwise specifically provided, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 712 (part), 2012; Ord. 585 (part), 2003)

8.16.160 Notice to abate—Issuance.
Whenever city staff shall find that a nuisance exists within the city, a city enforcement employee shall give written notice to the person creating, permitting or maintaining such nuisance to abate the nuisance. Such notice may be served by certified mail. Such notice may likewise be served by conspicuously posting a copy of such notice upon the premises where the nuisance exists, whenever the owner or agent thereof is not known or cannot be located.

The city may defray the cost of abating a public nuisance by taxing the cost thereof by special assessment against the real property on which the nuisance occurred. (Ord. 712 (part), 2012; Ord. 705 (part), 2011; Ord. 585 (part), 2003)

8.16.170 Abatement by city—Costs levied against premises.
1. When there exists on private property a condition which has been determined a nuisance by a city enforcement employee, such employee is hereby authorized and empowered to abate. A notice will be served in the manner specified. It shall be in writing and will be sent by certified mail.

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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 time determined by the code.
5. Inform the property owner or other persons responsible of their right to appeal.
6. Notice shall be deemed to be properly served if a copy thereof is:
   a. Delivered in person and signed for; or
   b. Sent by certified mail to the last known address of the owner or occupant; or
   c. If the notice is returned showing that the letter was not delivered, or if the certified letter is not claimed in fifteen (15) days, a copy thereof shall be posted in a conspicuous place on or about the property where the violation is occurring.
   In the event that a nuisance is not taken care of after such notification and allotted timeframe has passed, said city enforcement employee shall be empowered to authorize entry upon such premises and abate such public nuisance. All costs incurred by the city for the remedy and disposition of the nuisance or for correcting the nuisance, including all administrative fees, shall be either charged to the owners or assessed, levied and collected as a special assessment payable in one sum, or by up to five equal annual installments as the council may provide, against the premises from which it was remedied, in the manner provided by law for the levy and collection of other special assessments. Any legal cost incurred by the city may also be assessed to the property owner. Any person violating any provision of this chapter shall be guilty of a Class II misdemeanor. A separate violation may be alleged for each day said nuisance continues. (Ord. 712 (part), 2012; Ord. 705 (part), 2011; Ord. 585 (part), 2003)

8.16.180 Appeals.
Any order issued by the city pursuant to the terms of Sections 8.16.010 through 8.16.220 or any other section of the code that declares a violation a nuisance, may be appealed to the city council, in writing, within fifteen (15) days of the issuance of the order. Appeals shall be reviewed by the city council and the
determination of the city council shall be provided in writing to the person making the appeal within fourteen (14) days. If city council determines abatement is justified, the abatement process shall proceed seven (7) days after the letter of determination is sent. (Ord. 712 (part), 2012; Ord. 705 (part), 2011; Ord. 585 (part), 2003)