

**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or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.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.

#### **4-1-2 Establishment of Limits of Districts in which Storage of Flammable Liquids in Outside Above ground Tanks and Bulk Storage Of Liquefied Petroleum Cases is to be Restricted**

The limits referred to in Section 804a of the Code in which storage of flammable liquids in outside above ground tanks is prohibited, and the limits referred to in Section 1104 of the Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: the fire limits as established by Section 3-1-6 of this Ordinance.

#### **4-1-3 Modifications**

The Chief of the Fire Department shall have power to modify any of the provisions of the 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. The particulars of such modifications when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon 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 by the applicant.

#### **4-1-4 Appeals**

Wherever 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 thirty days from the date of the decision of the appeal.

#### **4-1-5 Controlled Burns**

No person, business, or entity shall burn any material or have a controlled burn within the city limits of Mobridge, or its surrounding three-mile jurisdiction, without first having completed a permit and obtaining the consent of the fire chief. This section does not apply to grills, barbecue grills, licensed outdoor incinerators, stoves or fireplaces. If a permit is denied, the applicant can appear before the city council at a public hearing which shall be advertised for two consecutive weeks, and shall take place at a regularly scheduled council meeting, where the council will either approve or deny the application. (2006ORD835)

#### **4-1-6 Failure to Secure Permit**

Failure to secure a permit shall be subject to the general penalties provision listed in the general penalties chapter.

#### **4-1-7 Obstruction of a Fire Hydrant**

It shall be unlawful for anyone to obstruct a fire hydrant and the volunteer firemen of the City of Mobridge are authorized to remove the obstruction at owner's expense.

No person shall obstruct the use of any fire hydrant or leave, or place any material in front thereof or within three feet from either side thereof. Any and all material found as an obstruction as aforesaid may be forthwith removed by any member of the fire department,

water department or police department at the risk or the cost and expense of the owner or claimant of the property. (2006 ORD 836)

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

### **4-2-1: Purpose**

The within ordinance is adopted for the purpose of providing financial assistance to the city in the operation of a fire department from those receiving direct benefits from the fire protection service. It is the further purpose of the within ordinance to provide for full funding of the fire department operation which remains, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the city from the existence of a city fire department and its availability to extinguish fires within the city and perform other emergency services. (2005ORD811)

### **4-2-2: Charges**

The City shall set by resolution, the charges due and payable to the city from a recipient of any of the following enumerated services from the city fire department:

Grass fire; Rubbish fire; Automobile fire; Truck fire; House fire; Fire in a commercial, industrial or manufacturing establishment; Fire in a multiple-family building; hotel or motel fire; aircraft fire; train fire; Emergency rescue service; Resuscitator service; and Other services not specifically enumerated. (2005ORD811)

### **4-2-3: Time for Payment for Run**

All of the foregoing charges shall be due and payable within 30 days from the date the service is rendered and any default of payment shall be collectible through legal proceedings in any court of competent jurisdiction as a matured debt. (2005ORD811)

### **4-2-4: Exemptions**

The following properties and services shall be exempt from the foregoing charges:

- A. False alarms, if there are three or less from one location during the year.
- B. Fire involving city buildings, grounds and/or property.
- C. Fire service performed outside the jurisdiction of the city under a mutual aid contract. (2005ORD811)

### **4-2-5: Collection of Charges**

The city may proceed in court by suit to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges. (2005ORD811)

**4-2-6: Non-Exclusive Charge**

The foregoing rates and charges shall not be exclusive of the charges that may be made by the city for the costs and expenses of maintaining a fire department, but shall only be supplemental thereto. Charges may additionally be collected by the city through general taxation after a vote of the electorate approving the same or by a special assessment established under South Dakota law pertinent thereto.

General fund appropriations may also be made to cover such additional costs and expenses. (2005ORD811)

**4-2-7: Multiple Property Protection**

When a particular service rendered by the city fire department directly benefits more than one person or property, the owner of each property so benefited and each person so benefited where property protection is not involved shall be liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of the within section is hereby delegated to the city fire chief subject only to appeal, within the time limits for payment, to the city council and shall be administered so that charges shall only be collected from the recipients of the service. (2005ORD811)

**TITLE 5 - HEALTH CODE**

**CHAPTER 5-1 - ESTABLISHMENT OF HEALTH OFFICER**

**CHAPTER 5-2 - CONTAGIOUS DISEASES**

**CHAPTER 5-3 - DUMPING GROUNDS**

**CHAPTER 5-4 - GARBAGE**

**CHAPTER 5-5 - NUISANCES**

**CHAPTER 5-6 - RODENT ERADICATION**

**CHAPTER 5-7 - RESTAURANTS**

**CHAPTER 5-8 - SLAUGHTER HOUSES AND MEAT MARKETS**

**CHAPTER 5-9 - CATS**

**CHAPTER 5-1 - ESTABLISHMENT OF HEALTH OFFICER**

**5-1-1 Appointment**

There shall be appointed at the time of the appointment of other municipal officers, a Health Officer who shall be an actively practicing physician employed in the City of Mobridge.

**5-1-2 Powers**

The Health Officer, in conjunction with the police officers of the City, shall exercise a general supervision over the health of the City and shall have general and direct supervision of the enforcement of the provisions of this title.