

PROPOSED ORDINANCE 1502

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV, LAND USAGE; CHAPTER 150, BUILDING REGULATIONS; SECTIONS 150.01 DEFINITIONS; 150.02 INTERNATIONAL BUILDING CODE ADOPTED; 150.03 INTERNATIONAL RESIDENTIAL CODE ADOPTED; 150.20 BUILDING INSPECTOR; 150.21 REQUIRED; 150.22 APPLICATION; REQUIRED; 150.23 APPLICATION; CONTENTS; 150.24 DENIAL; APPEAL; 150.33 RAZING AND DEMOLISH OF BUILDINGS; AND 150.36 EXPIRATION.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Chapter 150 Building Regulations be amended and add language to Chapter 150. All other portions of Chapter 150 Building Regulations will remain as they are. Following are the amendments.

§ 150.01 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

BOARD OF APPEALS. The City Council.

CORPORATION COUNSEL. The City Attorney.

§ 150.02 INTERNATIONAL BUILDING CODE ADOPTED.

(13) “[A] 113.1 *Application for appeal.*” Any person having any record title or legal interest in the dwelling, dwelling unit, rooming unit, or premises directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The board shall not have authority to waive the requirements of this code.

§ 150.03 INTERNATIONAL RESIDENTIAL CODE ADOPTED.

(11) “R112.1 *Application for appeal.*” Any person having any record title or legal interest in the dwelling, dwelling unit, rooming unit, or premises directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The board shall not have authority to waive the requirements of this code.

§ 150.20 BUILDING OFFICIAL.

There is hereby created the Office of Building Official, who may be the City Engineer or any other person as the City Manager may appoint. The Inspector shall hold office for one year or until his or her successor shall have been appointed and qualified.

§ 150.21 REQUIRED.

It shall be unlawful for any person to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, or razing of any building or structure or any portion thereof within the city, unless a building permit has been granted therefor in the manner hereinafter

provided. No wall, structure, building, or part thereof shall hereafter be built, enlarged, or altered until the building permit is issued by the Building Official.

§ 150.22 APPLICATION; REQUIRED.

When any person shall be desirous of erecting, constructing, reconstructing, converting, altering, enlarging, extending, or razing any building or structure within the limits of the city, he or she shall make a written application to the Building Official for a permit to carry on the work. An application for a building permit, available from the Building Official of the city, shall be completed by the landowner or representative requesting the building permit. Completed applications shall be returned to the Building Official for review. To be considered complete, the application form shall be accompanied by the required documents in 150.23.

§ 150.23 APPLICATION; CONTENTS.

- (A) Generally. The application shall contain the following information.
- (B) Specifically.
 - (1) The name of the owner of the premises;
 - (2) The location thereof;
 - (3) The nature of the work to be done;
 - (4) The estimated cost of the work to be done;
 - (5) The size of the lot or lots;
 - (6) The size of the building;
 - (7) 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;
 - (8) Whether the outside walls are to be frame, brick, stucco, or cement construction;
 - (9) A statement signed by the owner or his or her agent that all work done will be in conformity to the facts stated in the application and that all work done will conform with the zoning ordinance of the city, this chapter, and laws of the state; and
 - (10) The prime contractor's name, address, and excise tax license number.
 - (11) Copies of plans, showing the dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; the location and dimensions of the proposed building or alteration; the materials of which it is to be constructed; and the details and type of construction to be used;
 - (12) Any additional information, as requested by the Building Official, as lawfully may be required to determine conformance with and provide for the enforcement of this chapter.

§ 150.24 DENIAL; APPEAL.

- (C) *It shall be the duty of the Building Official to issue a building permit to the applicant if the application complies with all the requirements of this subchapter, and if it appears that the proposed*

structure, a permit for the erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing, or moving of which application is made, will be located, erected, constructed, reconstructed, altered, enlarged, extended, razed, or moved in compliance with this code and with the laws of the state.

(D) If the application is deficient, or if the proposed building or structure fails to meet any of the requirements of the ordinances or laws of the state, then within 5 business days the Building Official will notify the applicant of his or her objection and refuse to grant the permit. Any person aggrieved by the granting of or refusing to grant a building permit as provided by this code may be heard by the Board of Appeals which will decide whether the permit shall be granted or refused under this code.

(E) Provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served the Board of Appeals will decide whether the permit shall be granted or refused under this code.

(1) An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(F) Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

§ 150.33 RAZING OR DEMOLISH OF BUILDINGS.

(A) For the demolition or removal of a building that is furnished with sewer, a permit may be granted; provided, however, that in such case, a deposit guaranteeing the abandonment of the sewer service shall be deposited at application for the permit, the deposit to be in an amount to be determined by resolution of the City Council.

(B) The deposit will be refunded upon completion of the work, or the city will arrange for the work at actual cost, plus 10% to be paid for from the deposit, work to be completed within 30 days after the issuance of permit.

(C) If sewer service is to be reused or new service required for a new structure in the immediate future at the same location, deposit may be waived by the City Engineer.

§ 150.36 EXPIRATION.

(A) Any building permit or moving permit under which no construction work has been commenced within 6 months after the date of issue of the permit, or under which the proposed construction has not been completed within 1 year after the date of issue, shall expire by limitation and no work or operations shall take place under any such permit after the expirations unless the permit has been renewed.

(B) Expiration of a building permit. Every building permit issued shall become invalid unless the work on the site authorized by the permit is commenced within 180 days after its issuance, or if the work authorized on the site by the permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one extension of time, for a period not more than 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

§ 150.38 BUILDING AND DEVELOPMENT IN FLOOD PLAIN.

(G) Criteria and requirements.

- (7) Obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, until the other data has been provided by the Building Official, as criteria for requiring:
- (8) For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on a community's FIRM:
 - (c) Maintain a record of all the information with the Building Official;

(H) Permit procedures.

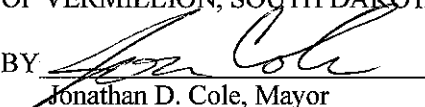
- (1) Application for a permit shall be presented to the Building Official on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(I) Variance procedures.

- (1) The Board of Appeals shall hear and render judgment on requests for variances from the requirements of division (G) of this section.
- (2) The Board of Appeals shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the City Manager or designee or Building Official in the enforcement or administration of division (G) of this section.
- (3) Any person or persons aggrieved by the decision of the Board of Appeals may appeal such decision in the courts of competent jurisdiction.
- (4) The City Manager or designee or Building Official shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency and the State Office of Emergency Management upon issuing a variance.

Dated at Vermillion, South Dakota this 2nd day of January 2024.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY 
Jonathan D. Cole, Mayor

ATTEST

BY 
Katie E. Redden, Finance Officer

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