

the location of which shall be stated in the notice of election; and in such resolution shall fix the number of judges and clerks of election for each voting precinct who shall be appointed by the governing body. Providing, however, that not less than two judges and one clerk nor more than three judges and two clerks shall be appointed for each voting precinct.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after its approval, adoption and publication as provided by law.

### **TITLE 3 – BUILDING REGULATIONS**

#### **CHAPTER 3-1 - BUILDING CODE**

#### **CHAPTER 3-2 - DESIGN - BUILD PROCUREMENT**

#### **CHAPTER 3-3 - UNIFORM BUILDING CODE**

#### **CHAPTER 3-1 BUILDING CODE**

##### **3-1-1 General**

The provisions of the adopted building code of Mobridge as amended shall be controlling in the construction of all buildings and other structures within the corporate limits of the City. The building permit fee shall be \$10.00 for structures that will cost \$1.00 to \$1,000.00 to complete; and for any structure costing more than \$1,000.00, the additional cost will be \$1.00 per \$1,000.00 of structure or improvement cost.

That all other provisions of said Section 303 (a) of the Uniform Building Code and amendments shall remain in full force and effect, including the provision that where work for which a permit is required by this Code is started and proceeded with prior to obtaining said permit, the fee specified by the resolution shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code and the execution of the work, nor from any other penalties prescribed herein.

The City Council shall have power to grant exceptions and variances from the Uniform Building Code, Uniform Fire Code and Life Safety Code as adopted when the application for permit is for alteration, remodeling, repairing, or building additions to existing structures or when strict compliance will work an extreme hardship on the applicant. Power to approve an exception or variance shall be upon public hearing prior to approval. Public notice of said hearing shall be given to at least one publication in the official city newspaper not less than one week prior to said hearing and by mailing a copy of said notice to the record owners of all property, lying within 300 feet if within the city limits, or one-half mile if within the three-mile jurisdiction, not less than one week prior to the hearing. Such notice shall state the variance requested, and the date, time and place the hearing will be held.

Wherever the word "Municipality" is used in the building code, it shall be held to mean the City of Mobridge.

Wherever the term "Corporation Counsel" is used in the building code, it shall be held to mean the Attorney for the City of Mobridge.

Nothing in this chapter or in the code hereby adopted shall be construed to affect any suit or proceeding now pending any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

The invalidity of any section or provision of this chapter or of the code hereby adopted shall not invalidate other sections or provisions thereof.

Any Ordinance or parts thereof in force at the time that this Ordinance shall take effect and inconsistent herewith, are hereby repealed.

### **3-1-2 Zoning Officer**

The Zoning Officer shall be appointed by the City Council. He or she shall be an official or employee of the City, who shall assume the duties of building official in addition to his or her other duties. His or her appointment shall continue during good behavior and satisfactory service. He or she shall be subject to provisions set forth in the city employee manual.

During temporary absence or disability of the Building and Zoning Official, the appointing authority shall designate an acting Building and Zoning Official.

### **3-1-3 Duties of a Zoning Officer**

It shall be the duty of the Zoning Officer to enforce all laws relating to the zoning construction, alteration, removal, and demolition of all buildings and structures, including but not limited to fences and sidewalks.

### **3-1-4 Application for Permits**

Application for all permits required by the building code shall be first submitted to the Zoning Officer, who shall endorse thereon his or her approval or disapproval thereof which shall be final subject to rights of appeal in the manner as set forth in the Zoning Ordinances of the City of Mobridge.

### **3-1-5 Right of Entry**

The Zoning Officer, 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 time.

### **3-1-6 Fire Limits Construction Established**

The fire limits of the City embrace all of the area within the business, light industrial and heavy industrial districts as defined by the Zoning Ordinance of the City of Mobridge, South Dakota, No. 486, as amended, and as may be further amended from time to time.

## **3-2 DESIGN-BUILD PROCUREMENT**

### **3-2-1 Purpose**

Pursuant to SDCL Title 5-18A, the following procedures are established for the solicitation and award of design-build contracts.

### **3-2-2 Definitions**

For purposes of this procedure the definitions in SDCL Title 5, and the following definitions apply:

(1) "City" means the City of Mobridge

(2) "Firm" means any individual, firm, partnership, corporation, association, joint venture or other legal entity permitted by law to practice engineering, architecture and construction contracting in the City of Mobridge.

(3) "Project" means the project described in the public announcement. (1999 ORD 756)

### **3-2-3 Minimum Qualification Requirements for Firms Providing Design-Building Services**

The design-builder shall be duly registered with the South Dakota Secretary of State and the Department of Revenue and, where required by state or federal law, shall be able to provide design or construction services by duly licensed or registered individuals.

### **3-2-4 Utilization of Design-Build**

The determination to utilize design-build shall follow specifications set forth in SDCL 5-18A.

### **3-2-5 Public Announcement Procedures**

Except in Emergency situations, the City shall publish an announcement in the city's official newspaper in accordance with SDCL 5-18A-14, setting forth a general description of the project requiring design-build services and defining the time frame and procedures for interested qualified firms to apply for consideration. The public announcement shall further state whether design-builders will be prequalified for the project.

### **3-2-6 Technical Review Committee**

There shall be a Technical Review Committee comprised of the Mayor, Zoning Officer, Water and Waste Water Superintendent and the Chairperson of the Major Organizational Unit sponsoring the project.

The Technical Review committee shall determine the most qualified proposers as provided in Section 3-2-7 and rate and score Qualitative Proposals as provided in Section 3-2-9.

### **3-2-7 Prequalification of Design-Builders**

- (1) The City may prequalify design-builders.
- (2) The City may issue a Request for Qualifications (“RFQ”) by advertisement in accordance with SDCL 5-18A-14. The RFQ shall contain a general description of the project; a description of the areas of qualification requirement for performance of the work, such as experience, management resources and financial capability; the basis upon which the most qualified offerors will be determined; and any other requirements for the submittal of statements of qualifications. Firms desiring to submit proposals on the design-builder project shall submit a statement of qualifications setting forth the qualifications of the entities involved in the firm and providing any other information required by the RFQ.
- (3) The Technical Review Committee shall determine the relative ability of each firm to perform the services required for each project. Determination of ability shall be based upon experience with comparable projects; financial and bonding capacity; managerial resources; the abilities of the professional personnel; past performance for the City; capacity to meet time and budget requirements; knowledge of local or regional conditions; recent, current and project workload of the firms; and the ability of the design and construction teams to complete the work in a timely and satisfactory manner.
- (4) The Technical Review Committee shall select not more than five firms deemed to be most highly qualified to perform the required services, after considering the factors in (2) and (3) above. An RFQ shall be issued to those firms selected.

### **3-2-8 Performance Criteria Package and Request for Proposals**

(1) A performance criteria package shall be prepared by the City, using a registered architect or engineer either on staff of the City or selected in accordance with procedures employed for selecting design firms. When a project is exempted from the provisions of SDCL 36-18A, the criteria developer need not be registered. The design criteria package may include, but not be limited to, site survey; material quality standards; programmatic space needs; conceptual design criteria; design and construction schedules; site development requirements; stipulation of responsibilities for permits and connections to utilities, storm water and roads; stipulation of responsibility for meeting environmental regulations and growth management requirements; soil borings and geotechnical information, performance specifications; and a statement of required compliance with codes and general technical specifications.

(2) The purpose of the performance criteria package is to furnish sufficient information for firms to prepare qualitative proposals and price proposals. The firm to whom the design-build contract is awarded shall develop a detailed project design based on the criteria in the performance criteria package and for construction of the facility in compliance with the performance criteria package.

(3) The Request for Proposals (“RFP”) shall consist of: the performance criteria package, instructions to bidders, bid proposal forms, provisions for contracts, general and special conditions, and basis for evaluation of proposals.

### **3-2-9 Competitive Selection of Design-Build Services**

- (1) A Qualitative and a Price Proposal shall be submitted by each firm submitting proposals. In the case of prequalification such proposals shall only be accepted from prequalified firms. Price proposals shall include one lump sum cost for all design, and construction of the proposed project, preliminary design documents and other data requested in response to the RFP.

Proposals shall be segmented into two packages:

- (a) Qualitative Proposal. A qualitative proposal shall include preliminary design drawings, outline specifications, technical reports, calculations, permit requirements, management plan, schedule and other data requested in response to the RFP.
  - (b) Price Proposal. The price proposal shall be submitted in a separate sealed package. The package shall indicate clearly that it is the price proposal and shall identify clearly the firm's name, project description, or any other information required by submission of proposals. The price proposal shall be secured until the time provided in Section 10, paragraph (1).
- (2) The Technical Review Committee shall review the design concepts, preliminary designs and technical data proposed by each firm and shall establish a rating for each firm's proposal based upon criteria to be established by the Technical Review Committee for the project.
  - (3) The Technical Review Committee then will total and submit the qualitative scores for each firm to the Finance Officer. The maximum qualitative score is 1.0.

### **3-2-10 Selection and Award for Design-Build Services**

- (1) The Finance Officer shall set a date for publicly opening the price proposals, and shall notify all firms submitting price proposals at least seven days prior to the opening date. The notification shall include the date, time and place of the opening of price proposals and date for award of the project.
- (2) The Finance Officer shall publicly open the sealed price proposals and divide each firm's proposed price by the qualitative score given by the Technical Review Committee to obtain an "adjusted price." The firm whose adjusted price is lowest.
- (3) In lieu of requiring Qualitative and Price Proposals, the City may establish a fixed dollar budget for the design-build project in the RFP, and require only Qualitative Proposals, price being fixed for all proposers. In this approach, award is made to the proposal receiving the highest qualitative score.
- (4) Unless all proposals are rejected, the Finance Officer will recommend approval of an award to the firm with the lowest adjusted price. The City shall give written notice to the design-builder who submitted the accepted proposal. All other design-builders shall be informed in writing that their proposals were not accepted. The City reserves the right to reject all proposals.

(5) The City shall enter into a contract with the firm selected. At the time of the award, the City may negotiate minor changes for the purpose of clarifying the design criteria and work to be done, provided that the negotiated changes do not affect the ranking of the proposals based on their adjusted scores

**3-2-11** Intentionally left blank.

### **3-2-12 Confidential Information**

The City will make reasonable efforts to maintain the secrecy and confidentiality of any proposal and all information contained in any proposal may not disclose any of any proposal and all information contained in a proposal to the design/Builder's competitors. To the extent permitted by the provisions of SDCL Chapter 1-25, the City will not disclose confidential and proprietary information contained in any proposal to the public until such time as the City takes final action to accept a proposal.

### **3-2-13 Emergency Purchases**

A design/build contract may be awarded in an emergency without advertising pursuant to SDCL 5-18A.

## **CHAPTER 3-3 UNIFORM BUILDING CODE; UNIFORM BUILDING CODE STANDARDS; and UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS**

### **CHAPTER 3-3 UNIFORM BUILDING CODE**

#### **3-3-1 GENERAL**

**Section 1.** That a certain document, which is on file in the office of the City Finance Office of the City of Mobridge being marked and designated as the *International Building Code*, 2012 edition, (see *International Building Code* Section 101.2.1, 2012 edition), as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Mobridge, in the State of 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 structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the City of Mobridge 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 Sections 2 and 3 of this ordinance.

**Section 2.** The following sections are hereby revised:

Section 101.1. Insert: City of Mobridge, South Dakota

Section 3412.2. Insert: June 18, 2013

**Section 3.** The following sections are hereby deleted:

Section 1612

All other provisions of the *International Building Code*, 2012 edition which are in conflict with other ordinances currently in effect or hereafter adopted by the City of Mobridge are specifically deleted.

**Section 4.** That if 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 of Mobridge 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 Building 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 Finance Officer of the City of Mobridge is hereby ordered and directed to cause this legislation to be published according to law.

**Section 7.** That this law and the rules, regulations provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

**Section 8:** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code within the City of Mobridge and within one a one mile radius of the corporate limits of the City of Mobridge.

## **TITLE 4- FIRE REGULATIONS**

### **CHAPTER 4-1 – GENERAL**

### **CHAPTER 4-2 – FIRE DEPARTMENT CHARGES**

### **CHAPTER 4-1 GENERAL**

#### **4-1-1 Enforcement**

The official adopted Fire Code of the City shall be enforced by the Chief of the Fire Department.