

TITLE 3

BUILDING AND FIRE REGULATIONS

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CHAPTER 3-1: NATIONAL BUILDING CODE

3-1-1: Definitions.

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

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

3-1-2: Adoption of National Building Code.

The "2003 International Building Code" is hereby adopted by the City for the purpose of establishing regulations and rules for the alteration, construction, demolition, location, maintenance, repair and removal of buildings and structures within the municipality, and includes all permits required and penalties that may be assessed, subject to the City Council modifying same in such manner as it deems in its best interests. A copy of the "2003 International Building 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. The provisions therein shall be controlling in the construction or repair of all buildings and structures within the City's limits.

3-1-3: 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.

3-1-4: Conflict of Codes.

In the event of a conflict between any provision of the 2003 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 2003 International Building Code adopted herein, then the provisions of this chapter shall take precedence and the 2003 International Building Code shall be considered amended and modified.

CHAPTER 3-2: GENERAL BUILDING REGULATIONS

3-2-1: 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.

3-2-2: 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.

3-2-3: Signs and Outdoor Advertising.

No awnings, displays or signs shall be hanged, placed or suspended so that the same shall hang over any part of a sidewalk or street used for pedestrian or vehicular travel unless a written application for a permit is made to the City Council and a permit is granted therefor. However, this provision shall not be applicable to holiday decorations or utility fixtures. The City Council shall take into consideration factors that would make the proposed structure likely to endanger the personal safety or property of passersby traveling the sidewalks or streets in question, and whether or not such structure complies with the National Building Code relating to outdoor advertising.

3-2-4: 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 of 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 3-3: NATIONAL ELECTRICAL CODE AND REGULATIONS

3-3-1: Definitions.

- (1) Wherever the word "municipality" is used in the National Electrical Code it shall be defined to mean the City of Gary, 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 Gary, State of South Dakota.

3-3-2: 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.

3-3-3: 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.

3-3-4: 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 their property without obtaining a license.

3-3-5: 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 their duties.

3-3-6: 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 3-4: NATIONAL PLUMBING CODE AND REGULATIONS

3-4-1: Definitions.

- (1) Wherever the word "municipality" is used in the National Plumbing Code it shall be defined to mean the City of Gary, 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 Gary, State of South Dakota.

3-4-2: 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.

3-4-3: 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.

3-4-4: 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 their duties.

3-4-5: 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 3-5: NUMBERING OF BUILDINGS

3-5-1: Requirement of Numbering.

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

3-5-2: Numbering on Streets.

The streets running north starting from Outlot No. 3 shall be numbered even on the east side starting with 612 and odd on the west side starting with 605.

3-5-3: Numbering on Avenues.

The avenues running east starting from Laura Street shall be numbered even on the south side starting with 106 and odd on the north side starting with 105.

3-5-4: Finance Officer Duties - Numbering of Buildings.

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

3-5-5: 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 3-6: FIRE LIMITS

3-6-1: Hazardous Structures.

Any building or part of a building hereafter built, constructed, erected or placed or maintained upon any of the lots or premises described in the prior section that is contrary to the provisions herein, or any building, structure or part of a building or structure heretofore constructed, built or erected upon any of the said premises and which shall be damaged by decay, fire, flood or other casualty to the extent of 50% or more of its value shall be deemed and the same is hereby declared to be a public nuisance and the same may be abated, prevented and removed by the City by an action instituted in the proper court for that purpose, or the same may be summarily abated or removed by the City Council with the aid of such help as may be necessary provided that the City shall not abate or remove any such nuisance without first giving 24 hours' notice in writing to the person in possession or in charge of said structure, if any, and provided further, that the City Council shall be the sole judge to determine the amount of damage done to any building or structure and giving grounds for the same.

3-6-2: 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.

3-6-3: 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 Finance Officer for the City prior to the closing or disposal of the materials of any burn site.

CHAPTER 3-7: FIRE REGULATIONS

3-7-1: False Fire Alarm.

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

3-7-2: 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.

3-7-3: 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.

3-7-4: Burning Waste.

No person shall burn any boxes, hay, leaves, paper, refuse, straw or rubbish of any kind within the city limits unless said material is burned in an approved furnace and incinerator located in a building within the business or industrial districts and not prohibited by any other ordinance. However, fire pits are permitted on residential property provided the fire pits are used outdoors and do not interfere in anyway with the residents living nearby.