

Operating Procedures Board of Appeals

Meetings

Meetings will be called by the Building Inspector when it is necessary to resolve a question raised by an applicant involving the Uniform Building Code or the Plumbing Code. The Board does not have a regular meeting date or time. Every effort will be made to provide at least two days notice of the meeting. Notice will normally be given by telephone from the Engineering Office. Twenty-four (24) hours notice to the public is also required.

The Chairperson, or in his absence, the Vice-chairperson shall preside at all meetings.

A quorum for the transaction of business at any meeting shall consist of a majority of the members of the Board. A question may be resolved by a vote of a majority of those present.

Vacancies in the Board will be filled by the Mayor and City Council.

A Chairperson and a Vice-chairperson shall be elected from the members of the Board. The Building Official shall serve as ex-officio to the Board and shall serve as secretary.

ORDINANCE NO. 25-04

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKINGS AND PERTAINING TO THE ADOPTION OF THE 2003 INTERNATIONAL BUILDING CODE AND THE 2003 INTERNATIONAL RESIDENTIAL CODE WITH CERTAIN AMENDMENTS THERETO.

BE IT ORDAINED by the City of Brookings that Article II of Chapter 22 of the Code of Ordinances of the City of Brookings be amended to read as follows:

I.

Article II. Building Code

Sec. 22-31. Adoption.

There is adopted by the city those certain codes known as the 2003 Editions of the International Building Code and the International Residential Code as recommended by the International Code Council, collectively referred to as the "International Building Code", "building code" or "code". A copy of the building code is on file in the office of the City Clerk and is available for inspection.

Sec. 22-32. Conflicts.

In the event of any other conflict between the provisions of the International Building Code adopted by this article and other provisions of city ordinance, state law or rules or regulations of the city, the provisions of city ordinance, state law or the rules or regulations of the city shall prevail and be controlling.

Sec. 22-33. Definitions.

The following words, terms and phrases, when used in the building code adopted in section 22-31, shall be defined, except where the context clearly indicates a different meaning, as follows:

Municipality means the City of Brookings.

Sec. 22-34. Establishment of office of building official.

The office of building official is created, and the city manager shall designate the executive official in charge, who shall be known as the building official and whose duties shall be as outlined in the International Building Code adopted in section 22-31.

Sec. 22-35. Fees; permits.

- (a) No permit required by the building code shall be issued until the fee prescribed by resolution shall have been paid. No amendment to a permit shall be approved until the additional fee, if any, resulting from an increase in the estimated cost of the building or structure, shall have been paid.

- (b) For the demolition or removal of a building that is furnished with water and/or sewer, a permit may be granted; provided, however, that in such case, a deposit guaranteeing the abandonment of the water services and guaranteeing the abandonment of the sewer services shall be deposited at the time of application for such permit, the deposit to be in an amount to be determined by policy of the utility board. Such deposit, but not the fees, will be refunded upon completion of the work or the city will arrange for such work at actual cost, plus ten percent to be paid from such deposit. The demolition or removal shall be completed within 30 days after the issuance of the permit. If water and sewer services are to be reused or new services required for a new structure in the immediate future at the same location, deposits may be waived by the building official.

Sec. 22-36. Amendments.

The following amendments to the building code are adopted and incorporated into the building code:

Section R105.2. Work exempt from permit, is amended by deleting the following subsection:

5. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.

Section 105.5 and R105.5 Expiration, is amended by replacing Section 105.5 and R105.5 Expiration as set forth in the International Building Code with the following:

105.5 and R105.5 Expiration. Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half of the amount required for a new permit for such work provided no changes have been made or will be made in the original plans and specifications for such and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the

permittee have prevented action from being taken. No permit shall be extended more than once.

Every permit issued by the building official under the provisions of this code shall expire and become null and void if the building or work is not completed within two years for all occupancies from the date issued.

Section 108.2 and R108.2, Schedule of permit fees, under 108.5 and R108, Fees, is amended to read as follows:

108.2 and R108.2 Investigation Fee. An investigation fee, in addition to the permit fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in section R108. The payment of such fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Section 112 and R112, board of appeals, is amended to include the following:

112.1 and R112.1. General. In order to hear and decide appeals or orders, decisions or determinations made by the building official relative to the application and interpretation of this code, and to determine the suitability of alternate materials and methods of construction, there shall be and is created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex-officio member of and shall act as secretary to such board, but shall have no vote on any matter before the board. The board of appeals shall consist of five members. Each member shall be appointed for a term of five years. The successors shall be appointed upon the expiration of the respective terms to serve five years. A vacancy shall be filled by the mayor with the concurrence of the city council for the unexpired term of any member who resigns, dies or is removed. The board of appeals shall elect a chairperson and vice-chairperson from its members. They shall adopt rules of procedure for conducting the business of the board of appeals, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

112.2 and R112.2. Limitations of authority. The board of appeals shall have no authority relative to the interpretation of the administrative provisions of this code, nor shall the board be empowered to waive requirements of this code that pertain to or affect life safety.

Section R301.2.1, Wind limitations, under Section R301, Design Criteria, is amended to read as follows:

Section R301.2.1 Wind limitations. The minimum basic wind speed for determining design wind pressure at any site shall be 90 miles per hour.

Section 1609.1.2, Minimum wind loads, under Section 1609, Wind Loads, is amended to read as follows:

Section 1609.1.2, Minimum wind loads. The minimum basic wind speed for determining design wind pressure at any site shall be 90 miles per hour.

Section R301.2.3, Snow loads, under Section R301, Design Criteria, and 1608.1, is amended to read as follows:

Section R301.2.3 Snow loads. The building official has determined the minimum roof live load to be 30 pounds per square foot uniform load.

Section 1608.1, General, under Section 1608, Snow Loads, is amended to read as follows:

Section 1608.1, General. The building official has determined the minimum roof live load to be 30 pounds per square foot uniform load.

Section R310.1 Emergency escape and rescue required, under Section R310, Emergency Escape and Rescue Openings is amended to include the following additional subsection:

Section R310.1.5 Basement Minimum Sill Height. For basements below grade, the minimum emergency escape and rescue opening shall have a sill height of not more than 48 inches above the finished floor.

Section R313.1 Smoke alarms under Section R313 Smoke Alarms is amended to include the following additional subsections:

Section R313.1 Smoke alarms.

4. A smoke detector installed in a stairwell shall be so located as to ensure that smoke rising in the stairwell cannot be prevented from reaching the detector by an intervening door or obstruction.

5. A smoke detector installed to detect a fire in the basement shall be located in close proximity to the stairway leading to the floor above.

6. The smoke detector installed on a story without a separate sleeping area shall be located in close proximity to the stairway leading to the floor above.

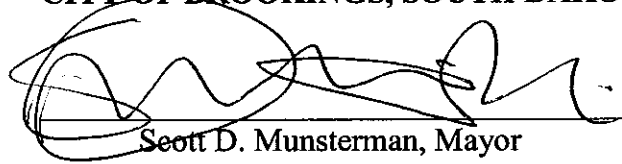
7. Smoke detectors shall be mounted on the ceiling at least four inches (102 mm) from a wall or on a wall with the top of the detector not less than four inches (102 mm) nor more than 12 inches (305 mm) below the ceiling.

II.

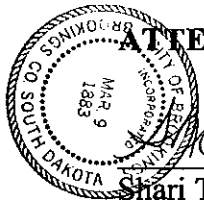
Any or all ordinances in conflict herewith are hereby repealed.

FIRST READING: November 9, 2004
SECOND READING: November 23, 2004
PUBLISHED: November 29, 2004

CITY OF BROOKINGS, SOUTH DAKOTA



Scott D. Munsterman, Mayor



ATTEST:

Shari Thornes
Shari Thornes, City Clerk

City of Brookings

Governance Process

Defining the purpose of the City Council, City Manager, and all City Employees:
Policy #1

Mission Statement

The City of Brookings is committed to providing a high quality of life for its citizens, and fostering a diverse economic base, through innovative thinking, strategic planning, and proactive, fiscally responsible municipal management.

1.6 Governance Process, Citizen Advisory Boards

The Council values the expression of citizen viewpoints on topics of concern to the Council. Therefore, the Council will continue the tradition of seeking input from volunteer citizen advisory boards and committees, although final responsibility for decisions, and the implementation that follows, rests entirely with the Council. The Council reminds staff that the ideal purpose of citizen involvement is not to advance staff agendas, but to seek objective opinions from a diverse range of citizens.

Guideline A:

The Council will make every effort to offer overall direction and guidelines to citizen volunteers, through the use of Council Ends Policy statements, and by reviewing the mission and need for each citizen advisory board and committee on an annual basis. During the annual review:

1. The Council will determine if the need for a citizen advisory board or committee justifies continuation of the board or committee. If continuation is justified, proceed to #2.
2. The Council will make an effort to determine the most effective use of citizen volunteers, with a primary decision being the length of service for each board and committee. The Council believes citizen input will be more likely objective and updated if the advisory board or committee is kept in an ad hoc (short-term) format. However, the Council recognizes that some complex issues require citizen involvement for a longer period in order to be effective.
3. Unless otherwise specified by the Council, the City Manager will coordinate the activities and reporting functions of all citizen advisory boards and committees.
4. The City Manager will base his guidance of citizen advisory boards and committees on Ends Policies established by the Council.

4. The City Manager will base his guidance of citizen advisory boards and committees on Ends Policies established by the Council.
5. The Mayor, with advice and consent of the Council, will make all appointments to citizen advisory boards and committees.
6. Upon recommendation of the City Manager, the Council may approve the creation of ad hoc committees to assist the City Manager or his staff.

Guideline B:

The Council directs all staff to review relevant Ends Policies with citizens upon their appointment to an advisory board or committee. The Council asks staff to be as objective as possible in educating and presenting options to citizens, since the purpose of advisory boards and committees is not only to hear from citizens, but to increase citizen involvement, loyalty, and creativity toward their City.

1. The Council asks the City Manager to create and regularly update an orientation packet for each new volunteer that includes relevant Ends Policies.
2. The Council asks staff to review this orientation packet with each potential volunteer, prior to their appointment, emphasizing this very policy (Policy 1.6), and asking for a citizen signature on the line that indicates understanding of this policy.
3. Staff will provide regular summaries of citizen committee work to the Council.

City of Brookings Orientation & Training for Appointed Board, Committee & Commission Members

Issue Date: December, 1994.

Effective Date: January, 1995.

Purpose: This program is designed to provide appointed board, committee and commission members with an overview of their legal responsibilities under South Dakota law and the ordinances of the City of Brookings.

Applicability: This orientation and training shall apply to all appointed positions of any board, committee and commission of the City of Brookings

In General: The City of Brookings will sponsor orientation and training sessions on a bi-annual basis in February and June.

Responsibilities: Chairpersons of all appointed boards, committees, commissions are strongly encouraged to attend one training session per year.

Newly appointed board, committee and commission members are required to attend one training session during their first year of service.

City staff responsible for appointed boards, committees and commissions shall attend a minimum of one training session per year.

Training Topics:

Orientation and training sessions will provide information on the following topics.

1. Open meeting laws of South Dakota.
2. Public records statute.
3. Parliamentary procedures.
4. Working with municipal codes and state laws.
5. Organizational structure of city government.
6. Responsibilities and duties of appointed boards, committees and commissions established by state statute and city ordinance.

Duration:

Sessions will be conducted in the evening for higher participation and will not exceed two hours in length.

Facilitator:

The City Clerk's Office, in cooperation with the City Attorney's Office, will facilitate topic and speaker selection, training location and scheduling.