

ORDINANCE NO. 1555

AN ORDINANCE TO REPEAL CHAPTER 6 – BUILDINGS AND REPLACE WITH THE FOLLOWING:

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

That Chapter 6 of the Revised Ordinances of the City of Madison, also known as the Code of Ordinances, be replaced to read as follows:

Chapter 6

BUILDINGS*

- Art. I. In General, 6-1-6-15**
Art. II. Building Codes, 6-16-6-20

ARTICLE I. IN GENERAL

Sec. 6-1-6-15. Reserved.

ARTICLE II. BUILDING CODES

Sec. 6-16. Building Codes.

- (a) There is hereby adopted the 2012 International Residential Code for One- and Two-Family Dwellings, Chapters 1-10, 42 and 44, and Appendix E, G, H, J, M for one- and two-family dwellings only.
- (b) There is hereby adopted the 2012 International Building Code, Chapters 1-12, 14-26, 28, 30, 35, and Appendix C, G, H, and I for all occupancies except one- and two-family dwellings.
- (c) There is hereby adopted the 2012 International Mechanical Code, Chapters 1-15, and Appendix A.
- (d) The Building Official shall be appointed by and work under the supervision of the City Engineer.
- (e) The Building Official shall utilize for reference in the ordinary course of duties the Handbook for South Dakota Building Officials and Design Professionals as adopted by the South Dakota Board of Technical Professionals.

Sec. 6-16.1. Amendments – International Residential Code.

- (a) *IRC Chapter 1, Section R103 Department of Building Safety.*
The Building Official may, upon written request of the Health Board President, perform the duties

imposed by this code, including but not limited to inspection, to determine the general safety and welfare of the occupants and the public for any structure provided that, within written notice of nuisance hearing to owner of said structure from Health Board, a notice of intent to enter for Building Official was included. The Building Official shall provide written report of findings to the Health Board. All abatements of nuisances shall be accomplished according to nuisance ordinance provisions.

(b) *IRC Chapter 1, Section R105 Permits, R105.2 Work exempt from permit.*

R105.2. Work exempt from permit. Permits shall not be required for the following. 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.

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) Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- 3) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
- 4) Painting, papering, tiling, carpeting, countertops and similar finish work.
- 5) Prefabricated swimming pools that are less than 24 inches deep.
- 6) Swings and other playground equipment.
- 7) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
- 8) Replacement of like siding and roofing.
- 9) Gutters, downspouts, and storm windows.

(c) *IRC Chapter 1, Section R105 Permits, R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas.*

R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2(1), the Building Official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its pre-damage condition. If the Building Official finds that the

value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the construction shall meet the requirements of Section R322.

- (d) *IRC Chapter 1, Section R106 Construction Documents, R106.1 Submittal documents.*
R106.1 Submittal documents. Construction documents, special inspection and structural observation programs and other data shall be submitted in one or more sets 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. Plans and specifications for hotels, motels, boarding or rooming houses, and buildings that contain six (6) or more dwelling units as defined by the City Zoning Ordinance shall be prepared, designed and certified by a licensed engineer or architect.
- (e) *IRC Chapter 1, Section R106 Construction Documents, R106.2 Site plan or plot plan.*
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. 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 applicant is obligated prior to the issuance of the building permit to provide satisfactory evidence to the Zoning Inspector relative to the location of applicable property corners so that the Zoning Inspector or authorized representative can verify set back compliance of the proposed structure.
- (f) *IRC Chapter 1, Section R106 Construction Documents, R106.3 Examination of documents.*
R106.3 Examination of documents. The Building Official shall examine or cause to be examined construction documents for code compliance. Neither examination and review of construction and/or construction documents by the Building Official, nor the issuance of a building permit by the Building Official, shall relieve the permit applicant of the responsibility and duty to comply with this code and or any other applicable local, state and federal rules, regulations and ordinances.
- (g) *IRC Chapter 1, Section R106 Construction Documents, R106.3.1 Approval of construction documents.*
R106.3.1 Approval of construction documents. Before 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.
- (h) *IRC Chapter 1, Section R112 Board of Appeals, R112.1 General.*
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, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be the City Commission. The appeal shall be submitted on a form provided by the Building Official. The applicant for any such appeal shall provide with the aforementioned form a written supplemental justification for granting said appeal for projects which are not exempt pursuant to South Dakota Codified Law 38-18A-2 and 38-18A-3 from the registered engineer or architect of record or, for projects which are exempt

from the aforementioned statutes, from a registered design professional who is familiar with the design concept of subject structure. The Building Official shall provide written recommendation to the Board for each appeal. Approval or denial of any appeal shall be by a two-thirds (2/3) majority of all the members of the Board. The Board shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

(i) *IRC Chapter 1, Section R112 Board of Appeals, R112.2.1 Determination of substantial improvement in areas prone to flooding.*
Delete entire section.

(j) *IRC Chapter 3, Section R301.2 Climatic and geographic design criteria.*
Table R301.2(1) Climatic and Geographic Design Criteria, is amended as follows:

- 1) Ground Snow Load: 40 psf contour
- 2) Wind Speed^d: 90 mph
- 3) Topographic effects^k: No
- 4) Seismic Design Category^f: A
- 5) Weathering^a: Severe
- 6) Frost Line Depth^b: 42 inches (1,067 mm)
- 7) Termite^e: Slight to Moderate
- 8) Winter Design Temperature^e: -11.5 Degrees Fahrenheit
- 9) Ice Barrier Underlayment Requirement^h: Yes
- 10) Flood Hazards^g: (a) August , 1974 (b) September 2, 2009 (c) 46079C0144C, 46079C0163C, 46079C0164C, 46079C0232C, 46079C0251C, Effective Dates September 2, 2009
- 11) Air Freezing Indexⁱ: 3,000
- 12) Mean Annual Temperature^j: 46 degrees Fahrenheit

(k) *IRC Chapter 3 Section R302 Fire-Resistant Construction, R302.1 Exterior walls.*
R302.1 Exterior walls. Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1); or dwellings equipped throughout with an automatic sprinkler system installed in accordance with Section P2904 shall comply with Table R302.1(2).

Exceptions:

- 1) Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the fire separation distance.
 - 2) Walls of dwellings and accessory structures located on the same lot.
 - 3) Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.
 - 4) Detached garages accessory to a dwelling located within 2 feet (610 mm) of a lot line are permitted to have roof eave projections not exceeding 4 inches (102 mm) and walls rated for exposure from one side.
 - 5) Foundation vents installed in compliance with this code are permitted.
- (l) *IRC Chapter 3, Section R302 Fire-Resistant Construction, R302.5.1 Opening protection.*
R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors.
- (m) *IRC Chapter 3, Section R303 Light, Ventilation and Heating, R303.4 Mechanical ventilation.*
R303.4 Mechanical ventilation. The dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3.
- Exception: Where the air infiltration rate of a dwelling unit is greater than 5 air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, whole-house mechanical ventilation in accordance with Section M1507.3 is not required.
- (n) *IRC Chapter 3, Section R309 Garages and Carports, R309.5 Fire sprinklers.*
Delete entire section.
- (o) *IRC Chapter 3, Section R310 Emergency Escape and Rescue Openings, R310.1.1 Minimum opening area.*
R310.1.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.
- (p) *IRC Chapter 3, Section R313 Automatic Sprinkler Systems, R313.1 Townhouse automatic fire sprinkler systems.*
Delete entire section.

(q) *IRC Chapter 3, Section R313 Automatic Sprinkler Systems, R313.2 One- and two-family dwellings automatic fire sprinkler systems.*

Delete entire section.

(r) *IRC Chapter 3, Section R311 Means of Egress, R311.7.5.1 Risers.*

R311.7.5.1 Risers. The maximum riser height shall be 7-3/4 inches (196 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted on interior stairways provided that the opening between treads does not permit the passage of a 4-inch-diameter (102 mm) sphere. Open risers are permitted on exterior stairways.

(s) *IRC Chapter 3, Section R315 Carbon Monoxide Alarms, R315.3 Where required in existing dwellings.*

Delete entire section.

(t) *IRC Chapter 4, Section 403 Footings, R403.1.4.1 Frost protection.*

R403.1.4.1 Frost protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

- 1) Extended below the frost line specified in Table R301.2.(1);
- 2) Constructing in accordance with Section R403.3;
- 3) Constructing in accordance with ASCE 32; or
- 4) Erected on solid rock.

Exceptions:

- a) Protection of freestanding accessory structures with an area of 1500 square feet or less, of light-framed construction, with an eave height of 10 feet (3048mm) or less shall not be required.
- b) Protection of freestanding accessory structures with an area of 600 square feet or less, of other than light-framed construction, with an eave height of 10 feet (3048 mm) or less shall not be required.
- c) Decks not supported by a dwelling need not be provided with footings that extend below the frost line.

(u) *IRC Chapter 5, Section 501 General, R501.3 Fire protection of floors.*

Delete entire section.

6-16.2 Amendment - 2012 International Building Code.

(a) *IBC Chapter 1, Section R101.4.3 Plumbing.*

Delete entire section.

(b) *IRC Chapter 1, Section R103 Department of Building Safety.*

The Building Official may, upon written request of the Health Board President, perform the duties imposed by this code, including but not limited to inspection, to determine the general safety and welfare of the occupants and the public for any structure provided that, within written notice of nuisance hearing to owner of said structure from Health Board, a notice of intent to enter for Building Official was included. The Building Official shall provide written report of findings to the Health Board. All abatements of nuisances shall be accomplished according to nuisance ordinance provisions.

(c) *IBC Chapter 1, Section 105.2 Work exempt from permit.*

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) Oil derricks.
- 3) Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
- 4) Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
- 5) Painting, papering, tiling, carpeting, countertops and similar finish work.
- 6) Temporary motion picture, television and theater stage sets and scenery.
- 7) 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 ground.
- 8) Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- 9) Swings and other playground equipment accessory to detached one- and two-family dwellings.

10) 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 of Group R-3 and U occupancies.

11) Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

(d) *IBC Chapter 1, Section 107 Submittal Documents, 107.1 General.*

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in one or more sets with each permit application. 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. Plans and specifications for hotels, motels, boarding or rooming houses, and buildings that contain six (6) or more dwelling units as defined by the City Zoning Ordinance shall be prepared, designed and certified by a licensed engineer or architect.

(e) *IBC Chapter 1, Section 107 Submittal Documents, 107.2.5 Site plan.*

107.2.5 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. 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 when the application for permit is for alteration or repair or when otherwise warranted. The applicant is obligated prior to the issuance of the building permit to provide satisfactory evidence to the Zoning Inspector relative to the location of applicable property corners so that the Zoning Inspector or authorized representative can verify set back compliance of the proposed structure.

(f) *IBC Chapter 1, Section 107 Submittal Documents, 107.3 Examination of documents.*

107.3 Examination of documents. The Building Official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances. Neither examination and review of construction and/or construction documents by the Building Official, nor the issuance of a building permit by the Building Official, shall relieve the permit applicant of the responsibility and duty to comply with this code and or any other applicable local, state and federal rules, regulations, and ordinances.

(g) *IBC Chapter 1, Section 107 Submittal Documents, 107.3.1 Approval of construction documents.*

107.3.1 Approval of construction documents. Before 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.

(h) *IBC Chapter 1, Section 113 Board of Appeals, 113.1 General.*

112.1 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, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be the City Commission. The appeal shall be submitted on a form provided by the Building Official. The applicant for any such appeal shall provide with the aforementioned form a written supplemental justification for granting said appeal for projects which are not exempt pursuant to South Dakota Codified Law 38-18A-2 and 38-18A-3 from the registered engineer or architect of record or, for projects which are exempt from the aforementioned statutes, from a registered design professional who is familiar with the design concept of subject structure. The Building Official shall provide written recommendation to the Board for each appeal. Approval or denial of any appeal shall be by a two-thirds (2/3) majority of all the members of the Board. The Board shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

(i) *IBC Chapter 1, Section 113 Board of Appeals, 113.3 Qualifications.*

Delete entire section.

(j) *IBC Chapter 16, Section 1612 Flood Loads, 1612.3 Establishment of flood hazard areas.*

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Madison," dated September 2, 2009, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

(k) *IBC Chapter 10, Section 1029 Emergency Escape and Rescue, 1029.2 Minimum size.*

1029.2 Minimum size. Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

(l) *IBC Chapter 18, Section 1809 Footings and Foundations, 1809.5 Frost protection.*

1809.5 Frost protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected 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: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

- a) Assigned to *Risk Category I*, in accordance with Section 1604.5;

- b) Area of 1500 square feet or less for light-frame construction or 600 square feet or less for other than light-frame construction; and
- c) Eave height of 10 feet (3048 mm) or less.

Section 6-16.3 General Provisions.

The adopted Codes along with the City of Madison Guidelines for Residential Construction shall hereby be considered the Code. If any provision of the adopted Codes is in conflict with the City of Madison Guidelines for Residential Construction, said Guidelines shall prevail.

Section 6-16.4 Building Permit Fees.

Notwithstanding other provisions of the 2012 International Residential Code and the 2012 International Building Code, the fee for a building permit shall be as follows.

<i>Building Permit Fees</i>	
Total Cost of Construction	Fees
\$0.00 - \$500.00	\$10.00
\$501.00 - \$1,000.00	\$25.00
\$1,001.00 - \$25,000.00	\$25.00 for the first \$1,000.00 plus \$9.00 for each additional \$1,000.00 to and including \$25,000.00
\$25,001.00 - \$50,000.00	\$241.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 to and including \$50,000.00
\$50,001.00 - \$100,000.00	\$403.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 to and including \$100,000.00
\$100,001.00 - \$500,000.00	\$628.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 to and including \$500,000.00
\$500,001.00 - \$1,000,000.00	\$2028.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 to and including \$1,000,000.00
\$1,000,001.00 and up	\$3,528.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 thereafter

<i>Flat fees:</i>	
Non-like roofing only	\$20.00
Non-like siding only	\$20.00
Demolition	\$10.00
Manufactured Homes on rental lots	\$25.00

Sec. 6-17. Conflicts.

If any provision of the Code adopted by this article is in conflict with any other Ordinance, this Ordinance shall prevail.

Sec. 6-18. Fire limits.

Deleted.

Sec. 6-19. Permit for basements.

Deleted.

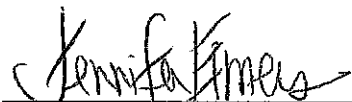
Sec. 6-20. Amendment – 2012 International Mechanical Code.

- (a) Notwithstanding other provisions in the 2012 International Mechanical Code, the Building Official shall not be required to personally inspect specific items referenced in said code being constructed, reconstructed, or remodeled under a building permit at any time. Any provision in said code directing a personal inspection by the building official is hereby repealed; provided that nothing herein shall prohibit the inspection of any building by the building official as provided in said code and said official is hereby authorized to enforce all provisions of said code as prescribed in said code.

Dated this 31st day of March, 2014.

CITY OF MADISON


Mayor

ATTEST: 
Finance Officer

1st Reading: March 17, 2014

2nd Reading: March 31, 2014

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