

TITLE III – BUILDING AND FIRE REGULATIONS

CHAPTER 1

BUILDING CODE

Section 3.1.1 Adoption of Building Code

There is hereby adopted by the City of Mount Vernon, South Dakota, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the National Building Code; Abbreviated Edition; recommended by the National Board of Fire Underwriters, being particularly the _____ Edition thereof and the whole thereof, save and except such portions are hereinafter deleted, modified or amended, of which not less than three (3) copies have been and now are filed in the Office of the Finance Officer of the City of Mount Vernon; and the same are herein, and from the date of which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and other structures within the corporate limits of the City of Mount Vernon.

Section 3.1.2 Exceptions to Code

Metal Awnings – Metal awnings shall not be considered for the purposes of this code as being a part of the building, but shall be considered as personal property.

Section 3.1.3 Establishment of Office of Building Official

- A. The office of building official is hereby created and the executive official in charge shall be known as the building official.
- B. The building official shall be appointed by the City Council. He shall be an official or employee of the City, or member of the Council, who shall assume the duties of building official in addition to his other duties. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.
- C. During temporary absence or disability of the building official, the appointing authority shall designate an acting building official.

Section 3.1.4 Duties of Building Official

It shall be the duty of the building official to enforce all laws relating to the construction, alteration, removal, and demolition of all buildings and structures.

Section 3.1.5 Application for Permits

Application for all permits required by the building code shall be first submitted to the building official, who shall endorse thereon his approval or disapproval thereof and shall submit such application to the City Council for final action, and their action in approving or disapproving any such building application shall be final.

Section 3.1.6 Right of Entry

The building official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure, or premises at any reasonable time.

Section 3.1.7 Fire Limits Established

The fire limits of the City of Mount Vernon are hereby established as follows: all of the plat of the Original City, now City of Mount Vernon, plus any additions thereto, recorded in the office of the Register of Deeds of Davison County, South Dakota.

Section 3.1.8 Saving Clause

Nothing in this chapter or in the code hereby adopted shall be construed to affect any suit or proceeding now pending any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

Section 3.1.9 Validity

The invalidity of any section or provision of this chapter or of the code hereby adopted shall not invalidate other sections or provisions thereof.

Section 3.1.10 Inconsistent Ordinances Repealed

Ordinance or parts thereof in force at the time that this Ordinance shall take effect and inconsistent herewith, are hereby repealed.

TITLE III – BUILDING AND FIRE REGULATIONS

CHAPTER 2

MOBILE HOMES

Section 3.2.1 General

No person shall park, keep, erect or maintain any mobile home or manufactured home within the City of Mount Vernon except in accordance with the provisions of this Chapter.

Section 3.2.2 Anchoring Requirements

All mobile homes or manufactured homes shall be anchored to the ground, or a permanent foundation, in accordance with manufacturer's specifications. In the absence of manufacturer's specifications, said mobile homes or manufactured homes shall be anchored to the ground, or a permanent foundation, according to a plan approved by the Mount Vernon City Council.

Section 3.2.3 Footing or Foundation Requirements

All mobile homes or manufactured homes shall be installed on concrete footing pads or on a foundation in conformance with manufacturer's installation specifications. In the event that concrete footing pads are used, said pads shall be no smaller than two feet by two feet by four inches in depth. The number of said concrete footing pads shall be appropriate to the size of the mobile home or manufactured home. All mobile homes or manufactured homes shall have the wheels removed and tongue removed (if possible) and each such home shall have foundation siding/skirting enclosing the entire perimeter of the home.

Section 3.2.4 Public Water and Sewer

All mobile homes or manufactured homes shall be hooked up to public water and sewer lines.

Section 3.2.5 Age of Home

All mobile homes or manufactured homes shall have been constructed or manufactured within ten (10) years of the date of installation of said home in the City of Mount Vernon. Mobile homes or manufactured homes constructed or manufactured more than ten years ago may be moved into the City of Mount Vernon only with the express consent and vote of majority of the members of the Mount Vernon City Council.

TITLE III – BUILDING AND FIRE REGULATIONS

CHAPTER 3

FIRE REGULATIONS

Section 3.3.1 Adoption of National Code

There is hereby adopted by the City of Mount Vernon for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the _____ edition thereof and the whole thereof save and except such portions as are hereinafter deleted, modified or amended of which code not less than three (3) copies have been and now are filed in the Office of the Finance Officer of the City of Mount Vernon and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Mount Vernon.

Section 3.3.2 Enforcement

The code hereby adopted shall be enforced by the City Council or representative.

Section 3.3.3 Definition

Wherever the word “Municipality” is used in the code hereby adopted, it shall be held to mean the City of Mount Vernon.

Section 3.3.4 Establishment of Limits of Districts in which Storage of Flammable Liquids in Outside Aboveground Tanks and Bulk Storage of Liquefied Petroleum Cases is to be Restricted

The limits referred to in Section 804a of the Code hereby adopted in which storage of flammable liquids in outside aboveground tanks is prohibited, and the limits referred to in Section _____ of the code hereby adopted in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: the fire limits as established by Title 3 of this Ordinance.

Section 3.3.5 Modifications

The City Council or representative shall have the power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished by the applicant.

Section 3.3.6 Appeals

Whenever the City Council or representative shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the

decision of the Chief of the Fire Department to the City Council within thirty days from the date of the decision of the appeal.

Section 3.3.7 Burning Prohibited

No persons or business shall burn grass, leaves, tree branches, compost, garbage or rubbish, within the corporate limits of the City. It shall be unlawful for any person or business to violate any provision of this Ordinance, and any person or business who violates the same shall be guilty of a Class II misdemeanor and upon conviction thereof shall be subject to a fine not exceeding Five Hundred Dollars (\$500) for each such offense.