

Resolution 19-055

**A Resolution Addressing Application of the International Building Code
with Respect to the Proposed Detention Center Expansion
by Brookings County**

Whereas, the County of Brookings is proposing to construct an expansion of the Brookings County Detention Center in the City of Brookings upon the site of the current detention center; and

Whereas, the County of Brookings has not applied for a building permit for the proposed construction and has expressed its position that a building permit is not required for this County construction project; and

Whereas, the City of Brookings in 2015 adopted by ordinance a building code as published by the International Code Council to promote public safety and the general welfare; and

Whereas, a building permit is required under the International Building Code for any project of the size and nature of the proposed expansion of the County Detention Center; and

Whereas, the City of Bookings on the advice of counsel has determined that neither State law nor city ordinance provide an exception for a County building project to the City's requirement that a building permit is required for new construction within the city limits of the City of Brookings; and

Whereas, Brookings County has previously applied to the City of Brookings for a building permit in connection with renovation at the Brookings County Courthouse, and the City has previously issued a building permit for that project under a previous version of the International Building Code.

Now, Therefore, Be It Resolved: (1) that by this Resolution the City of Brookings gives notice to Brookings County that its construction plans for the Brookings County Detention Center require a building permit before construction may begin; and (2) that the City authorizes the retention of outside legal counsel for the purpose of taking necessary legal action to enforce the City's building code.

Passed and approved on the 9th day of July, 2019.

CITY OF BROOKINGS

ATTEST:

Keith W. Corbett, Mayor

Bonnie Foster, Acting City Clerk