

ORDINANCE NO. #2014-1

AN ORDINANCE OF THE CITY OF MENNO, HUTCHINSON COUNTY, SOUTH DAKOTA ADOPTING THE 2012 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE*, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF MENNO, HUTCHINSON COUNTY, SOUTH DAKOTA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY OF MENNO, HUTCHINSON COUNTY, SOUTH DAKOTA THAT:

Section 1. That a certain document, a copy of which is on file in the finance office of the City of Menno, Hutchinson County, South Dakota, being marked and designated as the *International Property Maintenance Code*, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Menno, Hutchinson County, South Dakota for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Menno, Hutchinson County, South Dakota are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections of the *international Property Maintenance Code*, 2012 edition, are hereby revised:

Section 101.1. Insert: City of Menno, Hutchinson County, South Dakota, for the “NAME OF JURISDICTION”.

Section 102.2. Insert at the end of such section the following: “This section shall not prohibit the removal or shutting off from or discontinuing of service for failure to pay charges for service as provided by policy of the City of Menno, Hutchinson County, South Dakota or the policy of the utility company providing such service.”

Section 103.5. Replace: “[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]” with “As set by resolution of the City Council for other similar activities and services.”

Section 112.4. Insert: Fifty Dollars (\$50.00) for the first “AMOUNT” and Two Hundred Dollars (\$200.00) for the second “AMOUNT” for failure to comply.

Section 302.4. Insert: seven (7) inches for “JURISDICTION TO INSERT HEIGHT IN INCHES” of plant growth.

Section 304.14. Insert: April 1 to December 1 for the “DATE”s during which screens are required.

Section 602.3. Insert: October 1 to May 1 for the “DATE”s during which heat is required in habitable rooms, bathrooms and toilet rooms.

Section 602.4. Insert: October 1 to May 1 for the “DATE”s during which heat is required in occupiable work spaces.

Section 3. That all ordinances or parts of laws in conflict herewith are hereby repealed, including, but not limited to the following sections of the 2005 REVISED ORDINANCES OF THE CITY OF MENNO, SOUTH DAKOTA: 22-1; 22-2; 22-3; 22-4; 22-6; 22-7; 22-12; 40-1; 40-2; 40-3; and 40-4.

Section 4. That is any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 6. That the City Finance Officer is hereby ordered and directed to cause this legislation to be published as required by law.

Section 7. This ordinance shall become effective on the 20th day after its publication unless suspended by operation of a referendum.

Dated this ____ day of _____, 2014

Darrell J. Mehlhaf, Mayor

First Reading: December 2, 2013

Second Reading and Adoption: January 6, 2014

Published: January 15, 2014

Effective: February 4, 2014

(SEAL)

ATTEST:

Peggy Thranum, City Finance Officer