

**TITLE XV: LAND USAGE**

Chapter

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## CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

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### **CODES ADOPTED**

#### **§ 150.01 BUILDING CODE.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Gettysburg - Land Usage**

***CORPORATION COUNSEL.*** When used in the Building Code, it shall be held to mean the attorney for the city.

***MUNICIPALITY.*** When used in the building code, it shall be held to mean the city.  
(Prior Code, § 15.04.010)

(B) ***Adoption of Building Code.*** There is adopted by the city for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the National Building Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the most current edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which at least one current copy has been and now is filed in the office of the city's Finance Officer and the same is adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction of all buildings and other structures within the corporate limits of the city.  
(Prior Code, § 15.04.020)

(C) ***Maintenance Supervisor; established.***

(1) The office of the Maintenance Supervisor is created and the executive official in charge shall be known as the "Maintenance Supervisor".

(2) The Maintenance Supervisor shall be appointed by the City Council. The Maintenance Supervisor may be the Superintendent of Waterworks, Superintendent of Streets or such other official or employee of the city, who shall assume the duties of Maintenance Supervisor in addition to his or her other duties. This appointment shall continue during good behavior and satisfactory service. The Maintenance Supervisor shall not be removed from office, except for cause after full opportunity has been given the Maintenance Supervisor to be heard on specific charges.

(3) During temporary absence or disability of the Maintenance Supervisor, the City Council shall designate an acting Maintenance Supervisor.

(Prior Code, § 15.04.030)

(D) ***Building Committee.***

(1) A Building Committee shall be established.

(2) The Building Committee shall consist of two members of the City Council who shall be appointed by the Mayor and approved by the City Council at the regular meeting in May of each year.

(E) ***Duties of the Building Permit Committee.***

(1) All building permits that have been approved by the Building Official shall then be submitted to the Building Permit Committee for approval.

(2) All building permits must be approved by the Building Permit Committee of City Council.

(F) *Building Official; duties.* It shall be the duty of the Building Official to enforce all laws relating to the construction, alteration, removal and demolition of all buildings and structures.  
(Prior Code, § 15.04.040)

(G) *Permit applications.* A building permit shall be required for the construction, alteration, removal or demolition of a building or structure within the city limits. A building permit must be submitted to the building official for approval a least three working days prior to the start of construction, removal or demolition. After approval by the Building Official, the building permit must then be approved by the Building Permit Committee.  
(Prior Code, § 15.04.050)

(H) *Building Official; right of entry.* The Building Official, in the discharge of his or her official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.  
(Prior Code, § 15.04.060)  
(Ord. 1999-12-1, passed - -1999; Ord. 2003-6-2, passed 6-2-2003) Penalty, see § 150.99

**§ 150.02 FIRE CODE.**

(A) *Definition.* Wherever the word “municipality” is used in the code adopted in this section, it shall be held to mean the city.  
(Prior Code, § 15.12.010)

(B) *Adoption of Fire Prevention Code.* There is adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, abbreviated edition, recommended by the National Board of Fire Underwriters, being particularly the most current edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code at least one current copy has been and now is filed in the office of the city’s Finance Officer and the same is adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling within the limits of the city.  
(Prior Code, § 15.12.020)

(C) *Enforcement.* The code adopted in this section shall be enforced by the City Police Department.  
(Prior Code, § 15.12.030)

(D) *Restrictions on storage of flammable liquid.* The limits referred to in § 804A of the code adopted in this section in which storage of flammable liquids in outside aboveground tanks is prohibited, and the limits referred to in § 1104 of the code adopted in this section, in which bulk storage of liquefied petroleum gas is restricted, are established as the limits set forth in division (G) below.  
(Prior Code, § 15.12.040)

(E) *Modification of provisions.*

(1) The Chief of the Fire Department shall have power to modify any of the provisions of this code upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided that, the spirit of the code shall be observed, public safety secured and substantial justice done.

(2) The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.

(Prior Code, § 15.12.050)

(F) *Appeals.* Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council within 30 days from the date of the decision of the appeal.

(Prior Code, § 15.12.060)

(G) *Fire limits established.* The fire limits of the city are established as follows: all of Blocks 17, 22, 23, 24, 25, 26, the east half of Block 27, and the south half of Block 18, all in Bryson's Addition to the city; Lot 7, and Lots 13 to 18, both inclusive, in Block 64 and, also, all lots, as platted and recorded of record, in Block 17, 22, 23 and 24, all in Western Town Lot Company's Addition of the city; and Lots 4, 5 and 6 of Block 68 in Piatt's Addition to Gettysburg, except residential dwellings.

(Prior Code, § 15.12.070)

(Ord. 1999-12-1, passed - -1999)

### § 150.03 UNVENTED APPLIANCE CODE.

Unvented gas heaters shall be allowed under the following conditions.

(A) Unvented room heaters shall not be installed in bathrooms or bedrooms.

(1) *Exception 1.* Where approved by the authority having jurisdiction, one listed wall-mounted unvented room heater equipped with an oxygen depletion safety shutoff system shall be permitted to be installed in a bathroom; provided that, the input rating shall not exceed 6,000 Btu per hour and combustion and ventilation air is provided as specified in § 6.1(b) of the National Fuel Gas Code (ANSI 7.22.3.1/NFPA 54).

(2) *Exception 2.* Where approved by the authority having jurisdiction, one listed wall-mounted unvented room heater equipped with an oxygen depletion safety shutoff system shall be permitted to be installed in a bedroom; provided that, the input rating shall not exceed 10,000 Btu per hour and combustion and ventilation air is provided as specified in § 6.1(b) of the National Fuel Gas Code (ANSI 7.223.1/NFPA 54).

(B) “Bedroom” or “bathroom” under the exceptions named above shall be defined as an unconfined space whose volume is not less than 50 cubic foot per 1,000 Btu per hour of the aggregate input rating of all appliances installed in that space.

(Prior Code, § 15.16.010) (Ord. 1995-1, passed - -1995)

**§ 150.04 INTERNATIONAL PROPERTY MAINTENANCE CODE.**

A certain document, three copies of which are on file in the office of the city’s Finance Officer, being marked and designated as the International Property Maintenance Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the city 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; proving for the issuance of permits and collection of fees therefore; 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 are hereby referred to, adapted and made a part hereof as if fully set out in this legislation:

(A) Chapter 4, Light, Ventilation and Occupancy Limitations: remove this entire Chapter 4;

(B) Chapter 5, Plumbing Facilities and Fixture Requirements: remove this entire Chapter 5;

(C) Chapter 6, Mechanical and Electrical Requirements: remove this entire Chapter 6; and

(D) Chapter 7, Fire Safety Requirements: remove this entire Chapter 7.

(Ord. 2013-6-6, passed 11-5-2013)

***BUILDING PERMITS; FEES***

**§ 150.20 CONSTRUCTION, IMPROVEMENTS; BARRING MAINTENANCE OR REPAIR.**

(A) For any construction or property improvements such as: fences, decks, underground sprinklers, storage sheds, driveways/patios and the like, the following fees shall be charged:

- (1) For construction costing from \$0 to \$5,000, there is no fee, but a building permit is required;
- (2) For construction costing from \$5,001 to \$200,000, a permit and fee of \$25 is required;
- (3) For construction costing \$200,000+, a permit and fee of \$50 is required; and
- (4) Payment of the above listed fees shall be made out to the city and collected by the city's Finance Office.

(B) Any construction or property improvement existing within the city right-of-way or curb and gutter must be completed in 30 calendar days.  
(Prior Code, § 15.05.010) (Ord. 0696-2, passed - -1996)

#### **§ 150.21 MOVING EXISTING RESIDENTIAL STRUCTURES.**

No person shall move an existing residential structure, including detached garages permanently anchored to a foundation, without first receiving approval from the Building Committee.  
(Prior Code, § 15.05.020) (Ord. 0696-2, passed - -1996)

#### **§ 150.22 DEMOLITION OF A STRUCTURE.**

Any person demolishing a structure is required to have a \$500 deposit for the demolition of buildings or structures for use of city rubble site, including lot restoration, with all or a portion of the fee to be returned to the owner if conditions are complied with.  
(Prior Code, § 15.05.030) (Ord. 0696-2, passed - -1996)

#### **§ 150.23 MOBILE HOMES.**

(A) Any person moving out a mobile home, but not replacing it with a mobile home, is required to have a \$500 restoration deposit with all or a portion of the deposit be returned to the owner if conditions are complied with.

(B) Any person removing a mobile home and replacing said existing mobile home with another mobile home is required to follow § 150.20 of this chapter.  
(Prior Code, § 15.05.040) (Ord. 0696-2, passed - -1996)



**§ 150.24 CITY ASSESSMENT POLICY.**

If the city is responsible for demolition or restoration that exceeds the \$500 deposit, the clean-up will be assessed to the property.

(Prior Code, § 15.05.050) (Ord. 0696-2, passed - -1996)

**§ 150.25 AGRICULTURAL LAND WITHIN CITY LIMITS.**

Any fencing required for containment of livestock will be exempt for requirement of building permit.

(Prior Code, § 15.05.060) (Ord. 0696-2, passed - -1996)

***MOVING BUILDINGS***

**§ 150.40 PERMISSION TO MOVE BUILDING.**

It shall be unlawful for anyone to move any building into, along or across any public street, alley or highway within the city without having obtained permission in compliance with the provisions of this subchapter and obtaining a moving permit.

(Prior Code, § 15.06.040) (Ord. 2012-4-7, passed 5-7-2012) Penalty, see § 150.99

**§ 150.41 APPLICATIONS.**

(A) *Requirements.* Anyone desiring to move any building larger than 120 square feet into, along or across any public street, alley or highway within the city, shall first apply in writing for permission so to do, to the office of the city's Finance Officer, fully stating:

- (1) Applicant name;
- (2) Name of the owner of the building;
- (3) The description of the lot on which said building is currently standing;
- (4) The lot to which said building is to be moved;
- (5) The street/route along which it is proposed to transport such building;
- (6) The time when such moving will take place;
- (7) The intended use of said building;

- (8) The type of construction (brick, frame, block, steel, pole and the like) of building;
- (9) The size of the building;
- (10) The proposed plan to remove all basements or foundation upon which the moved building is situated, including provisions for capping all water and sewer lines; and
- (11) All other data requested on the application reviewed by City Council.

(B) *Fees.*

(1) *Application fees.* All moving permit applications will be submitted to the city's Finance Officer with a non-refundable application fee of \$25.

(2) *Guarantee fund fees.* All moving permit applications shall be accompanied with the sum of \$0.60 per square foot to be deposited with the city's Finance Office. This fund will serve as a pledge or guarantee to protect the city against loss or damage to crossings, sidewalks or other public or private property, or expense for protecting such property against the injuries that may be caused by the moving of such building; said deposit or balance thereof, after deducting the amount of damages or expenses, if any, caused by such removal, shall be returned to the person depositing the guarantee fee upon an official inspection of the condition of the streets, sidewalks, crossings or other public or private property after such removal, made by the city's Building Official.

(Prior Code, § 15.06.050) (Ord. 2012-4-7, passed 5-7-2012)

**§ 150.42 GUARANTEE FUND.**

Whenever the city's Building Official and Mayor shall decide, from any examination of the application and from such other information as he or she may obtain, that the sum of \$0.60 per square foot is not sufficient as a guarantee fund for ample protection of the city against the probably damages and expenses that may be caused by the removal of such building, the city shall require the deposit of a larger sum than \$0.60 per square foot. A surety bond may be filed in place of any amount requested by the city in excess of the calculated amount.

(Prior Code, § 15.06.060) (Ord. 2012-4-7, passed 5-7-2012)

**§ 150.43 PERMIT ACTIONS.**

(A) *Approvals.* The approved applicant shall receive a written permit for the moving of such building indicating:

- (1) Along or across which streets, highways or alleys movement can occur;
- (2) The time allocated before such work shall be completed. Said moving is to be finished six months after the approval of the permit for all approved permits; and

(3) No moving permit granted by the city shall authorize the holder thereof to break, injure or move any telephone, electric, light, power or cable television wire or pole, or to cut, trim or otherwise interfere with any property without the written permission of the owner or owners thereof.

(B) *Early approvals.* Applicants proposing to move a building prior to the next set date of the City Council regularly scheduled meeting can ask that their applications be approved by the Building Code Committee.

(1) The applicant can request to the city's Finance Officer or Deputy Finance Officer early approval of requested permit. If this is sought by the applicant, the city's Finance Officer or Deputy Finance Officer shall contact said Committee members to inform them that an applicant needs review. It shall be the responsibility of said Committee members to conduct this review in the designated time period and report back to the Finance Office their decision.

(2) The Committee shall review the application within three days and approval or disapproval shall be provided to the said applicant by the third day.

(C) *Extensions.*

(1) The applicant can request extension of the permit to the City Council at no charge if the request is made prior to the end of the approved timeframe in which the project was to be completed.

(2) If the structure is not moved prior to the end of the approved timeframe and the applicant decides not to relocate the building no action will be taken by the Building Inspector or the City Council. The applicant's guarantee fund will be returned; however, the \$25 application fee will not be refunded. (Prior Code, § 15.06.070) (Ord. 2012-4-7, passed 5-7-2012)

**§ 150.44 REFUNDING GUARANTEE FUND.**

Before refunding said guarantee fund, surety bond or any part thereof, the City Council shall examine the report of the local Building Inspector and pay out of said fund or set aside for such purposes the amount claimed as ascertained for damages or injuries to any public or private property, including the expenses of protection to sidewalk, streets, curb/gutter, electric, cable television and/or telephone wire as aforesaid, caused or occasioned by the moving of such building. (Prior Code, § 15.06.080) (Ord. 2012-4-7, passed 5-7-2012)

**§ 150.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Failure to follow proper procedures, per § 150.01 of this chapter, and time limit could result in permit rejection and up to a \$200 fine.  
(Prior Code, § 15.04.050)

(C) Any construction or property improvement without a building permit, as required in § 150.20 of this chapter, will result in a \$100 fine.  
(Prior Code, § 15.05.010)

(D) Failure of moving permit acquisition shall lead to a non-refundable fine calculated at \$1 per square foot per the size of the building being moved.  
(Prior Code, § 15.06.090)

(Ord. 0696-2, passed - -1996; Ord. 2003-6-2, passed 6-2-2003; Ord. 2012-4-7, passed 5-7-2012)

***Statutory reference:***

*Concerning Building Code violations, see SDCL §§ 9-19-3, 22-6-2*

## CHAPTER 151: STREETS, SIDEWALKS AND PUBLIC PROPERTY

### Section

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**USE OF STREETS****§ 151.001 OBSTRUCTIONS ON STREETS.**

No person shall place, leave or keep on any public street, road, alley, sidewalk or other public ground in the city any wagon, automobile, cart, truck sleigh or other vehicle , except when the same shall be in actual use, nor shall any person place, leave or keep on any public street, road, alley, sidewalk or other public ground in the city, any other article, substance or material which may obstruct the free use of said street, road, alley, sidewalk or public ground, except as hereinafter provided.

(Prior Code, § 12.04.010) Penalty, see § 151.999

**§ 151.002 MATERIAL IN STREETS; PERMITS.**

The Council is authorized to grant permission in writing to any person to deposit and keep lumber, stone, brick or other materials for building, in any public sidewalk, street, road or alley adjacent to the building to be erected or repaired, but such permission shall not excuse the obstruction or occupancy with such materials of more than one-third in width of any carriage way of any street or road.

(Prior Code, § 12.04.020) Penalty, see § 151.999

**§ 151.003 STREET CLEANING.**

Every person to whom permission may be granted, as in § 151.002 of this chapter, to place and keep building material in the street, road, alley shall cause all such material and the rubbish resulting

therefrom, to be removed from such sidewalk, street, road or alley at the expiration of the time limited in the permit, unless the time shall for good cause be extended by the Council; and any person depositing and keeping any building material on such sidewalk or in such street, road or alley under a permit from the Council, shall during every night while the material shall there remain, keep one or more lighted lanterns or flares so placed that such material may be easily seen by persons passing along such sidewalk, street, road or alley.

(Prior Code, § 12.04.030) Penalty, see § 151.999

**§ 151.004 STREET EXCAVATIONS.**

It is unlawful for any person, owner or occupant of any lot or parcel of land within the city, to make or cause to be made any excavation on said lot or parcel of land, except the same be securely guarded so as to prevent the injury of any person or persons or animals passing upon or along said sidewalks, streets, alleys or public grounds or traveled path or roadway.

(Prior Code, § 12.04.040) Penalty, see § 151.999

**§ 151.005 BUILDING IN STREET.**

No person shall erect or maintain any building in such a position that the same shall stand in whole or in part upon any public street, road, alley or sidewalk, or so constructed that any part of the building proper shall project into or over such street, road, alley or sidewalk; provided that, jut windows, cornices and other projections from the buildings above the first story may extend over an adjoining street, road, alley or sidewalk, not exceeding 18 inches; and no person shall construct any step, area or other appurtenance to any building extending over or upon the sidewalk, nor shall any person erect in any public street or road any flight of stairs or step leading to any floor of any building.

(Prior Code, § 12.04.050) Penalty, see § 151.999

**§ 151.006 EAVE PIPES.**

No person shall place or maintain any pipe leading from the eaves of any building or any part of any building in such a position that the water discharged from the roof of said building will flow upon or over any public sidewalk in the city.

(Prior Code, § 12.04.060) Penalty, see § 151.999

**§ 151.007 GARBAGE IN STREETS.**

It is unlawful for any person, firm or corporation to throw, or deposit any ashes, offal, dirt, garbage, decaying vegetables, fish, meat, manure, filthy water, slops or any other offensive or putrid

matter or thing into or upon any street, avenue, lane, alley or public ground within the corporate limits of the city or into any stream of water within the limits of the city or forming the boundaries thereof. (Prior Code, § 12.04.070) Penalty, see § 151.999

#### **§ 151.008 ANIMALS AND VEHICLES ON SIDEWALKS.**

No person shall ride, drive or lead any horse or mule or drive or lead any cow or any other animal, upon any public sidewalk in the city, or draw or propel or cause to be drawn or propelled thereon any vehicle ordinarily drawn by horses; or drive or operate, or cause to be driven or operated, any motor vehicle upon any sidewalk in the city; except that, the same may be driven across any sidewalk in entering or leaving the premises of any person if there is constructed a driveway across the sidewalk at the premises.

(Prior Code, § 12.04.080) Penalty, see § 151.999

### ***SIDEWALKS***

#### **§ 151.020 GRADES, SIDEWALKS, CURB AND GUTTER.**

The grades for sidewalks, curb and gutter as heretofore established by the city and as shown on the plat or set of plans entitled "Street Grade Survey, Gettysburg, South Dakota", dated June 1956, and now on file in the office of the city's Finance Officer be and the same are established as the official grades for sidewalks, curb and gutter and the necessary drainage of streets.

(Prior Code, § 12.08.010)

#### **§ 151.021 SIDEWALK GRADES.**

The grade elevations given by a single dark line and written above this line on the profile of each street are the grade heights of the sidewalks for the street.

(Prior Code, § 12.08.020)

#### **§ 151.022 CURB GRADES.**

The grade elevations given by two parallel lines and written below these lines on the profile of each street are the grade heights of the top of the curbs for the street. The bottom line gives the grade height of the gutter which shall be six inches below the top of the curb.

(Prior Code, § 12.08.030)



**§ 151.023 STREET GRADES.**

The grade elevations given by a single line and the elevation written above this line on the centerline profile of each street are the grade heights of the crown or centerline of the street.  
(Prior Code, § 12.08.040)

**§ 151.024 METHOD OF GRADE CALCULATION.**

(A) All grades between the elevations as written on the plans shall be at the grade as shown on the plans by the profile of the sidewalks, curb and gutter, or centerline as the case may be.

(B) The grade elevation as shown upon the set of plans are calculated in feet and decimals of feet above a certain horizontal plane called the datum plane. Benchmarks shall be those given on the plans and located on every other street intersection through the city. These benchmarks are established at the elevations given on the plans above the datum plane.

(Prior Code, § 12.08.050)

**§ 151.025 CHANGES IN GRADE.**

Any grades for curb, sidewalks or streets as shown on plat on file in the city's Finance Office shall be changed by ordinance and any additional grades to be established in the city shall be by ordinance.

(Prior Code, § 12.08.060)

**§ 151.026 CONSTRUCTION SUPERVISION.**

The building and construction of all sidewalks and curbing within the limits of the streets and alleys of the city shall be done under direct supervision of the city and its duly appointed officers and agents and all such sidewalks shall be constructed on the grades as determined by the city.

(Prior Code, § 12.08.070)

**§ 151.027 CONSTRUCTION SPECIFICATIONS.**

The construction of all sidewalks and curbing, whether to be done by direct contract with the city or by contract with the abutting property owners, shall be done strictly in accordance with the specifications for sidewalks and curbing adopted by the Council and on file in the office of the city's Finance Officer. The Council shall have full power to condemn work and material not in accordance with the requirements of the specifications.

(Prior Code, § 12.08.080)

**§ 151.028 PERMIT REQUIRED.**

Before any sidewalk or curbing is constructed within the limits of the streets and alleys in the city by any contractor or person or the owner or owners of abutting property, the contractor or person must first secure a permit therefor from the city's Finance Officer.

(Prior Code, § 12.08.090)

**§ 151.029 BOND REQUIRED.**

(A) Before any such contractor or person shall receive a permit for the construction of any sidewalk or curbing within the limits of the streets or alleys of the city, such contractor or person must first execute a guaranty bond in an amount equal to the total amount of the work to be performed by him or her under the contract therefor, with good and sufficient surety approved by the City Council; or may give a bond in the amount of \$1,000 covering all work to be done by such contractor during the year in which the bond is given.

(B) All such bonds shall require that the contractor or person receiving such permit shall replace all sidewalks and curbing constructed by him or her at any time within the period of three years, from the time of completion of the sidewalks or curbing which, in the opinion of the City Engineer, were not laid in accordance with the required specifications; provided, however, that, no bond shall be required where the owner of the abutting property does his or her own work.

(Prior Code, § 12.08.100)

**§ 151.030 SIDEWALK WIDTHS.**

Except as otherwise provided, all sidewalks on all side streets shall not be less than four or more than eight feet in width and shall conform to the width, grade and curb lines of the adjoining sidewalks.

(Prior Code, § 12.08.110)

***EXCAVATIONS*****§ 151.045 PERMIT REQUIRED.**

No person shall make or cause to be made any excavation in or under any street, parking, sidewalk, alley or public ground, or remove any earth, soil, paving, gravel or material therefrom without having first obtained a permit therefor as hereinafter provided.

(Prior Code, § 12.12.010) Penalty, see § 151.999

**§ 151.046 APPLICATIONS AND BONDS.**

(A) Application for such permit shall be made to the city's Finance Office, who shall secure the approval of the Superintendent of Streets before issuing any such permit. Such application shall be accompanied by a non-refundable fee of \$400, which amount shall be considered compensation to the city for the granting of such permit, the necessary investigation prior thereto and for the replacement surface material for any excavations up to and including 45 square feet. This permit shall be valid for ten working days, after which a new permit must be obtained. Before any such permit is issued, the person requiring the same shall state in this application where such excavation is to be made, the extent thereof, in front of what lot or lots, for what purpose the excavation is to be made, and whether or not such person has a bond on file with the city's Finance Office for making such excavation. If such applicant has not filed such bond, then before a permit shall be issued, such applicant shall furnish a bond or make the deposit as stated below with the city's Finance Office as a guaranty for the proper refilling of and guarding of such trenches and excavations while in the course of excavating or refilling and the maintenance of the same in good condition for one year thereafter.

(B) All contractors shall show proof of liability insurance, in an amount equal to the city's coverage, to be filed with a permit before work may start. All excavations must be done as set forth in the municipal and state codes.

(C) In addition to the hereinbefore described fee, the applicant shall deposit with the city's Finance Office the amount specified in the following schedule.

(1) *Bituminous*. The city will replace this material. A deposit in the amount of \$9 per each square foot, exceeding 45 square feet, shall be made before excavation. All bituminous must be saw cut.

(2) *Concrete*. The city will replace this material. A deposit in the amount of \$9 per each square foot, exceeding 45 square feet, shall be made before excavation. All concrete must be saw cut. (Prior Code, § 12.12.020) (Ord. 1997-4-1, passed - -1997; Ord. 2017-4-1, passed 5-1-2017)

**§ 151.047 DEPOSIT FORFEITED.**

(A) If, at any time within one year after the issuance of the permit referred to in this chapter, the Superintendent of Streets shall find that the work for which the bond deposit was made does not stand a satisfactory test or has not been properly refilled, he or she shall notify the depositor in writing that the work must be put in satisfactory condition within three days, and if the depositor fails to comply with the terms of the notice, then the Superintendent of Streets shall have authority to cause such work to be put in proper and satisfactory condition and charge the expense thereof to the sum deposited. The balance unexpended at the expiration of one year from the date of such permit shall upon order of the City Council be returned by the Finance Officer to the depositor.

(B) In cases where a deposit is put up for all work done by any person as provided in this subchapter, the Superintendent of Streets shall have power to cause the repairing or refilling of any excavations made by such person if he or she fails to do so upon three days' written notice, and the

expense thereof shall be charged to his or her deposit, and such depositor shall immediately replenish such deposit to the original amount.

(Prior Code, § 12.12.030)

#### **§ 151.048 SUPERVISION OF EXCAVATIONS.**

The Superintendent of Streets shall supervise all excavations made for any purpose in the streets, alleys or public grounds, and the Superintendent of Streets shall require that all excavations be backfilled in the manner specified.

(Prior Code, § 12.12.040)

#### **§ 151.049 GUARDING EXCAVATIONS.**

Any person receiving a permit to make excavations in or upon any street, alley, sidewalk or public ground shall, during the progress and continuance of the work, erect and maintain around the same both by day and night suitable guards, fences, flares and signals so as to prevent injury to persons, animals or vehicles on account of such excavations. Such flares shall kept lighted from sundown until sunrise.

(Prior Code, § 12.12.050)

#### **§ 151.050 REFILLING EXCAVATIONS.**

(A) Any person making such excavation shall, when the same shall be completed, promptly and without delay, refill the same as herein provided.

(B) In refilling any excavation the earth shall be thoroughly settled as the refilling progresses by using water to compact the earth; the earth shall be thoroughly tamped in successive layers of approximately six inches, in such a manner that all the earth shall be replaced in the excavation leaving the surface in its original condition.

(C) In making connection to fire hydrants for flushing excavations, all rules and regulations of the Water Department relating thereto shall be observed.

(D) In all cases where excavations are made in the paved district, the earth shall be replaced in the manner above specified, and the pavement shall be replaced by the Department of Streets.

(Prior Code, § 12.12.060)

#### **§ 151.051 EXCAVATIONS NEAR STREETS.**

It is unlawful for any person, owner or occupant of any lot to make or cause to be made any excavation on the lot adjacent to any street, alley, public ground or traveled road, or roadway, except

the same be securely guarded so as to prevent the injury of any person or animal passing upon or along the same.

(Prior Code, § 12.12.080) Penalty, see § 151.999

### ***SNOW REMOVAL***

#### **§ 151.065 DUTY OF OWNER OR OCCUPANT.**

(A) It shall be the duty of the owner or occupant or person in possession or in charge of any lot, parcel or plot of ground fronting or abutting upon any sidewalk, to keep such sidewalk free and clear from snow and ice at all times. When it is impossible to take snow and ice from such walk by reason of its being frozen to the sidewalk, the owner or occupant or person in charge of such lot shall sprinkle or spread some suitable material upon the same to prevent the walk from becoming slippery and dangerous to travel, and in removing snow from said sidewalk, it shall be unlawful for any person to shovel or blade the snow so removed into the street after the street has been cleared of snow by the city snow removal equipment.

(B) It shall be unlawful to deposit snow so removed on boulevards within 25 feet of any intersection or alleyway or to pile snow higher than five feet on any portion of the boulevard.

(C) Snow from one's own property shall not be deposited on any boulevard that is not adjacent to said owner.

(Prior Code, § 12.16.010) (Ord. 1997-12-4, passed - -1997) Penalty, see § 151.999

#### **§ 151.066 CITY REMOVAL.**

If the owner or person in possession or in charge of any of said lots, parcels or plots of ground fails or refuses to remove the snow or ice from such sidewalk within 12 hours of the falling of said snow or the forming of said ice, the city shall remove or cause to be removed the snow or ice each time it is necessary, and assess the cost thereof against the fronting or abutting property.

(Prior Code, § 12.16.020)

#### **§ 151.067 COSTS ASSESSED; RECOVERY.**

(A) (1) The officer in charge of streets shall cause an account to be kept against each lot for the removal of snow from the sidewalks each year and same shall be certified to the city's Finance Officer on or before May 15 of each year.

(2) The Finance Officer shall prepare an estimate of the assessment against such lot for the removal of snow for the preceding winter and fall and submit the same to the Council for its approval

on or before June 1 of each year, and shall publish in the official newspaper a notice to property owners of the time and place when and where the Council will meet for the purpose of approving such estimate. Such notice shall be published at least one week prior to the date set for said hearing.

(3) Upon the day so named, the Council shall meet and, if it finds the estimate correct, shall approve the same, with or without modification or amendments as they may deem proper, and file the assessment with the city's Finance Officer. From the date of such approval and filing, the same shall be a special lien against the various pieces of property described in the assessment and shall be collected in like manner as special assessments are now collected for public improvements.  
(Prior Code, § 12.16.030)

(B) In lieu of spreading the cost of such snow removal as a special assessment against the property in the discretion of the Council, the amount may be recovered in a civil action against the owner or occupant of the property.  
(Prior Code, § 12.16.040)

### ***SNOW REMOVAL SEASON; PARKING***

#### **§ 151.080 PARKING VEHICLES ON STREETS AFTER SNOW PROHIBITED.**

(A) (1) Whenever more than two inches of snow have fallen in the city, it shall be unlawful for any person to park any vehicle upon the streets or alleys of the city for a 24-hour period following such snowfall, or until snow removal operations have been completed, whichever event shall first occur.

(2) Such parking, if otherwise lawful, may resume on any portion of any such street or alley on which snow removal operations have been completed.

(B) For purposes of this subchapter, ***VEHICLES*** shall mean any device in, upon or by which any person or property is or may be transported or drawn upon a public highway. For purposes of this subchapter, ***MOTOR VEHICLES*** shall mean every vehicle which is self-propelled.  
(Prior Code, § 12.14.010) (Ord. 366, passed - -1994; Ord. 1997-12-4, passed - -1997) Penalty, see § 151.999

#### **§ 151.081 TOWING OF VEHICLES IN VIOLATION.**

(A) Vehicles in violation of this subchapter may be removed to a garage or other place of safekeeping at the direction of a police officer or city maintenance worker designated by the City Council. Any towing or storage charge incurred by the city in connection with such towing and storage shall be assessed against such vehicle and paid by the owner thereof as a condition for the owner to remove or to claim or to recover such vehicle from the city.

(B) In the event the vehicle was stored on city property, a storage charge of \$5 per day shall be assessed on each vehicle and in a like manner collected from the owner of such vehicle.  
(Prior Code, § 12.14.030) (Ord. 366, passed - -1994; Ord. 1997-12-4, passed - -1997)

**§ 151.082 UNAUTHORIZED REMOVAL OF IMPOUNDED VEHICLE.**

No person shall remove a vehicle impounded by the city because of violation of this subchapter until all fines, bonds and towing and storage fees have been paid to the city.  
(Prior Code, § 12.14.040) (Ord. 366, passed - -1994; Ord. 1997-12-4, passed - -1997; Ord. 2012-11-21, passed 12-3-2012) Penalty, see § 151.999

**§ 151.999 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person whose duty it shall be to remove snow as set forth in § 151.065 of this chapter, and who fails to remove such snow within the time therein set forth, shall be guilty of a misdemeanor; and, upon conviction thereof, shall be fined not exceeding \$100, in addition to the other penalties prescribed in §§ 151.065 through 151.067 of this chapter; and, in addition thereto, shall be liable to the municipality for any damage caused by the neglect to keep such sidewalk clear and free of snow and ice as provided in §§ 151.065 through 151.067 of this chapter.  
(Prior Code, § 12.16.050)

(C) (1) Any person violating §§ 151.080 through 151.082 of this chapter shall be punished by a fine of \$25 (first offense) and additional violation fines are \$50, which shall be paid in addition to any other charges or fees assessed pursuant to §§ 151.080 through 151.082 of this chapter.  
(Prior Code, § 12.14.050)

(2) Removal of any impounded vehicle without payment and permission of an authorized city representative shall be assessed an additional fine of \$100 due and payable in addition to any other charges or fees assessed pursuant to §§ 151.080 through 151.082 of this chapter.  
(Prior Code, § 12.14.040)  
(Ord. 366, passed - -1994; Ord. 1997-12-4, passed - -1997; Ord. 2012-11-21, passed 12-3-2012)





## CHAPTER 152: TREES

### Section

- 152.01 Duty of owner
- 152.02 Notice to destroy
- 152.03 Action upon non-compliance
- 152.04 Cost assessment
  
- 152.99 Penalty

### **§ 152.01 DUTY OF OWNER.**

Permitting tree branches to be lower than 12 feet above a street, alley or avenue, permitting tree branches to be lower than eight feet above any sidewalk or by permitting any bush branches to impede upon any sidewalk is declared to be a nuisance and no owner of any lot, place or area within the city or the agent of such owner or the occupant of such lot, place or area shall permit on such lot, place or area or upon any sidewalk abutting the same.

(Prior Code, § 8.14.010) (Ord. 2009-1-2, passed 3-2-2009)

### **§ 152.02 NOTICE TO DESTROY.**

The Health Officer or Property Maintenance Officer is authorized and empowered to notify in writing the owner of any such lot, place or area within the city, or the agent of such owner, or the occupant of such premises, to cut, trim or remove such trees found overhanging any street, alley, avenue or sidewalk.

(A) Such notice shall be given by delivering a written notice personally to the owner(s) of the property upon which the nuisance is located, or by depositing such notice in the United States Mail, postage prepaid, and addressed to the owner(s) thereof at his or her last known address as the name appears on the last equalized assessment roll of the county. In the event a notice to remove is also given to the person(s) in possession or control of the property, such notice shall be given in either manner specified in this section and may be addressed to “occupant” or “to whom it may concern”, if the name of such person(s) is not known.

(B) The person giving the notice shall file a copy thereof in the office of the Finance Officer, together with an affidavit or certificate stating the time and manner in which such notice was given. The failure of any owner or other person to receive such notice shall not effect in any manner the validity of any proceedings taken under this chapter.

(Prior Code, § 8.14.020) (Ord. 2009-1-2, passed 3-2-2009)

### **§ 152.03 ACTION UPON NON-COMPLIANCE.**

Upon failure, neglect or refusal of any owner, agent or occupant so notified to comply with the notice within five days after the mailing thereof, the Property Maintenance Officer is authorized and empowered to provide for the cutting, trimming or removal of such trees and to defray the cost of the cutting, trimming or removal thereof by special assessment against the property as set out in § 152.04 of this chapter.

(Prior Code, § 8.14.030) (Ord. 2009-1-2, passed 3-2-2009)

### **§ 152.04 COST ASSESSMENT.**

The city's Finance Officer shall cause an account to be kept against each lot for the cutting, trimming or removal of trees and shall thereupon certify the account showing the amount, the description of the property and the owner thereof to the city assessor who shall thereupon add such assessment to the county or general assessment against the property and shall certify such special assessment together with the regular to the County Auditor to be collected as municipal taxes for general purposes. The assessment shall be subject to review and equalization the same as assessments or taxes for general purposes.

(Prior Code, § 8.14.040) (Ord. 2009-1-2, passed 3-2-2009)

### **§ 152.99 PENALTY.**

Any person whose duty it is to cut, trim or remove trees as set forth in this chapter or who fails to cut, trim or remove same within the time set forth in § 152.03 of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding \$100 in addition to other penalties as prescribed in this chapter.

(Prior Code, § 8.14.060) (Ord. 2009-1-2, passed 3-2-2009)

## CHAPTER 153: TRAILERS AND TRAILER COURTS

### Section

- 153.01 Definitions
- 153.02 Layout of trailer courts
- 153.03 Service buildings
- 153.04 Waste and garbage disposal
- 153.05 Water supply and sewage disposal
- 153.06 Permit required; application contents
- 153.07 Transfer of business
- 153.08 Investigation of application
- 153.09 Permit fee
- 153.10 Trailer court inspection
- 153.11 Permit revocation

### § 153.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***DEPENDENT TRAILER COACH.*** A trailer coach which does not have a toilet and bathtub or shower.

***INDEPENDENT TRAILER COACH.*** A trailer coach which does have a toilet and bathtub or shower.

***PERSON.*** Includes a natural person, firm, corporation, partnership, cooperative organization or association, mutual or joint stock company.

***TRAILER COACH.*** Any vehicle, whether self-propelled or drawn by another vehicle used and maintained for use, or originally designed and intended for use, as a conveyance upon the streets and highways, and so designated and so constructed as to permit occupancy thereof as a dwelling or sleeping place for one or more persons.

***TRAILER COACH SPACE.*** A plot of ground within a trailer court, designated for the accommodation of one trailer coach.

**TRAILER COURT.** Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes are located.  
(Prior Code, § 17.04.010)

### § 153.02 LAYOUT OF TRAILER COURTS.

Any trailer court, as herein defined, shall be located on a well drained site, and shall be so located that its drainage will not endanger any water supply, and shall be in any area free from any marsh, swamp or other potential breeding place for insects or rodents. The area of any trailer court shall be large enough to accommodate the designated number of trailer coaches, necessary streets and roadways, service buildings and a parking area for motor vehicles. Each trailer coach space shall contain a minimum of 600 square feet, shall be at least 20 feet wide and shall abut on a driveway or other clear area with unobstructed access to a public street. There must be a minimum of 12 feet between trailer coaches. It is illegal to allow a trailer coach to remain in a trailer court unless a trailer coach space is available. It is illegal to park a trailer coach less than 20 feet from any street or highway, or so that any part of such trailer coach will obstruct any roadway or walkway. Access roads shall be provided to each trailer coach. Areas shall be provided for the parking of motor vehicles. Such areas shall accommodate at least the number of vehicles equal to the number of trailer coach spaces provided.  
(Prior Code, § 17.04.030) Penalty, see § 10.99

### § 153.03 SERVICE BUILDINGS.

Each trailer court, as herein defined, shall be provided with one or more service buildings adequately equipped as herein specified.

(A) Each service building shall contain two toilets for females, one for males, one lavatory and shower for each sex, one urinal for men, one laundry tray and one slop water closet.

(B) Dependent trailer coaches shall be parked not more than 200 feet from such service building.

(C) Such service building shall be of permanent construction and adequately lighted at all times.

(D) Such service building shall be of moisture-proof materials to permit frequent washing and cleaning.

(E) Such service building shall have adequate, safe heating facilities to maintain a temperature of not less than 70°F during cold weather, and to supply a minimum of three gallons of hot water per hour per coach space during periods of peak demand.

(F) Such service building shall have all rooms well ventilated with all openings effectively screened.

(G) Such service building shall be located 15 feet or more from any trailer coach space.  
(Prior Code, § 17.04.040) Penalty, see § 10.99

**§ 153.04 WASTE AND GARBAGE DISPOSAL.**

(A) No person, as herein defined, shall deposit or drain any waste water, liquid waste, sewage or garbage of any kind, or permit the same to be done, upon the ground or upon any paved or graveled area within any trailer court, nor upon any street, alley or any lot within the corporate limits of the city. The storage, collection and disposal of refuse in the trailer court shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution. All refuse shall be stored in fly-weight, water-tight, rodent-proof containers, which shall be located no more than 150 feet from any trailer coach space.

(B) They shall be provided in sufficient number and capacity to prevent any refuse from overflowing.

(Prior Code, § 17.04.050) Penalty, see § 10.99

**§ 153.05 WATER SUPPLY AND DISPOSAL.**

(A) Each trailer space shall be directly connected with the public water system and public sanitary sewer system. The water system shall be connected by pipes to all buildings and trailer coach spaces, and water service connections which are provided for direct use by trailer coaches shall be constructed so that they will not be damaged by parking of such coaches.

(B) Each trailer coach space shall be provided with at least a three-inch sewer connection, and provided with equitable fittings so that a water-tight connection can be made between the trailer coach drain and sewer connection, and so constructed that they can be closed when not linked to a coach, and shall be trapped in such a manner as to maintain them in an odor-free condition.

(Prior Code, § 17.04.060)

**§ 153.06 PERMIT REQUIRED; APPLICATION CONTENTS.**

(A) (1) It is unlawful for any person to construct, maintain, operate or alter any trailer court within the limits of the city unless he or she shall hold a valid permit issued annually by the City Council, upon approval of application.

(2) All applications shall be made to the City Council.

(3) No permit shall be transferable and permits shall expire on April 1 in each year.

(Prior Code, § 17.04.070)

(B) Each applicant for a permit to operate a trailer court shall make such application in writing, signed by applicant and accompanied by affidavit, as to truth of application and shall contain the following information:

(1) The name and address of applicant;

- (2) Location and legal description of trailer court premises;
- (3) A complete plan of trailer court, showing compliance with all applicable provisions of the ordinance and regulations promulgated thereunder;
- (4) A complete plan, for purpose of obtaining a permit to be issued by the City Council shall show:
  - (a) The area and dimensions of the tract of land;
  - (b) The number, location and size of all trailer coach spaces;
  - (c) The location and width of roadways and walkways;
  - (d) The location of service buildings and any other proposed structures; and
  - (e) The location of all water and sewer lines.

(Prior Code, § 17.04.080)

#### **§ 153.07 TRANSFER OF BUSINESS.**

Any person operating a trailer court under permit as provided in this chapter, who disposes of his or her business, shall give notice to the city within one week of such transfer and the new owner shall make application for a permit within one week after taking possession.

(Prior Code, § 17.04.090)

#### **§ 153.08 INVESTIGATION OF APPLICATION.**

The Public Health Officer of the city shall inspect every trailer court or proposed trailer court upon application being made for permit, as herein defined, for purposes of determining compliance with the provisions of this chapter, and no permit shall be issued by the City Council, except upon recommendation of the Public Health Officer, that such trailer court or proposed trailer court complies with the requirements of this chapter.

(Prior Code, § 17.04.100)

**§ 153.09 PERMIT FEE.**

There shall be collected for each application for new permit or application of renewal permit, the sum of \$1 per trailer coach space, payable to the city, which application fee shall accompany the application.

(Prior Code, § 17.04.110)

**§ 153.10 TRAILER COURT INSPECTION.**

The Public Health Officer is authorised and directed to make inspections to determine the condition of trailer courts located within the limits of the city, in order that he may perform his or her duty of safeguarding the health and safety of the occupants of trailer courts and of the general public. The Public Health Officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the compliance with this chapter, or any regulations promulgated thereunder. It shall be the duty of the owners or occupants of trailer courts, and trailer coaches contained therein, or of persons in charge thereof, to give the Public Health Officer free access to such premises at reasonable times for the purposes of inspection.

(Prior Code, § 17.04.120)

**§ 153.11 PERMIT REVOCATION.**

Any permit may be revoked by the City Council, at any time, for any violation of this chapter or regulations promulgated thereunder, upon the signed report of the Public Health Officer, after inspection showing violation.

(Prior Code, § 17.04.130)





## CHAPTER 154: FLOOD DAMAGE PREVENTION

### Section

- 154.01 Authorization
- 154.02 Purpose
- 154.03 Objectives
- 154.04 Definitions
- 154.05 Lands to which chapter applies
- 154.06 Compliance
- 154.07 Abrogation and greater restrictions
- 154.08 Interpretation
- 154.09 Warning and disclaimer of liability
- 154.10 Development permit
- 154.11 Flood hazard reduction

### § 154.01 AUTHORIZATION.

(A) The legislature of the state has, in its codified laws, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. SDCL §§ 9-36-15 and 9-36-16 grant municipalities the power to enter into agreements for cooperation in flood control projects and their implementation.

(B) Therefore, the Council does ordain as follows.

(1) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(Prior Code, § 17.08.010) (Ord. 1997-2-1, passed - -1997)

**§ 154.02 PURPOSE.**

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

(A) To protect human life and health;

(B) To minimize expenditure of public money for costly flood control projects;

(C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) To minimize prolonged business interruptions;

(E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(F) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

(G) To ensure that potential buyers are notified that property is in an area of special flood hazard; and

(H) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Prior Code, § 17.08.010) (Ord. 1997-2-1, passed - -1997)

**§ 154.03 OBJECTIVES.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

(A) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(B) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;

(D) Controlling filling, grading, dredging and other development which may increase flood damage; and

(E) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.  
(Prior Code, § 17.08.010) (Ord. 1997-2-1, passed - -1997)

#### § 154.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BASE FLOOD.** The flood having a 1% chance of being equaled or exceeded in any given year.

**DEVELOPMENT.** Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** does not include a “recreational vehicle”.

**STRUCTURE.** A walled and roofed building or manufactured home that is principally above ground.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a “historic structure”; provided that, the alteration will not preclude the structure’s continued designation as a “historic structure”.

(Prior Code, § 17.08.020) (Ord. 1997-2-1, passed - -1997)

**§ 154.05 LANDS TO WHICH CHAPTER APPLIES.**

This chapter shall apply to all areas within the jurisdiction of the city.  
(Prior Code, § 17.08.030) (Ord. 1997-2-1, passed - -1997)

**§ 154.06 COMPLIANCE.**

No structure or land shall hereafter be constructed, located, extended or altered without full compliance with the terms of this chapter and other applicable regulations.  
(Prior Code, § 17.08.030) (Ord. 1997-2-1, passed - -1997)

**§ 154.07 ABROGATION AND GREATER RESTRICTIONS.**

(A) This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

(B) However, where this chapter and other sections relating to easement, covenant or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.  
(Prior Code, § 17.08.030) (Ord. 1997-2-1, passed - -1997)

**§ 154.08 INTERPRETATION.**

In the interpretation of this chapter, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit, or repeal, any other powers granted under state statute.  
(Prior Code, § 17.08.030) (Ord. 1997-2-1, passed - -1997)

**§ 154.09 WARNING AND DISCLAIMER OF LIABILITY.**

This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.  
(Prior Code, § 17.08.030) (Ord. 1997-2-1, passed - -1997)

**§ 154.10 DEVELOPMENT PERMIT.**

(A) A development permit shall be obtained before construction or development begins within the city.

(B) Application for a development permit shall be made on forms furnished by the city's Finance Office and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

(Prior Code, § 17.08.040) (Ord. 1997-2-1, passed - -1997)

**§ 154.11 FLOOD HAZARD REDUCTION.**

(A) *General standards.* If a building site is located in a flood-prone area, all new construction and substantial improvements (including the placement of manufactured homes) shall conform to the following standards.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting hydrostatic and hydrodynamic loads.

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(B) *New and replacement water supply, sanitary sewage and waste disposal systems.*

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(C) *Subdivision proposals.* All subdivision proposals shall be consistent with the need to minimize flood damage. All subdivision proposals shall have public utilities and facilities such as sewer, gas,

electrical and water systems located and constructed to minimize flood damage. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.  
(Prior Code, § 17.08.050) (Ord. 1997-2-1, passed - -1997)