

CHAPTER [34-16](#)  
NUISANCES AND HEALTH HAZARDS

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**[34-16-1](#). Act endangering public health as misdemeanor.**

Every person who intentionally commits any act which grossly endangers the public health is guilty of a Class 1 misdemeanor.

**Source:** PenC 1877, § 742; CL 1887, § 6934; RPenC 1903, § 768; RC 1919, § 4381; SDC 1939, § 13.1501; SL 1977, ch 190, § 27.

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**[34-16-2](#). Release of disease germs as felony.**

Any person who releases or spreads any disease germs intending thereby to accomplish the infection of one or more persons or domestic animals is guilty of a Class 2 felony.

**Source:** SL 1923, ch 160; SDC 1939, § 13.1504; SL 1977, ch 190, § 28; SL 2006, ch 130, § 14.

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34-16-3, 34-16-4. Repealed by SL 2002, ch 168, §§ 26, 27.

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**[34-16-5](#). Access of health officers to places where source of disease suspected.**

All members, officers, and employees of the state department and local boards of health shall have the right to enter any building, conveyance, or place where contagion, infection, filth, or other source or cause of preventable disease exists or is reasonably suspected to exist.

**Source:** SL 1913, ch 110; RC 1919, § 7683; SDC 1939, § 27.1807.

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**34-16-14. County responsibility for dead animals in unorganized territory.**

In any county not wholly organized into civil townships the superintendent of the county board of health shall perform all of the duties of the township supervisor within such unorganized territory in respect to dead, putrid, or decaying bodies of any animals, and all expenses incurred in connection with the burning or burial of such animals or the giving of notice shall be paid by the county, and the owner of such animal and the person in charge thereof shall become liable therefor to the county.

**Source:** SL 1903, ch 11, § 4; RC 1919, § 7687; SL 1925, ch 121, § 4; SDC 1939, § 27.2504.

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**34-16-15. County disposal of dead animal on failure of township to act--Liability for expense.**

If the owner of a dead animal or the township supervisor fails to act as provided in § [34-16-17](#) within two days after the knowledge of the fact that the dead animal exists, the superintendent of the county board of health shall forthwith cause the body of the dead animal to be burned or buried, and the expense of the same shall be paid by the county. The amount of the expenses paid by the county constitutes a lien against the township in which the animal was found. The township shall pay the expenses and the township shall in turn recover the expenses from the owner or person in charge of the dead animal.

**Source:** SL 1903, ch 11, § 6; RC 1919, § 7689; SL 1925, ch 121, § 6; SDC 1939, § 27.2505; SL 2021, ch 175, § 3.

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**34-16-16. Action by county to recover expense of disposal of dead animal.**

Whenever any such dead body shall be buried or burned by order of the superintendent of the county board of health, such superintendent shall at once inform the state's attorney of the fact of such burning or burial, and the costs and expenses of the same and the giving of notice, together with the names of the owner and person in charge if known, and the state's attorney shall by civil action in the proper court collect the amount of such costs and expenses from the township in which said animal was found. Where such dead animal is found in territory not within the limits of any organized township, it shall be the duty of the state's attorney to forthwith proceed against the owner, and the person having charge of such animal as herein provided.

**Source:** SL 1925, ch 121, § 7; SL 1931, ch 210, § 3; SDC 1939, § 27.2507.

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**34-16-17. Failure to dispose of dead animal as petty offense.**

Whenever the owner and the person in charge of any unburied dead animal shall fail to burn or bury or cause the same to be burned or buried, or otherwise dispose of such body or cause the same to be buried in accordance with laws, rules, and regulations as required by §§ [34-16-14](#) to [34-16-16](#), inclusive, he shall have committed a petty offense for each dead body so left unburned or unburied or otherwise disposed of.

**Source:** SL 1903, ch 11, § 7; RC 1919, § 7690; SL 1925, ch 121, § 7; SL 1931, ch 210, § 3; SDC 1939, § 27.9941; SL 1977, ch 190, § 29.

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**34-16-18. Remedies against nuisances and interference with private rights unimpaired.**

Nothing contained in this chapter shall be so construed as to affect the powers of the courts to administer the usual legal and equitable remedies in case of nuisances or of improper interference with private rights.

**Source:** SL 1913, ch 109, § 7; RC 1919, § 7670; SDC 1939, § 27.0108.

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**34-16-19. Notice to owner of nuisance.**

If any nuisance, source of filth, cause of sickness or condition which endangers the public health is found on any property, the county health officer shall, by written notice served personally or by mail upon the property owner, describe the nuisance or condition found to exist and any corrective action to be taken by the owner of the property. The written notice shall inform the owner of the property that he shall either take the stated corrective action or file a written request for hearing before the board of county commissioners for the county in which the property is located within thirty days from the date of service of the notice. The notice shall further state that if the owner fails to comply with the requirements of the notice, the county health officer shall proceed to have the nuisance or condition complained of abated or removed at the expense of the property owner.

**Source:** SL 1986, ch 279, § 1.

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**34-16-20. Failure to comply with notice--Removal of nuisance--Cost.**

If an owner of property fails to comply with the requirements of a notice served pursuant to § [34-16-19](#), the county health officer shall proceed to have the nuisance, source of filth, cause of sickness or condition which endangers the public health removed from the property or abated and report the cost of the removal or abatement to the county auditor. The cost of such removal or abatement shall be assessed and charged against the property on which the nuisance or condition was located in the manner that other taxes are collected.

**Source:** SL 1986, ch 279, § 2.

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**34-16-21. Hearing--Time--Issuance of order--Appeal.**

Any hearing before the board of county commissioners requested pursuant to § [34-16-19](#) shall be held during an open session of the board of county commissioners and shall be held no later than forty-five days after filing of the request for hearing. Following hearing, the board of county commissioners shall issue an appropriate order, including a statement of any corrective action which the board deems necessary. A decision of the board may be appealed to the circuit court in accordance with the provisions of chapter [7-8](#).

**Source:** SL 1986, ch 279, § 3.

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**34-16-22. County board of health--Composition.**

Each county may establish a county board of health which shall be composed of the state's attorney of the county, who shall be president of the board; a physician, a physician assistant, or certified nurse practitioner who practices in the county, appointed by the Department of Health, who shall serve as superintendent of the board of health; and one other resident of the county.

**Source:** SL 2002, ch 168, § 6; SL 2017, ch 171, § 50.

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**34-16-23. Meetings of county board.**

The county board of health shall meet at the county seat at such times as the superintendent may designate. The president of the county board of health shall preside at the meetings.

**Source:** SL 2002, ch 168, § 7.

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**34-16-24. Supervision of public health matters by superintendent--Action without board in event of immediate danger.**

The superintendent of the county board of health shall have charge of and superintend, subject to the approval of the board, all the matters and things specified in this chapter. In case of immediate danger to the health of persons, the superintendent may act without consultation with the county board, for the prevention of such danger, and shall immediately report the action to the president of the county board and to the secretary of health.

**Source:** SL 2002, ch 168, § 8.

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**34-16-25. Removal of putrid substances by county board.**

The county board of health, within the territorial limits of its county not included in any first or second class municipality having its own board of health, may remove or cause to be removed any dead, decaying, or putrid body, or any decayed, putrid, or other substance that may endanger the health of persons or domestic animals.

**Source:** SL 2002, ch 168, § 9.