

TITLE 2

BUILDING AND FIRE REGULATION

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CHAPTER 2-1: INTERNATIONAL BUILDING CODE

2-1-1: Definitions.

(1) Wherever the word "Municipality" is used in the International Building Code it shall be defined to mean the City of Clear Lake, State of South Dakota.

(2) Wherever the term "Corporation Counsel" is used in the International Building Code it shall be defined to mean the City Attorney for the City of Clear Lake, State of South Dakota.

2-1-2: Adoption of International Building Code.

It is recommended that the "International Building Code" (most recent edition) be followed for the alteration, construction, demolition, location, maintenance, repair and removal of buildings and structures within the municipality.

2-1-3: Building Permit.

Every person, before altering, erecting or repairing any building, improvement or other structure, including but not limited to blacktop or cement work for a driveway, patio or sidewalk, which has a cost or value exceeding the sum of \$100.00 within the municipality shall make an application to the finance officer stating the location, dimension, purpose and name of the owner of the building and the land. The applicant shall furnish to the City Council an estimated cost of the new construction and such other information, plans and specifications as are requested by the City Council. No construction shall be undertaken which does not comply with the plans and specifications or detailed statement contained in the application for a permit. However, no permit shall be required for shingling, siding or painting any building or structure.

The Building Inspector shall refer any application for a permit to the City Council. The minimum fee for residential building permits is \$30.00 and the minimum fee for commercial building permits is \$100.00. Furthermore, the building permit shall be posted in a conspicuous place upon the premises at all times from the beginning until the completion of such construction.

A building permit shall be issued by the finance officer upon payment of the prescribed fees with the condition that said permit shall be good for one year from the date of issuance.

2-1-4: Permits and Fees

The following fees will be charged by the City of Clear Lake at the time an application is received:

(A)	Alley or Street Vacated Fee	\$ 200.00
(B)	Conditional Use Permit	\$ 50.00
(C)	Moving/Removal Fee	\$ 25.00
(D)	Peddler's Permit	\$ 50.00
(E)	Plat/Replat Fee	\$ 50.00
(F)	Zoning/Rezoning Fee	\$ 50.00
(G)	Variance Fee	\$ 50.00

Updated 1.23.18 – Ord. No. 550

2-1-5: Right of Entry.

The Building Inspector shall have the authority to go upon any premises and enter any building or structure at any reasonable hour for inspection purposes and thereby complete their duties.

2-1-6: Conflict of Codes.

In the event of a conflict between any provision of the International Building Code and this Municipal Code, then the latter shall prevail. If any of the provisions of this chapter are in conflict hereafter with the International Building Code adopted herein, then the provisions of this chapter shall take precedence and the International Building Code shall be considered amended and modified.

CHAPTER 2-2: GENERAL BUILDING REGULATIONS

2-2-1: Permit To Move Building.

Any person desiring to raze or move any building or structure across, along or upon any alley, public ground, sidewalk or street within the City limits shall apply to and obtain from the Building Inspector a permit for a fee of \$25.00 to move such building or structure across, along or upon such alley, public ground, sidewalk or street.

The applicant shall also file with the Finance Officer a deposit in the sum of \$1,000.00 cash or a sufficient bond conditioned so that the applicant will indemnify the City and any public utility for any damage done to any alley, property, public ground, sidewalk or street. All premises shall be reclaimed to a clean and safe condition. No building shall be moved other than during the period from daylight to 4:00 p.m. The applicant must furnish proof that all taxes legally assessed against the property have been paid before any permit is granted. If a building or structure is to be moved onto any lot within the city, then the Building Inspector shall have the power to deny the granting of a moving permit on the grounds that the intended use of the structure or location thereof is contrary to the provisions of this chapter.

2-2-2: Manufactured or Mobile Homes.

Only those manufactured or mobile homes constructed within the last ten (10) years of the date that a moving permit was applied for may be placed and maintained on a tract of land within the municipality.

2-2-3: Removal of Decayed or Burned Building.

The Building Inspector shall report to the City Council any building within the limits of this City which shall have been damaged by fire, building collapse, decay or otherwise to the extent of 50% of the value thereof, and the written report shall describe the said building, its location and the name of the owner if known.

The Finance Officer shall then issue a notice to be served upon the owner requiring the said owner to appear before the City Council at a place and time specified in said notice to show cause why said building shall not be removed or torn down. In the event the owner cannot be found within the state and there is no agent present, then the notice shall be published in the official newspaper of the City once each week for four successive weeks. The proof of such service shall be deemed valid upon the completion of such publication and due proof thereof being filed with the Finance Officer.

2-2-4: Decaying or Burned Buildings - Hearing - Remedies.

The City Council shall accept evidence pertaining to the condition of any building which shall have been damaged and the extent thereof. If in the judgment of the City Council such building has been damaged by fire, decay or otherwise to the extent of 50% of its value, then an order shall be made and entered on record condemning such building to be removed within the time

as therein specified under the direction of the City Council. Any disregard of said order shall be deemed a violation of this ordinance, and the City may prosecute the offender. Additionally, the City may remove the building and hold a lien against the property for all necessary expenses.

2-2-5: Refilling Excavations.

Whenever any excavation is made, then the earth and pavement shall be replaced by the party responsible for same and the contractor or owner making such excavation shall be liable to the City for the cost of such replacement. Additionally, it shall be unlawful for any contractor or owner of property to make or cause to be made any excavation on any property adjacent to any alley, public area or street unless the excavation is securely guarded so as to prevent the injury of any person passing along or upon the excavation. Furthermore, the contractor shall leave the project site clear of all excess soil and any debris as a result of the excavation.

CHAPTER 2-3: NATIONAL ELECTRICAL CODE AND REGULATIONS

2-3-1: Definitions.

- (1) Wherever the word "municipality" is used in the National Electrical Code it shall be defined to mean the City of Clear Lake, State of South Dakota.
- (2) Wherever the term "Corporation Counsel" is used in the National Electrical Code it shall be defined to mean the City Attorney for the City of Clear Lake, State of South Dakota.

2-3-2: Adoption of National Electrical Code.

The "National Electrical Code" as adopted by the National Fire Protection Association (most recent edition) is hereby adopted by the City for the purpose of establishing regulations and rules for all installations of electrical equipment and all electrical equipment installed or used shall be in conformity with this chapter, and state statutes, and any orders, regulations or rules issued by authority set forth therein. A copy of the "National Electrical Code" has been filed in the office of the Finance Officer and is hereby adopted and incorporated herein as fully as if set out at length herein, and shall take effect from the date of this ordinance.

2-3-3: Scope and Exceptions.

The provisions of this code shall govern electrical work as defined by the National Electrical Code (NEC). This includes the fixtures, materials and practice used in all new installations, electrical conductors, fittings, devices and fixtures for lights, heat and power service equipment and all equipment used for power supply to radio and television receiving systems and amateur radio transmission systems and buildings and structures. All alterations or extensions to existing wiring system and within or adjacent to any buildings or structures or conveyances or any premises within the City are also included. No electrical work pertaining to heat, light or power from other sources shall be installed, nor an alteration or extension of any existing electrical systems made until a permit has been issued therefore as required in this chapter except for any installations made for buildings or premises used exclusively by an electricity generating and/or communications agency.

2-3-4: Persons Regulated.

It shall be unlawful for any person to construct, install, lay or cause to be constructed, installed or laid any electrical apparatus or wiring unless said person shall have complied with the provisions of this chapter. However, a person may complete their own electrical wiring on property belonging to them without obtaining a license.

2-3-5: Right of Entry.

The Building Inspector shall have the authority to go upon any premises and enter any building or structure at any reasonable hour for inspection purposes and thereby complete his duties.

2-3-6: Conflict of Codes.

In the event of a conflict between any provision of the National Electrical Code and this Municipal Code, then the latter shall prevail. If any of the provisions of this chapter are in conflict hereafter with the National Electrical Code adopted herein, then the provisions of this chapter shall take precedence and the National Electrical Code shall be considered amended and modified.

CHAPTER 2-4: NATIONAL PLUMBING CODE AND REGULATIONS

2-4-1: Definitions.

- (1) Wherever the word "municipality" is used in the National Plumbing Code it shall be defined to mean the City of Clear Lake, State of South Dakota.
- (2) Wherever the term "Corporation Counsel" is used in the National Plumbing Code it shall be defined to mean the City Attorney for the City of Clear Lake, State of South Dakota.

2-4-2: Adoption of National Plumbing Code.

The "National Plumbing Code" as adopted by the American Standards Association (most recent edition) is hereby adopted by the City for the purpose of establishing regulations and rules for the installation and safety of plumbing and related fixtures, and all plumbing installed or used shall be in conformity with this chapter, and state statutes, and any orders, regulations or rules issued by authority set forth therein. A copy of the "National Plumbing Code" has been filed in the office of the Finance Officer and is hereby adopted and incorporated herein as fully as if set out at length herein, and shall take effect from the date of this ordinance.

2-4-3: Scope and Exceptions.

The provisions of this code shall govern plumbing work as defined by the National Plumbing Code (NPC). This includes the fixtures, materials and practice used in all alterations, extensions, installation and maintenance of all appliances, fixtures, piping and appurtenances in connection with any of the following: sanitary drainage, private water supply systems within or adjacent to any building or structure, and also the materials and practice used for the alteration, extension, installation or maintenance of a storm sewer or sewage system of any premises to their connection with any point of the public disposal or other terminal.

2-4-4: Right of Entry.

The Building Inspector shall have the authority to go upon any premises and enter any building or structure at any reasonable hour for inspection purposes and thereby complete his duties.

2-4-5: Conflict of Codes.

In the event of a conflict between any provision of the National Plumbing Code and this Municipal Code, then the latter shall prevail. If any of the provisions of this chapter are in conflict hereafter with the National Plumbing Code adopted herein, then the provisions of this chapter shall take precedence and the National Plumbing Code shall be considered amended and modified.

CHAPTER 2-5: NUMBERING OF BUILDINGS

2-5-1: Requirement of Numbering.

The buildings located on all avenues and streets within the City may be numbered, and the owners thereof shall place upon such buildings the proper numbers.

2-5-2: Numbering on Streets

The streets running east starting from First Avenue shall be numbered odd on the north side starting with 103 and even on the south side starting with 102. The streets running west starting from First Avenue shall be numbered odd on the north side starting with 103 and even on the south side starting with 102 except on 11th St W where the north side shall be numbered even.

Updated 1.23.18 – Ord. No. 548

2-5-3: Numbering on Avenues.

The avenues running north starting from First Street shall be numbered even on the east side starting with 102 and odd on the west side starting with 103. The avenues running south from First Street shall be numbered even on the east side starting with 102 and odd on the west side starting with 101 or 103.

Updated 1.23.18 – Ord. No. 548

2-5-4: Finance Officer Duties - Numbering of Buildings.

The Finance Officer shall designate upon each application the proper number for each building or structure.

2-5-5: Placement of Numbers on Buildings.

The numbers to be placed upon the building or structure shall be legible and of such sufficient size as to be easily read from the street in front of the building or structure. The numbers may be put above, to the right, or to the left of the front entrance of the building or structure, whichever area is the most feasible.

CHAPTER 2-6: FIRE LIMITS

2-6-1: Establishing Fire Limits.

The fire limits for the City shall embrace the following described tract, and it shall be unlawful for any entity or person to build, construct, erect or maintain or place upon any of the lots or blocks within the West One-half (W1/2) of Blocks Twenty-three (23), Twenty-one (21), Fourteen (14) and Ten (10), and the East One-half (E1/2) of Blocks Twenty-four (24), Twenty (20), Fifteen (15) and Nine (9), all in the Original Plat to the City of Clear Lake, South Dakota, any building or structure of which the walls are not composed entirely of brick, cement, stone or tile, or some other non-combustible material and the roofs of which are not either of metal or some other non-combustible material, and the City Council shall not grant any permit to build, construct or erect any building within said limits unless the same shall comply with the specifications set forth herein.

2-6-2: Hazardous Structures & Maintenance of Premises

Maintenance of Premises. It shall be unlawful for any person owning, managing, leasing, occupying or having charge or possession of any building or premises in the City to keep, manage or maintain the same in any of the following manners:

- A. Any building or other structure; boarded up; partially destroyed or dismantled; partially constructed but uncompleted after the expiration of the building permit issued for the same; in disrepair on account of broken siding or roof, sagging walls or roof, or repaired in an unsuitable patchwork-like manner or similar condition;
- B. Broken windows, doors, siding or roofing, after the passing of 60 days of given notice, which the same should have been properly repaired;
- C. Any building or other structure in such a state or condition that it endangers the health, safety, peace, welfare, or comfort of any person who may come in close proximity thereto;
- D. Any building designed for human occupancy that is in such a state of disrepair or lack of maintenance, or other condition, at any time, that is not fit for human occupancy;
- E. Abandoned, discarded or unused furniture, appliances, sinks, tubs, toilets, cabinets or other household goods or fixtures left so as to be visible from a public street, alley or adjoining property;
- F. Abandoned, wrecked, dismantled or inoperative motor or other vehicles, trailers, motor homes, mobile homes, campers, boats, bicycles, motorcycles, lawn mowers and other similar items, including parts thereof, wheels, tires, etc.;
- G. Lumber, junk, trash, tanks, barrels, debris or machinery, tools and other similar materials maintained upon any premises which is visible from a public street, alley, or adjoining property;
- H. The maintenance on any property of mounds or piles of soil, fill material, sand, gravel, asphalt, concrete or any other material except temporarily in conjunction with construction or landscaping on the property;

- I. The maintenance or allowing of any other condition not compatible with the zoning classification of the property or not compatible with surrounding land uses in the neighborhood;
- J. Any similar condition.

Right of Entry. Whenever necessary to make an inspection or to enforce any of the provisions of this Ordinance, or whenever the City Council has reasonable cause to believe that there exists in any building or upon any premises, any condition which is prohibited under this ordinance, an authorized representative of the City may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon such representative by this ordinance.

No owner or occupant or any other person having charge or care of any building or premises shall fail or neglect, after proper demand, to properly permit entry therein by an authorized representative of the City for the purpose of inspection and examination pursuant to this ordinance.

Adopted July 7, 2020 – Ord. No. 586

2-6-3: Combustibles.

It shall be unlawful for any entity or person to keep anywhere within the platted alleys, streets or public places of the City more than 5 barrels of kerosene, coal oil or gasoline, except in above-ground tanks which meet established U.S. Environmental Production Agency standards without special permission of the City Council by an ordinance duly enacted, and it shall be unlawful for any entity or person to keep anywhere within the city more than one pound of dynamite, and it shall be kept in a safe place under lock and key and in a place where the same will not likely explode.

2-6-4: Industrial Restrictions.

No industry shall produce explosive products containing one pound or more of TNT normal type or the equivalent of one pound or more of TNT. Additionally, there shall be no nuclear or radioactive devices produced on any industrial premises except that testing shall not preclude use of X-ray or other radioactive factors. Furthermore, there shall be no biological or chemical warfare materials used or stored on any industrial premises.

There shall be no toxic waste disposal sites or other permanent waste disposal facilities except a properly regulated sanitary sewage disposal as approved by the South Dakota Environmental Protection Agency. All burn sites shall consist of steel containers located in a permanent concrete structure which shall be designed, and constructed and maintained in accordance with all South Dakota and United States requirements and said burning structure shall be established to not allow refuse ash to leak from the structure. No refuse ash or residue from the burn site shall be disposed of other than being transported to a sanitary landfill or to a toxic waste disposal facility, neither of which shall be located on the said premises. A permit shall be obtained from the Building Inspector for the City prior to the closing or disposal of the materials of any burn site.

CHAPTER 2-7: FIRE REGULATIONS

2-7-1: False Fire Alarm.

It shall be unlawful to intentionally cause, give or make any false alarm of fire.

2-7-2: Tampering With Fire Hydrants.

It shall be unlawful for any person to interfere with or open any fire hydrant connected with the water mains without the permission of the City's maintenance officials.

2-7-3: Removing Debris After Fire.

Whenever any building within the city shall be damaged by fire to the extent of more than fifty (50%) percent of its value, and no permit for the repair of the same or the construction of a new building has been obtained, and there shall remain upon the premises where such fire occurred any ashes or debris from such fire, then the owner of the lot or lots upon which the same is located shall within thirty (30) days after such fire remove all ashes and debris from such lot or lots. The owner's failure to do so shall be a misdemeanor, and the City may remove the debris and hold a lien against the premises for all necessary expenses.

2-7-4: Open Burning, Burning Waste, Recreational Fires, Fire Pits

Any Open Burning, or Recreational Fire, other than that listed below shall not be permitted unless prior written authorization has been granted by the Fire Chief of the local Fire Department. **If Deuel County has not instituted a County-wide Burn Ban**, the following types of open burning are permissible if in conformity with the following requirements:

- A. Only charcoal and untreated (non-construction wood), unpainted, clean, dry wood and manufactured fire logs less than two feet in length may be burned;
- B. The fire must not be on a wood or wood composite surface and must be contained in a pit, ring or manufactured fire pit or chimenea, or outdoor fireplace;
- C. Fire pits and rings must be located at least 6 feet away from structures and combustible materials (such as houses, wooden fences, sheds, wood piles), must be no more than 18 inches in depth from ground level and must be a minimum of eight (8) feet from adjoining property lines;
- D. Manufactured freestanding fire pits and chimineas must be located at least 6 feet from structures and combustible materials and a minimum of 8 feet from adjoining property lines;
- E. All recreational fires must be supervised at all times until the fire has been completely extinguished;
- F. All recreational fires must have an extinguishing device within 10 feet whether it be a bucket of water or sand, garden hose, or working fire extinguisher.
- G. Recreational fires may never burn green wood, construction waste (treated or untreated), plastic, cardboard, garbage, leaves, weeds, grass clippings, hay, straw, paper or such like items. Small branches and twigs are acceptable as kindling.

- H. Only material in (g) may be burned in an approved furnace or incinerator located in a building within the business or industrial districts and not prohibited by any other ordinance.

Officials from the Deuel County Sheriff's Department and local Fire Department are authorized to immediately extinguish any open burning if it is determined through investigation that the fire is not in compliance with the above rules.

Complaint or citation: Any person who violates any open burning ordinance of the City of Clear Lake will be subject to civil or criminal prosecution. In addition to complaints from private citizens or Fire Department officials or any law enforcement officer shall be authorized to issue a complaint or citation for a violation of the open burning ordinance of the City of Clear Lake. Property owners or occupants who violate or allow violation of any provision of this chapter.

Adopted Jan. 22, 2020 – Ord. #579

2-7-5: Outdoor Smoking Structures.

An “outdoor smoking shelter” is a detached structure located on the same lot as a structure which is used for retail alcoholic beverage sales.

Outdoor smoking shelters shall

- A. must have first obtained a building permit;
- B. comply with all provisions of the building code, as adopted, regardless of size;
- C. not have more than 75% of the aggregate wall area enclosed. For purposes of this section, “enclosed” shall include areas that are enclosable by permanent or temporary doors, walls, or windows;
- D. not have more than two walls constructed of opaque material;
- E. be lighted with appropriate weatherproof fixtures;
- F. not be taller than the primary structure;
- G. be aesthetically similar to the primary structure except for transparent or open walls;
- H. must have a cement floor.

CHAPTER 2-8: INTERNATIONAL PROPERTY MAINTENANCE CODE

2-8-1: Adoption of International Property Maintenance Code

It is recommended that all sections of the 2018 edition of the *International Property Maintenance Code*, 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 existing structures in the City of Clear Lake; providing for the issuance of permits and collection of fees therefore; repealing any other public nuisance ordinance and parts of any other ordinance in conflict therewith.

A copy of the *International Property Maintenance Code*, 2018 edition, will be on file in the City Finance Office, being marked and designated as the *International Property Maintenance Code*, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Clear Lake, in the State of South Dakota for 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 demolition of such existing structures as herein provided.

Adopted Oct. 6, 2020 – Ord. #588