

TITLE IV

HEALTH AND GARBAGE REGULATION; WEEDS

CHAPTER 4.01

BOARDS OF HEALTH AND HEALTH DEPARTMENT

4.0101 Right to Appoint a City Board of Health

The City Council may, at its discretion, form a City Board of Health to supplement the duties and/or activities of the State Board of Health. Such City Board of Health, if so formed, shall consist of the Mayor, Municipal Finance Officer, Chief of Police, and a physician or medical doctor. The Mayor shall be the Chairman; the Municipal Finance Officer shall be the Clerk; the Chief of Police shall be the Inspector and Investigator; and the medical doctor shall be the Superintendent of the City Board of Health. The President, Clerk, and Inspector and Investigator shall serve without additional compensation; and the Superintendent shall receive for his services a reasonable sum customarily charged for services. A City Sanitation Superintendent may be appointed to assist the City Board of Health in an advisory capacity; and shall serve without compensation.

4.0102 Power to Establish Regulations

The City Board of Health shall have power to establish such sanitary regulations as well, in their judgment, prevent the spread of diseases, to encourage isolation of persons afflicted with contagious or infectious diseases, or to take other actions to protect the health, safety, and welfare of the public.

4.0103 Duty to Keep Records

It shall be the duty of such City Board of Health to keep a record of regulations established by such Board; and it shall be the duty of the Clerk of the Board to record in a book, to be known as the "Board of Health Regulations," all sanitary regulations of a permanent nature.

4.0104 Duty to Report to State Board of Health

It shall be the duty of the City Board of Health to confer with the State Board of Health, and to report any situations that pose a threat to the health, safety, and welfare of the public to said State Board of Health.

4.0105 Duty to Report to the City Board of Health

It shall be the duty of every physician, medical doctor, motel/hotelkeeper, keeper of any boarding or rooming house, restaurant, public resort, medical clinic, or school, within the

City of Springfield to report to the Superintendent of the City Board of Health each and every case of contagious or infectious disease coming to their knowledge or attention.

4.0106 Action of Board upon Knowledge

Whenever it shall come to the knowledge of the City Board of Health or any member thereof, from report or otherwise, that any person is afflicted with a contagious or infectious disease within the City of Springfield, it shall be the duty of said Board to notify the State Board of Health for instructions and assistance and advice as to how to proceed further, relative to possible isolation, quarantine, or removal. It shall be the duty of the Superintendent of the City Board of Health to impose quarantine regulations whenever the same are authorized or justified under the rules and regulations of the State Board of Health and/or the laws of the State of South Dakota.

4.0107 Quarantine Regulations

It shall be the duty of the City Board of Health and the Superintendent, upon receiving notice or knowledge of the presence of infectious disease, to observe or follow the current practice, custom, usage, and regulations of the State Board of Health to avoid spread of such disease and for the protection of the public. Current practice, custom, usage or State Board of Health regulations or recommendations shall be followed relative to necessity and advisability for quarantine, quarantine notice, nature of the disease, or posting a sign or notice at the entrance of the room or house in which the patient(s) shall be.

It shall be the duty of the head of the family in the City of Springfield, whenever it shall come to his attention or notice, that any member of his family or any person lodging within his dwelling is afflicted with a contagious or infectious disease to take appropriate action immediately. Such "appropriate action" shall include a notice thereof to the Superintendent of the City Board of Health or the observance of current practice, custom, usage, or State Board of Health regulations or recommendations relative to the necessity and advisability for quarantine, quarantine notice, nature of disease, or posting a sign or notice at the entrance of the room or house in which the patient(s) shall be.

4.0108 Unlawful to Interfere with Duties of City Board of Health

It shall be unlawful for any person to remove any sign or notice posted for administering this section, or any quarantine measures, except upon the order or under the direction of the Superintendent of the City Board of Health. It shall be unlawful for any person to interfere with the City Board of Health or any member thereof, or any person acting under the direction of the Board while in the discharge of any duties conferred upon the Board under this Chapter 4.01.

4.0109 Necessary Expenses of Board

All lawful and necessary expenses under the provisions of this chapter shall be a charge against the general fund of the city, and shall be audited, authorized and paid as other bills are.

4.0110 Penalty for Violations

Any person violating any provisions of this chapter shall be a charge against the general fund of the city, and shall be audited, authorized and paid as other bills are.

4.0111 Assignment of Duties to Chief of Police when Board does not Exist

If a City Board of Health is not formed, as per discretionary provisions in Section 4.0101, the Chief of Police is hereby charged with, and assigned the duty of enforcement of all laws and regulations imposed by the State of South Dakota, the State Health Department, County Health Department (if any exists), and the City of Springfield as they pertain to the protection of public health, safety, and welfare. It shall be the continuing duty of the Chief of Police to monitor any conditions and/or hazards that pose, or could pose, a threat to such health, safety, and welfare to the community; and it shall be the duty of the Chief of Police, to report any such hazards or conditions to the City Council and the State Board of Health officials promptly.

TITLE IV

CHAPTER 4.02

NUISANCES DANGEROUS TO HEALTH

4.0201 Identification of Public Nuisances Dangerous to Health

The commission of each and every one of the acts prohibited in the title, is hereby declared to be a public nuisance:

- (1) Privies, Cesspools, Septic Tanks No person shall erect, construct, install, or maintain any privy, cesspool, or septic tank within three hundred (300) feet of any sewer line or twenty (20) feet of any street or dwelling within the corporate limits of the City of Springfield nor maintain within said city limits, any privy, cesspool, or septic tank that emits foul or offensive odor.
- (2) Manure No person shall deposit or permit to be deposited, dropped, or thrown in or upon any alley, street, or lot within the City of Springfield, any manure which shall be permitted to remain so deposited for a period of seven (7) days, at any time; and each and ever such deposit shall be removed entirely in every seven (7) days during such time. The provisions of this section apply whether or not such manure is deposited by animals (including dogs), allowed to accumulate, or hauled in for fertilization purposes.

4.0202 Hogs, Livestock, Horses, Poultry Restrictions

No person owning, keeping, or having in his possession or control, any hogs, sheep, cows, poultry, horses, or other animals at any place within the corporate limits of the City of Springfield, shall permit or suffer the premises around the place in which such animal or animals are kept to be offensive; nor shall any person keep any such animal(s) within three hundred (300) feet of any dwelling house, except that of the owner of such animal(s) within the limits of the City of Springfield.

4.0203 Animals May be Impounded

Whenever the Chief of Police of said city shall find it necessary to remove from any place any hogs, cattle, mules, horses, or other animals in the performance of his duties under this title, he may impound the same as in the case of impounded animals and the owner or person in charge shall not be entitled to the possession thereof until he shall pay to the said Chief of Police all costs expenses, and charges for taking and caring for said animals, together with the fees allowed in case of impounded animals.

4.0204 Offensive Substances in Public Places

No person shall throw, drop or deposit or leave any dead carcass or portion thereof of any chicken, or animal or other offensive or unwholesome substance upon any public street, alley, or other public or private ground of the City of Springfield.

4.0205 Removal of Dead Chickens, Animals, Etc.

No occupant of any building or lot in said City of Springfield shall permit any dead chickens, animals, or other offensive or unwholesome substances whatsoever to remain in such building or upon such lot for a period exceeding twenty-four (24) hours; nor shall any person permit any such dead chickens, animals, or other unwholesome substance to remain in or upon any lot or tenement, alley, or street.

4.0206 Notice to Abate Nuisances

It is hereby made the duty of the Chief of Police of the City of Springfield, either on personal knowledge or upon receipt of notice of the existence of any nuisance within the city mentioned in the preceding article or section, to forthwith give notice in writing to the person or persons keeping, maintaining, or permitting such nuisances or to the person or persons owing, occupying, or having control or possession of the premises where such nuisance is kept, maintained, or permitted, to immediately abate the same, and if such nuisance is not abated within twenty-four (24) hours after the service of such notice, it shall be the duty of said officer to forthwith abate and remove the same at the expense of the city and for the expenses so incurred. Thereafter, the city may recover such expenses by a civil action for that purpose.

4.0207 Penalty

Any person or persons violating any of the foregoing provisions of this title, shall upon conviction thereof, be punished by a fine or imprisonment as hereinafter provided; and each and every day that such person or persons shall neglect or refuse to comply with any of the provisions aforesaid after being served with written notice as hereinbefore provided, shall be deemed a separate violation for which, upon conviction, he shall be subject to a like penalty.

4.0208 Abatement without Notice in Certain Cases

Whenever any of the premises, lots, lands, buildings, or places mentioned or referred to in this section shall be unoccupied and the owner thereof is a non-resident of the City of Springfield, or cannot after due diligence, be found, the said Chief of Police may proceed as in the preceding section provided without giving the notice required under this chapter; and recovery and expenses and costs therefore may be had as in other cases of nuisances.

TITLE IV

CHAPTER 4.03

GARBAGE AND REFUSE

4.0301 Definitions

Definitions, as used in this Ordinance, and in the following terms, shall have the meaning herein prescribed:

- (a) Garbage: "Garbage" as used in this Ordinance, applies to, consists of, means, and includes food waste from kitchens, shops and stores, including peelings, vegetable tops, waste from meats, fish and poultry, and such leftovers as are not fit for keeping and using, spoiled fruits, vegetables and meats, and other perishable wastes that attend the preparation, use, cooking, or the dealing in or storage of meats, fish, fowl, fruits, or vegetables.
- (b) Refuse: "Refuse," as used in this Ordinance, applies to, consists of, means, and includes all other refuse matters other than garbage as herein defined such as ashes, manure, hay, straw, broken crockery, glassware, tin cans, and anything in the line of waste or castaway material that may be or become injurious to the person or deleterious to the public health.
- (c) Collector: "Collector" is used in the Ordinance to designate a person licensed to haul garbage; and a collector's license confers the right to haul both refuse and garbage as herein defined.

4.0302 Burning of Garbage

It shall be unlawful for any person to burn garbage or refuse within the Limits of the City.

4.0303 Collector's License

No collector shall haul any garbage in the city without having first procured a license issued by the Municipal Finance Officer. After approval by the City Council, the Municipal Finance Officer shall issue a license to haul garbage in the City to any person, upon presentation of a receipt showing that the applicant has paid to the Municipal Finance Officer a sum equivalent to ten dollars (\$10.00) per year, and shall expire on January 1, next following the date of issuance thereof.

4.0304 Collection Periods

A person having a license to collect garbage and refuse shall call for, and pickup, garbage and/or refuse at least once a week during the months of April, May, June, July, August, September, and October of each year, and at least once every two (2) weeks between November 1 and April 1 next ensuing, if weather prevents weekly pickups, at each place where garbage accumulates, and more often if the City mayor or Board of Health shall deem it necessary. All garbage and refuse so collected shall be conveyed and disposed of, to and at such place, and in such manner as herein provided. In the event of biweekly pickups, only a 2/3 rate shall be charged.

4.0305 Office of Collector

It shall be the duty of a person having a license as herein specified for the collection and removal of garbage and/or refuse to maintain an office either at the place of residence of the person, or at some other place within the City Limits with at least one telephone therein, which office shall be in charge of some person from eight o'clock (8:00) a.m. to four o'clock (4:00) p.m. of each day, except Sunday and legal holidays, for the purpose of receiving calls for the collection and removal of garbage and refuse, and the receiving of such information as may be conveyed to such collector.

4.0306 Contents of Vaults, Cesspools

Only a licensed garbage collector shall be permitted to clean out and haul away the contents of any privy vault or cesspool in the City, and such contents shall be disposed of only at the Solid Waste Disposal Landfill site or other location specifically so designated by the City Council, and there in such manner as directed by the City Council, the operators and/or employees of the Solid Waste Disposal Landfill, employees of the City, or the Board of Health.

4.0307 Dumping Grounds

It shall be unlawful to unload or deposit garbage or refuse, the latter to include dead animals and the contents of privy vaults and cesspools, hauled from any premises in the City at any other place than at the Solid Waste Disposal Landfill site so designated, or other location specifically so designated by the City Council.

4.0308 Fees

The maximum fees which shall be charged by collectors for the collection of a standard, routine, or normal quantity of residential and/or commercial business garbage and refuse from the respective service classifications herein set forth shall be as follows:

- (a) Single Person Household: One pickup per week, rate, charge, and/or fee to be established by City Council from time to time by resolution.
- (b) Two or more Person Household: One pickup per week, rate, charge, and/or fee to be established by City Council from time to time by resolution.
- (c) Commercial Business Establishments: Individual negotiations with licensed contractor
- (d) Manufacturing and Industrial Plants: As negotiated between such licensed collector and the manufacturing and industrial plant; and depending upon the volume and type of garbage and refuse hauled.
- (e) Special and Emergency Pickups: Individual negotiation with licensed collector.

The monthly service fees, as determined by the collector, shall be normal course of the operation as part of the City of Springfield's Water Department. Said service charge, shall, however, be billed separately by the Garbage collector at his/her fees.

If such charge by the collector is not paid when due, set by the collector, the water service to the occupied premises may be terminated by the City of Springfield in such the manner as provided for in the event for delinquent water and sewer charges, and such water service shall not be restored until the charge in question has been paid in full, together with any penalty otherwise provided by this Ordinance.

Occupied Premises, defined: Any place of abode, dwelling, or any active residential household that is occupied, that has water and sewer services, will automatically receive garbage services by said collector. It will be required to utilize the garbage services for the City of Springfield contracted hauler. You will receive a garbage utility bill from the collector whether you utilize the services or not. It is the responsibility of the property owner to pay said bill, or uncollected garbage bills will result in the disconnection of water services. In the result of disconnection of water service, a \$10.00 reconnect charge for service will be charged to your water and sewer bill.

In addition to fees any applicable state and/or municipal sales taxes as required by State Statues will be added.

A collector may assess a reasonable additional fee for collection of garbage and refuse in excess of the standard, routine, or normal quantity of residential or commercial business establishment garbage and refuse, and may assess a reasonable additional fee in the event such collector is required to carry garbage, refuse, or both garbage and refuse a distance of more than eighty feet (80') to the nearest point of reasonable vehicle access for pickup purposes.

All fees assessed by the collector in addition to the fee for the standard quantity of residential and/or commercial business garbage and refuse shall be separately set forth on the collector's billing and a complete explanation shall be provided therefore.

Each residential unit in a mobile home park shall be classified as a single apartment for the purpose of this Article.

Upon request of a collector, the owner or manager of an apartment house or mobile home park containing in excess of two (2) living units may at said owner's or manager's option consent to collect the fees herein set forth from his tenants and remit the same to said collector in one sum.

Any licensed garbage collector violating the terms and conditions of this Section by charging fees in excess of those hereinabove provided for the services rendered shall be guilty of a misdemeanor and subject to license revocation.

4.0309 Standard, Routine, or Normal Quantity Defined

For the purposes of collection by a collector, the standard, routine, or normal quantity of residential or commercial business establishment shall be:

- (a) Garbage, refuse, and mixed garbage and refuse, contained within not more than four (4) garbage cans as herein provided; and
- (b) Additional refuse only amounting to not more than eight (8) bushel baskets full, or equivalent volume.

4.0310 Termination of Collection Services: Deposit to Secure Payment of Fees

Collection by a collector may be discontinued for a nonpayment of service fees for a period of sixty (60) days after billing or for repeated violation of the provisions of this Code or the regulations or decisions of the Garbage Inspector. The collector shall notify the householder, occupant business establishment, or industrial plant of discontinuance by United States mail, setting forth each reason for such discontinuance and at the time of said notification shall mail a copy of such notice to the Garbage Inspector.

A collector may, if he deems it advisable, require a deposit from a householder, occupant, business establishment, or industrial plant equal to the fees for collection of a standard, routine, or normal quantity of residential or commercial business establishment garbage and refuse for the service classification contracted for a period of five (5) months to secure payment for collection services rendered. Such deposit shall be deposited by the collector in a separate account denominated "trust account" in a banking institution and shall remain so deposited until termination of collection service. Upon termination of collection service, such collector shall withdraw said deposit, apply the same in satisfaction of any unpaid fees for collection services rendered, and remit the remaining portion, if any, to the householder, occupant, business establishment, or industrial plant depositing the same.

4.0311 Garbage Cans

It shall be the duty of every householder, occupant, business establishment, or industrial plant occupying any building or premises in the City, and the proprietor of any restaurant, café, boarding house, eating house, retirement home, or commission house, to place and deposit their garbage in a suitable watertight can, with handles, of not more than thirty (30) gallons capacity and with tight cover, said can and cover to be provided at their expense, and to place such a receptacle near the alley in the rear of their premises, or at some other place reasonably accessible to the collector of garbage, provided, that where the owner of lessor of the premises rents a portion thereof to two (2) or more families or occupants, he shall provide a suitable receptacle for garbage, as provided herein, to be used by all such tenants or occupants, and be placed on such portion of the premises as not to create a nuisance. It shall be the power of the Garbage Inspector to plan and approve garbage and/or refuse storage containers or areas, awaiting regular pickup, within the meaning and purpose of this Section, when the utilization of thirty (30) gallon containers, as referred to above, is not feasible.

For the purposes of collection, refuse shall be placed in garbage cans, as herein provided for garbage, or placed in containers or packages suitable to enable such refuse to be easily and quickly picked up by the collector. Lumber, tree limbs, or similar materials shall be reduced to not more than five feet (5') in length and bundled to facilitate handling by the collector. Such containers, packages, or bundles shall be placed near the alley in the rear of the premises with any garbage cans or at some other place reasonable accessible to the collector.

For the purposes of collection, the gross weight of any can, container, package, or bundle, and the garbage, refuse, or garbage and refuse contained therein shall not weigh in excess of eighty (80) pounds. A collector shall not be required to empty or remove any such can, container, package, or bundle, the gross weight of which is in excess of eighty (80) pounds and shall as soon as practicable notify the householder, occupant, business establishment, or industrial plant to cause the weight of any such container or unit to be reduced below a gross weight of eighty (80) pounds.

4.0312 Vehicle Requirements

No garbage, debris, or refuse, excepting tree limbs and leaves shall be hauled on the streets of the City by any licensed garbage collector unless same is confined with an airtight box of the compressor-type, which shall not permit the emitting of odors or the spilling of liquids. All vehicles used for the purpose of hauling garbage shall be kept in a painted condition and in a sanitary and slightly condition and shall have attached thereto, on both sides, a sign with the words, "Licensed Garbage Collector," painted thereon, together with the number of the vehicle in bold letters and figures, each vehicle to be separately numbered.

4.0313 Garbage Inspector

The collection and removal of garbage and refuse matter, as in this Article provided, shall be conducted under the supervision, direction and control of a Garbage Inspector, to be appointed by the City Mayor and City Council and to report to and be answerable directly to the City Council, or to the Board of Health. If no Garbage Inspector is appointed, then the Chief-of-Police shall perform the duties of the Inspector.

4.0314 Manure and Dead Animals

It is hereby made the duty of all property owners and tenants occupying premises upon which manure of any kind accumulates, to provide cans, boxes, or bins, or other suitable receptacles therefore, and the receptacles shall be emptied promptly and completely at all times as may be necessary to prevent the same from becoming injurious and dangerous to the health, comfort or welfare of individuals or the public. Dead animals are not permitted to be buried within the City Limits, except in ground expressly provided therefore by the City.

4.0315 Removal of Garbage Required

It is hereby made the duty of every occupant of any dwelling house, shop business establishment, storeroom, office, industrial plant, or other building or premises, to remove or cause to be removed by the properly licensed collector, all garbage, refuse, or other and similar material placed, collected, or deposited by them, and to pay or cause to be paid to the licensed collector for such removal, legal fees as by this Chapter prescribed. It is hereby declared to be unlawful for any person to throw or deposit or cause, permit, authorize or allow to be thrown or deposited, upon any street any garbage or refuse, or to cause, allow or permit to be thrown or to remain upon his or her premises, either owned, rented or occupied, any such garbage or refuse as to cause or create a nuisance or any offense. Failure of any individual or group to comply with this Section, as stated above, shall render such individual or group guilty of a misdemeanor.

4.0316 Removal of Dead Animals

It shall be unlawful for any person to haul or transport or cause to be hauled or transported any dead animals which have died or been killed outside of and beyond the City Limits, except those streets and avenues designated as State highways.

Any person hauling or transporting or causing to be hauled or transported dead animals which have died or been killed outside of and beyond the City Limits, except those to be used for consumption by humans or pets, on any street, except streets which are occupied and designated as State highways, shall be guilty of a misdemeanor.

4.0317 Parking of Vehicle in Residence District

It shall be unlawful for any person to keep, maintain, or park any wagon, trailer, truck, or other vehicle used for hauling garbage, livestock or refuse, on or adjacent to property classified by the provisions of this Ordinance for residence purposes, except for such

period of time as is necessary for the expeditious collecting of such garbage, livestock, or refuse from such property.

4.0318 Litter and Littering

It shall be unlawful to deposit, park, place, permit to remain, store, or leave any motor vehicle, or parts thereof or portion therefrom, which does not have affixed thereto a valid, current South Dakota Motor Vehicle Inspection Certificate, and which is in a rusted, wrecked, junked, or partially dismantled, or inoperative or abandoned condition, whether attended or not; or for the owner of any such vehicle, or the owner or occupant of any property to allow, permit, or suffer the same to be left on any privately owned property, unless the same be first duly authorized by the City Council in conjunction with a business properly operated pursuant to and in compliance with all applicable provisions of the City Ordinance, or unless such vehicle is located entirely within an enclosed private or public garage. Failure to comply, shall constitute a misdemeanor against any individual or group in violation of this Section.

TITLE IV

CAPTER 4.04

FOOD

4.0401 Inspection of Food

The City reserves the right to appoint a City Board of Health, or to operate under the alternative of turning over appropriated matters to the State Board of Health. Such a City Board of Health, either by its Superintendent or other duly authorized representative, shall have the right to inspect all articles of food offered or intended for sale by stores, bakeries, meat markets, dealers in milk and cream, vegetables and other food or foods relative to the condition of such foods and the place or places where the same are kept.

4.0402 Persons Handling Food

No person who is affected with any communicable diseases in transmittable stage shall be employed as a handler of food in any restaurant, hotel, lunch counter, ice cream parlor, tea room, soda fountain, or other place where food or drink is served or in any dairy, milk or cream station in the City of Springfield.

4.0403 Cleansing of Eating and Drinking Utensils

It shall be the duty of the owner, proprietor or person in charge of any restaurant, hotel, tea room, lunch counter, ice cream parlor, soda fountain or any other place where food or drink is sold or served, to thoroughly cleanse all dishes, cups, drinking glasses, and eating utensils immediately after being used by washing them in a strong solution of washing

soda or sap in hot water and rinsing in clear hot water or by thorough sterilization by some other equally effective method approved by the State or Local Board of Health.

Nothing in this section shall prohibit the use of paper cups, dishes, or other single service containers provided that they be used once only and immediately destroyed.

4.0404 Protection of Food Against Contamination

Every person, firm or corporation engaged in the sale of any of the food stuffs enumerated in this title shall cause the same to be properly protected by screens, refrigeration or otherwise against contamination by flies, street dust or any other agency.

4.0405 Disposal of Food Unfit for Human Use

Whenever any articles intended as food or drink for human use is found being offered or exposed for sale or in possession of any dealer with intent to sell, which is unfit for human use, the Department of Health and its Superintendent or other authorized agent, shall order its removal and disposal. In case the owner or person in charge shall fail to immediately observe said order, the health department shall proceed to enforce it at the expense of the owner or person in charge.

TITLE IV

CHAPTER 4.05

MILKS AND DAIRIES

4.0501 License

No person shall engage, unless licensed by the State of South Dakota, in the sale of milk or cream for domestic consumption within the City of Springfield without first obtaining a license therefore from the health department of the city. No such license shall be transferable except upon the recommendation of the Superintendent of the City Board of Health, approved by the governing body.

4.0502 Application for License

Any person desiring a license to engage in the sale of milk or cream for domestic uses in the City of Springfield shall file with the Municipal Finance Officer a written application addressed to the City Board of Health; the Municipal Finance Officer shall present all such applications to the City Board of Health, each application shall be accompanied by a \$1.00 fee payable on January first of each year.

The application for such license shall set forth with reasonable exactness the following facts:

- (a) The name and place of residence of applicant.

- (b) The location or place from which the applicant obtains or is to obtain milk and cream for distribution.
- (c) If said applicant is a producer of milk and cream, the number of cows in his dairy herd.
- (d) If the applicant is not a producer himself, then the names of the person or persons from whom he obtains or is to obtain such milk and cream, and the number of cows in such herd or herds.

Such application shall be accompanied by a certificate of a duly licensed veterinarian showing:

- (a) That an examination and a tuberculin test have been made of the herd or herds described in the application.
- (b) The date and place of such test.
- (c) The number of cows in the herd or herds tested with a general description of the herd.
- (d) That the said herd or herds have been found free from tuberculosis and other contagious or communicable diseases.

Said certificate shall be signed by the Veterinarian making the test.

Upon filing the application, accompanied by the certificate aforesaid, the applicant may sell and distribute milk and cream until the City Board of Health takes action thereon and either grants a license or refuses to do so.

A person licensed under the provisions of this title shall notify the Department of Health upon the addition of any producer or producers to their source of supply and shall furnish a veterinarian's certificate showing the examination of each herd or herds from which milk or cream is secured as above provided.

4.0503 Tuberculin Test-Revocation of License

No milk or cream shall be sold, offered or exposed for sale or held in possession for the purposes of sale within the City of Springfield for domestic use unless such milk or cream shall have been obtained from cows tested within one year prior thereto by a duly licensed veterinarian and which cows have given satisfactory negative tuberculosis reaction. The test used shall be a test of recognized certainty and in current use at the time of such testing. Failure or refusal by any licensee herein to comply with any of the provisions of this section shall be ground for revoking the license held by such person and such revocation shall be accompanied by written notice to that effect by the Municipal Finance Officer.

4.0504 Inspection of Dairy Premises

The City Board of Health shall have authority to make inspections of dairies or premises where milk or cream or milk products are produced or premises used in any manner whatsoever in connection with the production of milk or cream or milk products from

which dairies or premises, milk is sold in the City of Springfield for domestic use and shall have authority to prohibit the sale for human consumption of milk or cream which have not been produced or handled in accordance with the provisions of this title and for like causes shall have power to revoke any licenses granted under this title.

TITLE IV

CHAPTER 4.06

WEEDS AND NOXIOUS VEGETATION

4.0601 Definition

The following weeds and plants are hereby declared to be noxious weeds and are hereby declared to be nuisances, to-wit; Rag weed, thistles of any kind, wild sunflower, goldenrod, cocklebur, sandbur, wild oats, wild mustard, wild lettuce, wild salsify, pig weed, wild firebush, creeping jenny and all other useless weeds suffered or allowed to grow during the growing season.

4.0602 Duty of Occupant

It shall be the duty of the occupant, person in charge or the owner of any lot or parcel of land in the City of Springfield to keep such lot or parcel free from any noxious vegetation and particularly as to the weeds and plants mentioned in the first section of this title and to cut, or cause to be cut, such noxious vegetation at such time or times as may be necessary to prohibit its growth and bearing seed. The Street Superintendent or Street Maintenance Man or any other person in charge of streets and alleys of the City of Springfield, shall, in like manner, destroy all such weeds being and growing in the streets and alleys of the city. The City Council shall annually cause notice to be given of the time or times for the destruction of such weeds.

4.0603 Expenses Charged to Owner

If the owner, occupant or person in charge of any lot or lots shall fail or neglect to destroy any such weeds or noxious vegetation as aforesaid, growing upon any such lot or lots, the Street Superintendent or Street Maintenance Man or some other person under his direction shall, within ten (10) days after the publication of the notice provided for in the preceding section, cause the work to be done and report the expense thereof to the City Council of the city for special assessment against the property benefited.

4.0604 Trees Overhanging Public Ways

The owner, occupant or person in charge of any premises abutting upon any street, road or alley shall keep all trees upon the premises and the center of the adjoining streets so trimmed that no bough or branch thereof shall hang lower than eight (8) feet above the surface of the street, road, alley or sidewalk thereon.

4.0605 Mowing Grass on Premises Abutting Public Ways

The owner, occupant or person in charge of any premises abutting upon any street road or alley shall keep mowed or cut down all weeds and grass that may grow between the boundary line of the premises and the center of the adjoining street, road or alley. Provisions described in Section 4.0602 and 4.0603, relative to weeds and noxious vegetation, responsibilities of owner, occupant or person in charge of any lot or parcel of land, violations, and procedures for dealing with violations shall also apply to this section.

4.0606 Sight Obstruction of Intersections

No person shall plant or permit to grow upon any premises abutting upon any street, road or alley any tree, shrub, hedge, or vegetation in such way to obstruct the view of the drivers of vehicles approaching any street intersection.

TITLE IV

CHAPTER 4.07

NUISANCES APPLICABLE TO ABATEMENT OF DANGEROUS HAZARDOUS, DILAPIDATED, UNHABITABLE, OR ABANDONED BUILDINGS, STRUCTURES, OR PREMISES

4.0701 Conditions or Defects Characteristic of Dangerous, Hazardous, Dilapidated, Uninhabitable, or Abandoned Buildings, Structures, or Premises

For the purpose of this Chapter, any building, structure, or premises which has any or all conditions or defects hereinafter described shall be deemed to be a dangerous or hazardous building, structure, or premises provided that such conditions or defects exist to the extent that the life, health, safety, or welfare of the public or its occupants is threatened and endangered:

- (1) Whenever any portion thereof has been damaged by fire, wind, flood, or by any other cause, to the extent that the structural strength or stability thereof is materially less than it was before such catastrophe has occurred, and poses a potential danger of collapse or threat to safety to persons or property;
- (2) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
- (3) Whenever any portion thereof has warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds than is required or expected of similar new construction;
- (4) Whenever a door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;

- (5) Whenever the building, structure, or premises, or any portion thereof, because of (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay, or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse;
- (6) Whenever, for any reason, the building, structure, or premises or any portion thereof, is manifestly unsafe for the purpose for which it is being used, intended to be used, or capable of being used;
- (7) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;
- (8) Whenever any building, structure, or premises has been constructed, exists or is maintained in violation of any specific requirements or prohibition applicable to such building or structures provided by the building regulations of this state or city relative to the construction, condition, location, or structure of buildings;
- (9) Whenever any building, structure, or premises, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause is determined to be a fire hazard;
- (10) Whenever a building, structure, or premises used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, deemed to be unsanitary, unfit for human habitation or in a condition that is likely to cause sickness or disease;
- (11) Whenever any portion of a building, structure, or premises remains on a site after the demolition or destruction of the building, structure, or premises, or whenever any building, structure, or premises is abandoned for a period in excess of six months, so as to constitute such building, structure, or premises, or portion(s) thereof, an attractive nuisance or hazard to the public;
- (12) Whenever any building, structure, or premises is in such condition as to constitute a public nuisance, as defined by the Laws and Statutes of the State of South Dakota, City Ordinances, the common law, or equity jurisprudence;
- (13) Whenever the building, structure, or premises has been so damaged by wind, earthquake, fire or flood, or has become so dilapidated, deteriorated, or neglected to become (1) an attractive nuisance for children, (2) a harbor for vagrants, criminals or immoral persons; or as to (3) enable persons to resort thereto for the purpose of committing unlawful, immoral, or vandalistic acts;
- (14) Whenever any building, structure, or premises which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion, less than 50 percent; or in any

- supporting part, member or portion less than 66 percent of the (1) strength; (2) fire-resisting qualities or characteristics, or (3) weather resisting qualities or characteristics required by the law in the case of newly constructed building, structure, or premises of like area, height, and occupancy in the same location;
- (15) Whenever a building, structure, or premises is not kept or maintained in manner which is at variance with and inferior to the level of maintenance of surrounding properties relative to the following conditions: (1) unoccupied buildings allowed to deteriorate or decay without taking care of repairs, upkeep, or maintenance, (2) abandoned or boarded up; partially destroyed or partially constructed, (3) deteriorating or peeling of paint that allows the exterior building coverings to deteriorate or to permit the effect of sun and water penetration so as to encourage decay, dry rot, warping, or cracking, (4) broken window, doors, attic vents and under floor vents, (5) overgrown vegetation which is unsightly and/or conducive to harboring of rats, vermin, or other rodents and pest, (6) dead, decayed or diseased trees, weeds and other vegetation, (7) trash, debris, garbage, or refuse strewn on/around the premises, and (8) building exteriors, walls, fences, driveways or walkways which are cracked, broken, defective, or deteriorated, in disrepair, or deface.
- (16) Whenever an owner or occupant is holding a building, structure, or premises for demolition purposes beyond one year after declaring so, or as evidenced by surrounding circumstances; or
- (17) Whenever a building, structure, or premises has been allowed to deteriorate or decay to (1) cause neighborhood blight, (2) adversely affect other properties and/or property values, (3) erode the visual environment of the neighborhood or the community, or (4) attract or harbor rats, vermin, other rodents, and/or pests.

4.0702 Enforcement

- (1) Administration: The City Council may appoint any of the following depending upon circumstances, conditions, or preferences, to serve at the pleasure of the City Council to assist in enforcing or implementing the provisions of this Chapter:
- (a) A Building Inspector to Serve Annually: A Building Inspector, or other authorized representative, appointed at each annual reorganization of the City Council for the ensuing year;
- (b) A Building Inspector to Serve for Individual Situations(s): A Building Inspector, or other authorized representative, to serve for one or more specific situations brought before the City Council;
- (c) A Standing Committee to Serve Annually: A Building Committee, or other commission, appointed at each annual reorganization of the City Council for the ensuing year; or
- (d) An AD Hoc Committee: An ad hoc committee to serve for one or more specific situations(s) brought before the City Council.

Such Building Inspector or Building Committee may, or may not, consist wholly or partially of member(s) of the City Council.

For the purpose(s) of this ordinance, such Building Inspector or Committee(s) [or other authorized representative(s) of the City Council] shall be referred to as “Building Inspector” in this Chapter.

- (2) Right of Entry: Whenever deemed necessary to make an inspection, or whenever the Building Inspector has reasonable cause to believe that there exists in any building, structure, or upon any premises any condition which makes such building, structure, or premises dangerous as defined in 4.0701, the Building Inspector may enter upon such building, structure, or premises at any/all reasonable time(s) to inspect the same or perform any duty imposed upon the Building Inspector provided that (1) if such building, structure, or premises be occupied, the Building Inspector shall first present proper credentials to demand entry; and (2) if such building or premises be unoccupied, the Building Inspector shall first make a reasonable effort to located the owner or other person having charge or control of such building, structure, or premises and demand entry. If such entry is refused, the Building Inspector shall have recourse provided by law to secure entry. The Building Inspector is hereby authorized to request members of the City Council, residents, or officers of the police department to assist the Building Inspector in making an evaluation or review of such building, structure, or premises.

If a visual inspection of the exterior of the building, structure, or premises reveals conditions as listed in 4.0701, without the necessity for entering such building, structure, or premises, a determination may be made solely on the basis of such visual, non-entry inspection.

- (3) Declaration of Public Nuisance: Buildings, structures, or premises, or portions thereof which are determined after inspection to be dangerous, hazardous, dilapidated, uninhabitable, or abandoned as defined in this Chapter may be referred to the City Council for Council declaration as a public nuisance. Said City Council may declare such building, structure, or premises a public nuisance which shall be abated by repair, rehabilitation, demolition, or removal or demolition in accordance with the procedures specified in this Chapter.

4.0703 Notices and Orders

- (1) Commencement of Proceedings: Whenever the Building Inspector has inspected any building, structure, or premises and determined that such building, structure, or premises is dangerous or hazardous, the Building

Inspector shall commence proceedings to cause the repair, rehabilitation, vacation, removal or demolition of the building, structure, or premises by making a recommendation to the City Council for further action. The City Council shall take official action on the recommendation at a formal meeting of the Council.

- (2) Notice and Order: The Building Inspector shall issue a notice and order directed to the person having record title, legal interest, or control of such building, structure, or premises. The notice shall contain:
- (a) Address; Description: The street address and/or legal description sufficient for identification of the premises upon which the building, structure, or premises is located;
 - (b) Statement of Building Inspector: A statement that the City Council has determined the building, structure, or premises to be dangerous or hazardous, with a brief and concise description of the conditions(s) bound to render the building, structure, or premises dangerous under the provisions of this Chapter; and
 - (c) Statement of Action Required: A statement of action shall include:
 - (i) A statement reciting what repairs(s), vacation, demolition or removal, or other course of action is required as under 4.0604;
 - (ii) The time limitation(s) under which such action must be completed; and
 - (iii) A statement advising that any person having any recorded title or legal interest in the building, structure, or premises may appeal from the notice and order to said City Council. The appeal must be in writing as provided in this Chapter, and filed with the Municipal Finance Officer within ten (10) days from the date of service of such notice and order. In addition, the notice must advise or inform that failure to appeal will constitute a waiver of all rights to a hearing on the matter.

4.0704 Action Required

The following action shall be taken as determined by the City Council:

- (1) If the City Council has determined that the building, structure, or premises must be repaired or improved, the order shall require that all required permits be obtained therefore and the work physically commenced within sixty (60) days from the date of the order, and to be completed within such time as the City Council shall determine is reasonable under the circumstances.
- (2) If the City Council has determined that the building, structure, or premises must be removed or demolished, the order shall require that the building, structure, or premises be vacated within such time as the City Council shall determine is reasonable [not to exceed sixty (60) days from the date of the order]; that all required permits be obtained within sixty (60) days

from the date of the order; and that the demolition or removal be completed within such time as the City Council determines is reasonable under the circumstances. Completed demolition or removal shall include filling in of the open basements as soon as exposed.

4.0705 Service and Notice of Order

The notice and order and any amended or supplemental notice and order shall be served upon the person having record title, legal interest, or control of such building, structure, or premises, and upon tenants (if any).

4.0706 Method of Service

Service of the notice and order upon persons in 4.0705 shall be made either personally or by mailing a copy of such notice and order by certified or registered mail, postage prepaid, return receipt required (or by comparable means, in the event of postal changes). If no address of such person(s) appears to be, or is, known to the Building Inspector, a copy of the notice and order shall be published in two (2) consecutive time in the official, legal newspaper of the city. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this Chapter. Service by certified or registered mail in the manner hereto provided shall be effective on the date of mailing. Service by legal publication shall be effective on the date of final publication.

4.0707 Standards to be Followed in Repair, Vacation, Removal, Demolition

The following standards shall be followed by the Building Inspector and the City Council in ordering repair(s), rehabilitation, vacation, removal, or demolition of any dangerous or hazardous building, structure, or premises:

- (1) The condition or defects causing a building, structure, or premises to be declared dangerous or hazardous under this Chapter shall either be eliminated or repaired in accordance with the current building code or instructions by the City Council, or shall be demolished or removed at the option of the owner or other party in 4.0705.
- (2) If the building or structure is in such condition as to make it immediately dangerous or hazardous to the life, limb, property, welfare, health, or safety of the public or its occupants, it shall be ordered vacated, demolished, or removed.

4.0708 Appeals; Board of Appeals

- (1) Board of Appeals. In order to provide for final interpretation of the provisions of this Chapter and to hear appeals provided for hereunder, there is hereby established a Board of Appeals, which shall be the City Council. If the Building Inspector is not a member of the City Council, the Building Inspector shall be an exofficio member.

- (2) Filing an Appeal. Any person may appeal from any notice and order or action of the City Council (not acting as a Board of Appeals) under this article by filing at the office of the Municipal Finance Officer within ten (10) days from the date of service of such order, a written appeal containing:
 - (a) A brief statement of the specific order or action protested together with any material facts claimed to support the contentions of the person appealing;
 - (b) A brief statement of the relief sought and reasons why it is claimed that the protested order or action should be reversed, modified, provided for compliance time, or set aside; and
 - (c) The signature(s) and addresses of the appellant(s).
- (3) Processing of Appeal. Upon receipt of any appeal filed in this Chapter, the Municipal Finance Officer shall present it at the next regular or special meeting of the City Council for action by the Board of Appeals.
- (4) Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the Municipal Finance Officer shall fix a date, time, and place for the hearing of the City Council, acting as a Board of Appeals. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the Municipal Finance Officer by causing a copy of such notice of hearing to be delivered to the appellant personally or by mailing a copy thereof by certified or registered mail, postage prepaid, return receipt requested (or by comparable means, in the event of postal changes), and addressed to the appellant at his/her address as shown on the appeal.
- (5) Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of this chapter shall constitute a waiver of his/her right to administrative hearing and adjudication of the notice and order, or any portion thereof.
- (6) Scope of Hearings on Appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing on the appeal.
- (7) Staying Order Under Appeal. Enforcement of any notice and order of the City Council issued under this Chapter shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.
- (8) Inspection of Premises. The City Council, acting as a Board of Appeals, or a hearing examiner appointed by the Board, may inspect the building, structure or premises involved in the appeal during the course of the hearing provided that (1) notice of such inspection shall be given to the party(ies) before inspection is made, (2) the party(ies) is/are given an opportunity to be present during the inspection, and (3) the Board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Board.
- (9) Form of Decision. The decision of the Board of Appeals shall be in writing and shall contain the findings, a determination of issues presented,

and the requirements to be complied with. A copy of the decision shall be delivered to the appellant(s) personally or sent by certified or registered mail, postage prepaid, return receipt requested (or comparable mailing in the event of postal changes). The effective date of the decision shall be stated therein.

4.0709 Enforcement of Order by City Council or Board of Appeals

- (1) Failure to Commence Work. Whenever the required repair(s), rehabilitation, demolition, or removal is not commenced within thirty (30) days after a final notice and order issued under this Chapter become effective:
 - (a) The City Council shall declare the building, structure, or premises described as dangerous or hazardous and order it to be vacated by posting at each entrance a notice stating that the building, structure, or premises is dangerous, hazardous, and unsafe for human occupancy.
 - (b) No person shall occupy any building, structure, or premises which has been posted as specified in this Chapter. No person shall remove or deface any such notice so posted until the repairs, rehabilitation, demolition, or removal has been completed as ordered.
 - (c) The City Council may, in addition to any other remedy provided herein, order the building, structure, or premises to be repaired to the extent necessary to correct the conditions which render the building, structure, or premises dangerous or hazardous as set forth in the notice and order. If the notice and order requires demolition or removal, the City Council may:
 - (i) Cause the building, structure, or premises to be demolished, and the materials, rubble, and debris therefrom removed, the lot cleared, and the basement filled;
 - (ii) Cause the building, structure, or premises to be sold and demolished, with materials, rubble, and debris therefrom removed, the lot cleared, and the basement filled; or
 - (iii) Cause the building, structure, or premises to be sold and moved outside the city limits, the lot cleared, and the basement filled.

Any excess realized over and above the cost of demolition, removal, clearing the lot, and filling the basement (if any) shall be paid over to the person or persons lawfully entitled thereto.

- (2) Extension of Time to Perform Work. Upon receipt of an application from the person(s) required to conform to the notice and order, and agreement by such person that he/she will comply with the order if allowed additional time, the City Council may, at its discretion, grant an extension of time, not to exceed an additional one-hundred twenty (120) days, within which

to complete and repair, rehabilitate, demolish, or remove such building and structure, if the City Council determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property; and will not in any way affect or extend the time to appeal the original notice and order.

- (3) Interference With Repair or Demolition Work Prohibited. No person shall obstruct, impede or interfere with any officer employee, contractor, or authorized representative of the City, or with any person who owns or holds an estate or interest in any building, structure, or premises which has been ordered repaired, vacated, demolished, or removed under the provisions of this Chapter.
- (4) Failure to Obey Order. If, after any order of the City Council made pursuant to this Chapter has become final, the person to whom such order is directed shall fail, neglect, or refuse to obey such order, the City Council may cause such person to be prosecuted for violation of this Chapter.

4.0710 Post Inspection of Premises

The Building Inspector or the City Council is hereby authorized to inspect the building, structure, or premises upon completion of the repair(s), demolition, or removal by persons having record title, legal interest, or control; or to inspect such building, structure, or premises upon expiration of time for completing such repair(s), demolition, or removal. Such inspection shall be held to determine whether the person having record title, legal interest, or control of such building, structure, or premises has substantially performed the notice and order or his/her commitment to voluntary compliance.

If the post-inspection reveals that conditions still are present to characterize the building, structure, or premises as dangerous or hazardous, the City Council is authorized to reject the performance of the person having record title, legal interest, or control of such building, structure, or premises; and to declare him/her in default of the provisions of this Chapter

4.0711 Recovery of Cost of Repairs, Demolition, or Removal

The City is hereby authorized to recover the total cost of the repair(s), demolition, or removal of dangerous and hazardous buildings, structures, or premises under this Chapter, and through any means available under the Laws of the State of South Dakota (SDCL 21-10-6), including, but not limited to, the taxing of the cost thereof by special assessment against the real property on which the public nuisance occurred; and by laws, as from time to time amended.

Should any section, paragraph, sentence, clause or phrase of this Chapter be declared by a court of competent jurisdiction to be unconstitutional or invalid for any reason, the remainder of this Chapter shall not be affected thereby.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

TITLE IV

CHAPTER 4.08

FLOOD DAMAGE PREVENTION

4.0801 Statutory Authorization, Findings of Fact, Purpose and Objectives

(a) STATUTRORY AUTHORIZATION

The legislature of the State of South Dakota has in SDCL 9-12-1; 9-32-1; 9-36-1; &9-36-17 delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Springfield, South Dakota does ordain as follows:

(b) FINDING OF FACT

- (1) The flood hazard areas of the City of Springfield are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(c) STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- (1) To protect human life and health.
- (2) To minimize expenditure of public money for costly flood control projects.
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (4) To minimize prolonged business interruptions.
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.

- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard.
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(d) METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Controlling the alterations of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage.
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

4.0802 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Base Flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of waters, and/or;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without permanent foundations when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Structure” means a walled and roofed building or manufactured home that is principally above ground.

“Substantial Improvement” means and repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state of local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

4.0803 General Provisions

(a) **LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all areas within the jurisdictions of the City of Springfield.

(b) **COMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, or altered without full compliance with the terms of this ordinance and other applicable regulations.

(c) **ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap whichever imposes the more stringent restrictions shall prevail.

(d) **INTERPRETATION**

In the interpretation of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under State Statute.

(e) **WARNING AND DISCLAIMER OF LIABILITY**

This ordinance shall not create liability on the part of the City of Springfield, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

4.0804 Administration

(a) ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction of development begins within the community.

Application for a development permit shall be made on forms furnished by the City Finance Officer and may include, but not be limited to:

Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

(b) Permit Review

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding.
- (2) Review all development permits to determine that permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the flood-prone area. For the purposes of this ordinance, “adversely affects” means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent over bank areas.
 - (i) If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.
 - (ii) If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer’s certification) for the proposed development shall be required.
 - (iii) If the proposed development is a building, then the provisions of this ordinance shall apply.

4.0805 Provisions for Flood Hazard Reduction

(a) GENERAL STANDARDS

If a proposed building site is located in a flood-prone area, all new construction and substantial improvements (including the placement of manufactured homes) shall conform to the following standards:

Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting hydrostatic and hydrodynamic loads.

Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.