

ORDINANCE NO. 283

AN ORDINANCE OF THE CITY OF AURORA, SD, AMENDING ANY AND ALL ORDINANCES PERTAINING TO BUILDING CODES AND ADOPTING NEW ORDINANCE

BE IT ORDAINED BY THE CITY OF AURORA, SD:

Adopted. The *International Property Maintenance Code*, 2015 edition, published by the International Code Council, is hereby adopted as the Property Maintenance Code to provide standards to safeguard life or limb, health, property, and public welfare by regulating, governing, and controlling the use, occupancy, conditions, and maintenance of all property, buildings, and structures within this jurisdiction and to provide for a just, equitable, and practicable method whereby buildings or structures, which from any cause endanger the life, limb, morals, property, safety, or welfare of the general public or their occupants, may be repaired, vacated, or demolished. The minimum requirements and standards of the 2015 International Property Maintenance Code will become effective after (ORDINANCE EFFECTIVE DATE).

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 the *International Building Code*, *International Residential Code*, *Uniform Plumbing Code*, *National Electrical Code*, *Uniform Mechanical Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *Zoning Ordinance* of the City of Aurora, South Dakota.

Appointment. The City of Aurora Maintenance Manager or his or her designee is designated as the *code officials* and shall enforce the provisions of this code.

Liability. The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection by the City's insurance and any immunities and defenses provided by other applicable state and federal laws and be defended by the legal representative of the City until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action suit or proceeding that is instituted in pursuance of the provisions of this code.

Fees. The fees for building permits, activities and services performed by the department in carrying out its responsibilities under this code shall be as established by resolution of the City Council.

In addition, an administrative fee of \$250 may be assessed for the preparation of bids and contracts to correct or abate a violation.

Extension of time agreement. If the code official determines that an extension of time will not create or perpetuate a situation imminently dangerous to life or property, the code official may grant an extension of time, not to exceed 180 days in which to complete the work listed in the Notice and Order. Any extension shall not extend the time to appeal the Notice and Order. Any extension shall be agreed to in writing in a document containing the following:

1. A reasonable and acceptable schedule, setting forth specific dates to complete corrective action for each violation listed in the Notice and Order.
2. A signature of the responsible party.

General. The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than 18 months, the *code official* shall order the *owner* to demolish and remove such structure.

Application for appeal. Any person directly affected by a decision of the Code Official or a Notice and Order issued under this code shall have the right to appeal such Notice and Order to the Aurora City Council, provided that a written application for appeal is filed within twenty (20) days after the day a decision, notice or order was served. An application for appeal shall be based upon a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or that the requirements of this code are adequately satisfied by other means. An application for appeal will be deemed timely filed if filed in the office of the Finance Officer at Aurora City Finance office within the timeframe set forth hereinabove.

Appeal hearing. Upon receipt of a properly filed application for appeal, the Aurora City Council shall hear the appeal within 30 days after the date of the filing of the application for appeal at a regularly scheduled meeting of the Aurora City Council or a special meeting of the Aurora City Council which is properly noticed under South Dakota law. At the hearing before the Aurora City Council, the appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard.

City Council decision. At the close of the hearing or at the next regularly scheduled meeting, the City Council shall uphold, modify or reverse the Notice and Order of the Code Official. Notice of said decision shall be sent, in writing, to the appellant and the Code Official at their last known addresses.

Court review. The decision of the Aurora City Council is subject to judicial review by the circuit court as provided for in the Codified Laws of the State of South Dakota.

Stays of enforcement. Any appeals filed on 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. If an Imminent Danger notice is issued by the Code Official and upheld on an appeal, the Code Official may take immediate action to insure compliance with the Immediate Danger notice. All other notice and orders shall be enforced by the Code Official upon exhaustion of all appeals by the appellant.

Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to administrative citations through the code enforcement process.

Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Residential Code*, *Uniform Plumbing Code*, *National Electrical Code*, *Municipal and Zoning Code* of the City of Aurora, *Uniform Mechanical Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

Adopted this 13th day of July, 2015.

Frederick Weekes, Mayor

ATTEST:

Shannon Clifford, Finance Officer

First reading: June 10, 2015
Second reading: July 13, 2015
Vote: Yeas: 3 Neas: 0
Adopted: July 13, 2015

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