

ORDINANCE 2010-1

TITLED: “Building Permit Ordinance”

The governing body of Butte County does hereby ordain as follows:

Article I

AUTHORITY AND APPLICATION

Section 1 – Authority

Pursuant to the authority granted by SDCL chapter 11-2, the following regulations are hereby adopted by the County Commissioners of Butte County, South Dakota.

Section 2 – Statement of Purpose

This ordinance is created for the purpose of:

- (1) Being consistent with, and providing appropriate procedures to address, the County’s concern for the public health, safety and welfare of Butte County citizens;
- (2) To obtain vital information so that the County’s 911 data may be properly maintained and updated so that emergency and first responder personnel may appropriately and timely respond to emergencies within Butte County;
- (3) To provide the County with adequate information pertaining to new construction, and other information in order to maintain adequate and appropriate equalization information within the County.
- (4) To allow the County to provide information regarding federal, state or local regulations pertaining to restrictions on construction in floodplains, septic system design and placement, construction within the boundaries of the Whitewood Creek tailings area located in Butte County, and guidance as to following the provisions of the Subdivision Ordinance.

Section 3 – Application

The provisions of this Ordinance shall apply to the entire County, except any city or organized township within Butte County, which has an established building permit program in effect.

Article II

Planning Commission Authority, Building Permit Regulations, Applications and Penalties

Section – 1 Planning Commission Authority

The Butte County Planning Commission shall have authority to formulate appropriate forms and procedures to implement this Ordinance and shall have the authority to amend such forms or procedures, from time to time, in order to carry out the purpose of this Ordinance. Procedures shall be implemented so that applications may be sent by mail to the County Planning Director and building permits may be issued by mail upon receipt of properly prepared applications and the required fee.

Section - 2 Permit Requirements

A building permit from the County Planning Director shall be required for any residential, commercial or industrial structure, **along with Agricultural structures and any additions to existing structures.** In addition, remodeling of existing residential structures is exempt from this provision.

Section - 3 Fees and Costs

The fee of a building permit for any structure or addition \$50.00

Section – 4 Application Procedures

The applicant shall obtain the building permit application and building permit information checklist from the County Planning Director. Upon completion and review by the County Planning Director and payment of the established fee, a building permit may be issued. Upon issuance of the building permit, the permit holder shall post the permit in a conspicuous place until the project is complete. The permit shall be valid for a period of one hundred and eighty (180) days from the date of issuance and construction shall start within this time period in order for the permit to remain valid until construction is complete. If construction is not

started within the one hundred and eighty (180) day period from the date of issuance, the applicant shall receive an extension of the building permit upon request to the County Planning Director and upon payment of an additional fee.

The building permit, upon issuance, shall be readily available for inspection at the construction site.

No building permit for the construction of any home, garage, or business with a wastewater system will be issued until such time there is a Butte County permitted and approved wastewater system capable of handling the potential flow on site

Section – 5 Penalties

Any individual or entity, that is required to obtain a building permit, who fails to obtain a building permit will be in violation of the Ordinance. Violation of this Ordinance will be a Class II Misdemeanor under State law.

Article III

Severability

The provisions of this Ordinance shall be severable, and if any provision hereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

FIRST READING - ~~March 5, 2002~~

SECOND READING – ~~April 2, 2002~~

Vote Yes - 5 No - 0

Publication Date ~~April 11, 2002~~

Effective Date ~~May 1, 2002~~

THIS ORDINANCE WILL BECOME EFFECTIVE ON THE TWENTIETH DAY AFTER ITS COMPLETED PUBLICATION.

Kim Kling, Chairman

ATTEST: _____
Elaine Jensen, Butte County Auditor