

ORDINANCE NO. 3

AN ORDINANCE ADOPTING A BUILDING CODE REGULATING THE MANNER OF CONSTRUCTING BUILDINGS, STRUCTURES AND THE WALLS THEREOF, PROVIDING THE INSPECTION OF BUILDINGS, THE ISSUANCE OF BUILDING PERMITS AND FIXING THE FEES THEREFORE, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES, TOWN OF CROOKS, SOUTH DAKOTA:

Section 1. Adoption of Code. For the regulation of the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures and additions thereto, there is hereby adopted, pursuant to SDCL 9-33-4 and 9-33-4.1, the Uniform Building Code, 1973 Edition, published by the International Conference of Building Officials, except the portions thereof hereinafter specifically deleted, modified or amended. A copy of such Uniform Building Code, along with the deletions, modifications and amendments thereto, shall be kept and maintained by the Municipal Finance Officer and shall be available for public inspection at all reasonable times.

Section 2. Conflicts. In the event of any conflict between the provisions of the Uniform Building Code and any town ordinance, state law or regulation, the ordinance, law or regulation shall prevail and control over the Uniform Building Code.

Section 3. Definitions. When used in the Uniform Building Code and herein, the following terms shall have the following meanings:

- a.) "City" The definition of CITY under Sec. 404 of the Uniform Building Code is hereby amended to mean the Town of Crooks, South Dakota.
- b.) "City Council" shall mean the Board of Trustees, Town of Crooks, South Dakota.
- c.) "Mayor" shall mean the President of the Board of Trustees, Town of Crooks, South Dakota.
- d.) "Building Official" shall mean all such persons authorized by appointment or contract with the authority and power granted by the Uniform Building Code.

Section 4. Amendments. The following portions of the Uniform Building Code are hereby deleted, modified or amended:

- a.) Sec. 104(b) is hereby modified and amended to read as follows: "(b) Additions, Alterations and Repairs: More than 50 percent. When additions, alterations or repairs within any 12-month period exceed 50 percent of the value of an existing building or structure, such building or structure shall be made to conform to the requirements of Volume 3 of the Uniform Building Code, Housing, which is hereby adopted."
- b.) Sec. 105 is hereby modified and amended to read as follows: "Buildings or structures moved into or within the City shall comply with the provisions of Volume 3 of the Uniform Building Code".
- c.) Sec. 201 is hereby deleted.
- d.) Sec. 205 is hereby deleted and, in place thereof, SDCL 11-2-33 is hereby adopted by this reference thereto as if set forth herein in full.
- e.) Sec. 302(d) is hereby deleted.

AGREEMENT

This Agreement made and entered into this 9<sup>th</sup> day of January, 1979, by and between the Town of Crooks, South Dakota, a municipal corporation, hereinafter referred to as First Party, and Minnehaha County, South Dakota, a political subdivision of the State of South Dakota, hereinafter referred to as Second Party, as follows:

WHEREAS, First Party is a newly incorporated municipality within Minnehaha County, South Dakota, and as such municipality has recently adopted, by ordinance, a Building Code for itself, and

WHEREAS, First Party is not yet fully capable of enforcing its Building Code but desires that orderly development and proper construction continue within its corporate limits, and

WHEREAS, Second Party has previously had in effect and was enforcing a Building Code within the corporate limits of First Party, and is capable and willing to continue such enforcement;

NOW, THEREFORE, in consideration of the terms and conditions herein stated, and under the authority of SDCL 9-12-4, the Parties agree as follows:

1. Second Party, through its appropriate office or subdivision, shall enforce the provisions of First Party's Ordinance No. 3, a copy of said ordinance being attached hereto, and made a part hereof by this reference thereto as if set forth herein in full.
2. As compensation therefore, Second Party shall collect and retain all fees specified in said ordinance to be paid to First Party. All such fees shall be paid by all persons and contractors affected by said ordinance directly to Second Party or its designated enforcement office. Second Party shall periodically account to First Party, upon request, for all fees collected, all Building Permits issued and the status of all ongoing construction within First Party's corporate limits.
3. The term of this Agreement shall be for one (1) year commencing on the date hereof and expiring on January 8, 1980.
4. This Agreement shall bind upon all successor officials of both Parties and shall not be assignable by either Party.

Dated on the day and year first specified above herein.

First Party  
Town of Crooks, South Dakota

Second Party  
Minnehaha County, South Dakota

By: Donald J. Stoltz  
Donald J. Stoltz  
Its President

By: Garry Jacobson  
Garry Jacobson  
Its Chairman

Attest:

Attest:

Janet E. Anderson  
Janet E. Anderson  
Municipal Finance Officer

Donna Thoms  
Donna Thoms  
County Auditor

**TOWN OF CROOKS**  
(SEAL)  
Minnehaha Co., So. Dak.

(SEAL)

f.) Sec. 303 is hereby deleted, except for Sec. 303(a) which is hereby modified and amended to read as follows: "Building Permit Fee Schedule. For the following cost of construction, alteration, revision, etc. as covered herein, there shall be the following fee charged:

<u>COST</u>			<u>FEE</u>			
\$	0	-	\$	1,000.00	\$	None
	1,001.00	-		10,000.00		5.00
	10,001.00	-		11,000.00		10.00
	11,001.00	-		12,000.00		11.00
	12,001.00	-		13,000.00		12.00

etc.

or \$1.00 per \$1,000.00 cost thereafter".

g.) Sec. 304(f) is hereby deleted.

h.) Sec. 1413 is hereby deleted.

Section 5. Enforcement. Pursuant to the authority granted by SDCL 9-12-4, the Town of Crooks, South Dakota, shall have power to enter into any agreement or agreements with the United States, with the State of South Dakota and with any authorized agency, subdivision or unit of government, federal or state, to carry out the enforcement of this Ordinance and the Code herein adopted. In the event any such agreement is entered into, all such terms and definitions in the Uniform Building Code and herein shall be read and interpreted so as to give meaning and credence to all provisions therein and herein and to allow for the full and proper enforcement of this Ordinance and the Code herein adopted.

Section 6. Emergency. Whereas this Ordinance is necessary for the immediate preservation of the public peace, health, safety and support of the municipal government of the Town of Crooks, South Dakota, and its existing public institutions, an emergency is hereby declared to exist, and this Ordinance shall take effect upon the passage and publication hereof.

First Reading: November 17, 1978  
 Second Reading: December 7, 1978  
 Passage and Adoption: December 7, 1978  
 Publication and  
 Effective Date: December 14, 1978

Adopted this 7th day of December, 1978.

*Donald J. Stoltz*  
 DONALD J. STOLTZ  
 President

ATTEST:

*Janet E. Anderson*  
 Janet E. Anderson  
 Municipal Finance Officer

**TOWN OF CROOKS**  
 Minnehaha Co., So. Dak.