

CHAPTER 7-2 PUBLIC NUISANCES

7-2-1

PUBLIC NUISANCES PROHIBITED

No person shall, in the City of Brandon, South Dakota, create, maintain or commit or permit any public nuisance as hereinafter defined.

Legislative History:
1990 Revisions.

Authority:
SDCL § 9-29-13.

7-2-2

PUBLIC NUISANCE DEFINED

A public nuisance consists in unlawfully doing an act or omitting to perform a duty, within the City of Brandon, which act or omission either:

- A. Annoys, injures or endangers the comfort, repose, health or safety of others;
- B. Offends decency;
- C. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any street, alley or sidewalk;
- D. 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.

Legislative History:
1990 Revisions.

Authority:
SDCL § 9-29-13.

7-2-3

SPECIFIC ACTS DECLARED PUBLIC NUISANCES.

The following specific acts when committed in the City of Brandon, are declared to constitute public nuisances.

- A. **Breeding place for flies.**
The accumulation of manure, garbage, or anything with which flies breed.
- B. **Harborage or feeding places for rats.**
The accumulation of any garbage, rubbish, trash or other material upon any premises for an unreasonable length of time so that same shall or may provide food or harborage for rats.
- C. **Stagnant water.**
Any water or liquid in which mosquito larvae may exist.
- D. **Dead animals or fowl.**
For the owner of dead animal or fowl to permit it to remain indisposed of longer than twenty-four (24) hours after its death.

- E. **Livestock and poultry when a public nuisance.**
The collecting, keeping or feeding of any cattle, sheep, swine, goats, horses or poultry upon premises which are not maintained in a reasonably clean and sanitary condition, free from any noxious or offensive odor, or which will unreasonably interfere with the proper enjoyment of property in the area for residential or business purposes.

- F. **Offensive, foul or vicious smells when a public nuisance.**
It shall be unlawful for any person or persons, within the limits of the City of Brandon, to permit or suffer any public nuisance involving offensive, foul or vicious smelling substances upon his or her property.

- G. **Dogs, when a public nuisance.**
Every vicious dog and every dog which has the habit of barking or howling in the night, or one that habitually chases and barks at vehicles disturbing and annoying any person or neighborhood, or one that shall injure or destroy any lawn, garden, shrubbery, flowers or vines, is hereby declared to be a public nuisance, and no person shall keep or harbor any such dog. A vicious dog is a dog that barks at or bites a person when upon public streets or in any public place.

- H. **STORAGE**
Hay, straw, corn stalks or litter, stacked, stored or kept on any residential or commercial property within the City of Brandon.

- I. **TREES, SHRUBS AND BUSHES**
No tree, shrub or bush shall be allowed to harbor any safety hazard to the general public, whether that tree, shrub or brush be public or private, or to harbor any insect, disease or other pest that would be injurious or fatal to any tree, shrub or bush in the City. Such trees, shrubs and bushes include those injurious to sewer, water, electrical, telephone or gas lines, and those interfering with traffic and traffic control devices and signs, those obstructing light from any street light and those that are dead or have broken or dead limbs that are unsafe.

Legislative History:
1990 Revisions.
Ordinance #601, 03/18/20

Authority
SDCL § 9-29-13.

7-2-4

ABATEMENT OF PUBLIC NUISANCES

A public nuisance may be abated in accordance with South Dakota law.

Legislative History:
1990 Revisions.

Authority:
SDCL § 9-29-13.

Cross Reference:
SDCL Ch. 21-10 as amended.