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## ORDINANCE #644

AN ORDINANCE OF THE CITY GARRETSON, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2018 *INTERNATIONAL RESIDENTIAL BUILDING CODE* AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE CITY OF GARRETSON, SD:

*Section 1. That Chapter 4 -4 of the Code of Ordinances of GARRETSON, SD, is hereby amended to read **ADOPTED**.*

(a) The *International Residential Code*, 2018 edition, including Appendix E, Appendix G, Appendix H, and Appendix Q (tiny housing) as published by the International Code Council Inc. as amended, is hereby adopted as the residential building code by the city for regulating the design, construction, quality of materials, erection, installation, alteration, movement, repair, equipment, use and occupancy, location, removal, and demolition of detached one and two-family dwellings and town houses not more than three stories in height with a separate means of egress and their accessory structures, and provides for the issuance of permits and the collection of fees therefor.

(b) The adoption of the *International Residential Code*, 2018 edition, will become effective September 1, 2019. The minimum building standards in the 2018 edition of the *International Residential Code* and amendments thereto shall be applied to any building permit issued after September 1, 2019.

(c) The city shall publish this ordinance, without attachments, after its passage. The attachments are on file and available for inspection at the office of the city clerk.

*Section 2. That Chapter 4-4 of the Code of Ordinances of Garretson, SD, is hereby amended to read:*

### **§ 150.002 AMENDMENTS, ADDITIONS, AND DELETIONS TO THE 2018 INTERNATIONAL RESIDENTIAL CODE.**

The following sections and subsections of the 2018 *International Residential Code* adopted in this subchapter shall be amended, added, or not adopted by the city as follows. All other sections or subsections of the 2018 *International Residential Code* as published shall remain the same.

**R101.1 Title.** These provisions shall be known as the residential code for one- and two-family dwellings of the city of Garretson and shall be cited as such and will be referred to herein as “this code.”

**R101.2 Scope.** The provisions of this code shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, *equipment*, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and *townhouses* not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures* not more than three stories above *grade plane* in height.

**Exception 1:** The following shall be permitted to be constructed in accordance with this code where provided with a residential fire sprinkler system complying with Section P2904:

1. A care facility with five or fewer persons receiving custodial care within a dwelling unit.
2. A care facility with five or fewer persons receiving medical care within a dwelling unit.
3. A care facility for five or fewer persons receiving care that are within a single-family dwelling.

**Exception 2:** The following shall be permitted to be constructed in accordance with this code. A fire sprinkler system if installed may be in accordance with Section P2904.

- 1 Live/work units located in *townhouses* and complying with the requirements of Section 419 of the *International Building Code*.
- 2 Owner-occupied lodging houses with five or fewer guestrooms.

**Exception 3:** Existing buildings undergoing repair, alteration or additions and change of occupancies may be permitted to comply with the *International Existing Building Code*.

**R103.1 Enforcement agency.** Building services is hereby created and the official in charge thereof shall be known as the building official.

**R103.2 Appointment.** The Building Official shall be appointed by the chief appointing authority of the jurisdiction.

**R104.8 Liability.** The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the *jurisdiction* in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as

assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code

**R104.8.1 Legal defense.** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and any immunities and defenses provided by other applicable state and federal law and defended by legal representatives of the *jurisdiction* until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**R105.1 Required.** Any owner or owner's 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 performed, shall first make application to the building official and obtain the required permit. The building official may exempt permits for minor work.

Exclusive of a homeowner, no person or firm shall be issued a building permit for residential building defined as owner-occupied one- and two-family dwellings, including accessory garages, until that person or firm has been issued a residential contractor's license required by this chapter.

**R105.2 Work exempt from permit.** Exemption 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, provided that the floor area does not exceed 200 square feet (18.58 m<sup>2</sup>). A placement permit is required by the zoning division.
2. Fences not over 7 feet (2,134 mm) high. A fence permit is required by the zoning division. And will issued by building department.
3. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the grade elevation to the top of the wall, unless supporting a surcharge.
4. 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.
5. Sidewalks and driveways. A driveway permit is required by the zoning division. A sidewalk permit is required by the building division.
6. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
7. Prefabricated swimming pools that are less than 18 inches (457 mm) deep.

8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.

**Electrical:**

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

**Gas:**

1. Portable heating, cooking, or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Mechanical:**

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes

necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

**R106.1 Submittal documents.** Submittal documents consisting of construction documents and other data shall be submitted with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

**Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

**R106.1.5 Energy efficiency.** Construction documents for detached one- and two-family dwellings and townhomes shall be provided with the intended R-value for the ceilings, walls, floors, basement walls (if finished), slab perimeter R-value and depth, and crawl space walls.

**R106.1.6 Foundation reinforcement.** Construction for detached one- and two-family dwellings and town houses shall be provided with the intended reinforcement of foundation walls referenced in Tables R404.1.1(2), R404.1.1(3), and R404.1.1(4) for reinforced masonry foundation walls; Tables R404.1.2(2), R404.1.2(3), R404.1.2(4), and R404.1.1(8) for flat concrete foundation walls; Tables 404.1.2(5) and R404.1.2(6) for waffle-grid basement walls; and Table R404.1.2(7) for screed-grid basement walls where the foundation wall exceeds the provisions for plain masonry and concrete foundation walls.

**R106.2 Site plan or plot plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. Site plans for new dwellings are required to specify the minimum ground elevation (MGE) which designates the elevation of the top of the black dirt under the grass, or the top of the landscape rock or other landscape material at the lowest exposed part of the house. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

**R106.3.1 Approval of construction documents.** Where the building official issues a permit, the construction documents shall be submitted and reviewed. One set of construction documents so reviewed shall be retained by the building official.

**R108.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the city.

The fee for each residential building permit shall be set forth in Resolution 2019-02

1. Inspection outside of normal business hours, per hour\* (minimum charge—one hour) \$70
  2. Reinspection fees, per hour \$70
  3. Inspections for which no fee is specifically indicated, per hour\* (minimum charge—one-half hour) \$70
  4. Additional plan review required by changes, additions, or revisions to approved plans, per hour\* (minimum charge—one-half hour) \$70
- \* 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.
5. Wrecking permit fees \$40
  6. Swimming pool fence enclosures \$40
  7. Residential reshingles \$30
  8. Residential resides \$30
  9. Residential window replacements with no structural modifications (Group R and U occupancies) by valuation
  10. Board of appeals fees: Before any action is taken by the board, the party or parties requesting such hearing shall deposit with the secretary of the board, or his or her authorized agent, the sum of \$65 to cover the approximate cost of the procedure. Under no condition shall the sum or any part thereof be refunded for failure of the request to be approved.
  11. A mileage fee at the current rate per mile as established by the finance department shall be charged for any inspection occurring outside city limits.
  12. Residential contractor's license fee \$50 for one year and \$100 for three years
  13. Bond claims. An administrative fee shall be charged to cover the administrative cost of filing a claim \$150
  14. Fee for late corrections. A \$100.00 administrative fee may be charged for failure to correct violations within the time specified on a contractor's correction report.
  15. Fee for failure to request a required inspection. Where building construction work is

completed without a request for an inspection, an administrative fee of \$250.00 may be charged.

**R108.6 Work commencing before permit issuance.** Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required permit fees. Administrative citations and legal and/or civil proceedings may also be commenced.

**R108.7 Delinquent accounts.** The administrative authority may refuse to issue permits or conduct inspections for any person or business whose account is delinquent.

**R109.1.1 Footing inspection.** Inspection of the footing shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and required reinforcing steel is in place and supported prior to the placing of Flood concrete. (minimum of two number 2') The footing inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

**R109.1.3 Floodplain inspections.** For construction in flood hazard areas as established by FEMA map upon placement of the lowest floor, including basement, and prior to further vertical construction, the floodplain administrator shall require submission of documentation, prepared and sealed by a r

**R109.1.6.1 Elevation documentation.** If located in a flood hazard area, the documentation of elevations required in Section R322.1.10 shall be submitted to the floodplain administrator prior to the final inspection.

**R110.1 Use and occupancy.** A building or structure shall not be used or occupied, and a change of occupancy or change of use of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein and final inspections have been obtained from the electrical, mechanical, plumbing, and building inspection divisions of building services. An inspection placard shall be posted on the electrical panel, which is signed after final inspections have occurred by the electrical inspector, mechanical inspector, and plumbing inspector for new one- and two-family dwelling units and multiple single-family dwellings (town houses). Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the city. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the city shall not be valid.

**Exceptions:**

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2.

2. Accessory buildings or structures.

**R110.6 Placards.** Placards or inspection record tags placed on the job by the inspectors to indicate approval of the work inspected shall not be removed, except when authorized by the building official.

**R112.1 General.** In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, to review all proposed changes to the respective codes and to submit recommendations to the responsible official and the city council, to review requests for house moves, to examine applicants for licensing, and to investigate matters brought before the board, there shall be and is hereby created a building board of appeals and examiners. The building official shall be an ex officio member of said board but shall not have a vote on any matter before the board. Members shall be appointed by the mayor with the consent of the council and shall hold office for a term of three years. The board shall adopt rules of procedure for conducting its business, and shall render decisions and findings in writing to the appellant with a duplicate copy to the building official and/or the fire marshal. The board, in exercising its authority over house moving, may deny the building request or may require additional stipulations to be placed on the building permit to address the protection of the property values and neighborhood compatibility.

**R112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority relative to the interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

**R113.3 Prosecution of violation.** If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to deem the violation as a strict liability offense and institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**Section R202. Definitions.** Add the following definition.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.

**Table**



***Part VIII—Electrical.*** The following chapters are not adopted by the city: Chapter 34—General Requirements; Chapter 35—Electrical Definitions; Chapter 36—Services; Chapter 37—Branch Circuit and Feeder Requirements; Chapter 38—Wiring Methods; Chapter 39—Power and Lighting Distribution; Chapter 40—Device and Luminaires; Chapter 41—Appliance Installation; Chapter 42—Swimming Pools; Chapter 43—Class 2 Remote- Control, Signaling and Power-Limited Circuits

The most current code adopted *National Electrical Code* by the South Dakota State Electrical Commission shall apply to the installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of any electrical system, apparatus, wiring, or equipment for electrical, light, heat, power, fire alarms, and associate controls for detached one- and two-family dwellings and multiple single-family dwellings (town houses) not more than three stories high with separate means of egress and their accessory structures.

Date adopted: 08/05/2019

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Greg Beaner, Mayor

ATTEST:

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Anna N. Uhl, City Clerk