

AMENDMENT TO ORDINANCE NO. 2009-01

AN AMENDMENT TO AN ORDINANCE ESTABLISHING THE  
PROHIBITION OF NUISANCES AND THE ENFORCEMENT THEREOF

BE IT ORDAINED BY THE TOWN OF BUFFALO GAP, COUNTY OF  
CUSTER, STATE OF SOUTH DAKOTA:

That Ordinance No. 2009- 01 be amended as follows:

That "Section 2. Prohibition" subsections A and B be amended to  
read:

Section 2. Prohibition

A. No Person, owner or occupant of any house, business, building or lot in  
the Town of Buffalo shall create or commit any public nuisance as defined in  
subsections B and C of this Section.

B. Within the meaning of this section, a public nuisance consists in  
unlawfully doing an act, or omitting to perform a duty, within the corporate limits  
of the Town, or in any public grounds or parks belonging to the Town which act  
or omission either:

1. annoys, injures, or endangers the comfort, repose, health or safety  
of others; or
2. offends the decency; or
3. unlawfully interferes with, obstructs or tends to obstruct, or renders  
dangerous for passage any lake, stream, public park, public sidewalk, street or  
alley; or
4. in any way renders other persons insecure in life or in 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.

That Section 2. subsection C 2. be amended to read:

2. Used building materials and constructions waste including, but not limited to, such items as lumber, lath, gypsum board, pallets, plaster, old iron or other metal, concrete, brick, tiles, piles of rock, sand, dirt or gravel when not used for landscaping purposes, doors, windows, and similar items that are kept inside the corporate limits of the Town and are not stored inside a building, except for building materials that are temporarily stored for work on the premises for a valid building project.

That Section 2. subsection C 4 a) be amended to read:

4. Abandoned, wrecked, dismantled, inoperable, junked or partially dismantled motor vehicles, motor vehicle bodies, 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 in the Town, and are not kept inside a building or otherwise appropriately covered to screen such items from view.

a) "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.

That Section 4. subsection A 1 be amended to read:

#### Section 4. Abatement Procedures

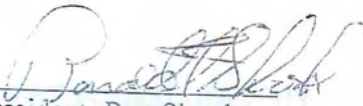
##### A. Notice

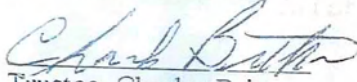
1. Whenever the inspecting official becomes aware of and upon inspection thereof that any condition or conditions prohibited in this article has been created or exists on any premises located within the Town, the inspecting official may give, or cause to be given, notice to abate the unlawful condition or conditions existing on the premises.

That Section 4. subsection A 3. be amended to read:

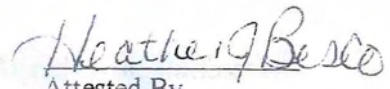
3. If the inspecting official has determined that a condition or conditions have been created or exists in violation of Town Ordinance, the order shall the work be physically commenced within such time and completed within such time as the inspecting official shall determine is reasonable under the circumstances.

That Section 5. Right of Entry be deleted in its entirety and that Section 6.  
Enactment be re-numbered as Section 5.

  
President, Ron Shook

  
Trustee, Charles Britton

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Trustee, Paul Krawik

  
Attested By  
Heather Besco  
Finance Officer

First Reading:

Second Reading: 9-14-09

Vote Result: Majority Passed

Publication Date: