

ORDINANCE NO. 1394

AN ORDINANCE AMENDING TITLE XV: LAND USAGE; CHAPTER 150 BUILDING REGULATION SECTION 150.50 INTERNATIONAL PROPERTY MAINTENANCE CODE, ADOPTING AND ENACTING THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE AS MODIFIED BY THE CITY OF VERMILLION;

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Title XV: Land Usage; Chapter 150, Section 150.50 International Property Maintenance Code is repealed and the 2018 International Property Maintenance Code is enacted.

AN ORDINANCE of the City of Vermillion adopting the 2018 edition of the International Property Maintenance Code as amended, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Vermillion; providing for the issuance of permits and collection of fees therefore; repealing and replacing current section 150.50 of the City of Vermillion and all other ordinances or parts of laws in conflict therewith.

§ 150.50 INTERNATIONAL PROPERTY MAINTENANCE CODE 2018 ADDITION ADOPTED.

A certain document, one copy of which is on file in the office of the Building Official and one copy of which is on file in the Vermillion Public Library, designated as the International Property Maintenance Code, 2018 Edition, be and is hereby adopted as the Property Maintenance Code of the City of Vermillion in the State of South Dakota.

The following additions, deletions, modifications and or amendments to the International Property Maintenance Code, 2018 Edition, are hereby incorporated into and made a part of the code.

102.3 Application of Other Codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Chapter 150, sections 150.02 and 150.03 and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City's zoning regulations.

103.5 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set by Resolution of the City of Vermillion's Governing Body.

106.4 Violation penalties

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject to a fine set by Resolution in addition to any and all other penalties as prescribed by law.

111.1 Application for appeal. Any person having any record title or legal interest in the dwelling, dwelling unit, rooming unit, or premises. Any person 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.

111.2 Forms. Appeals shall be submitted on the forms provided by the Code Official. Applications must be accompanied with the application fee, applications without fees shall not be considered filed until the fee is received.

111.2.1 Membership of board. The Board of Appeals shall consist of the City of Vermillion Governing Body.

111.2.2 Chairman. The Governing Body's presiding member shall serve as the chairman of the Board of Appeals.

111.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

111.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

111.2.5 Notice of Meeting. The Board of Appeals shall meet upon notice from the chairman within 30 days of the filing of an appeal, or at stated periodic meetings.

111.3 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

111.4 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

111.4.1 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.5 Board decision. The board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of appointed board members.

111.6 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Code Official.

111.6.1 Administration. The Code Official shall take immediate action in accordance with the decision of the board.

111.6.2 Court review. 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.

111.7 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

111.8 Fees. The fee for appeal application will be set by Resolution. Fees are required for appeal requests regardless of the outcome of the request and are nonrefundable.

201 General Definitions. Add the following definition.

Bedroom. A finished space that affords privacy to the occupant, at least seventy square feet in space with no dimensions less than seven feet. Bedrooms may not be located in a kitchen, dining room, living room, hallway or bathroom.

Exception:

1. Efficiency units or units that are designed to be used as shared or group occupancy.

302.4 Weeds. Not adopted by the City

302.8 Motor Vehicles. Not adopted by the City

304.3 Premises Identification. Not adopted by the City

304.14 Insect Screens.

During the period from May 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception:

1. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

308 Rubbish and Garbage. Not adopted by the City

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F a minimum temperature of 65°F shall be maintained.

602.4 Occupiable Work Spaces.

Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

[F] 702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following:

All window replacement shall require a building permit. Replacement windows shall conform to the code for new construction whenever possible, including but not limited to light, ventilation, safety glazing and egress. Windows that cannot meet the code for new construction within the existing opening shall utilize the opening to its maximum potential to comply. Double hung windows or sliding windows that limit light, ventilation or egress are required to be changed to a casement style or similar to maximize the opening. Windows located in rental housing may require additional modification to comply with the minimum standards of section 94.02(J).

Exception:

1. The replacement of glazing only, in non hazardous location shall not require a permit.

Dated at Vermillion, South Dakota this 3rd day of December, 2018.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By John E. Powell
John E. (Jack) Powell, Mayor

ATTEST:

By Michael D. Carlson
Michael D. Carlson, Finance Officer

First Reading: November 19, 2018
Second Reading: December 3, 2018
Publish: December 14, 2018
Effective: January 3, 2019

