

**ORDINANCE 1313**

**AN ORDINANCE AMENDING CHAPTER 8.16 OF THE CITY OF DEADWOOD  
MUNICIPAL ORDINANCES CODE ADDRESSING NUISANCES**

BE IT ORDAINED BY THE CITY OF DEADWOOD THERE IS HEREBY ADOPTED  
THE FOLLOWING AMENDING SECTION 8.16 OF THE CITY OF DEADWOOD'S  
MUNICIPAL ORDINANCES TO ADD THE FOLLOWING LANGUAGE:

**Section 8.16.080 - DECLARATION OF EMERGENCY**

Notwithstanding any other provisions in the City of Deadwood Municipal Ordinances relating to the declaration, identification, and abatement of nuisances, in the event that the City of Deadwood, the State of South Dakota or United States Federal Government declares an emergency to exist that endangers or presents a hazard to public health, welfare, or safety, and either the City of Deadwood, State of South Dakota or the United States Federal Government implements rules or recommendations restricting or limiting the actions of individuals or businesses in order to limit or slow the impact of such emergency event, the City of Deadwood may declare any business or individual who violates these rules or recommendations to be a public nuisance.

In declaring the emergency, the City of Deadwood may by resolution set forth rules or recommendations restricting or limiting actions of individuals or businesses that the City of Deadwood has determined necessary to protect the immediate health, welfare, or safety of the public and within the resolution may adopt by reference actions, declarations, or standards currently in place or being put in place by the State of South Dakota or the United States Federal Government.

**Section 8.16.090 - IMMEDIATE ABATEMENT**

Upon a determination by an officer of the Deadwood Police Department that a business or individual is operating in violation of any rules and recommendations promulgated by resolution in accordance with Section 8.16.080 of this code establishing a nuisance, the Deadwood Police Department may determine that such violation is an immediate threat to public health, and safety and may have the nuisance abated immediately at the owner's expense.

**Section 8:16:100 – ABATEMENT OF THE NUISANCE**

In a situation where the City of Deadwood must perform an immediate abatement that includes the closing or limiting of business or personal actions of an individual, that business or individual shall have the right to submit to the City of Deadwood in writing the actions the business or individual will take to bring activity within the rules and/or recommended standards contained in the City of Deadwood resolution declaring an emergency. Upon receipt of the written proposal, the City of Deadwood will review the proposal within 48 hours exclusive of weekends or legal holidays, and advise the business or individual whether the abatement will no longer be

necessary if the business or individual fulfills and follows the existing regulations and properly adjusts activities to fit within those regulations.

Any business or individual aggrieved by any immediate abatement or requirements being placed on the person's activities to be brought in compliance with the City of Deadwood's resolution declaring an emergency may appeal the action to the next Deadwood City Commission Meeting that is at least 48 hours after the filing of the notice of the request for hearing, exclusive of weekends and legal holidays, wherein such filing is in writing and sets forth the reasons why the business or individual believes their actions are within the restrictions contained in the City of Deadwood's resolution declaring an emergency.

**Section 8:16:110 - REMEDIES AGAINST NUISANCE GENERALLY**

In the enforcement of the City of Deadwood's resolution declaring an emergency, the City of Deadwood shall also have any additional rights and remedies against nuisance as exists under common law and under state statute including, but not limited to, SDCL §7-8-33 and SDCL chap. 21-10.

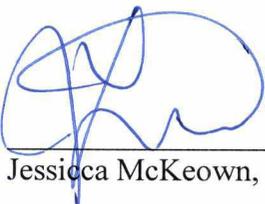
**Section 8:16:120 - PENALTIES**

Any violation of the Provisions of this Ordinance is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL §22-6-2. Failure to abate the nuisance shall result in a daily fine of \$500.00 for each day the nuisance continues. Said punishment may also include payment of any costs and/or restitution authorized by this Ordinance and/or State Law.

**Section 8:16:130 - EMERGENCY CLAUSE**

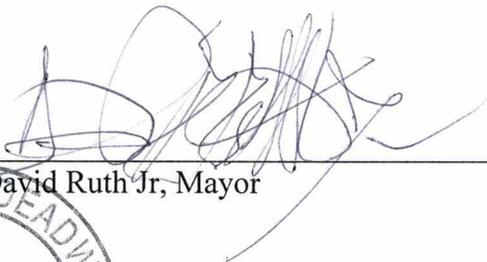
Pursuant to SDCL §7-18A-8, this ordinance is necessary for immediate preservation of the health, peace, safety and welfare of the County and its citizens and, therefore, shall become effective immediately upon passage.

Dated this 27<sup>th</sup> day of April, 2020.

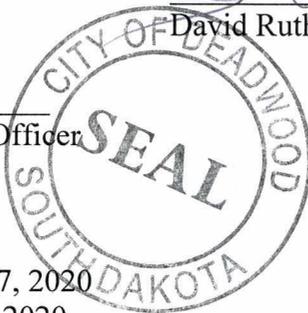


Jessicca McKeown, Finance Officer

(SEAL)



David Ruth Jr, Mayor



First Reading: April 27, 2020  
Second Reading: May 4, 2020  
Published: May 7, 2020  
Adopted: May 4, 2020