

have the original

BUILDING PERMIT ORDINANCE NO. 61

AN ORDINANCE ENTITLED "AN ORDINANCE PROVIDING FOR BUILDING PERMITS WITHIN THE CITY OF COLOME AND FOR THE ADMINISTRATION AND ENFORCEMENT OF SAID ORDINANCE AND REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE".

BE IT ORDAINED BY THE CITY OF COLOME, SOUTH DAKOTA:

Section 1. Building Permits Required and Content:

No building or structure shall be erected, added to, moved in, or structurally altered until a permit therefor has been issued by the Building Inspector. Said permit shall contain the following information which must be fully answered and submitted by the applicant before the said permit may be granted:

- a. Name of Applicant.
- b. The location thereof.
- c. The nature of work to be done.
- d. The estimated cost of the work to be done.
- e. The size of the lot or lots.
- f. The size of the building.
- g. The distance that the building is, or will be from the front lot line, the rear lot line, and the side lot lines on each side of the building.
- h. Whether the outside walls are to be frame, brick, stucco, cement or steel construction.
- i. A statement signed by the owner or his agent that all work done will be in conformity to the fact stated in the application.
- j. There shall be submitted with all applications for building two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to provide for the enforcement of this Ordinance.
- k. There shall be submitted with the application for building permit a check or cash payment for an amount equal to 1% of the value of the building work to be done which value shall be determined by the Building Inspector which will be refunded when the building or construction is completed providing the same has been done in accordance with this Ordinance, except that there shall be retained by the City for inspections and service fees a sum equal to 10% of the said deposit. In the event that this Ordinance is not complied with, then the total deposit shall be confiscated and placed in the general fund in the City of Colome. In the event of a building being moved into the City of Colome, then the amount to be retained by the City for inspections and the like shall be equal to 5% of the amount required for deposit.

Section 2. Application for Permit Procedure:

- a. When any person shall be desirous of erecting, constructing, reconstructing, converting, altering, enlarging, extending, raising or moving any building or structure within

*Replaced
with 170*

the limits of the City of Colome, South Dakota, he shall make a written application to the City Auditor of Colome, South Dakota, for the permit as outlined in Section 1. hereof.

b. 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 Veterans Administration or the Federal Housing Administration or the Farmers 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 Electric Code and the statutes of the State of South Dakota that are applicable thereto 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.

Section 3. Permit Granted:

If any person is aggrieved by the decision or determination of the Building Inspector, he shall be entitled to appeal the Building Inspector's decision or determination to the City Council as a whole. Nothing herein contained shall prevent said person from subsequently appealing to the Circuit Court of the State of South Dakota.

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 Building Inspector, a building permit shall be issued under the authority of the City Auditor 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 necessary. 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 connection shall be provided until said building permit shall have been duly issued.

Section 4. Expiration of Permit:

a. Any building permit under which no construction work has been commenced within six months 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.

b. Any building permit allowed prior to the passage of this Ordinance under which no construction work is commenced within one month after the passage of this Ordinance or under which the proposed construction has not been completed within twelve months after the date of issue, shall expire by limitation and shall be null and void.

Section 5. Record Kept:

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

Section 6. Building Inspector:

a. The position of Building Inspector is hereby created and established and he shall serve without compensation upon appointment by the Mayor confirmed by the Colome City Council. Appointments may be made and vacancies filled at any regular or special meeting of the governing body by the Mayor with the approval of the City Council.

Section 7. Powers of the Building Inspector:

a. The Building Inspector 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.

b. Said Building Inspector 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.

c. 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.

Section 8. An person violating any of the foregoing provisions of this Ordinance shall be punished by a fine of not more than One Hundred and No/100 (\$100.00) Dollars or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment.

Section 9. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 10. This Ordinance shall be in effect twenty (20) days following its passage, approval, and publication.

Dated this 2nd day of June, 1975.

CITY OF COLOME

By /s/ Tony Cervenka
Mayor

ATTEST:

/s/ Ethel Bjornsen
City Auditor

First Reading: May 5, 1975

Second Reading: June 2, 1975

Passed and Approved: June 2, 1975

Published: June 4, 1975

AUDITORS CERTIFICATE

I, Ethel Bjornsen hereby certify that the foregoing is a true and correct copy of Ordinance #61 of the City of Colome, South Dakota. I further certify that the same was passed and approved on June 2, 1975.

(SEAL)

/s/ Ethel Bjornsen
Auditor