

ORDINANCE NO. 2015-_____

AN ORDINANCE AMENDING BUILDING PERMIT ORDINANCE NO. 61

BE IT ORDAINED BY THE CITY OF COLOME, STATE OF SOUTH DAKOTA that Building Permit Ordinance No. 61 be amended as follows:

1. **SECTION 1** is amended to include fences, driveways, and decks. Therefore, no building or structure, including a fence, driveway or deck shall be erected, added to, moved in, or structurally attached until a permit therefor has been issued by the building inspector. Other than this amendment to Section 1, all other aspects of Section 1 of Ordinance No. 61 shall remain in place.

2. Any items such as windows, doors, shingles, and building materials that are installed in existing structures that are a part of regular replacement and maintenance shall be exempt from a building permit. All work done in the repair and maintenance of structures shall conform with the original building permit in regard to such structure. Retaining walls that are not over three feet in height are exempt from a building permit. Repainting, sheetrock, re-tiling, re-carpeting, replacement of cabinets, countertop or similar trim and finish work are also exempt from building permits. Swings and other playground equipment accessory to a family dwelling are also exempt.

3. Sections 4., 5., 6., 7., 8, and 9. shall be revised to state as follows:

SECTION 4 APPLICATION FOR PERMIT PROCEDURE

When any person shall be desirous of erecting, constructing, reconstructing, converting, altering, enlarging, extending, raising or moving any building, structure, manufactured or prefab housing, as well as fences, concrete flatwork, or demolition, within the limits of the city of Colome, South Dakota, he shall procure from the city office, the application form for the permit as outlined in building permit required under Section 1 above.

No building permit shall be granted unless all construction performed thereunder, together with all the electrical, water and plumbing services, shall be performed in compliance with the following minimum standards. The building construction must meet the minimum requirements of the Veteran's Administration or the Federal Housing Administration or the Farmer's Home Administration. That all electrical work shall be done in conformance with the current minimum standards as the same are amended from time to time in the National Electrical Code and the statutes of the State of South Dakota that are applicable thereto and that are in effect at the time of the granting of the given building permit. That all plumbing, water and sewer construction shall be done in conformance with the current minimum standards, as the same are amended from time to time, of the South Dakota plumbing code which are in effect at the time of the granting of the given building permit, as well as any city requirements.

SECTION 5 PERMIT GRANTED

That after the above application is made and has been duly considered as provided by this ordinance and upon the authority and approval of the city council, a building permit shall be issued under the authority of the Colome City Council in the following manner: Said building permit shall be conspicuously displayed upon the premises where the construction is taking place. Also attached to said building permit shall be any and all other permits which may be applicable. No construction by any owner of said premises nor any agent, contractor, or any other person shall take place in any manner or form and no water or sewer service or other connection shall be provided until said building permit shall have been duly issued.

SECTION 6 EXPIRATION OF BUILDING PERMIT

Any building permit under which no construction work has been commenced within six months (180 days) after the date of issue of said permit or under which the proposed construction has not been completed within eighteen months after the date of issue, shall expire by limitation and no work or operations shall take place under any such permit after such expiration unless said permit has been renewed.

SECTION 7 RECORD KEPT

It shall be the duty of the City Finance Officer to keep a permanent record of all applications for building permits and of all building permits issued.

SECTION 8 BUILDING INSPECTOR

The position of building inspector shall be fulfilled by the city council as a whole.

SECTION 9 POWERS OF THE BUILDING INSPECTOR

The city council may, in appropriate cases and subject to appropriate conditions and safeguards, authorize such variance from the terms of any building, zoning, and the like ordinances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done. Said building inspector, or city council, shall have the power to hear and decide appeals where it is alleged that there is an error in any order, requirements, decision, or determination made by him in the enforcement of this ordinance. In interpreting and applying the provisions of this ordinance, there shall be followed the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties.

4. The following **SECTION 10** shall be added to Ordinance No. 61:

SECTION 10 CITY NOT TO BE HELD LIABLE

The city shall not be held by reason of this ordinance as assuming any liability for damages to persons or property by reason of inspections authorized herein, or any certificate issued as provided herein, or by reason of the approval or disapproval of any equipment authorized by this chapter or by virtue of any other requirement, rule or regulation set forth in this chapter.

5. The following **SECTION 11** shall be added to Ordinance No. 61:

SECTION 11 PROVISIONS ASSOCIATED WITH BUILDING PERMITS

(A) PROPERTY LINES IN QUESTION

The building inspector and/or the city council shall be authorized to require the property owner to have a licensed surveyor set out the property lines if the property lines are in question or not firmly established. This shall be done prior to any excavation or construction.

(B) USED AS DWELLINGS

All buildings or structures being used as dwelling places within the city limits shall have, and shall function correctly at all times.

*water (hot and cold) connected to, and utilizing the city's water system. There may be exceptional circumstances where connection to the city sewer system is cost prohibitive, and/or the city sewer system may not be able to handle the connection. In those circumstances, the City may allow a homeowner to have a septic system or private sewer system. The agreement regarding such private sewer system must be in writing and signed by the parties and approved by the City.

*Toilet facilities, connected to, and utilizing the city's sanitary sewer system.

* Bathing facilities and sinks, also to be connected accordingly.

*electrical power that is supplied to the city by its electrical provider. (REA)

(C) FENCES

Fences shall not extend beyond property lines. Fences shall not be placed in a manor to create a visual impairment for traffic.

(D) LOT REQUIREMENT'S

Minimum lot size for residential areas shall be 50' x 140' (7000) square feet. Square footage of all structures combined, shall not exceed 60% of usable space.

The distance of the side lot lines shall be a minimum of 8' from property line to outer most portion of the structure.

The distance on the front lot line -----General building front alignment up and down the street shall prevail.

Rear lot lines adjacent to an alley---A minimum spacing of 15' shall be maintained.

Minimum lot size on Main Street, being deemed as a commercial area, shall be 25' x140' (3500) square feet. Commercial buildings in the business district area of Main Street shall be able to abut side and front lot lines. Building rear shall remain 15 feet (15') from lot line. Buildings that do abut the lot lines shall have walls constructed as to maintain a fire barrier for a minimum of three (3) hours.

(E) RETAINING WALLS

Retaining walls constructed for the purpose of holding back earth, and which will exceed a height of three (3) feet, shall have a concrete footing. The footing dimensions shall be of sufficient build as to stabilize the loads placed upon it.

(F) EXCAVATIONS

Excavations that are left open and unattended shall be secured with safety fencing. Excavations resulting from the demolition process or the movement of a building or structure shall be secured by safety fencing. Said fencing shall be kept in proper functioning order until such excavations are backfilled. In the event a building or structure is torn down or moved out, in no event shall debris be thrown into the basement or footing area and covered. In all such situations, the foundation and footings must be removed and filled with clean dirt. Such will be a part of razing or moving any such building.

(G) BONDING AND INSURANCE

Any person or firm that razes a building or moves a building shall be insured and bonded and provide proof of coverage to the City of Colome Finance Office prior to operating within the City of Colome. The minimum amount of insurance coverage or bonding shall be Two Hundred Fifty Thousand Dollars (\$250,000.00). Said insurance or bonding shall be available in the event damage should occur to either private or public properties.

(H) FLOOR DRAINS AND SUMP PUMPS No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, and the like, in to the city's sanitary sewer system. Submersible pumps (sump pumps) intended for draining afore mentioned waters, shall not be connected to the city sanitary sewer system.

(I) LANDSCAPING

Land scape shall be finished in a manner so as not to drain runoff water onto adjoining property of different ownership.

6. Sections 12 and 13 shall be amended to read as follows:

SECTION 12 BUILDING PERMIT FEE'S

There shall be submitted with the application for a building permit a check or cash payment for an amount to be determined by the estimated value of the building project. The Building Inspector, or city council, will have final approval of estimated cost. For the purpose of valuation, building materials that have been salvaged from the demolition process, being deemed as (used) will have an estimated value of sixty percent (60%) of new.

The valuation to be used in computing the permit fee shall be the total value of all work, as well as all finish work, painting, roof, electrical, plumbing, heating, air-conditioning and other permanent work.

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| \$1.00 to \$500.00 | \$10.00 |
| \$501.00 to \$2000.00 | \$10.00 for the first \$500.00 \$1.50 for each additional \$100.00 |
| \$2001.00 to 25,000.00 | \$32.50 for the first \$2000.00 \$4.00 for each additional \$1000.00 |
| \$25,001.00 to \$50,000.00 | \$124.50 for the first \$25,000.00 \$3.50 for each additional \$1000.00 |
| \$50,001.00 to \$100,000.00 | \$212.00 for the first \$50,000.00 \$2.50 for each additional \$1000.00 |
| \$100,001.00 and up | \$337.00 for the first 100,000.00 \$1.50 for each additional \$1000.00 |
| Demolitions permit fee | \$10.00 |

SECTION 13 ADMINISTRATION AND PENALTIES

1. The administration and enforcement of this Ordinance shall be under the supervision and jurisdiction of the city council/building inspector.
2. The city council/building inspector shall have the right and is hereby empowered to enter upon any premises on which any building project is permitted, and inspect the same and all accommodations connected therewith at any reasonable time.
3. Any violators of this Ordinance shall have thirty (30) days after notification to come into compliance.

4. Any person violating any of the foregoing provisions of this Ordinance may be punishable by a fine of not more than five hundred dollars (\$500.00) and up to thirty (30) days in jail.

This Ordinance shall be in force twenty (20) days after its passage, approval and publication.

Todd Hauf, Mayor
City of Colome, SD

Attest:

Carol Moyer, Finance Officer
City of Colome, SD

First Reading: 5-4-15
Second Reading: 7-6-15
Passage and Approval: 7-6-15
Publication: 7-15-15