

## ORDINANCE # 401

AN ORDINANCE OF THE CITY OF AVON, SOUTH DAKOTA, PROVIDING FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND INCLUDING APPENDIX A (BOARDING STANDARD) AND FOR THE REPEAL OF ALL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

WHEREAS, the City of Avon has determined that it is necessary and expedient to adopt the 2018 edition of the International Property Maintenance Code, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structure unfit for human occupancy and use, and the demolition of such existing structures in the City of Avon; to provide for the issuance of permits and collection of fees therefore; and for the repeal of all other ordinances and parts of ordinances in conflict herewith.

NOW THEREFORE, IT ORDAINED BY THE CITY OF AVON AS FOLLOWS:

Section 1. That a certain document is on file in the office of the Finance Officer of the City of Avon, being marked and designated as the International Property Maintenance Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Avon, in the State of South Dakota for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; provided for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Avon are hereby referred to, adopted, and made party hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised: There are no revisions made at this time.

Section 3. Any ordinances of The City of Avon in effect at the present time that are in conflict herewith or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance 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 Avon hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Property Maintenance 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 ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the Finance Officer of the City of Avon is hereby ordered and directed to cause this ordinance to be published.

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on the day after the date of its final passage and adoption.

DATED this 2<sup>nd</sup> day of December, 2019.

First Reading: December 2<sup>nd</sup>, 2019

Passed and Approved: January 6<sup>th</sup>, 2020

Published: January 8<sup>th</sup>, 2020

Effective: January 7<sup>th</sup>, 2020

ATTEST:

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Mike Petrik  
Mayor

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Twyla Simmons  
Finance Officer

(SEAL)