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cape and Rescue Openings in each sleeping room located below the fourth story.

1. Structures built in or after 1986 shall be provided with Emergency Escape and Rescue Openings that conform to the requirements of the International Building code(s) 2012 edition.

2. Structures built in or after 1974 and before 1986 shall be allowed to utilize windows that have a minimum net clear opening of 5.0 square feet and shall have a sill height of not more than 48 inches above the floor. The minimum net clear opening height dimension shall be 20 inches. The minimum net clear opening width dimension shall be 20 inches. The net clear opening dimensions shall be the result of normal operation of the opening.

3. Structures built before 1974 shall be allowed to utilize windows that have a minimum net clear opening of 4.5 square feet. One fixed step with a rise of no more than 7 3/4 inches and a tread of no less than 10 inches and a width no less than the window served, may be used to gain access to the window. The sill height shall be no more than 48 inches from the step to the finished sill. The minimum net clear opening height dimension shall be 20 inches. The minimum net clear opening width dimension shall be 18 inches. The net clear opening dimensions shall be the result of normal operation of the opening.

Exception: Lawfully established and maintained non-conforming emergency, escape and rescue openings in rental units registered before March 17, 2014 may continue to be used. Emergency, escape and rescue openings that do not pose an imminent danger to the occupants as deemed hazardous by the Fire Chief shall have until July 1, 2019 to comply with this code. The Fire Chief of the City of Vermillion has determined that emergency, escape and rescue openings that are less than 18" in width, 24" in height or are less than three square feet in area create an imminent danger and an unsafe condition; therefore any window that fails to meet these standards shall be replaced no later than September 1, 2014. All rental units that do not meet the minimum size established herein shall post a notice on the inside of each bedroom door(s) stating that the emergency, escape and rescue opening(s) do not meet the minimum standard established by this code. After July 1, 2019 all rental units shall comply with the minimum sizes established herein.

4. Buildings located in Historic districts or on the state or national register of historic places may be granted the same exception as those buildings located in the C-B district, when judged by the Building Official to not constitute a distinct life safety hazard.

5. Existing windows shall be maintained in a manner that maintains the level of protection provided for the means of egress.

6. Owners may apply for a time extension to modify non-compliant windows, using the form provided by the Housing Inspector.

7. Rental units new to the registry shall be required to comply with the emergency escape and opening requirements determined by the time of construction.

EXCEPTION: Dwelling units in the C-B Central Business may utilize approved windows or openings in adjoining rooms. In no case shall an occupant have to go through more than one adjoining room to reach an approved emergency escape and rescue opening and only when judged by the building official to not constitute a distinct life safety hazard.

(K) All Dwelling Units shall be constructed in such a manner that return air from one dwelling is not discharged into another dwelling unit through the heating or cooling air systems

1. Each separate dwelling unit shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

2. Where privacy is required, such as in bedrooms and bathrooms the heating facilities shall be capable of maintaining the required room temperature with the doors closed.

3. Effective August 1, 2014 all registered rental units shall be required to comply with these return air limitations, to provide separate and controllable heat sources to each dwelling unit in all habitable rooms, bathrooms and toilet rooms. Installation or replacement of heating units shall comply with the Uniform Mechanical Code and the manufacturer's installation instructions; unvented or portable units shall not be used.

4. Owners may apply for a time extension to comply with the deadline, using the form provided by the Housing Inspector

Dated at Vermillion, South Dakota this 17th day of March, 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

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By:

ATTEST:
John (Jack) E. Powell, Mayor

By:

Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Grayson. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Collier-Wise-Y, Davies-N, Grayson-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y

Motion carried 8 to 1. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

C. Second Reading of Ordinance 1311 to amend Chapter 91 Airport, Section 91.08 Permit Requirement; Fees

Jason Anderson, Assistant City Engineer, reported at the March 3rd meeting that the City Council adopted minimum standards for commercial activities at the airport. Jason reported that there have not been any comments since the first reading.

Jason stated that City Ordinance Chapter 91 addresses airport specific items with section 91.08 addressing specific commercial uses that require a permit from the City. Jason reported that the proposed changes to this section will make the existing ordinance compatible with the minimum standards for commercial uses allowed at the airport. The changes will remove the commercial uses currently provided for in the City Code and replace them with the ones in the Airport Minimum Standards policy. Jason stated that a new description for each use is included with the change. The fees for the different licenses are later on the agenda. Discussion followed on the ordinance.

86-14

Second reading of title to Ordinance No. 1311, entitled AN ORDINANCE to amend Chapter 91 Airport, Section 91.08 Permit Requirement; Fees for the City of Vermillion, South Dakota.

Mayor Powell read the title to the above named Ordinance, and Alderman Grayson moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1311 entitled an ordinance to amend Chapter 91 Airport, Section 91.08 Permit Requirement; Fees for the City of Vermillion, South Dakota was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 3rd day of March, 2014 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 17th day of March, 2014 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED and ordained that said Ordinance be adopted to read as follows:

ORDINANCE NO. 1311
AN ORDINANCE AMENDING CHAPTER 91 AIRPORT, SECTION 91.08 PERMIT REQUIREMENT; FEES.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 91 Airport, Section 91.08 Permit Requirement; Fees will be amended as follows:

§ 91.08 PERMIT REQUIREMENT; FEES.

(A) The following permits shall be required for operations based at or originating from the airport and shall be issued on an annual basis:

(B) Aircraft Sales. An amount set by resolution per year for a business that is engaged in the sale of new, or used, aircraft;

(1) Airframe and Power Plant Repair (Aircraft Maintenance and Repair). An amount set by resolution per year for a business engaged in repair services to the airframe and/or power plant;

(2) Aircraft Rental. An amount set by resolution per year for a business engaged in the rental of aircrafts to the public;

(3) Flight Training. An amount set by resolution per year for a business engaged in commercial flight instruction;

(4) Air Taxi and Charter Services. An amount set by resolution per year for a business engaged in air taxi or charter services;

(5) Specialized Commercial Flight Services. An amount set by resolution per year for a business engaged in any/or all of the following: banner towing, aerial advertising, aerial photography, aerial surveys, fire fighting, fire patrol, power line patrol or pipeline patrol;

(6) Avionics, Instruments and/or Propeller Services. An amount set by resolution per year for a busi-

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ness engaged in providing services to avionics, instruments and/or propeller;

(7) Permanent Aerial Applicators. An amount set by resolution per year for a business engaged in aerial applications;

(8) Temporary Aerial Applicators. An amount set by resolution per year for a business engaged in aerial applications;

(9) Multiple Commercial Aeronautical Services or a Limited Service Fixed Based Operator. An amount set by resolution per year for a business engaged in any two or more of the commercial services previously mentioned.

(C) All aeronautical commercial services must comply with the current Harold Davidson Field Airport – Minimum Standards for Operators of Commercial Activities.

(D) Any permit may be cancelled by the Council for the violation of this chapter or for the violation of any pertinent provisions of this code. State Aeronautics Commission, or Federal Aviation Administration rules and regulations by the holder of the permit, his or her agents, employees, or servants upon 15 days written notice given to the permit holder.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

By:

John (Jack) E. Powell, Mayor

ATTEST:

By:

Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Willson. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Collier-Wise-Y, Davies-Y, Grayson-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y

Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Request to close Market Street on April 24, July 10, July 24, August 7, August 21 and September 4, 2014 from W. Main Street south for one-half block for Earth Day and Thursdays on the Platz events

John Prescott, City Manager, indicated with the earlier items on the agenda that the Thursdays on the Platz group are again planning to hold several events in downtown Vermillion on the Platz. This summer's events are scheduled for April 24, July 10, July 24, August 7, August 21, and September 4, 2014. The events will host local and regional musical entertainment. The group will utilize Ratingen Platz at the corner of W. Main and Market Streets for the events. Due to the number of anticipated attendees, a street closure request has again been submitted for Market Street from W. Main Street to the East/West alley between W. Main Street and Kidder Street. The street closure request is the same as past years. The closing on April 24th is from 4:00 p.m. to 7:00 p.m. and for the rest of the dates from 5:30 p.m. to 8:00 p.m. John stated that the request indicates the neighboring businesses and residents have been notified and the group will do clean up.

87-14

Alderman Willson moved approval of the street closing request for Market Street from W. Main Street to the East/West alley between W. Main Street and Kidder Street on April 24th from 4:00 p.m. to 7:00 p.m. and from 5:30 p.m. to 8:00 p.m. on July 10, July 24, August 7, August 21, and September 4, 2014, for the "Thursdays on the Platz" events. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Resolution Establishing Fees for International Codes and Rental Housing Code

Farrel Christensen, Building Official, reported that all of the fees that would apply to the International Codes and Rental Housing Code have been included in this resolution. Farrel stated that there have been two additional fees. The first fee is for providing false information to an official of \$100 and the other is the appeal fee which is \$100, similar to other appeal fees. Discussion followed on the fees and the schedule.

88-14

After reading the same once, Alderman Davies moved adoption of the following:

RESOLUTION TO ESTABLISH FEES FOR INTERNATIONAL BUILDING CODES AND RENTAL HOUSING CODE

WHEREAS, the City Council has by ordinance adopted the 2012 International Building Code, the 2012 International Residential

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Code, the 2012 International Fire Code, the 2012 International Property Maintenance Code and approved modification and amendment to the Rental Housing Code; and

WHEREAS, the Ordinances provides for the City Council by resolution to establish various rates, fees and penalties.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota at a regular meeting thereof in the Council Chambers of said City at 7:00 p.m. on the 17th day of March, 2014 that the rates, fees and penalties are changed as follows:

Building Permit Fees Sections IBC 109.2, IRC 108.02 & IFC 113.2	The building permit fees shall be \$25.00 for valuations of \$1,000 or less plus \$.075 for each additional \$100 or fraction thereof up to \$2,000. The fee shall be \$32.50 for valuations of \$2,001 plus \$6.00 for each additional \$1,000 or fraction thereof up to \$25,000. The fee shall be \$170.50 for valuations of \$25,001 plus \$4.50 for each additional \$1,000 or fraction thereof up to \$50,000. The fee shall be \$283.00 for valuations \$50,001, plus \$3.00 for each additional \$1,000 or fraction thereof up to \$100,000. Thereafter, the fee shall be \$433.00 for the first \$100,000 of valuation plus \$2.50 for each additional \$1,000 or fraction thereof.
TABLE	
Valuation	Cost of Permit
Less Than \$1,000	\$25.00
\$1,001 to \$2,000	\$25.00 plus .75 per \$100 for values over \$1,000
\$2,001 to \$25,000	\$32.50 plus \$6.00 per \$1,000 for values over \$2,000
\$25,001 to \$50,000	\$ 1 7 0 . 0 0 plus \$4.50 per \$1.00 for values over \$25,000
\$50,001 to \$100,000	\$ 2 8 3 . 0 0 plus \$3.00 per \$1,000 for values over \$50,000
\$100,001 and over	\$ 4 3 3 . 0 0 plus \$2.50 per \$1,000

OTHER INSPECTIONS AND FEES

Razing Permit \$25.00
Inspection outside normal business hours \$70.00 per hour
Re-inspection Fees \$40.00 per re-inspection

Special Permits for Moving Structures 150.29
The minimum bond amount for an indemnity bond shall be \$10,000
The minimum bond amount for a performance bond shall be \$10,000

150.32 The fee to cut, alter or move utility wires shall be the actual costs of employee time and equipment with the superintendent of Electric Distribution estimate used for deposit.

150.32 The special permit fee for moving structures shall be \$100.00, plus the building permit fee as established in 156.15, IBC 109.2, IRC 108.92 & IFC 113.2

Window Replacement Section 105.1 Permit Required. The permit fee for the replacement of windows shall be \$25.00 dollars for each permit regardless of the number of windows.

VIOLATION PENALTIES SECTIONS IBC 114.4, IRC 113.4 & IFC 109.4

Permits Sections IBC 109.4 IRC 108.6 and IFC 113.3
The Fee for commencing work before obtaining the necessary permits shall be equal to one and one-half of the amount of the permit, but not less than \$100.00 or more than \$500.00.

Approval Required Sections IBC 110.6, IRC 109.4 and IFC 106.2.2
The Fee for work done without a required inspection, or beyond the point indicated in each successive inspection, without first obtaining the approval of the building official, shall be \$100.00

Section Certificate of Occupancy IBC 111.1 IRC R110.1 IFC 909.19 System Acceptance. The fee for occupying a building before a certificate of occupancy is issued shall be \$100.00.

Appeals Section IBC 113.16, IRC 112.1.16, IFC 108.16 and IPMC 111.8 The fee for an appeal application is \$100.00. Fees are required for appeal requests regardless of the outcome of the request and are nonrefundable.

FEE SECTION 103.5 FEE SCHEDULE

Providing False Information. The fee for any person that provides false information, either orally or in writing, to any Code Official, on any document, form, report or application shall be \$100.00

IPMA Violation Penalties Section 106.4 The fee for violating any provision of this code, other than those specifically listed is \$100.00 penalty in addition to any and all other penalties as prescribed by law.

Failure to Comply Section 112.4 Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$500.00 dollars.

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RENTAL HOUSING CODE CHAPTER 94

Registration Required 94.05 (I) A fee of \$25.00 per structure and \$15.00 per unit.

Registration Required 94.05 (I) (1) A penalty of \$5.00 per unit, per month, shall be added to the annual registration fee if not paid by January 15th of each year.

Violations Section 94.11

(B) The fee for failing to properly register a rental unit shall be:

1. For the first violation within a calendar year, \$100.00
2. For the second violation within a calendar year, \$250.00
3. For three or more violations within a calendar year, \$500.00

(C) The fee for failure to make required repairs within the time allotted shall be \$100.00.

(D) The fee for failing to meet the inspector and provide access to all rental units and accessory and spaces at a scheduled inspection time and place or failure to reschedule an inspection at least one working day prior to the scheduled time, shall be \$25.00 per structure or \$5.00 per unit, whichever is greater.

The City Manager may abate all or a portion of any fee or penalty for just cause. The issuance of a fee or penalty shall not be construed to be approval of any violation of any of the provisions of the code. Stop orders, demolition orders, other fees orders, and/or penalties issued by Federal, State or local jurisdictions may be applied in addition to the fees and penalties listed above.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

By: _____
John E. (Jack) Powell, Mayor

ATTEST:

By: _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Zimmerman. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

C. Resolution Establishing Fees for Commercial Uses at the Airport.

Jason Anderson, Assistant City Engineer, reported that the second reading of ordinance 1311 was earlier on the agenda and this resolution is to set the fees for commercial activities at the airport. Jason stated that the proposed fees are \$100 per permit except for LSFBO which is \$200. Discussion followed.

89-14

After reading the same once, Alderman Davies moved adoption of the following:

RESOLUTION ESTABLISHING FEES FOR COMMERCIAL USES AT THE AIRPORT

WHEREAS, the City Council has authorized Chapter 91, Section 91.08 to be amended by Ordinance 1311; and

WHEREAS, the amended ordinance established the permit requirements for commercial activities at the Harold Davidson Field Airport that correspond to Minimum Standards for Operators of Commercial Activities adopted by the City Council; and

WHEREAS, the amended ordinance provides that the commercial activity permit fees be set by Resolution of the City Council; and

WHEREAS, any permit that has been issued for a commercial service at the airport prior to the effective date of this resolution shall remain in effect until December 31, 2014.

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof in the Council Chambers of said City at 7:00 p.m. on the 17th day of March, 2014, that the rates be set as follows:

(1) Aircraft Sales permit shall be \$100.00

(2) Airframe and Power Plant Repair (Aircraft Maintenance and Repair) permit shall be \$100.00

(3) Aircraft Rental permit shall be \$100.00

(4) Flight Training permit shall be \$100.00

(5) Air Taxi and Charter Services permit shall be \$100.00

(6) Specialized Commercial Flight Services permit shall be \$100.00

(7) Avionics, Instruments and/or Propeller Services permit shall be \$100.00

(8) Permanent Aerial Applicators

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permit shall be \$100.00

(9) Temporary Aerial Applicators permit shall be \$100.00

(10) Multiple Commercial Aeronautical Services or a Limited Service

Fixed Based Operator permit shall be \$200.00

BE IT FURTHER RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that the minimum standards section 2.14 allows the City to establish a flowage for current leases that allow fuel sales at the airport. The flowage fee shall be \$0.05 per gallon due by the 5th of each month, effective for all sales after May 1st, 2014.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

B y :

ATTEST: _____
John (Jack) E. Powell, Mayor

B y :

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Collier-Wise. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

D. First Reading of Ordinance 1312 creating a Business Improvement District, assessing a General Occupation Tax on Hotel, Motel and Lodging establishments let for overnight occupancy, and adding Title XI Business Regulations, Chapter 120

John Prescott, City Manager, reported on September 2013 that the City Council adopted a resolution designating the boundaries of Business Improvement District #1. The district was created following the request of the Vermillion Area Chamber of Commerce and Development Company Convention and Visitors Committee as a revenue source to increase the promotion of the community. John stated that the Council has also adopted a resolution establishing the Board of Directors. Five Board directors have been appointed and bylaws have been approved. A Resolution of Intent to adopt an Ordinance establishing a lodging fee and BID #1 was adopted on February 3, 2014. John reviewed the steps completed to date in the process of implementing the fee which brings the process to considering the ordinance to implement the fee.

John reported that the BID Board looked at how other South Dakota cities utilized a lodging fee. Thirteen cities were identified to have at least one BID. The BID receipts are used primarily to market the individual communities. In the Plan that the BID Board developed and the Council accepted, the main purpose for BID funds was described as:

The Board finds that there is a city wide need to fund a portion of the costs of creation, promotion and marketing of visitor facilities, events, attractions and activities which benefit the City and hotels. Eligible expenses may include payment for costs of acquisition, construction, maintenance, operation and funding of public improvements, facilities for the enhancement, expansion, marketing, and promotion of visitor facilities, events, attractions and activities, and the necessary staff to execute these efforts.

John noted that the BID Board invited all of the lodging owners to a meeting on February 20, 2014. The purpose of the meeting was to review a draft of the proposed ordinance and answer questions. John stated there was discuss how the lodging fee would work, and how the funds would be utilized. John stated that two of the lodging establishments attended the meeting and Joe Eckert, a board member, represented another lodging establishment was also present.

John stated that, at the recommendation of the BID Board, the proposed Ordinance utilizes a start date of June 1, 2014 and recommended a \$1.00 per night lodging fee. John stated that there was discussion about the amount of the fee among the BID Board, as well as, at the City Council meeting when the Resolution of Intent was adopted. John reported that staff has included the maximum fee of \$2.00 per night, per occupied room in the proposed Ordinance as staff interpreted that to be the desire of the Council when the Resolution of Intent was adopted on February 3, 2014. John stated that the Council will set the fee with the adoption of the Ordinance.

Mayor Powell stated that, at the meeting with the lodging establishment owners, the fee was discussed noting to start at a \$1.00 per night with a review after the first year to eighteen months. After the review if the fee is working, then increase it to \$2.00 per night. Discussion followed on the fee includ-