



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Code Enforcement
300 Sixth Street
Telephone: 605-355-3465
email: codeenforcement@rcgov.org

NOTICE AND ORDER

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

July 14, 2008

Charles & Carolyn Davis
PO Box 1501
Rapid City, SD 57709-1501

RE: Violations to the Rapid City Municipal Code at 1630 Pine Street & Abutting Rights of Way; PIN 21 30 405 001; ID No. 15229

Dear Charles & Carolyn Davis:

Based on complaints, the City of Rapid City (City) has inspected the property referenced above, and has identified violations to the Rapid City Municipal Code (RCMC) on the property and the rights of way that abut the property. Violations to the RCMC are as follows:

RCMC Section 8.16.010:

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 subsection B. of this section, or as enumerated in subsection C. of this section.

B. Within the meaning of this section, a public nuisance consists in doing an act without lawful authority, or omitting to perform a duty, within the corporate limits of the city, or within 1 mile of the corporate limits of the city not within another municipality, or in any public grounds, or parks belonging to the city, which act or omission either:

1. Annoys, injures or endangers the comfort, repose, health or safety of others;
2. Offends contemporary community moral standards;
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



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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.

C. Nuisances shall include, but are not limited to, the following enumerations, which are deemed and declared nuisances:

1. Waste, including, but not limited to, items such as paper, rags, trash, garbage, discarded clothing, shoes, curtains, linen and other apparel, tin cans, aluminum cans, boxes, bales or baled items, plastic containers, glass containers, plastic wrap, cleaning utensils, cooking utensils, and discarded household fixtures, when the items are stored, collected, piled or kept on private or public property, and in view of adjacent properties or public right-of-ways;

2. Used building materials and waste, including, but not limited to such items as lumber, lath, gypsum board, pallets, plaster, old 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, when such items are stored, collected, piled or kept and are not stored inside a building; except for building materials that are temporarily stored for work on the premises authorized by a valid building permit obtained for the premises and in compliance with § 15.44.010; provided that, the used or waste building materials shall not remain on the premises more than 30 days after the expiration of the building permit;

3. 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, snowblowers 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 and in view of adjacent properties or public right-of-ways;

4. Dismantled motor vehicles, motor vehicle bodies and disassembled parts thereof, disassembled bicycles and bicycle parts, and other mechanical machines or motors or parts thereof when the items are stored, collected, piled or kept and are not stored inside a building in compliance with §§ 10.56.010 and 10.56.020;

5. Carcasses of animals and hides-all carcasses of animals remaining exposed 1 hour after death, excepting legally caught and tagged game, which shall be 24 hours; and all green or salted hides left deposited in any open place;

6. Liquid refuse-all slop, foul or chemically polluted water, liquor or beer washings, all filth, refuse or offal, grease, lard, discharged through drains or spouts or otherwise thrown or deposited in or upon any street, alley, sidewalk, public way, lot, park, public square, public enclosure or any pond or pool of water;

7. Vegetables or vegetable matters emitting noxious odors. All vegetables, vegetable matters, or other articles that emit or cause an offensive, noxious or disagreeable smell or odor; and any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease carrying pests, animals or insects, except that the presence of earthworms in a compost pile shall not constitute a nuisance; and

8. Any other condition the Common Council shall deem and declare to be a nuisance.

RCMC Section 8.16.080: No person shall abandon, leave or place, in any street, alley or public place of the city, any property of any kind; and no person shall permit any property of any kind so abandoned, left or placed to be or remain for more than 24 hours in any street, alley or public place of the city, adjacent to or in the vicinity of his or her property or residence, without reporting the same; and any property so abandoned, left or placed in any such street, alley or public place, and any property abandoned, left or placed by any person on any private property of which report or complaint may have reached any bureau or department of the city, is declared to be a public nuisance and an obstruction and a menace to the public welfare, comfort, safety and health.

RCMC Section 10.56.020: The presence of an abandoned, wrecked, dismantled, inoperative, junk or partially dismantled motor vehicle or parts thereof, on private or public property, is declared a public nuisance pursuant to SDCL § 9-29-13. 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, properly operated in the appropriate zoning district, or to any motor vehicle in operable condition specifically adapted or designed for operation on drag strips or raceways and covered with an appropriate cover to screen it from view, which vehicle remains on private property.

RCMC Section 10.56.030: No person shall park, store, leave or permit the parking, storing or leaving of any abandoned or junk motor vehicle of any kind, whether attended or not, upon any public property in the city.

In addition, review of public records indicates that mobile homes have been installed on the property at a time when zoning ordinances disallowed such use of the property.

Based on the aforementioned, the City orders you to bring the property into compliance in the following manner:

1. Remove **all items** from City rights of way that abut the property.
2. Remove all nuisance items as described above; and
3. Remove all mobile homes from the property.

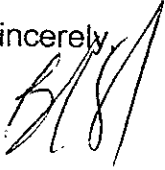
If the property is not in compliance by **September 14, 2008**, the City shall institute appropriate proceedings at law or equity to restrain, correct or abate the violations. The costs of any action taken by the City to correct the violations on this property shall be

charged at your expense and shall become a lien against this property. In addition, the City can charge you criminally for violating City code.

If you wish to appeal City staff's determinations, you must do so in writing to the Building Official within 20 days of the date of this letter. The Building Official's office is located on the second floor of the City/School Administration Building at 300 Sixth Street, Rapid City.

Please feel free to contact me should you have any questions or concerns about this matter.

Sincerely,



Brad Solon
Building Official

Cc: Mr. Tom Kurtenbach; Code Enforcement Office; City of Rapid City
Lieutenant Carl Jegeris, RCPD
Mr. Joel Landeen; Attorney's Office; City of Rapid City