

ORDINANCE NO. 2009-07

AN ORDINANCE TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL BUILDING 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 AND 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 STRUCTURES 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 Building Code, 2006 Edition, as published by the International Code Council, be and is hereby adopted as the Building Code of Hughes County, South Dakota, 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 structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Building 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 Section 2 of this ordinance.

SECTION 2. The following sections are hereby revised:

Section 101.1 Title. These regulations shall be known as the Building Code of Hughes County, South Dakota, hereinafter referred to as “this code.”

Section 101.4.1 Electrical. The provisions of the 2002 Edition of the National Electric Code shall apply to the installation of electrical systems, including equipment, appliances, fixtures, fittings and/or appurtenances thereto. All references to the ICC Electrical Code shall refer to the 2002 Edition of the National Electrical Code.

Section 101.4.4 Plumbing. The provisions of the 2003 Edition of the Uniform Plumbing Code as amended shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the SD Department of Environment and Natural Resources shall apply to private sewage disposal systems. All references to the International Plumbing Code shall refer to the 2003 Edition of the Uniform Plumbing Code as amended and adopted by Hughes County.

Section 101.4.7 Energy. Delete

Section 105 PERMITS

Section 105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. The building official may exempt permits for minor work.

Section 105.1.1 Annual Permit. Delete.

Section 105.1.2 Annual Permit Records. Delete.

Section 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.
2. Fences less than 80" in height unless approval is required by the Board of Adjustment.
3. Oil derricks.
4. Retaining walls less than six (6) feet in height measured from adjacent grade unless supporting a surcharge or impounding Class I, II, or III-A liquids.
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. Platforms, sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
7. Painting, papering, tiling, carpeting, flooring, cabinets, counter tops, fixtures and similar finish work.
8. Temporary motion picture, television, and theater stage and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 Occupancy that are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above grade.
10. Temporary plastic or shade cloth covered structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to one-family and two-family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support for Group R-3 or U occupancies.
13. Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1,753 mm) in height.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits may be required for the above exempted items.

Section 107.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Structures used as a temporary business office shall be provided with an

accessible route and shall meet applicable accessibility requirements of this code. Such permits shall be limited as to time of service, but shall not be permitted for more than 2 years. The building official is authorized to grant extensions for demonstrated cause.

Section 107.3 Temporary power. Delete.

Section 108.2 Schedule of permit fees. On buildings and structures or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for each building permit shall be as set forth in Table 1-A and Table 1-B and other inspections and fees shall be in accordance with Table 1-C.

TABLE NO. 1-A RESIDENTIAL BUILDING PERMIT FEES

1. **New Single-Family and Two-Family Construction and moved-in residences.**
\$300 minimum per each dwelling unit plus \$1.25 per \$1,000.00 in excess of \$100,000.00 construction costs.(includes attached garage)
2. **Residential remodeling including residential garages**

<u>Total Valuation</u>	<u>Fee</u>
\$0 - \$ 500	\$30
\$501 - \$2,000	\$30 for the first \$500 and \$1.25 for each additional \$100 or fraction thereof, to and including \$2,000.
\$2,001 - \$55,000	\$48.75 for the first \$2,000 plus \$5.00 for each additional \$1,000 or fraction thereof, to and including \$55,000.
\$55,001 & up	\$313.75 plus \$1.25 for each additional \$1,000 or fraction thereof .

3. **Decks** **\$30**
4. **Storage Sheds (under 200 sq. ft.)** **\$30**
5. **Residential Maintenance** **\$30**
 (Residing, re-shingling, windows, etc.)
6. **Mobile or Manufactured Home Replacement**
 - One Family Residential C **\$85**
 - Mobile Home Park **\$50**
 - Agriculture A, B, B2, C **\$85**
 - Mobile or Manufactured Homes **\$150** (on permanent foundations)

**TABLE NO. 1-B COMMERCIAL AND AGRICULTURAL BUILDING
PERMIT FEES**

*Includes building use classifications A, B, F, H, I, M, S, U, Group R-1, R-2, and R-4
(including Group U accessory to R-1 and R-2 occupancies)*

<u>Total Valuation</u>	<u>Fee</u>
\$1 to \$500	\$30
\$501 to \$2000	\$30 for the first \$500 plus \$1.25 for each additional \$100 or fraction thereof, to and including \$2,000
\$2001 to \$50,000	\$58.75 for the first \$2,000 plus \$5.00 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$298.75 for the first \$50,000 plus \$3.75 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$486.25 for the first \$100,000 plus \$3.25 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to and up	\$1,786.25 for the first \$500,000 plus \$1.75 for each additional \$1,000 or fraction thereof

1. **School and City Construction over \$20,000** - **\$150** for the first \$20,000 plus \$1.75 for each additional \$1,000 or fraction thereof plus 10% of the resulting fee for a plan review fee on projects over \$80,000.
2. **Agricultural Outbuildings** **\$50**
(Group U classification only. **In Agriculture A or B zoning districts only.** Mixed use buildings at commercial or residential rate.)
3. **Grain Bins** **\$50** (\$10 for each additional unit)

TABLE NO. 1-C OTHER INSPECTIONS AND FEES

Inspections outside of normal business hours* Minimum charge – one hour	\$50/hr
Re-inspection fees assessed under the provisions of Section 108.8*	\$50/hr
Inspections for which no fee is specifically indicated* Minimum charge – one hour	\$50/hr
Additional plan review required by changes, additions, or revisions to approved plans. Minimum charge – one hour	\$50/hr

*Or the total hourly cost to the jurisdiction, whichever is the greatest.
This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

1. **Board of Adjustment Fee** **\$100** for all issues before the Board of Adjustment with the exception of the following Conditional Use Permit (CUP) applications:
\$500
 - Bituminous hot mix plants, concrete batch plants.

- Commercial agricultural processing plants.
- Commercial mobile or manufactured home parks.
- Concentrated Animal Feeding Operations of Class B or C.
- Outdoor theaters.
- Quarters for transient labor.
- Race tracks or courses.

\$1000

- Aquaculture operations producing over 20,000 pounds (harvest weight) of cold water fish per year or over 100,000 pounds (harvest weight) of warm water fish annually.
- Concentrated Animal Feeding Operations of Class A.
- Railroad through and spur tracks.
- Sanitary landfills.
- Large Wind Energy Conversion Systems.

2. **Planning Commission Fee** **\$125**

3. **Platting Request** **\$200** (plus \$25 per lot.)

4. **Plan review Fees**

When a plan or other data is required to be submitted by Section 106 and the construction costs are greater than \$80,000, a plan review fee of 40% of the building permit fee (as per Table 1-B) shall be assessed. *Exception: R-2 Occupancies (12 plex or less)*

5. **Grading Plan Review Fees**

<i>Measurement</i>	<i>Fee</i>
1000 cubic yards or less	No fee
1001 to 10,000 cubic yards	\$20 for the first 1000 cubic yards plus \$2 for each additional 1000 cubic yards or fraction thereof
10,001 cubic yards or more	\$40 for the first 10,000 cubic yards, plus \$20 for each additional 10,000 cubic yards or fraction thereof

6. **Grading Permit Fees**

<i>Measurement</i>	<i>Fee</i>
100 cubic yards or less	\$25
101 cubic yards to 1000 cubic yards	\$25 for the first 100 yards plus \$4.50 for each additional 100 cubic yards or fraction thereof
1001 cubic yards to 10,000 cubic	\$65.50 for the first 1000 yards plus \$5.50

yards	for each additional 1000 cubic yards or fraction thereof
10,001 cubic yards and more	\$115 for the first 10,000 cubic yards plus \$30 for each additional 10,000 cubic yards

Section 305.2 Day Care. The use of a building or structure, or portion thereof, for educational, supervision, or personal care services for more than twelve children older than 2 ½ years of age, shall be classified as a Group E occupancy.

Section 904.11 Commercial cooking systems. The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems of the type and arrangement protected. Systems shall be installed to include cooking surfaces, deep fat fryers, griddles, upright broilers, range tops, broasters, and grills. Protection shall also be provided for the enclosed plenum space and exhaust ducts within the hood above the filters.

Pre-engineered automatic dry-and-wet chemical extinguishing systems shall be tested in accordance with UL 300 and listed and labeled for the intended application. Other types of automatic fire-extinguishing systems shall be listed and labeled for specific use as protection for commercial cooking operations. The system shall be installed in accordance with this code, its listing and the manufacturer’s installation instruction. Automatic fire-extinguishing systems of the following types shall be installed in accordance with the referenced standard indicated, as follows:

1. Carbon dioxide extinguishing systems, NFPA 12.
2. Automatic sprinkler systems, NFPA 13.
3. Foam-water sprinkler system or foam-water spray systems, NFPA 16.
4. Dry-chemical extinguishing systems, NFPA 17.
5. Wet-chemical extinguishing systems, NFPA 17A.

Exception: Factory-built commercial cooking re-circulating systems that are tested in accordance with UL 710B, and listed, labeled and installed in accordance with Section 304.1 of the *International Mechanical Code*.

Section 904.11.2 System Interconnection. The actuation of the fire suppression system shall automatically shut down the fuel and/or electrical power supply to the cooking equipment and all electrical receptacles located beneath the hood. The fuel and electrical supply reset shall be manual.

Section 907.2.2.Group B. A manual fire alarm system shall be installed in Group B occupancies having an occupant load of 500 or more persons, or more than 100 persons above or below the lowest level of exit discharge, or having three or more occupied levels.

Section 907.2.8.2 Automatic fire alarm system. An automatic fire alarm system shall be installed throughout all interior corridors serving guestrooms and at the top of each enclosed stairwell.

Exceptions: An automatic fire detection system is not required in buildings that do not have interior corridors serving guestrooms and each guestroom has a means of egress door opening directly to an exterior exit access that leads directly to an exit.

Section 907.2.8.3 Smoke alarms. Smoke alarms shall be installed as required by Section 907.2.10. In buildings that are not equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1. or 903.3.1.2, the smoke alarms in sleeping units shall be connected to an emergency electrical system and shall be annunciated by sleeping unit at a constantly attended location from which the fire alarm system is capable of being manually activated. Smoke detection installed as part of an intelligent or addressable fire alarm system capable of annunciation of room origin at a constantly attended location from which manual activation can occur shall be acceptable.

Section 907.2.8.4 Heat Detectors. Heat detectors shall be installed in each attic subdivision and in all common areas such as recreation rooms, laundry rooms, furnace room, and similar areas.

Exception: Heat detection is not required in areas protected by an automatic fire extinguishing system installed in accordance with 903.3.1.1 or 903.3.1.2.

Section 907.2.9 Group R-2. A manual fire alarm system shall be installed in Group R-2 occupancies where:

1. Any dwelling unit or sleeping unit is located three or more stories above the lowest level of exit discharge:
2. Any dwelling unit or sleeping unit that is located more than one story below the highest level of exit discharge of exits serving the dwelling unit or sleeping unit; or
3. The building contains more than 16 dwelling units or sleeping units or four or more units above the level of exit discharge.

Exceptions:

1. A fire alarm system is not required in buildings not over two stories in height where all dwelling units or sleeping units and contiguous attic and crawl spaces are separated from each other and public or common areas by at least 1-hour fire partitions and each dwelling unit or sleeping unit has an exit directly to a public way, exit court or yard.
2. Manual fire alarm boxes are not required throughout the building when all of the following conditions are met:
 - a. The building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2., and
 - b. The notification appliances will activate upon sprinkler flow, and

- c. At least one manual fire alarm box is installed at an approved location.
3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a means of egress door opening directly to an exterior exist access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1023.6, Exception 4.

Heat detectors shall be installed in each living unit, attic subdivision, any attached garages, and in all common areas such as recreation rooms, laundry rooms, furnace rooms and similar areas. Living unit heat detectors shall consist of, at minimum, one 135-degree, fixed-rate-of-rise type detector, centrally located within each living unit.

Exception: Heat detection is not required in areas protected by an automatic fire extinguishing system installed in accordance with 903.3.1.1. or 903.3.1.2.

System smoke detection shall be provided in each stairway and all exit corridors.

Section 907.11 Duct smoke detectors. Duct smoke detectors shall be connected to the building's fire alarm control panel when a fire alarm is provided. Activation of a duct smoke detector shall initiate a visible and audible supervisory signal at a constantly attended location. Duct smoke detectors shall not be used as a substitute for required open-area detection. Duct smoke detectors more than 10 feet above a finished floor, above a ceiling or on a rooftop shall be installed with remote test/indicators in an approved location below and in proximity to the unit served.

Exceptions:

1. The supervisory signal at a constantly attended location is not required where duct smoke detectors activate the building's alarm notification appliances.

MEANS OF EGRESS

Section 1009.10 Handrails. Stairways shall have handrails on each side. Handrails shall be adequate in strength and attachment in accordance with Section 1012. Handrails for ramps, where required by Section 1010.8, shall comply with this section.

Exceptions:

1. Aisle stairs complying with Section 1025 provided with a center handrail need not have additional handrails.
2. Stairways within dwelling units, spiral stairways and aisle stairs serving seating only on one side are permitted to have a handrail on one side only.
3. Decks, patios and walkways that have a single change in elevation where the landing depth on each side of the change of elevation is greater than what is required for a landing do not required handrails.

4. In Group R-3 occupancies, a change in elevation consisting of less than four risers at an entrance or egress door does not require handrails.
5. Changes in room elevations of less than four risers within dwelling units and sleeping units in Group R-2 and R-3 occupancies do not require handrails.

Section 1013.3 Opening limitations. Open guards shall have balusters or ornamental patterns such that a 4 -inch diameter sphere cannot pass through any opening up to a height of 34 inches (864 mm). From a height of 34 inches (864 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass.

Exceptions:

1. Within individual dwelling units and sleeping units in Group R-2 and R-3 occupancies, openings for required guards on the sides of the stair treads shall not allow a sphere of 4 inches to pass through.

Section 1026.1 General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in Group R as applicable in Section 101.2 and Group I-1 occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such opening shall open directly into a public street, public alley, yard or court that opens to a public way.

Exceptions:

4. Delete.

Section 1026.2 Minimum size. Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet with no exceptions.

ACCESSIBILITY

Section 1104.3.2. Press boxes. Press boxes in assembly areas shall be on an accessible route.

Exceptions:

1. An accessible route shall not be required to press boxes in bleachers that have points of entry at only one level, provided that the aggregate area of all press boxes is 250 square feet (92 m²) maximum.

Section 1104.4 Multi-level buildings and facilities. At least one accessible route shall connect each accessible level, including mezzanines, in multilevel buildings and facilities.

Exceptions:

1. An accessible route from an accessible level is not required in facilities that are less than three stories in height or have less than 3000 square feet (278.7 meters) per story. This exception shall not apply to:
 - 1.1. Multiple tenant facilities of Group M occupancies containing five or more tenant spaces;
 - 1.2. Levels containing offices of health care providers (Group B or I); or
 - 1.3. Passenger transportation facilities and airports (Group A-3 or B).

INTERIOR ENVIRONMENT

Section 1205.4.1 Controls. The control for activation of the required stairway lighting shall be in accordance with the National *Electrical Code*.

Section 1206.3.3 Court drainage. The bottom of every court shall be properly graded and drained to a public sewer or other approved disposal system complying with the Uniform *Plumbing Code*.

ROOF ASSEMBLIES

Section 1503.4 Roof drainage. Design and installation of roof drainage systems shall comply with the Uniform *Plumbing Code*.

STRUCTURAL

Section 1601.1 Scope. The provisions of this chapter shall govern the structural design of buildings, structures, and portions thereof regulated by this code.

It shall not be the responsibility of the building official to determine engineering requirements of this code. Exclusive of Conventional Light-Frame Wood Construction provisions referenced in Section 2308, the method to resist loads as referenced in this chapter is the responsibility of a structural engineer or other qualified design professional.

Section 1612.3 Establishment of Flood Hazard Areas. Refer to Hughes County Ordinance 2004-02.

SOILS AND FOUNDATIONS

Section 1805.2.1 Frost Protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost to a depth of 42" by one or more of the following methods:

1. Extending below the frost line of the locality;

2. Constructing in accordance with ASCE-32; or
3. Erecting on solid rock.

Exception: Freestanding accessory buildings meeting all of the following conditions shall not be required to be protected:

1. Classified in Importance Category I (see Table 1604.5);
2. Area of 1200 square feet (138) or less.

Section 1805.4.6 Wood Foundations. Wood foundation systems shall be designed by a qualified engineer and installed in accordance with AFPA Technical Report No. 7. Lumber and plywood shall be treated in accordance with AWWA U1 (Commodity Specification A, Use Category 4B and Section 5.2) and shall be identified in accordance with Section 2303.1.8.1.

Section 1805.7 Designs employing lateral bearing. Designs to resist both axial and lateral loads employing posts or poles as columns embedded in earth or embedded in concrete footings in the earth shall be designed by a qualified engineer and shall conform to the requirements of Sections 1805.7.1 through 1805.7.3.

EXISTING STRUCTURES

Section 3401.3 Compliance with other codes. Alterations, repairs, additions and changes of occupancy to existing structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy in the *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *Uniform Plumbing Code*, *International Property Maintenance Code*, *International Residential Code*, *National Electrical Code*.

Section 3408.1 Conformance. Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

Exceptions:

1. Mobile homes used as a dwelling.
2. Structures used as a temporary office or shelter on a construction or development site when approved by the building official
3. Structures used as a temporary business office when approved by the building official and provided it meets the applicable accessibility requirements of this code for a period not to exceed two years
4. Mobile or manufactured homes used as a sales office at a location where such homes are offered for sale provided it meets the applicable accessibility requirements of this code.

3408.1.1 Permanent buildings. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures. Any person moving buildings or structures into or within the unincorporated areas of Hughes County, except for the extra-territorial limits of the City of Pierre, for permanent placement shall make application for a moving permit from the building inspection department which shall be submitted to the Hughes County Commission for their review and approval. The moving permit application shall include the following:

1. Legal description and address where the building is located, and/or where structure is being moved from, and pictures of the building:
2. Legal description and address where the building or structure is being moved to:
 - a. Site plan as to building or structure location
 - b. Moving contractor and route of travel
 - c. Acknowledgments of the project from adjacent and nearby property owners

Exceptions:

1. New-construction conventional, modular, or manufactured residential housing shall require a Building permit or Placement Permit but not a Move permit.
2. Agricultural structures placed in Agriculture District A or B and with a minimum setback from residential structures, other than the residence of the building owner, of at least 1320 feet shall require a Building Permit but not a Move permit.

Section 3410.2. Insert: October 19, 1993

SECTION 3. 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