

TITLE 3 – HEALTH AND SANITATION

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CHAPTER 3.01 – GARBAGE COLLECTION

3.0101 All Garbage Prior to Collection. All garbage shall be placed in either sealed water-tight bags or inside garbage containers and kept in protective storage, except leaves and grass which are to be bagged, and set to the curb or accessible alley on or shortly before pickup.

Whenever the premises in which garbage and rubbish accumulates are adjacent to a street or alley, the garbage and rubbish containers for such premises shall be kept in a location convenient and accessible to such street or alley; if the premises are not adjacent to a street or alley, they garbage and rubbish containers shall be kept on the premises in such a location that they will be readily accessible to the nearest street or alley without being unsightly and shall not accumulate garbage beyond what any such container can handle.

The proprietor or operator of each trailer court, duplex, apartment house, or similar multiple family dwelling shall furnish and maintain for the use of the tenants a sufficient number of garbage containers with covers to hold all garbage and rubbish that accumulates upon such premises in the course of a week, or he shall require the tenants upon said premises to furnish such containers. The place where the garbage and rubbish containers are located shall be kept clean and in a sanitary condition at all times.

Every owner or person in charge of any restaurant, hotel, grocery store, wholesale or food processing establishment or any other business or commercial place having garbage or rubbish shall furnish and provide for use in connection therewith, a garbage or refuse container. Such container shall have covers for all openings, and shall be emptied often enough to prevent the same from giving off any odor or stench.

Every such proprietor or operator of a trailer court, duplex, apartment house, other multiple family dwelling or business shall either locate all garbage or refuse containers in (a) an off-street location so the same

cannot be seen or smelled by the general public, or (b) in a confined building, or (c) behind a suitable fence that prevents sight and smell; all for the purpose of proper appearance and garbage control.

- 3.0102 City Services. The collection of garbage and refuse in the City shall be made by City contractors or operators, who shall be subject to all local ordinances as well as all state and federal regulations.
- 3.0103 City Not Liable. The City shall not be liable for any expense incurred through the failure of a contractor or operator or his agents and employees, to operate and maintain collection services in a proper and effective manner, and for any actions that may result from, or be attributed to such services performs. (SDCL 9-32-11)
- 3.0104 Equipment, Every garbage collector shall use equipment which will not permit any leakage or spilling and such truck or trailer shall be covered so that thrash, garbage, rubbish or waste will not be dropped or spilled while in transit. Any violation of this Section shall be sufficient cause for revocation of the collector's contract and in addition thereto he shall be guilty of a misdemeanor and subject to fine.
- 3.0106 Recyclable Materials. No later than January 1, 1995, the City shall provide recycling opportunities by establishing a drop-off site or sites within the City on such date(s), at such time(s), at such place(s) and in such manner(s) as the City shall advertise or otherwise apprise its residents. Recyclables shall be delivered to the drop-off site(s) by residents, and in so doing, the recyclables shall be presorted into the kinds or types specified by the City, and bagged, boxed or otherwise packages as the City shall require.
- 3.0107 Prohibited Material/Effective Dates. The following materials and items shall be prohibited from being deposited in any landfill, collected by any garbage hauler, or otherwise placed in the "waste stream" by any person, from and after the following dates:
 - A. Yard Waste January 1, 1995
 - B. Tires, whole or processed July 1, 1995
 - C. Lead acid Batteries July 1, 1995
 - D. Waste motor oil July 1, 1995
 - E. White good appliances January 1, 1996
 - F. Officer and computer paper July 1, 1996
 - G. Printer paper products, corrugated paper and
Cardboard paper January 1, 1997
 - H. Glass, plastic, aluminum and steel containers . . . July 1, 1997

In addition, should any of said items be banned from the Sioux Falls Runge Landfill prior to the date(s) specified above, the date of prohibition for the Runge Landfill shall be the applicable date.

3.0108 Illegal Acts. No person shall transport any solid waste, by any means from any dwelling, residence, place of business, farm or other site to and deposit or place such waste in, around or on top of any garbage can, barrel or other receptacle of another without that other person's prior express permission or without the lawful authorization of an appropriate governmental official, agent or employee.

3.0109 Definitions. When used herein, the following terms shall have the following meanings:

“Solid Waste” – any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded materials, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial and agricultural operations, and from community activities, but does not include mining waste in connection with a mine permitted under Title 45, Hazardous Waste as defined under SDCL Chapter 34A-11, or solid or dissolved materials in domestic sewage or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal water Pollution Control Act, as amended to January 1, 1989, or source, special nuclear or by-product material as defined by the Atomic Energy⁷ Act of 1954, as amended to January 1, 1989.

“Garbage” shall be synonymous with the term “solid waste.”
“Rubbish” and “Refuse” shall be synonymous with the term “garbage”

All other terms whose definitions may be reasonably in doubt shall have the same meanings as prescribed by applicable South Dakota Statutes.

CHAPTER 3.02 – LITTERING

3.0201 Litter Defined. Any discarded, used or unconsumed substance or waste, including but not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper containers or other packaging construction material, abandoned motor vehicle, as defined in SDCL 32-36-2, motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive

matter of any kind, any object likely to injure any person or create a traffic hazard, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

3.0202 Littering. No person may dump, deposit, drop, throw discard, leave, cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of litter upon any public or private property in this City, or upon or into any river, lake, pond, or other stream or body of water in this City, unless:

- A. The property has been designated by the City of any of its authorized employees or agents for the disposal of litter;
- B. The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;
- C. The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard;
- D. The person is acting under the direction of proper public officials during special cleanup days; or
- E. The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of such litter when the emergency situation no longer exists.

3.0203 Littering from Motor Vehicle. Transporting Litter to highway or street receptacles. No person shall dump, deposit, drop, throw, discard or otherwise dispose of litter from any motor vehicle upon any public highway, upon any public or private property or upon or into any river, lake, pond, stream or body of water in the City except as permitted by law, nor shall any person transport by any means garbage or refuse from any dwelling, residence, place of business, farm or other site to and deposit such material in, around or on top of trash barrels or other receptacles placed along public highways or streets. A person convicted of violating this section while operating a motor vehicle shall be considered to have been convicted of a moving traffic violation, and a report of such conviction may be forwarded to the appropriate state authorities.

CHAPTER 3.03 – ABANDONED, WRECKED, DISMANTLED AND INOPERABLE VEHICLES AND VEHICLE PARTS

3.0301 No person in charge of or in control of any real property or improvements within the City of Baltic, whether as owner, tenant, occupant, lessee, or

otherwise, shall keep or place any abandoned, wrecked, dismantled or inoperable vehicles on such property for longer than a period of twenty-four (24) hours; provided, however that this section shall not apply to an abandoned, wrecked, dismantled or inoperable vehicle enclosed completely in a permanent structure protected from the elements. A tarpaulin, tent or other similar temporary structure shall not be deemed to satisfy the requirements of this section. In no event shall an abandoned, wrecked, dismantled or inoperable vehicle that constitutes an imminent health, safety, fire or traffic hazard be kept or located on any real property or improvements within the City of Baltic.

3.0302 The following terms shall have the following meanings in this Chapter:

“Abandoned vehicle” is any vehicle that is left unattended or stored on any public property in the same or substantially same place within the City for a longer period than 24 hours.

“Wrecked, Dismantled or Inoperable vehicle” is any vehicle that is not in operating condition due to damage, removal or inoperability of one or more tires and wheels, the engine or other essential parts required for the operation of the vehicle, or which does not have lawfully affixed thereto unexpired license plates, or which constitutes an immediate health, safety, fire or traffic hazard. Vehicle body parts and component parts shall also constitute a wrecked, dismantled or inoperable vehicle unless they are enclosed completely in a permanent structure protected from the elements.

“Private property” is any real property within the City that is privately owned and which is not public property.

“Public property” is any street, alley or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and also means any other publicly owned property or facility.

“Removal agency” is any public body, private or nonprofit organization authorized by the City to remove and salvage abandoned, wrecked, dismantled or inoperable vehicles.

“Vehicle” is any conveyance, whether or not self-propelled, and which is designed to travel along the ground or in or on the water and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, motor homes, travel trailers, campers, tractors, pull trailers, go-karts, golf carts, boats, jet skis, and vehicle mounted plows and blades.

3.0303 The requirements of this Chapter shall not apply to the following:

- A. One inoperable vehicle kept on private property without being shielded from public view if currently licensed and kept on a private driveway. If this inoperable vehicle is in a state of externally visible disrepair or disassembly, it shall not be kept on the private driveway longer than 14 days.
- B. Filling stations, automobile repair shops or any other motor vehicle related businesses in compliance with applicable city ordinances may place inoperable vehicles being repaired or offered for sale on the premises.
- C. Any vehicle specifically designed and used for operation on drag strips or raceways that remains on private property.
- D. Any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or authorized by the City.

3.0304 Removal. Whenever law enforcement finds an abandoned, wrecked, dismantled or inoperable vehicle on public property within the city, it is authorized to place written notice on the vehicle that it will be removed to a garage or place of safety unless the owner removes the vehicle from public property within 24 hours of the giving of the notice. After the expiration of the 24-hour period, the vehicle may be removed by a removal agency to a garage or place of safety. Nothing in this section precludes the police department from immediately removing a vehicle that constitutes and imminent health, safety or fire hazard.

3.0305 Disposition of unclaimed vehicles. The removal agency shall have the rights and obligations conferred upon it by SDCL ch. 32-36 in regard to titling or disposition of such unclaimed abandoned or inoperable vehicle, except that, if not otherwise provided by state law, it shall have a possessory lien upon any vehicle removed under provisions for this article for the costs or reasonable charges in taking custody of and storing such vehicles.

3.0306 Modification of state law. For the purpose of this Chapter, SDCL, 32-30-12 is modified to read as follows: Whenever any vehicle is left unattended on any public road, highway, or highway right-of-way of this state, for a longer period than 24 hours, without notifying the sheriff or highway patrol office of the county or a peace officer of the municipality where said vehicle is parked, it shall be deemed to be an abandoned vehicle and subject to the provisions of sections 32-30-13 through 32-30-18, inclusive, or in the alternative, the City of Baltic may elect to proceed subject to the provisions of sections 32-36-2 through 32-36-10, inclusive, as if the

abandoned vehicles as defined herein were included in SDCL 32-36-2, Definition of Terms.

- 3.0307 Notice to remove. A notice in writing shall be served by the City upon any person having an abandoned, dismantled or inoperable vehicle on his or her property requesting the removal of such motor vehicle in the time specified in this article.
- 3.0308 Responsibility for removal. Upon proper notice, the owner of the abandoned, dismantled or inoperable vehicle and the owner or occupant of the private property on which the vehicle is located, either or all of them, shall be responsible for its removal.
- 3.0309 Notice procedure. The City shall give notice of removal to the owner or occupant of the private property where the abandoned or inoperable vehicle is located. It shall constitute sufficient notice, when a copy of the notice is sent by registered or certified mail to the owner or occupant of the private property at his last known address.
- 3.0310 Content of Notice. The notice in section 3.0307 shall contain the request for removal within 14 days after the mailing of such notice, and the notice shall advise that failure to comply with the notice to remove shall be a violation of this article.

CHAPTER 3.04 - FIRES

- 3.0401 Fires. No person shall start, allow or maintain any fire within the City, unless the same is totally enclosed, without the prior consent of the City Council, except for the following permitted fires:
- A. Fires purposely set for instruction and training of public and industrial firefighting personnel when authorized by the Fire Chief of the City Volunteer Department, but only after proper notification to the City.
 - B. Fires set for the elimination of a fire hazard which cannot be abated by any other means when authorized by the Fire Chief of the City Volunteer Fire Department, but only after proper notification to the City.
 - C. Fires purposely set by city maintenance personnel for the purposes as authorized by the Fire Chief of the City Volunteer Fire Department.
 - D. Campfires, in designated fire pits and other fires used solely for recreational purposes, for ceremonial occasions, or for outdoor preparation of foods. (SDCL 9-33-1)

When used above, “proper notification to the City” shall mean advanced written notice describing in detail the fire to be set including the date and time of the same, delivered to the Mayor or Municipal Finance Officer, at least one (1) day before the fire.

CHAPTER 3.05 – PESTICIDES

- 3.0501 Pesticides generally. The City Council shall have the right to regulate and/or prohibit the use of any pesticide within the City including the area within one (1) mile of the City limits, by regular or special ordinance, resolution, or other appropriate action.
- 3.0502 Sodium Monoflouracetate. Before any person shall use or make any application of the pesticide Sodium Monoflouracetate, commonly known as 10-80, within the City or within one (1) mile of the City limits, written application therefore shall be submitted to the City Council for approval. Such application shall include the name, address and phone number of the applicant, the name, address and phone number of the proposed user of the pesticide, the reasons of the proposed use and the date(s), extent and manner of application. No use of the pesticide shall be made until specific prior approval therefore has been granted by the City Council.
- 3.0503 Same – Conditions for Use. If the Council approves any such use or application, it shall have the right to set such stipulations as it may see fit. Further the Council shall have the right to set and receive a bond, in the amount set by the Council, from the applicant or user, conditioned on the safe application of the pesticide.
- 3.0504 Same – Notice. If the Council shall approve any application, with or without stipulations, the applicant or user shall submit to the Council for its approval, a Notice for publication and posting, stating that the pesticide will be used, where and when it will be used, the persons (including name, address and phone number) applying for and using the same, the reason for the use, the fact that the pesticide is harmful to human and animal health, and the date when the area will be safe again. The Notice shall be in the form and contain the information, including the above, as specified by the Council. The Notice shall be published in the paper or papers designated by the City for two (2) successive weeks prior to the proposed use, the second publication to be at least three (3) days and not more than seven (7) days before the proposed use. The published Notice shall be entitled “NOTICE-DEADLY PESTICIDE TO BE USED IN BALTIMORE” in bold print at least one-eighth (1/8th) inch high. The Notice, with the same title, shall be posted on the subject property in the location(s) directed by the Council with letter sized to be sufficiently large enough, as directed by

the Council so that the title is clearly readable from a distance. Notice shall be posted at least seven (7) days before the proposed use. All Notice shall be done at the applicant's expense.

- 3.0505 Same – Violation. Any person violating this Chapter shall be subject to prosecution. Each separate day or instance in violation shall be considered a separate offense.

CHAPTER 3.06 – MAINTENANCE OF PREMISES

- 3.0601 Maintenance of Premises. It shall be unlawful for any person owning, managing, leasing, occupying, or having charge or possession of any building or premises in the City to keep, manage or maintain the same in any of the following manners:

- A. Any building or other structure which has been abandoned; boarded up; partially destroyed or dismantled; partially constructed but uncompleted after the expiration of the building permit issued for the same; in disrepair on account of broken siding or roof, peeling paint left unattended, sagging walls or roof, or repaired in an unsuitable patchwork-like manner or similar condition;
- B. Broken windows, doors, siding or roofing, after the passing of a reasonable time within which the same should have been properly repaired;
- C. Any building or other structure in such a state or condition that it endangers the health, safety, peace, welfare or comfort of any person who may come in close proximity thereto;
- D. Any building designed for human occupancy that is in such a state of disrepair or lack of maintenance, or other condition, at any time, that is not fit for human occupancy;
- E. Any sidewalk area in a state of breakup, disrepair or blockage such that it is unsafe for pedestrian traffic;
- F. Vegetation, including trees, grass and weeds left unchecked or unattended in violation of Title 7A of these ordinances;
- G. Abandoned, discarded or unused furniture, appliances, sinks, tubs, toilets, cabinets or other household goods or fixtures left so as to be visible from a public street, alley or adjoin property;

- H. Abandoned, wrecked, dismantled or inoperative motor or other vehicles, trailers, motor homes, mobile homes, campers, boats, bicycles, motorcycles, lawn mowers and other similar items, including parts thereof, wheels, tires, etc.;
- I. Trash, garbage or refuse cans, bins, boxes, bags, or other such containers stored in areas visible from public streets or adjoin property;
- J. Lumber, junk, trash, tanks, barrels, debris or machinery, tools and other similar materials maintained upon any premises which is visible from a public street, alley or adjoining property;
- K. The maintenance on any property of mounds or piles of soil, fill material, sand, gravel, asphalt, concrete or any other material except temporarily in conjunction with construction or landscaping on the property;
- L. The maintenance or allowing of any other condition not compatible with the zoning classification of the property or not compatible with surrounding land uses in the neighborhood;
- M. Any similar condition.

3.0602

Right of Entry. Whenever necessary to make an inspection or to enforce any of the provisions of this Chapter, or whenever the City Council has reasonable cause to believe that there exists in any building or upon any premises, any condition which is prohibited under this Chapter, an authorized representative of the City may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon such representative by this Chapter.

No owner or occupant or any other person having charge or care of any building or premises shall fail or neglect, after proper demand, to properly permit entry therein by an authorized representative of the City for the purpose of inspection and examination pursuant to this Chapter.

CHAPTER 3.07 – NUISANCES

3.0701

NUISANCES – Prohibited and General Defined. No person shall create, commit, maintain, or allow to be created, committed or maintained any nuisance within the City. Generally defined, a nuisance consists in unlawfully doing any act or omitting to perform any duty which either:

- A. Annoys, injures or endangers the comfort, repose, health, or safety of others;

- B. Offends decency;
 - C. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any river or other navigable body of water, or any public park, street, alley or other public property;
 - D. In any way renders other persons insecure in life, or in the use of property (SDCL 21-10-1)
- 3.0702 Lawful Authority. Nothing done or maintained under the authority of a state statute, city ordinance or other lawful law, rule of regulation shall be deemed a nuisance. (SDCL 21-10-2)
- 3.0703 Public nuisance not legalized by passage of time. No passage of time can legalize any public nuisance. (SDCL 21-10-4)
- 3.0704 Liability of Successive Owners. Every successive owner of property who does not abate a continuing nuisance on or in the use of such property is liable in the same manner as the prior person(s) who first created and/or maintained the nuisance. (SDCL 21-10-8)
- 3.0705 Nuisances Enumerated. Not to limit the full extent of Section 3.0701 but simply to enumerate certain nuisances that shall be unlawful within the City, the following specific acts omissions or conditions shall constitute nuisances:
- A. Any violation of Chapter 3.01 pertaining to the accumulation, storing or collection of garbage;
 - B. Any violation of Chapter 3.02 pertaining to littering;
 - C. Any violation of Chapter 3.03 pertaining to abandoned, wrecked, dismantled and inoperable vehicles and vehicle parts;
 - D. Any violation of Chapter 3.04 pertaining to unlawful fires;
 - E. Any violation of Chapter 3.05 pertaining to pesticides;
 - F. Any violation of Chapter 3.06 pertaining to maintenance of premises;
 - G. Any violation of Title 7A pertaining to vegetation, including weeds, trees and greases;
 - H. Depositing, maintaining, or permitting to be maintained, or to accumulate upon any public or private property, any household wastewater, sewage, garbage, refuse, rubbish, offal, excrement, decaying fruit, vegetables, fish, meat, bones; any fowl, putrid, or

obnoxious liquid substance; any chemical, or hazardous material; or putrescible and nonputrescible animal or vegetable wastes or solid wastes, or any other waste material which constitutes or tends to create a danger to public health, safety or welfare. (SDCL 9-32-10, 34A-7-9)

- I. The accumulation of manure, garbage or anything whatsoever which may be breeding areas for flies, other insects, mosquitoes, or rodents. (SDCL 9-32-10)
- J. For any person to permit a dead animal to remain undisposed of longer than twenty-four (24) hours after its death. (SDCL 9-29-13)
- K. Any excavation, trench or open basement in which stagnant water, sewage, garbage, refuse, rubbish or other similar material is permitted to collect, or which may jeopardize the life, health or safety of the general public. (SDCL 9-29-13)
- L. Throwing or letting fall on or permitting to remain on any street, alley, or public ground any manure, garbage, rubbish, filth, fuel or wood while engaged in handling or removing any such substances. (SDCL 9-32-10)
- M. Keeping or maintaining any building or enclosure where livestock or fowl are kept unless a special permit is requested, and the same is approved by the City Council. (SDCL 9-29-13)
- N. Any accumulations of unsightly trash or junk which would constitute a health hazard, a rodent harborage, a breeding area for insects or rodents, a dangerous place for children to play in and around, or which tends to be unsightly and which does or tends to lower the value of adjacent real property because of its unsightliness. Unsightly trash or junk includes, without limitation, deteriorated, wrecked or derelict property in unusable condition having no value other than nominal scrap or junk value, if any, and which is left outside of a permanent, enclosed structure. Deteriorated, wrecked or derelict property includes, without limitation, motors, lawn mowers, campers, refrigerators and other household appliances, furniture, household goods and furnishings, scrap metals or lumber or other similar articles in unusable condition.

3.0706 Remedies. Remedies against any nuisance shall include:

- A. Civil Action for damages, injunction or both;
- B. Abatement; and

C. Criminal Prosecution;

Or all or any combination thereof. The choice of one (1) remedy shall not preclude the use of any or all other remedies. (SDCL 21-10-5 and 9)

3.0707 City Inspection. The City, or its officers, employees, or contractors shall have the authority to enter onto private property for the purpose of inspection for and abatement of any possible public nuisance. Any such inspection or abatement shall include the right of taking pictures and removal of any sample or specimen.

3.0708 Notice to Abate. Whenever the presence of any nuisance shall come to the attention of the City Council, the Council shall cause written notice to abate or correct the nuisance to be given to the owner or person causing or allowing the same. The notice shall effectively describe the problem, the required remedy and shall state the reasonable time, depending on the severity or emergency of the situation, within which the nuisance shall be abate. Service of the notice shall be in a manner to reasonably assure delivery.

3.0709 When Notice Not Required. Notice to abate any nuisance shall not be required in the following circumstances:

A. When the nuisance event or condition is of such a serious or emergency nature that immediate abatement is necessary to prevent human injury or disease;

B. When the owner or person causing or allowing the nuisance is unknown or cannot be located using reasonable means of attempted identity or location.

Lack of Notice shall not relieve the owner or person causing or allowing the nuisance from being liable for such nuisance and the cost of abating the same.

3.0710 Failure to Comply. Any person failing to comply with a Notice to Abate within the time specified shall be guilty of a violation of this Chapter separate and apart from the violation for causing or allowing the nuisance itself, unless appeal shall be taken as described in Section 3.0711>

3.0711 Appeal. Any person feeling aggrieved by receipt of a Notice to Abate may appeal to the City Council by filing with the Municipal Finance Officer a written appeal stating the objections therein. The appeal must be filed within the time stated in the Notice to Abate, but in no event may the appeal be filed later than ten (10) days after the Notice to Abate has been given. If the Council deems the appeal worthy of hearing it may hear the same at its next Council meeting. The Council may affirm the prior Notice

to Abate, modify it, revoke it, or it may proceed with the abatement without hearing the appeal.

- 3.0712 City Abatement. Any public nuisance remaining unabated after expiration of the time stated in the Notice to Abate may be abated as directed by the City Council, at the cost of the owner or person causing or allowing the nuisance. (SDCL 21-10-6)
- 3.0713 Cost of Abatement. If the City should incur any cost to correct or abate any nuisance, the Municipal Finance Officer shall bill the owner or person causing or allowing the same, and the owner or such person shall have thirty (30) days to pay the same. If the bill is not paid within the time stated, the City may charge interest thereon at the maximum legal rate and may sue the owner or such person to collect the same.
- 3.0714 Assessment. In lieu of a civil action to collect the City's cost to abate any nuisance, the City Council may levy special assessment against the property on which the nuisance occurred. The special assessment procedure shall be as stated in applicable state law for the purpose of levying special assessment against any property in the City for municipal improvements made thereon.