

RESOLUTION #2013-111

A RESOLUTION DECLARING 1127 SILVER STREET A PUBLIC NUISANCE  
AND ORDERING DEMOLITION

WHEREAS, the City of Rapid City (“City”) has received numerous complaints regarding the condition of the premises at 1127 Silver Street, legally described as follows:

Lot 1 and 45 feet of Vacated Anamosa Street, Block 15, Scotts Subdivision,  
Section 35, Township 2N, Range 7E, Black Hills Meridian, Rapid City,  
Pennington County, South Dakota

(the “Property”); and

WHEREAS, the Property has two dwelling structures located thereon: one addressed as 1125 Silver Street, and one addressed as 1127 Silver Street; and

WHEREAS, upon information and belief, both dwelling structures at the Property have been unoccupied for a number of years; and

WHEREAS, only the structure addressed as 1127 Silver Street is subject to this Resolution; and

WHEREAS, on or about July 2013, the City obtained consent to inspect all structures located thereon from the owner of the Property; and

WHEREAS, on or about July 2013, the City performed a building inspection of the Property; and

WHEREAS, the inspection revealed substandard and dilapidated conditions at 1127 Silver Street at the Property; and

WHEREAS, on or about August 2, 2013, the City’s Building Official declared 1127 Silver Street at the Property to be substandard, and due to improper care and maintenance it was ordered that the owner of the Property demolish it; and

WHEREAS, the owner of the Property did not appeal the aforementioned demolition order; and

WHEREAS, as of November 2013, the owner of the Property has not made any effort to correct the deficiencies and repair the Property; and

WHEREAS, as of November 2013, the owner of the Property has not carried out the ordered demolition; and

WHEREAS, pursuant to SDCL § 9-29-13, “every municipality shall have the power to declare what shall constitute a nuisance and prevent, abate, and remove the same”; and

WHEREAS, the City’s Common Council finds the structure addressed as 1127 Silver Street at the Property and any appurtenant structures thereto to be an immediate threat to the health, safety and welfare of the public; and

WHEREAS, the City’s Common Council finds that it is in the best interest of the City to declare the structure addressed as 1127 Silver Street at the Property and any appurtenant structures thereto to be a public nuisance; and

WHEREAS, the City’s Common Council finds that the structure addressed as 1127 Silver Street at the Property and any appurtenant structures thereto must be demolished in order to protect the health, safety and general welfare of the public; and

WHEREAS, on or about May 2012, the City passed Ordinance No. 5820, which adopted the 2009 International Property Maintenance Code (“IPMC”); and

WHEREAS, pursuant to IPMC § 110.3, when a property owner fails to comply with the Building Official’s demolition order, the structure(s) shall “be demolished and removed, . . . and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate”; and

WHEREAS, pursuant to SDCL § 21-10-6, “a public nuisance may be abated without civil action by any public body or officer as authorized by law. Any municipality, county, or township 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. . . .”

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City that the structure addressed as 1127 Silver Street at the Property and any appurtenant structures thereto are hereby declared a public nuisance.

BE IT FURTHER RESOLVED, by the City of Rapid City that the structure addressed as 1127 Silver Street at the Property and any appurtenant structures thereto shall be demolished as soon as possible.

BE IT FURTHER RESOLVED, by the City of Rapid City that the cost of said demolition and removal of the aforementioned public nuisance shall be taxed by special assessment against the Property.

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

BE IT FURTHER RESOLVED, by the City of Rapid City that this Resolution is necessary for the immediate preservation of the public peace, health, safety, and support of the municipal government and its existing public institutions, and that this Resolution takes effect from and after the 18<sup>th</sup> day of November, 2013.

DATED this \_\_\_\_\_ day of November, 2013.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)