

THE MOST COMMON INVESTIGATED COMPLAINTS

By Pat Herman

Inoperable or unlicensed vehicles

Vehicles which have been abandoned, are rusted out, or just parked in someone's back yard are one of the most common public nuisance complaints addressed by this office. Throughout the county, all vehicles which are parked outside must be currently licensed and operable. Not meeting either of the requirements can result in enforcement action.

Unlicensed/inoperable vehicles may be stored within a permanent structure. While some properties



contain numerous as shown in the pictures, the majority of properties investigated have 1 to 3 vehicles not in compliance with the ordinance.



also an optimum breeding ground for mosquitos, vermin and other animals.



Tires and vehicle parts are also required to be stored inside a permanent enclosed structure. Judged as an eyesore by most people, tires are



Garbage and Junk

One of the most difficult items to address in the nuisance ordinance is the accumulation of garbage and miscellaneous materials. Pertaining only to materials left outside of an enclosed, permanent structure, the nuisance ordinance lists "any deteriorated, wrecked, dismantled, derelict, or inoperable property" as not permissible. The ordinance also specifies garbage, refuse litter, waste, trash, and junk as a nuisance. Problems arise when the Code Enforcement Officer determines items to be junk or garbage whereas the property owner believes the items to be usable or treasures.

The sacks of garbage shown in the two pictures on the far left were being sifted through for any items of value they might contain. The picture below is of a house located in a subdivision. Not a health hazard, unlike the first site, neighbors did not like looking at



these materials out their front window. Neither property owner believed their materials were a public nuisance. Prosecuted by the Office of the State's Attorney, the judge ruled that each location did have a public nuisance and the properties were eventually brought into compliance.

Illegal Structures

The zoning ordinance requires that any new structure, permanent or temporary, requires a building permit prior to it being placed or constructed in the county. A permit is mandatory to ensure that the required setbacks from the property line are met and that the building being constructed meets the adopted building code. The predominant violations of this portion of the ordinance are accessory buildings and mobile homes.



The property owner on the left wanted to remodel the two story mobile home into a rehabilitation home for men recently released from prison. The planning department prevailed and the mobile home was finally removed.

Another property owner doubled his living space by connecting a second mobile home to the first. A wooden deck was constructed for easy access to either home. This mobile home was also removed.



Commercial Businesses

Operating a commercial business at a rural site or farmstead is allowed by the zoning ordinance, provided certain conditions are met. Labeled as home occupations, these businesses should be un-intrusive and have limited employees. Some examples of a home occupation are the administrative portion of a business, beauty salon, small wood working shop, artist studio, mail order gun sales, photography studio or lawn care service. Home occupations which use an accessory building are required to apply for a conditional use permit. This permit must be approved by the Planning commission after a public hearing. There are businesses which do not compliment a rural setting and are required to be on commercially zoned property. Pictured are three businesses that started operation in Minnehaha County on properties which were not zoned for the use. Enforcement was successfully undertaken and each business relocated to an appropriately zoned property.



Trucking firm being run out of an acreage. This type of use requires commercial or industrial zoning.



This property owner's daughter worked for Novak Sanitary Service. She volunteered her father's front yard as a storage area for unused dumpsters.



This property was located in a residential subdivision. The owner was operating a construction business from the site. Ironically, his son was doing the same thing in a different subdivision. Each was being addressed by a different code enforcement officer, each unaware of the other's case.