

Visibility:

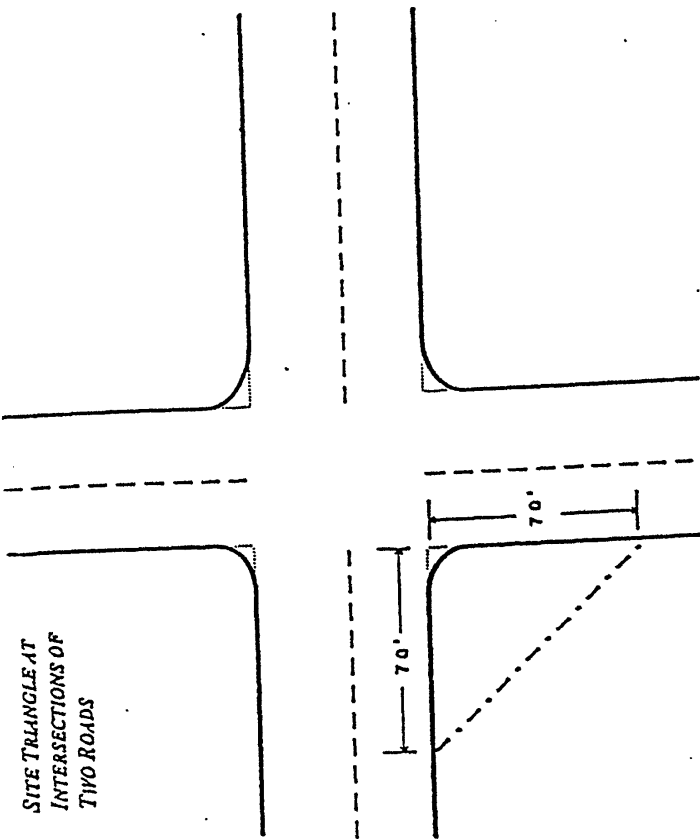
Visibility at any corner lot where a front yard is required: A seventy (70) foot sight triangle is required at a corner formed by the intersection of two or more public right-of-ways. A twenty-five (25) foot sight triangle is required at the intersection of a driveway or alley with a public right-of-way. No fence, wall, plant material or earthen berm shall be placed or maintained within the above defined clear vision zone with exceeds the two and one half (2 1/2) feet in height above the crown of the adjacent roadway.

Visibility requirements at alley and private drive approached on the street side of all lots where an driveway or alley enters the street right-of-way are as follows: A twenty-five (25) foot sight triangle is required at the intersection of a driveway or alley with a public right-of-way. No fence, wall, plant material or earthen berm shall be placed or maintained within the above defined

clear vision zone with exceeds the two and one half (2 1/2) feet in height above the crown of the adjacent roadway.

Regardless of other provisions of this section, no fence, wall, plant material, or earthen berm shall be erected or maintained in any yard which impedes the vision of vehicles entering an abutting street.

SITE TRIANGLE AT INTERSECTIONS OF TWO ROADS



Chapter 10.56

ABANDONED AND JUNKED
MOTOR VEHICLES

Sections:

- 10.56.010 Definitions.
 10.56.020 Nuisance declared.
 10.56.030 Storing, parking or leaving on public property—Prohibited.
 10.56.040 Storing, parking or leaving on public property—Removal.
 10.56.050 Presence on private property—Prohibited.
 10.56.060 Presence on private property—Notice to remove.
 10.56.070 Racing or antique vehicles.
 10.56.080 Removal by city—Notice to owner.
 10.56.090 Violation—Penalty.

10.56.010 Definitions.

As used in this chapter the following words, terms and phrases shall have the meanings herein ascribed:

“Abandoned motor vehicle” means any motor vehicle which is left unattended on any public street or alley, in any public parking lot, or in any other public place for more than twenty-four consecutive hours.

“Junk motor vehicles” means any motor vehicle which does not have lawfully affixed thereto unexpired license plates or which is wrecked, dismantled, partially dismantled, inoperable or discarded.

“Motor vehicle” means any self-propelled vehicle including, but not limited to, automobiles, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, and campers. (Ord. 3264 (part), 1996: prior code § 17-75)

10.56.020 Nuisance declared.

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

Section 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. (Ord. 3264 (part), 1996: Ord. 3154, 1994: prior code § 17-76)

10.56.030 Storing, parking or leaving on public property—Prohibited.

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. (Prior code § 17-77)

10.56.040 Storing, parking or leaving on public property—Removal.

Whenever any police officer finds an abandoned motor vehicle or junk motor vehicle on public property he shall place written notice on the vehicle that it will be removed to a garage or place of safety unless the owner removes the vehicle from public property within twenty-four hours of the giving of the notice. After the expiration of the twenty-four-hour period, the vehicle may be removed by the removal agency to a garage or place of safety. Nothing in this section precludes the police department from immediately removing a motor vehicle which causes an obstruction or hazard to traffic. (Prior code § 17-78)

10.56.050 Presence on private property—Prohibited.

No person owning, in charge of, or in control of any real property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any abandoned or junk motor vehicle of any kind to remain on such property longer than thirty days. (Prior code § 17-80)

**10.56.060 Presence on private property—
Notice to remove.**

Whenever it comes to the attention of the police department that any person has an abandoned or junk motor vehicle on his property, a notice in writing shall be served by certified mail upon such person ordering the removal of such motor vehicle in the time specified in this chapter. The notice shall be deemed complete upon mailing to the last known address of the addressee. The notice shall contain the request for removal within ten days after the mailing of such notice, and the notice shall notify that failure to comply with the notice to remove shall be a violation of this chapter. The recipient of such notice shall have ten days from the date of mailing to file a notice of appeal of the determination contained therein. The notice of appeal must be in writing and filed with the finance officer. All appeals will be determined by the mayor or his designee. (Ord. 3264 (part), 1996: prior code § 17-81)

10.56.070 Racing or antique vehicles.

No owner or occupant of private property shall have an uncovered motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways or an uncovered motor vehicle retained on private property for antique collection purposes, all as defined by Section 10.56.020. (Prior code § 17-82)

10.56.080 Removal by city—Notice to owner.

It shall be the duty of the police department or duly authorized ordinance enforcement personnel to notify, by certified mail, the registered owner, and if encumbered, the lienholder, of the removal, storage and present location of any motor vehicle removed under the provisions of this chapter and that the vehicle can be recovered by payment of costs incident to its removal and storage. (Ord. 3264 (part), 1996: prior code § 17-79)

10.56.090 Violation—Penalty.

Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to a penalty not to exceed thirty days imprisonment or a fine of one hundred dollars, or both. (Prior code § 17-83)

Chapter 8.16

NUISANCES

Sections:

- 8.16.010 Designated—Prohibited.
 8.16.020 Remedies.
 8.16.030 Abatement.
 8.16.040 Penalty.
 8.16.050 Appeals.
 8.16.060 Leasing premises for unlawful purposes.
 8.16.070 Premises used for unlawful purposes.
 8.16.080 Abandoned property.

8.16.010 Designated—Prohibited.

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 one 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; 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.

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 such 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 Section 15.44.010; provided that such used or waste building materials shall not remain on the premises more than thirty 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, wash-tubs, 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 such

items are stored, collected, piled or kept and are not stored inside a building in compliance with Sections 10.56.010 and 10.56.020;

5. Carcasses of animals and hides—all carcasses of animals remaining exposed one hour after death, excepting legally caught and tagged game, which shall be twenty-four 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;

8. Any other condition the city council shall deem and declare to be a nuisance. (Ord. 3377, 1997; Ord. 2969 (part), 1992; prior code § 17-19 (a), (b), (c))

8.16.020 Remedies.

The remedies against a public nuisance, in addition to those prescribed herein, shall be those prescribed by state law. (Prior code § 17-20 (b))

8.16.030 Abatement.

A public nuisance may be abated without civil action by the city or officer authorized thereto by law. Any private person may likewise abate a public nuisance which is specially injurious to him or any private nuisance injurious to him in any manner by removing or, if necessary, destroying that which constitutes the nuisance, without committing a breach of the peace or doing unnecessary injury. If a private nuisance results from a mere omission of

the wrongdoer, and cannot be abated without entering upon his land, reasonable notice shall be given to him before entering to abate it. 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. (Prior code § 17-20 (c))

8.16.040 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. (Prior code § 17-20 (a))

8.16.050 Appeals.

Any order issued by the building inspection department pursuant to the terms of Sections 8.16.010 through 8.16.040, may be appealed to the legal and finance committee of the common council, in writing, and within fifteen days of the issuance of the order. Such written notice of appeal shall be submitted to the chairman of the legal and finance committee, 300-6th Street, Rapid City, South Dakota 57701. Appeals shall be heard at the next meeting of the legal and finance committee of the common council and the findings and recommendations of the legal and finance committee shall be reported to the common council at its next regularly scheduled meeting. The common council shall have the power, in passing on appeals, to authorize such exception from the terms of Sections 8.16.010 through 8.16.040 as will not be contrary to the public interest and so that the intent of this section shall be observed. (Ord. 2969 (part), 1992; prior code § 17-19 (d))

8.16.060 Leasing premises for unlawful purposes.

No person shall knowingly lease or rent to another any house, building, shed, booth, lot or other place or premises or any thereof for use or conduct