

ORDINANCE NO. 2009-11

AN ORDINANCE TO ADOPT THE 2003 EDITION OF THE INTERNATIONAL FIRE CODE, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING, AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN HUGHES COUNTY, SOUTH DAKOTA.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HUGHES COUNTY, SOUTH DAKOTA:

SECTION 1. Adoption.

That a certain document, a copy of which is on file in the Finance Office of Hughes County, South Dakota, being marked and designated as the International Fire Code, 2003 Edition, as published by the International Code Council, be and is hereby adopted as the Fire Code of Hughes County, South Dakota, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of said Fire Code on file in the Finance Office of Hughes County are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in this ordinance.

SECTION 2. Enforcement - modifications - appeals.

The Fire Code adopted pursuant to Section 1 shall be enforced by the building official or the fire chief of any recognized rural fire department in Hughes County.

The building official or fire chief shall have power to modify any of the provisions of said code upon application in writing by the owner or lessee of any premises, or his duly authorized agent, whenever there are practical difficulties in the manner of carrying out the strict letter of the code; provided however, that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the building official or fire chief thereon shall be entered upon the records of the fire department and a signed copy shall be furnished the applicant and the building official.

Whenever the building official or fire chief shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of said code do not apply or that the true intent and meaning of said code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the building official or fire chief to the county commission within thirty days from the date of the decision appealed from.

SECTION 3. Unlawful to violate provisions of Fire Code- penalties.

Any person who shall violate any of the provisions of the Fire Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the commission or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a Class 2 Misdemeanor and shall be punished pursuant to SDCL 7-18A-2. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 4. That all ordinances or parts thereof in conflict herewith are hereby repealed.

First Reading: March 2, 2009
Hearing and Adoption: March 16, 2009
Published:

ATTEST:

Bill Abernathy, Chairman
Hughes County Board of Commissioners

Shellie Baumgart, Finance Officer
Hughes County, South Dakota