

CLAY COUNTY ORDINANCE
NO. 96-3

BE IT ORDAINED BY THE COUNTY COMMISSION OF CLAY COUNTY, SOUTH DAKOTA:

Pursuant to and in accordance with SDCL 31-32-16 any tree, structure or other object, which because of its location and because of its age, infirmity, angle of stance or other condition, is likely to fall, in whole or in part, upon any public highway within the county of Clay, state of South Dakota, so that any person using such highway at the time of such fall might be injured thereby, shall constitute a public nuisance and shall be abated as follows:

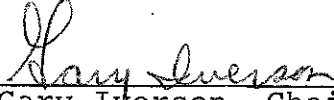
1) At such time as the Highway Superintendent determines the existence of such a tree structure or other object, the Clay County Board of Commissioners by and through its Highway Superintendent shall cause the owner(s) of the real property upon which the tree, structure or other object is located to be given not less than 10 (10) days written notice of the Highway Superintendent's determination that such constitutes a public nuisance and shall expressly set forth the action which the Highway Superintendent intends to take to abate the nuisance including, but not limited to, the removal of the tree, structure or other object; and

2) That such Notice shall also state whether the cost of abating the public nuisance shall be taxed against the real property on which the nuisance occurred by special assessment and, if so, in what amount.

3) Pruning of trees shall be preferred to removal of trees when determined possible by the Highway Superintendent.

4) No trees shall be removed without the written permission of the landowner except in accordance with this ordinance.

5) The notification requirement of this ordinance expressly excludes all trees located on public right-of-way and all land owned by Clay County.



Gary Iverson, Chairman
Board of County Commissioners
Clay County, South Dakota

First Reading August 27, 1996
Second Reading: September 3, 1996
Adoption: September 10, 1996
Publication: September 20, 1996
Effective Date: October 10, 1996

ATTEST:



Boneva R. Albers, Clay County Auditor