
ORDINANCE NO. 791**AN ORDINANCE AMENDING CHAPTER 22, NUISANCES, OF THE CITY OF BOX ELDER MUNICIPAL CODE**

WHEREAS, the Municipal Code of the City of Box Elder provides Nuisances regulations within its municipal boundaries; and

WHEREAS, the City of Box Elder finds it necessary to modify Chapter 22 of the municipal code which addresses nuisances within the city; and

WHEREAS, this ordinance supersedes and replaces all previous ordinances and resolutions hereto relating to the subject matter hereof.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Box Elder, that the City of Box Elder Municipal Code be amended to read as follows (new language shall be indicated by underscore, and language to be deleted shall be indicated by strike-through):

Chapter 22 Nuisances

Sec 22-3 Violations And Penalties

Any person violating any provision of this code ~~shall~~ may be assessed a civil penalty by means of an administrative citation issued by the enforcement officer and shall be payable directly to the city finance office. A continuing violation of this code constitutes a separate and distinct violation each day that the violation exists. Penalties assessed by an administrative citation shall be collected in accordance with the schedule of civil penalties.

Sec 22-4 Specific Acts, Conditions, Or Things Deemed To Be Nuisances

1. *Generally.* Any condition that is dangerous or injurious to human health and safety, as declared by the city council, constitutes a public nuisance; including, but not limited to the following:
 1. Depositing, maintaining, or permitting to be maintained or to accumulate upon any public or private property any garbage, refuse, or waste which is likely to cause or transmit disease or which is hazardous to health;
 2. Depositing, maintaining, or permitting to be maintained or to accumulate upon any public or private property any junk, litter, debris, rubbish, building materials, lumber, vehicle parts, appliances, furniture, or yard waste or noxious matter;
 3. Depositing, maintaining, or permitting to be maintained or to accumulate upon any public or private property any abandoned, discarded, or unused furniture,

refrigerators, washing machines, dryers, stoves, sinks, toilets, cabinets, or household furnishings/fixtures, or storing the items in such a manner as to be visible to the public from adjoining property, public alleys, streets or rights-of-way;

4. Depositing, maintaining, or permitting to be maintained, any abandoned, junk/wrecked, inoperative or dismantled automobiles, or permitting to accumulate upon any public or private property for a period of seven or more days. At all times, any of the above listed must be stored behind the front building line and screened from view, or removed from the property, except that this section does not include a vehicle left for repair at an approved regularly operated repair garage. This restriction does not apply to vehicles meeting the requirements found in "vehicle restoration" of this article.

~~5. Any trailer, recreational vehicle, or implement occupied overnight on a public street, or recreational vehicle or implement which is left standing on a public right-of-way for a period of ten days or 240 hours, or longer;~~

- ~~5.~~ ~~6.~~ Depositing, maintaining, or permitting to be maintained or to accumulate upon any public or private property any trees or bushes that interfere with the health or safety of the public;

~~6.~~ ~~7.~~ Damaged buildings;

~~7.~~ ~~8.~~ Dilapidated buildings;

~~8.~~ ~~9.~~ Impure water;

~~9.~~ ~~10.~~ Rodents;

~~10.~~ ~~11.~~ Stagnant water;

~~11.~~ ~~12.~~ Any dead animal remaining on any public or private grounds for a period of more than 24 hours;

~~12.~~ ~~13.~~ Depositing, placing, letting fall, or throwing materials into a pond, pool or waterway as to pollute the water;

~~13.~~ ~~14.~~ Erecting or maintaining any privy or cesspool, unless approved by the city council and the state department of agriculture and natural resources;

~~14.~~ ~~15.~~ Unless otherwise approved by city council, ignition of any bonfire or campfire on public or private property; campfires which are placed in approved fire rings and are in conjunction with a year-round state-licensed campground shall be exempt from this section;

~~15.~~ ~~16.~~ Parking or allowing a truck, trailer or any other vehicle which gives off an offensive odor or contains an offensive substance or other filth on any public or private grounds;

~~16.~~ ~~17.~~ Causing or allowing any offensive, foul odors or stenches that are dangerous or offensive to the neighborhood to be emitted from public or private property;

~~17.~~ ~~18.~~ Causing or allowing pieces of paper, newsprint, excelsior, handbills, posters, building paper, advertisements, or other materials to be carried about by the winds;

~~18.~~ ~~19.~~ Fireworks, except as authorized by the city council by ordinance or resolution;

~~19.~~ ~~20.~~ Slaughter houses;

~~20.~~ ~~21.~~ Depositing, placing, throwing or letting fall any item into any surface drainage within the city, including, but not limited to, construction debris, garbage, ashes, grass clippings

and other landscaping materials, tree branches or leaves, and other hazardous materials; or otherwise blocking drainage;

~~21.22.~~ Abandonment of air-tight refrigerators or other furniture as prohibited in this section;

~~22.23.~~ Depositing or placing any offal, filth, filthy waters, human or animal waste, or obnoxious liquid substances on any public or private property; and

~~23.24.~~ Depositing or placing any petroleum products or hazardous substance such as oil, gasoline, etc., on any private lot or public grounds.

Sec 22-36 Courtesy Letter; Notice Of Violation

1. Unless otherwise stated in this article, in the event the enforcement officer, planning director, or other employee finds that any violation exists, the city shall notify the owner or may notify the occupant creating, permitting or maintaining such nuisance by telephone, hand delivery, first class mail, certified mail with return receipt, personal service or any combination thereof.
2. The notice shall include as much of the following information as possible at the time of notification:
 1. ~~the~~ The name and address of the property owner,
 2. ~~the~~ The address or legal description of the property in violation,
 3. ~~the~~ The nature of the violation,
 4. ~~the~~ The code sections violated,
 5. ~~a~~ A demand that the property owner become compliant,
 6. ~~and the~~ The date upon which the representative will inspect the property for compliance.

(Ord. No. 707, 12-20-2022)

Sec 22-75 Weeds And Noxious Vegetation

- (a) All weeds and plants declared to be dangerous or noxious weeds by the state department of agriculture or the commission of state weed control and all other weeds suffered or allowed to grow during the growing season which are declared noxious, dangerous or unhealthy vegetation are declared a public nuisance. It shall be the duty of the property owner of any lot within the city to cut such noxious vegetation at such time as necessary to prevent its growth.
- (b) No landowner shall allow domestic grass, weeds or noxious vegetation to grow to a height of more than eight inches on property owned by them.
- (c) Unless otherwise agreed to by the city, landowners shall also be responsible to maintain grass, weeds or noxious vegetation to a height of less than eight inches on all property, abutting the landowner's property, to the edge of the driving surface of the street, alley or public right-of-way.
 1. If a landowner has property that is 2 continuous acres, then the landowner shall be responsible to maintain grass, weeds or noxious vegetation to a height of less than

- eight inches 20 feet from any walking surface to include sidewalks and trails, and any adjoining properties.
2. If a residence or a business is within 50 feet of the roadway, then their front yards cannot be used to calculate the 2 continuous acres and must be maintained in their entirety.
 3. If zoned Rural Residential, then the landowner shall only be responsible to maintain grass, weeds or noxious vegetation to a height of less than eight inches 20 feet from any driving surface of the street.

Sec 22-80 Hay Lots

- ~~(a) Hay lots shall be at least two continuous acres.~~
- ~~(b) Hay lots shall be registered prior to the season with the City of Box Elder's Planning Department.~~
- ~~(c) Continuous acres will be evaluated at the time of application and before approval by the planning director or their representative.~~
- ~~(d) Application and fee for hay lots shall be submitted annually no later than April 15th.~~
- ~~(e) All lots that are not approved and registered with the city as a hay lot shall be mowed in accordance with section 22-75.~~
- ~~(f) Hay lots shall be harvested at least once per season and shall be cut down to eight inches or less by the end of the season (no later than October 1st). If lots are not harvested or cut down by October 1st, the city shall declare a public nuisance pursuant to section 22-75.~~
- ~~(g) Front yards are considered vegetation under section 22-75 and shall not be eligible to be harvested for hay.~~
- ~~(h) Signs:~~
- ~~1. Signs for approved hay lots shall be posted no later than May 1st, weather permitting.~~
 - ~~2. Signs shall be furnished by the city upon application approval and shall only be permitted to be posted on each approved hay lot.~~
 - ~~3. The owner of the hay lot, or their representative shall be responsible for displaying the sign on a t post or other type of post. The sign shall be mounted at a height of at least four feet, not to exceed six feet, in a location clearly visible from the public right of way.~~
 - ~~4. Corner lots. Signs shall not be displayed within required 25-foot sight triangles.~~
 - ~~5. If a sign is lost or damaged during the season, the replacement cost shall be covered by the owner of the lot.~~

~~{Ord. No. 707, 12-20-2022}~~

PASSED AND APPROVED ON FIRST READING this 21 day of April, 2026.

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 5 day of May, 2026.

Larry Larson
Larry Larson, Mayor

ATTEST:

Renee Baker
Renee Baker, Finance Officer



ATTESTATION

Chaz Kokesh, the City Clerk of the City of Box Elder, South Dakota, do hereby attest and state the above resolution was published in the manner required by law and that all procedures required by the State of South Dakota law were complied with. This resolution shall become effective on June 2, 2026.

Chaz Kokesh
Chaz Kokesh, City Clerk

Proposed Chapter 22, Nuisances, Code Updates Summary

1. Removal of Conflicting Language

- a. Removes the provision restricting trailers, recreational vehicles, or implements from remaining on a public street or right-of-way for more than ten days.
- b. These items are already regulated in other sections of the municipal code.

2. Clarification of Notice Procedures

- a. Clarifies that Code Enforcement may use multiple methods to notify property owners of violations.
- b. Methods may include direct contact, door notices, and mailed notices.

3. Vegetation Maintenance Updates

- a. Establishes modified mowing requirements for properties two (2) continuous acres or larger.
- b. Vegetation must be maintained under eight inches within 20 feet of:
 - i. Streets, alleys, and public rights-of-way
 - ii. Sidewalks and trails
 - iii. Adjoining properties
- c. If a residence or business is located within 50 feet of the roadway, the front yard cannot be used to calculate the two-acre threshold.
- d. If the remaining property area is less than two acres, the entire property must be maintained under eight inches.
- e. Properties zoned Rural Residential must maintain vegetation within 20 feet of the roadway.
- f. Removes the existing hay lot provision as the updated acreage standard addresses these situations.