

ORDINANCE #2023-02

AN ORDINANCE ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND AMENDMENTS AND ADDITIONS THERETO; AND FOR THE REPEAL OF ALL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

WHEREAS the Board of Trustees for the Town of Gayville, SD wishes to ensure uniform enforcement of property maintenance issues that may arise within its jurisdiction.

WHEREAS the Board of Trustees is authorized to adopt this ordinance pursuant to its police powers and pursuant to South Dakota Codified Law § 11-10-11, which authorize the adoption of property maintenance standards.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of Gayville, SD:

Adoption International Property Maintenance Code 2021.

The International Property Maintenance Code, 2021 edition, published by the International Code Council as amended, 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 2021 International Property Maintenance Code will become effective on 12-21-23, 2023.

A printed copy of the International Property Maintenance Code, 2021 edition as amended is on file at the Gayville Town Shop.

Amendments, additions, and deletions to the 2021 International Property Maintenance Code.

The following sections and subsections of the property maintenance code adopted in this article shall be amended, added to, or not adopted by the Town as follows. All other sections or subsections of the 2021 International Property Maintenance Code are adopted as printed.

101.1 Title. These regulations shall be known as the International Property Maintenance Code of The Town of Gayville, South Dakota, hereinafter referred to as "this 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 the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any of the Ordinances of Gayville, South Dakota except those ordinances in direct conflict herewith.

103.1 Enforcement agency. The Town of Gayville shall be the enforcement agency and the official in charge thereof shall be known as the "code official".

104.1 Fees. The fees for building permits, activities, and services performed by the Town in carrying out its responsibilities under this code shall be established, and may be amended, by resolution of the Town of Gayville.

107.1 General. An appeal of any orders, decisions, or determinations made by the *code official* relative to the application and interpretation of this code shall be made by delivering a written statement of appeal to the Finance Officer within 30 days after delivery of the notice of such order, decision, or determination. Appeals shall be heard by the Town Board of Trustees at the next regularly scheduled meeting no sooner than one week after receipt of the written statement of appeal. The Board of Trustees may, but is not required to, elicit opinions from any qualified individual for use in its evaluation and determination of the matter being appealed.

107.3 Qualifications. [Not adopted].

108.1 Membership of the board. [Not adopted].

109.1 Nuisance declared. The existence of a violation of any of the provisions of this code shall be deemed a public nuisance.

109.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be subject to a civil penalty. If the notice of violation or the order or direction is not complied with, the Town may institute any appropriate action available at law or in equity to restrain, correct, or abate such violation. All costs incurred by the Town relating to the prosecution of a violation hereunder may be taxed as a special assessment or, as allowed by law. The Town may commence a civil action against the owner of the real property for its costs of abatement in lieu of taxing the cost by special assessment.

109.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be subject to civil penalty up to the limits provided by the state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The Town shall enact by resolution a schedule of civil penalty fines for violations of this code

not to exceed \$500.00 per offense. The Town may amend the schedule of fines from time to time by resolution.

Under Section 202 the definition of "Exterior Property" shall be amended as follows:

EXTERIOR PROPERTY: The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such premises, specifically including any adjoining boulevard and sidewalk in the Town right-of-way.

301.2 Responsibility. The owner of the *premises* shall maintain the structures and exterior property in compliance with these requirements. All duties of compliance by an *occupant* referred to herein shall be imputed to the owner of the *premises* as well. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit, or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, or housekeeping unit or premises they occupy or control.

302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut or destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 109.3 and as prescribed by law. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation, with or without court order, and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

304.14 Insect Screens. During the period from April 1 to September 30, 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 minimum 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition. **Exception.** Screens shall not be required where other approved means, such as air curtains or insect repellant fans are employed.

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 of

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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 of October 1 to April 30 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exception: 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.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 30 to maintain a minimum temperature of 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.

Appendix A of the code is not adopted.

Appendix B of the code is not adopted.

This ordinance including the provisions of the International Property Maintenance Code and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Repeal of conflicting ordinances.

The following ordinances are repealed and superseded with the adoption of this ordinance: 79, 89, and 2021-2. Any other ordinance or part thereof, deemed by a court of competent jurisdiction to be in conflict with herewith, is hereby superseded.

First Reading:

Second Reading:

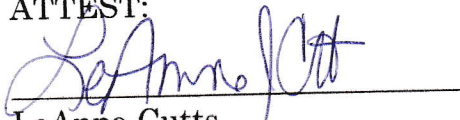
Posted:



Nick Huber

President Board of Trustees

ATTEST:


LeAnne Cutts
Finance Officer

1st Reading: September 7, 2023

2nd Reading: November 21, 2023

Published: December 1, 2023