

ORDINANCE NO. 2015-06

AN ORDINANCE OF THE CITY OF ALCESTER, SOUTH DAKOTA, AMENDING THE REVISED MUNICIPAL ORDINANCES OF THE CITY OF ALCESTER BY ADDING CHAPTER 10.3, ESTABLISHING A DISCRETIONARY TAXING FORMULA TO PROMOTE THE CONSTRUCTION AND IMPROVEMENT OF INDUSTRIAL, COMMERCIAL, COMMERCIAL RESIDENTIAL AND RESIDENTIAL STRUCTURES WITHIN THE CORPORATE LIMITS OF THE CITY OF ALCESTER, SOUTH DAKOTA

WHEREAS, it has come to the attention of the city Council of the City of Alcester, South Dakota that it would be in the best interest of the City to adopt an ordinance allowing a Discretionary Taxation Formula to promote property improvements and new construction within the Corporate Limits of the City of Alcester South Dakota; and,

WHEREAS, this Chapter is being adopted pursuant to the authority granted to the City of Alcester, South Dakota by *SDCL 10-6-35.4*; and

WHEREAS, with the implementation of this Discretionary Taxation Formula Ordinance, the City will incorporate said ordinance into Title 10 of the Revised Ordinances of the City of Alcester, South Dakota currently entitled Title 10-Taxation, by establishing Title 10-3 - Discretionary Taxing Formula;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ALCESTER that the revised Ordinances of the City of Alcester be Amended to add Chapter 10.3 Discretionary Taxing Formula and the following discretion taxation formula be and is hereby adopted.

TITLE 10 - TAXATION

Chapter 10.3- Discretionary Taxation of Real Property
Definitions and Formula
New Construction and/or Renovations

10.0301-Industrial Structures.

Any new industrial structure or addition to an existing structure, which new structure or addition has a true and full value of Thirty Thousand Dollars (\$30,000.00) or more, added to real property located within the Corporate limits of the City of Alcester, shall qualify to be assessed pursuant to the discretionary formula described in Section 10.0307 (*Pursuant to SDCL 10-6-35.1*)

10.0302-Commercial Structures.

Any new commercial structure, except a commercial residential structure, or addition to an existing structure, which new structure or addition has a true and full value of Thirty Thousand Dollars (\$30,000.00) or more added to real property located within the Corporate limits of the City of Alcester, South Dakota, shall be qualified to be assessed pursuant to the discretionary formula described in Section 10.0307 (*Pursuant to SDCL 10-6-35.24*)

10.0303-Commercial Residential Structures.

Any new commercial residential structure or addition to an existing structure, which new structure or addition has a true and full value of Thirty Thousand Dollars (\$30,000.00) or more, added to real property located within the Corporate limits of the City of Alcester, South Dakota shall qualify to be assessed pursuant to the discretionary formula described in Section 10.0307. For purposes of this section, commercial residential structure shall contain four or more units.

(Pursuant to SDCL 10-6-35.25)

10.0304-Residential Structures.

Any new residential structure or any addition to or renovation of an existing structure located within a redevelopment neighborhood, which new structure, addition or renovation has a true and full value of Five Thousand (\$5,000.00) or more, added to real property located within the corporate limits of the City of Alcester, South Dakota shall qualify to be assessed pursuant to the discretionary formula described in Section 10.0307.

In order to improve the quality of housing, all real property located within the Corporate limits of the City of Alcester, south Dakota shall qualify as property located in a redevelopment neighborhood. The redevelopment neighborhood is being established because the area includes buildings or improvements which, by reason of age, deterioration, obsolescence, and dilapidation injuriously affect the area to the detriment of public health, safety, morals or welfare; and because the redevelopment of housing is being prevented by the predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness; the deterioration of site improvements, and obsolete platting. *(Pursuant to SDCL 10-6-54, 10-6-55 and 10-6-56)*

Any property valued pursuant to this Chapter shall meet any standards as set by the City Council of the City of Alcester, South Dakota.

10.0305-Special Classifications.

All commercial, or industrial real property which increases more than Ten Thousand (\$10,000.00) in true and full value as a result of reconstruction or renovation of structures is specially classified for purposes of taxation. All real property qualifying under this section completed on November 1, 2015 and thereafter, as determined by the Director of Equalization, is classified in the manner prescribed in this section. The increase in true and full value resulting from the reconstruction or renovation of qualifying property shall be given tax treatment in the manner provided in *SDCL 10-6-35.2 and SDCL 10-6-35.19* and shall qualify to be assessed pursuant to the discretionary formula described in Section 10.0307.

10.0306-Valuation.

Such new structures or additions to existing structures as hereinbefore defined, shall, following new construction or new additions to existing property, be valued for taxation purposes in the usual manner *(See Dept. Of Revenue Land Manual)*

Reconstruction and renovation as used in this chapter means only improvements that increase the true and full value of the structure and shall to include normal maintenance and repair. The

assessed value during any of the five (5) years may not be less than the assessed value of the property in the year proceeding the first year of the tax years following construction.

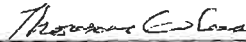
10.0307-Discretionary Formula.

Any real property improvements qualifying for the discretionary formula pursuant to this chapter shall be assessed as follows:

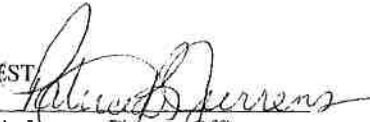
First Year	20%
Second Year	40%
Third Year	60%
Fourth Year	80%
Fifth Year	100%

BE IT FURTHER ORDAINED, that the following Discretionary Taxing Formula Ordinance be approved and adopted to be effective with the taxing period from November 1, 2015 through October 31, 2016 and be reflected with the taxes payable effective January 1, 2017 and each successive taxation year thereafter unless repealed by the City Council of the City of Alcester, South Dakota.

Dated this 5th day of October, 2015.



Thomas Glas, Mayor

ATTEST 

Patricia Jurens, Finance Officer

First Reading	September 21, 2015
Second Reading	October 5, 2015
Approved/Adopted	October 5, 2015
Published	October 8, 2015
Effective	November 1, 2015



One Time Burn Authorization

I, Mayor Rick Johnson, grant a one-time burn in the Spring of 2015 for the Alcester Golf Course to burn off the winter weeds from the creek on the Golf Course. The burn will be started and controlled by the Alcester Fire Department when the weather conditions allow.

A handwritten signature in black ink, appearing to read "Rick Johnson", written over a horizontal line.

Rick Johnson, Mayor

A handwritten signature in black ink, appearing to read "Patricia R. Jurens", written over a horizontal line.

Patricia R. Jurens, Finance Officer

**ORDINANCE AMENDING ORDINANCE
No. 5.0212 and adding 5.0212A
OF THE CITY OF ALCESTER**

BE IT ORDAINED, by the City Council of the City Alcester, Union County, South Dakota, the City Ordinance Section No. 5.0212 be amended and a new Ordinance Section No. 5.0212A be added as follows:

- 5.0212. Application for License: Every owner or keeper of a dog within the City must submit an application for an animal license for each such animal owned six months old or older on or before the first day of January in each year. The application shall be furnished by the Finance Officer. All applications for license certificates must be accompanied by a rabies immunization certificate and the appropriate fee, as shown in Section 5.0213.

No license shall be issued to any owner of any dog who does not present to the City Finance Officer of the City of Alcester, at the time of making application for such license, a certificate of vaccination for "rabies" issued by a veterinarian, duly licensed to practice veterinary medicine, which certificate must show the date of such vaccination and must state the period of time for which the dog is effectively immunized, which period of immunization must be at least one (1) year from the date of the issuance of the license. In the event that the immunization period is less than one (1) year, the owner of said dog must immediately provide a certificate of vaccination for rabies to the City Finance Officer of the City of Alcester within fifteen (15) days from the expiration date of immunization. A waiver of vaccination may be issued by the Finance Officer of the City of Alcester provided the dog is too young for a vaccination to be administered. Failure to provide said certification or waiver as herein set forth shall constitute a violation of the dog license ordinance and subject the owner to the penalties as hereinabove provided.

A certificate and tag shall be issued upon receipt of a proper application for license. The certificate at all times must be in the possession of the owner. The owner shall contact the Finance Officer to report change of ownership, loss or death of a licensed animal. If a tag or certificate is lost, either may be replaced for a fee of one dollar. The tag must be worn by all dogs. It is the duty of the owner of any licensed dog to assure proper tagging of said dog. The failure to do so shall be a violation of this Ordinance.

- 5.012.A. Penalties**: The penalty for failing to obtain a dog license or to properly display the metallic dog tag as hereinabove set forth, shall result in a minimum fine for the first violation of \$25.00. It is deemed a separate violation of the dog licensing ordinance for each 30 day period of noncompliance. The fine for all subsequent offenses shall not exceed the maximum fine as authorized for violation of the City ordinances of the City of Alcester.

6.0404A. PENALTIES: The penalty for failing to obtain a dog license or to properly display the metallic dog tag as hereinabove set forth, shall result in a minimum fine for the first violation of \$25.00. It is deemed a separate violation of the dog licensing ordinance for each 30 day period of noncompliance. The fine for all subsequent offenses shall not exceed the maximum fine as authorized for violation of the City ordinances of the City of Alcester.

6.0405. RABIES VACCINATION: No license shall be issued to any owner of any dog who does not present to the City Finance Officer of the City of Alcester, at the time of making application for such license, a certificate of vaccination for "rabies" issued by a veterinarian, duly licensed to practice veterinary medicine, which certificate must show the date of such vaccination and must state the period of time for which the dog is effectively immunized, which period of immunization must be for at least one (1) year from the date of the issuance of the license. In the event that the immunization period is less than one (1) year, the owner of said dog must immediately provide a certificate of vaccination for rabies to the City Finance Officer of the City of Alcester within fifteen (15) days from the expiration date of immunization. A waiver of vaccination may be issued by the Finance Officer of the City of Alcester provided the dog is too young for a vaccination to be administered. Failure to provide said certification or waiver as herein set forth shall constitute a violation of the dog license ordinance and subject the owner to the penalties as hereinabove provided.

The effective date of this ordinance shall be January 1, 2008.

Dated at Alcester, Union County, South Dakota, this 20th day of August, 2007.

CITY OF ALCESTER

By: William Koenig
William Koenig, Mayor

ATTEST:

Michael Kezar
Michael Kezar, Finance Officer

First Reading:	July 2, 2007
Second Reading:	August 20, 2007
Approved/Adopted:	August 20, 2007
Published:	August 30, 2007
Effective Date:	January 1, 2008

2015. Dated at Alcester, Union County, South Dakota, this _____ day of _____,

CITY OF ALCESTER

By: _____
Rick Johnson, Mayor

ATTEST:

Patricia Jurrens, Finance Officer

First Reading: April 6, 2015
Second Reading: May 4, 2015
Approved/Adopted: May 4, 2015
Published: May _____, 2015
Effective Date:

ORDINANCES AMENDING ORDINANCE
No. 6.0402, No. 6.0403, No. 6.0404, No 6.0404A and No. 6.0405
OF THE CITY OF ALCESTER

BE IT ORDAINED, by the City Council of the City Alcester, Union County, South Dakota, that City Ordinance No. 6.0402, No. 6.0403, No. 6.0404 and No. 6.0405, be amended to read as follows:

- 6.0402. LICENSING: It shall be unlawful for any person or persons within the corporate limits of the City of Alcester, Union County, South Dakota, to keep, maintain, or have in his custody or under his control any animal or animals of the dog kind, without first having obtained a license so to do from the City Finance Officer as hereinafter provided and without having paid the license fee therefore.
- 6.0403. APPLICATION: Any person or persons desiring to keep, maintain or have in his custody or control by himself or agent, within the City of Alcester, Union County, South Dakota, any dog, shall on or before the 15th day of January in each year, make application to the City Finance Officer for a license to keep such dog. The failure to make application and obtain a license prior to February 1st, shall constitute a violation of this ordinance. Such license shall be effective on a calender year basis commencing on January 1st and ending on December 31st. Such application shall be in writing and on forms provided by the City Finance Officer of the City of Alcester. The application shall state the name, sex, age, color and other distinguishing characteristics of the dog and include the name, address and telephone number of the owner thereof. Furthermore, said application shall state that said dog has no vicious propensities so far as known to the applicant. Said application shall be filed in the office of the City Finance Officer of the City of Alcester.
- 6.0404. LICENSE FEE: The applicant shall at the time of making application for a license, pay to the City Finance Officer of the City of Alcester, an annual license fee in the sum of \$5.00 per dog for such license. It shall be the duty of the City Finance Officer, at the time of the issuance of the license herein provided for, to furnish and deliver to said applicant a metallic tag for each dog for which such license is issued. Upon the tag, shall be stamped or engraved the registered number of the dog and the year registered. It shall be the duty of the owner to place a collar around the neck of the dog and the metallic tag shall be securely fastened to the collar. In the event of the loss of any tag so issued, the City Finance Officer is authorized to issue a duplicate tag at no additional cost to the owner upon satisfactory proof by the owner that said metallic tag has been lost. It is the duty of the owner of any licensed dog to assure proper tagging of said animal as set forth herein. The failure to do shall be a violation of this ordinance.

ORDINANCE NO. 2015-3

AN ORDINANCE OF THE CITY OF ALCESTER, SD, AMENDING THE REVISED MUNICIPAL ORDINANCES OF THE CITY OF ALCESTER BY ADDING CHAPTER 9.02, PROPERTY MAINTENANCE CODE.

BE IT ORDAINED BY THE CITY OF ALCESTER, SD:

Section 1. That the Revised Municipal Ordinances of Alcester, SD, are hereby amended by adding a chapter to be numbered 9.02 to read as follows:

CHAPTER 9.02 - PROPERTY MAINTENANCE CODE

9.0201 Adopted. The *International Property Maintenance Code*, 2012 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 2012 International Property Maintenance Code will become effective on June 25, 2015 unless the referendum shall be invoked.

Notice is hereby given that a printed copy as amended is on file with the Alcester Finance Officer and available for public review during regular business hours at the Alcester City Hall. (106 West 2nd Street)

9.0202 Amendments, additions, and deletions to the 2012 International Property Maintenance Code. The following sections and subsections of the property maintenance code adopted in this article shall be amended, added, or deleted as follows. All other sections or subsections of the 2012 International Property Maintenance Code shall remain the same.

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of City of Alcester, 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 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 Alcester, South Dakota.

103.2 Appointment. The Alcester Code Official or his or her designee is designated as the *code officials* and shall enforce the provisions of this code.

103.4 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.

103.5 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.

107.7 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.

110.1 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.

Section 111.1 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 Alcester 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 Alcester City Hall within the timeframe set forth hereinabove.

Section 111.2 Appeal hearing. Upon receipt of a properly filed application for appeal, the Alcester 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 Alcester City Council or a special meeting of the Alcester City Council which is properly noticed under South Dakota law. At the hearing before the Alcester 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.

Section 111.3 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.

Section 111.4 Court review. The decision of the Alcester City Council is subject to judicial review by the circuit court as provided for in the Codified Laws of the State of South Dakota.

Section 111.5 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.

112.4 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.

201.3 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 Alcester, *Uniform Mechanical Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth pursuant to Title 3 of the City of Alcester Municipal Code.

302.8 Motor vehicles. Abandoned and inoperative vehicles shall be regulated by Title 7 of the City of Alcester Municipal Code.

302.9 Defacement of property. Placement of graffiti shall be regulated by Title 3 and Title 5 of the City of Alcester Municipal Code.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 44 inches (1,066 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

308.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* pursuant to Title 3 of the City of Alcester Municipal Code.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish* in accordance with Title 3 of the City of Alcester Municipal Code.

308.2.2 Refrigerators. Refrigerators, iceboxes or other similar airtight containers or equipment not in operation shall not be discarded, abandoned or stored on *premises* in accordance with Title 3 of the City of Alcester Municipal Code.

308.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers in accordance with Title 3 of the City of Alcester Municipal Code.

308.3.1 Garbage facilities. Every dwelling shall be supplied with an *approved* leak-proof, covered, outside garbage container in accordance with Title 3 of the City of Alcester Municipal Code.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal in accordance with Title 3 of the City of Alcester Municipal Code.

402.1 Habitable spaces. Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception:

1. Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.
2. The glazed areas need not be provided in rooms where artificial light is provided capable of producing an average illumination of six footcandles (6.46 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.

404.5 Overcrowding. The number of persons occupying a *dwelling unit* shall not create conditions that, in the opinion of the *code official* or *City Council*, endanger the life, health, safety or welfare of the *occupants*.

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the applicable *South Dakota Plumbing Commission Code*.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

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 from September 1st to April 30th to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

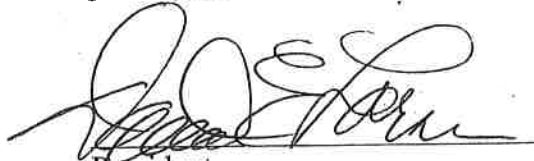
1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1st to April 30th to maintain a temperature of not less than 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.

Adopted this 18th day of May, 2015.



President

ATTEST:



Finance Officer

Seal

First Reading: May 4, 2015

Second Reading & Adoption: May 18, 2015

Publication: May 21 & May 28, 2015

Effective Date: June 25, 2015

Published twice at the approximate cost of _____.

ORDINANCE #2015-7

AN ORDINANCE ESTABLISHING AND NAMING EAST CLARK STREET, A PUBLIC RIGHT OF WAY LOCATED IN SECTION 28, TOWNSHIP 95 NORTH, RANGE 49 WEST OF THE 5TH P.M. IN THE CITY OF ALCESTER, UNION COUNTY, SOUTH DAKOTA

BE IT ORDAINED, by the City Council of the City of Alcester, Union County, South Dakota, that the Right of Way located in, along and adjacent to Lot B3 and Lot B4 in Section 28, Township 95 North, Range 49 West of the 5th P.M. in the City of Alcester, Union County, South Dakota, according to the recorded plat thereof, from the west line of SD Highway 11 to the east line of Iowa Street in the City of Alcester, be established as a public Right of Way dedicated to public use and shall hereinafter be known as East Clark Street.

Dated at Alcester, Union County, South Dakota, the 17th day of December, 2015.

CITY OF ALCESTER


By: Tom Glas, Mayor

ATTEST:


Patricia Jurrens, Finance Officer

First Reading:	December 7, 2015
Second Reading:	December 17, 2015
Approved/Adopted:	December 17, 2015
Published:	December 24, 2015
Effective Date:	January 14, 2016

SUPPLEMENTAL APPROPRIATION ORDINANCE FOR THE CITY OF ALCESTER

Whereas, it has come to the attention of the city council of the City of Alcester that the annual appropriation ordinance for the calendar year of 2015 needs to be amended in certain aspects in order to provide the funds for various governmental departments in order to conduct the indispensable functions of said government, and whereas, the immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the municipal government. Now therefore be it ordained by the city council of Alcester, South Dakota for the calendar year of 2015 that Section 1 be amended as follows:

GENERAL FUND

Expenses

Finance Office	\$	10,805.00
Special Events	\$	2,800.00
Equipment Building	\$	1,865.00
Auditorium Repair/Maintenance	\$	2,550.00
Pool/Park Recreation	\$	7,945.00
	\$	25,965.00

Receipts

Licenses & Permits	\$	1,000.00
State Shared Revenue	\$	5,000.00
County Shared Revenue	\$	125.00
General Government	\$	630.00
Public Safety	\$	70.00
Culture & Recreation	\$	450.00
Court Fines	\$	1,200.00
Rentals	\$	260.00
Scrap Iron Sales	\$	92.00
Other Revenue	\$	6,500.00
Special Events	\$	8,040.00
Water Transfer	\$	2,598.00
Total	\$	25,965.00

2nd Penny Sales Tax

Receipts	\$	40,000.00
Expenses	\$	13,700.00

Sewer

Receipts	\$	146,300.00
Reserve Transfer	\$	9,177.00
Cash on Hand	\$	8,718.00
Receipts	\$	164,195.00

Expenses	\$	164,195.00
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Golf Course

Receipts	\$	87,390.00
Cash on Hand	\$	10,000.00
SW Transfer	\$	5,510.00
Receipts	\$	102,900.00

Expenses	\$	102,900.00
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CDBG Loan

Cash on Hand	\$	30,000.00
Expenses	\$	30,000.00

Grants

Receipts	\$	4,605.00
Expenses	\$	4,605.00

Be it further ordained that since immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health, safety and support of the public municipal government, an emergency is hereby declared to exist in this ordinance and shall be in force and effect from and after its passage by the city council of the city of Alcester and upon publication as required by law.

Tom Glas, Mayor
 ATTEST: Patricia R Jurrens, Finance Officer

First Reading:	December 07, 2015
Second Reading:	12/17
Approved:	12/17
Effective Date:	December 31, 2015
Published:	12/24

copy

ORDINANCE NO. 2015-3

AN ORDINANCE OF THE CITY OF ALCESTER, SD, AMENDING THE REVISED MUNICIPAL ORDINANCES OF THE CITY OF ALCESTER BY ADDING CHAPTER 9.02, PROPERTY MAINTENANCE CODE.

BE IT ORDAINED BY THE CITY OF ALCESTER, SD:

Section 1. That the Revised Municipal Ordinances of Alcester, SD, are hereby amended by adding a chapter to be numbered 9.02 to read as follows:

CHAPTER 9.02 - PROPERTY MAINTENANCE CODE

9.0201 Adopted. The *International Property Maintenance Code*, 2012 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 2012 International Property Maintenance Code will become effective on June 25, 2015 unless the referendum shall be invoked.

Notice is hereby given that a printed copy as amended is on file with the Alcester Finance Officer and available for public review during regular business hours at the Alcester City Hall. (106 West 2nd Street)

9.0202 Amendments, additions, and deletions to the 2012 International Property Maintenance Code. The following sections and subsections of the property maintenance code adopted in this article shall be amended, added, or deleted as follows. All other sections or subsections of the 2012 International Property Maintenance Code shall remain the same.

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of City of Alcester, 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 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 Alcester, South Dakota.

103.2 Appointment. The Alcester Code Official or his or her designee is designated as the *code officials* and shall enforce the provisions of this code.

103.4 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.

103.5 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.

107.7 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.

110.1 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.

Section 111.1 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 Alcester 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 Alcester City Hall within the timeframe set forth hereinabove.

Section 111.2 Appeal hearing. Upon receipt of a properly filed application for appeal, the Alcester 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 Alcester City Council or a special meeting of the Alcester City Council which is properly noticed under South Dakota law. At the hearing before the Alcester 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.

Section 111.3 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.

Section 111.4 Court review. The decision of the Alcester City Council is subject to judicial review by the circuit court as provided for in the Codified Laws of the State of South Dakota.

Section 111.5 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.

112.4 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.

201.3 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 Alcester, *Uniform Mechanical Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth pursuant to Title 3 of the City of Alcester Municipal Code.

302.8 Motor vehicles. Abandoned and inoperative vehicles shall be regulated by Title 7 of the City of Alcester Municipal Code.

302.9 Defacement of property. Placement of graffiti shall be regulated by Title 3 and Title 5 of the City of Alcester Municipal Code.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 44 inches (1,066 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

308.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* pursuant to Title 3 of the City of Alcester Municipal Code.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish* in accordance with Title 3 of the City of Alcester Municipal Code.

308.2.2 Refrigerators. Refrigerators, iceboxes or other similar airtight containers or equipment not in operation shall not be discarded, abandoned or stored on *premises* in accordance with Title 3 of the City of Alcester Municipal Code.

308.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers in accordance with Title 3 of the City of Alcester Municipal Code.

308.3.1 Garbage facilities. Every dwelling shall be supplied with an *approved* leak-proof, covered, outside garbage container in accordance with Title 3 of the City of Alcester Municipal Code.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal in accordance with Title 3 of the City of Alcester Municipal Code.

402.1 Habitable spaces. Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception:

1. Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.
2. The glazed areas need not be provided in rooms where artificial light is provided capable of producing an average illumination of six footcandles (6.46 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.

404.5 Overcrowding. The number of persons occupying a *dwelling unit* shall not create conditions that, in the opinion of the *code official or City Council*, endanger the life, health, safety or welfare of the *occupants*.

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the applicable *South Dakota Plumbing Commission Code*.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

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 from September 1st to April 30th to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:


1. 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.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1st to April 30th to maintain a temperature of not less than 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.

Adopted this 18th day of May, 2015.



President

ATTEST:



Patricia A. Jurens
Finance Officer

Seal

First Reading: May 4, 2015
Second Reading & Adoption: May 18, 2015
Publication: May 21 & May 28, 2015
Effective Date: June 25, 2015

Published twice at the approximate cost of _____.

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103.4 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.

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Exceptions:

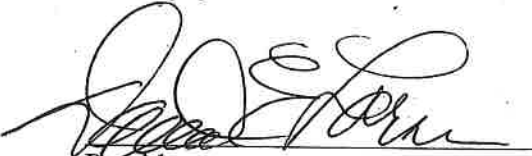
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President

ATTEST:



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