

**ORDINANCE NO. 514**  
**AN ORDINANCE FOR THE CITY OF SPRINGFIELD, SOUTH DAKOTA TO AMEND TITLE VII, CHAPTER 7.05 “PROHIBITING & PLACING, PARKING, STORING, ACCUMULATING, DEPOSITING, OR STOCKPILING OF NUISANCE VEHICLES, OR PARTS THEREOF, ON PUBLIC OR PRIVATE PROPERTY”, SECTION 7.0501 “OBJECTIVES & DECLARATIONS; SECTION 7.0502 “DEFINITIONS”; SECTION 7.0503 “STORING, PARKING OR LEAVING ABANDONED, INOPERABLE/HAZARDOUS OR JUNKED VEHICLES PROHIBITED AND DECLARED NUISANCE SECTION 7.0503 “THIS CHAPTER 7.05 “SHALL NOT APPLY TO ANY VEHICLE THAT IS”; SECTION 7.0506 “RESPONSIBILITY FOR REMOVAL”; SECTION 7.0507 “ENFORCEMENT/ADMINISTRATIVE PROCEEDINGS”; “PENALTIES: PROHIBITION NOT STAYED BY NOTICED REQUIREMENTS”**

BE IT ORDAINED by the City of Springfield, South Dakota, Title VII Chapter 7.05, Section 7.0501; 7.0502; 7.0503; 7.0503; 7.0504; 7.0505 7.0506; 7.0507; 7.0508; 7.0509; 7.0510; 7.0511 of the Revised City Ordinances of the City of Springfield 1989, be amended as follows:

7.0501 Objectives and Declaration of Public Interest

**Nuisance Vehicles**, or parts thereof, constitute a hazard to the health, safety, and welfare of the people of Springfield, in that such vehicles can harbor noxious diseases; furnish shelter and breeding places for vermin, rodents, and undesirable insects; compound the enforcement for controlling the existence and spread of noxious weeds, and present physical danger to the safety and well-being of children and other citizens. **Nuisance vehicles**, or part thereof also constitute a blight on the landscape of the City of Springfield and, therefore, are a detriment to the environment. It is, therefore, to the public interest, and in the interests of personal protection and property protection, that the present placed, parked, stored, accumulated, deposited and stockpiled situation of abandoned, partially dismantled, derelict, junked, or currently unlicensed vehicles, or parts thereof be eliminated; and that future accumulating, placing, parking, storing, depositing or stockpiling of such vehicles be prohibited, and that other acceptable, alternate, and economically useful methods for such vehicles be encouraged by owners or possessors thereof.

7.0502 Definitions

The following definitions shall apply to the interpretation and enforcement of this chapter.

- (a) "Persons" shall mean any person or individual. It shall also mean any firm, partnership, association, corporation, company, group, or organization of any kind and without regard to the purposes or objectives of formation or existence.
- (b) "Offender: shall mean the owner and/or person(s) in possession of the nuisance vehicle or the parts thereof, whether or not the nuisance vehicle is located on public or private property. "Offender" shall also mean the legal owner and/or occupant of any privately owned real property where the nuisance vehicle is located when offense was committed.
- (c) "Nuisance Vehicle" shall mean any abandoned, inoperable/hazardous, junked, or currently unlicensed vehicle as further defined herein below in subsections (d), (e), (f), and (g).
- (d) "Vehicle" shall mean any machine, device implement, contrivance, apparatus, or automobile normally propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, skids, or slides and used to transport persons or property, to perform tasks, or to pull machinery, implements, contrivances apparatus, automobiles, or other vehicles; and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, machines, implements, snowmobiles, motor trucks and/or trailers often referred to as semi-trailers, house trailers, trailer coaches, cabin trailers, mobile homes, recreation vehicles, vans, or combinations thereof, but not necessarily limited to such devices, machines, implement, contrivances, apparatus, or automobiles.
- (e) "Abandoned Vehicle"
  - 1. means any vehicle that is left unattended on any public street, alley, public place or parking lot within the City of Springfield for more than forty-eight (48) hours without notifying the City or the Springfield Police Department and making arrangements for the parking of such vehicles on public property; or that is left for more than thirty (30) days on private property.
- (f) "Inoperable/hazardous vehicle" means any vehicle which has not physically moved at twenty-five (25) feet in a two (2) month period due to damage, removal or inoperability of the engine, tire(s), wheel(s), or other essential parts required for 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.
- (g) "Junked Vehicles" means any vehicle which is substantially wrecked, dismantled or in need of repairs equaling or exceeding fifty percent (50%) of the fair market value of the vehicle.
- (h) "Private property" means any real property within the City, which is privately owned and which is not public property as defined in this section.
- (i) "Public property" means any street, alley, highway, or boulevard, which shall include the entire width between the boundary lines of every way publicly maintained for the purpose of vehicular travel; or any other publicly owned property or facility.

7.0503 Storing, Parking, or Leaving Abandoned, Inoperable/Hazardous or Junked Vehicles Prohibited and Declared Nuisance

No person shall park, store, or leave, nor permit the parking, storing or leaving of, any nuisance vehicle as defined in this article, whether attended or not, upon any public property within the City for more than forty-eight (48) hours or on any private property for more than thirty (30) days. The presence of a nuisance vehicle, or parts thereof, on private or public property is prohibited and hereby declared a public nuisance, which may be abated as such in accordance with the provisions of this ordinance.

7.0503 This Chapter 7.05 shall not apply to any vehicle that is:

- (a) Totally enclosed within a building or behind a solid fence or other enclosure that blocks sight of the vehicle(s), the same being no less than eight (8) feet high on private property or leased public property. All fences or other enclosures must be approved by the City.
- (b) On the premises of a business enterprise lawfully licensed by the State of South Dakota for sales, use or excise tax purposes and properly operated in the appropriate business zone, pursuant to the zoning laws of the City, if any, and stored in accordance with this ordinance; or
- (c) In an appropriate storage place or depository maintained in a lawful place and manner by the City; or
- (d) Designed for operation on a drag strip or raceway or for other hobby or recreational purposes, provided that such vehicle is properly stored in accordance with this ordinance.

As defined under 7.0502, the offender(s) shall be responsible for removal of the nuisance vehicle, or the parts thereof.

7.0507 Enforcement/Administrative Proceedings

- (a) If a nuisance exists, the City of Springfield shall issue a notice of violation to the offender(s), directing abatement within ten (10) days.
- (b) Notice of violation may be served by personal service, by registered mail or by posting notice in a conspicuous place within the City of Springfield, in which event must also include publication for a period of one week in the legal newspaper of the City.
- (c) If an offender wishes to file an appeal with the City Council, he or she must do so within seven (7) days of the notice of violation being served. Any person who fails to file a timely appeal shall be deemed to have waived all rights to objection.
- (d) The appeal shall be heard before the City Council within one (1) calendar month of the filing.
- (e) The City Council shall notify the offender(s) of its decision by registered or certified mail. If the appeal is unsuccessful, abatement must be completed within seven (7) days after said notification, unless the offender(s) can show

cause why more time is needed. An extension, if any, is granted at the sole discretion of the City Council.

(f) If the abatement is not completed as ordered, the City shall abate the nuisance by use of an authorized towing company and file an account with the City Council, which shall specify the sum expended in abating said nuisance, and if the account is accepted, the amount thereof shall become a lien upon the nuisance vehicle and upon the real property whereon the offense was committed, if the real property is privately owned.

7.0511 Penalties; Prohibition Not Stayed by Notice Requirements

Any person violating any provision of Chapter 7.05 shall be deemed guilty of a misdemeanor, which upon conviction thereof, shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Each day that any such person shall violate any of the provisions of this ordinance shall constitute a separate offense and be punishable as such. A violation of this Ordinance is not stayed by or conditioned on the notice requirements.

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

Should any section or sections of this ordinance be declared unconstitutional by a court of last resort, the same shall not invalidate the remaining sections of this ordinance.

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George Heisinger, Mayor

ATTEST: \_\_\_\_\_  
Ashlea Pruss, Finance Officer

SEAL

Placed upon its first reading February 6, 2017

Placed upon its second reading March 6, 2017

Approved this 6<sup>th</sup> day of March, 2017

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