

## ORDINANCE NO. 2019-5

**AN ORDINANCE TO ADOPT THE 2018 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 Office of the Building Official of Hughes County, South Dakota, being marked and designated as the International Building Code, 2018 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 therefore; 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 101.4.3 Plumbing.** The provisions of the most current Edition of the Uniform Plumbing Code as adopted by the State of South Dakota 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.

**Section 101.4.6 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 200 square feet.
2. Fences less than 84" in height unless approval is required by the Board of Adjustment.
3. Oil derricks.
4. Retaining walls less than four (4) 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 108.1 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 108.3 Temporary power.** Delete.

**Section 109.2 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. Refer to Schedule of permit fees in Ordinance

**TABLE NO. 1-A RESIDENTIAL BUILDING PERMIT FEES**

1. **New Single-Family and Two-Family Construction and moved-in residences.**  
**\$450** minimum per each dwelling unit plus \$1.35 per \$1,000.00 in excess of \$100,000.00 construction costs.(includes attached garage)

2. **Residential remodeling including residential garages**

<b><i>Total Valuation</i></b>	<b><i>Fee</i></b>
\$0 - \$ 500	\$50
\$501 - \$2,000	\$50 for the first \$500 and \$5.00 for each additional \$100 or fraction thereof, to and including \$2,000.
\$2,001 - \$55,000	\$125 for the first \$2,000 plus \$5.50 for each additional \$1,000 or fraction thereof, to and including \$55,000.
\$55,001 & up	\$416 plus \$1.30 for each additional \$1,000 over \$55,000 or fraction thereof .

3. **Decks** **\$50**
  
4. **Residential Maintenance** **\$50**  
 (Residing, re-shingling, windows, etc.)
  
5. **Mobile or Manufactured Home Replacement**

Not on permanent foundation	<b>\$100</b>
On permanent foundation	<b>\$200</b>
  
6. **Rural Address Permit (includes sign & post)** **\$110**

**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)*

<b><i>Total Valuation</i></b>	<b><i>Fee</i></b>
\$1 to \$500	\$50
\$501 to \$2000	\$50 for the first \$500 plus \$5.60 for each additional \$100 or fraction thereof, to and including \$2,000
\$2001 to \$50,000	\$135 for the first \$2,001 plus \$7.50 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$55,001 to \$100,000	\$494 for the first \$50,001 plus \$6.00 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$794 for the first \$100,001 plus \$5.00 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 and up	\$2794 for the first \$500,001 plus \$3.00 for each additional \$1,000 or fraction thereof

1. **School and City Construction over \$20,000** - \$200 for the first \$20,000 plus \$2.00 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**                      **\$60**  
(Group U classification only. **In Agriculture , A, B and B2 zoning districts only.**  
Mixed use buildings at commercial or residential rate.)
3. **Grain Bins**    **\$60** (\$10 for each additional unit)

**TABLE NO. 1-C OTHER INSPECTIONS AND FEES**

Inspections outside of normal business hours* Minimum charge – one hour	\$60/hr
Re-inspection fees assessed under the provisions of Section 108.8*	\$60/hr
Inspections for which no fee is specifically indicated* Minimum charge – one hour	\$60/hr
Additional plan review required by changes, additions, or revisions to approved plans. Minimum charge – one hour	\$60/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**                      **\$125** for all issues before the Board of Adjustment with the exception of the following Conditional Use Permit (CUP) applications:
  - \$750**
    - 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.
  - \$1500**
    - 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 \$30 per lot.)
  
4. **Plan review Fees**  
 When a plan or other data is required to be submitted by Section 107 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	\$30 for the first 1000 cubic yards plus \$2.50 for each additional 1000 cubic yards or fraction thereof
10,001 cubic yards or more	\$55 for the first 10,000 cubic yards, plus \$30 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	\$50
101 cubic yards to 1000 cubic yards	\$50 for the first 100 yards plus \$8.00 for each additional 100 cubic yards or fraction thereof
1001 cubic yards to 10,000 cubic yards	\$122 for the first 1000 yards plus \$7.00 for each additional 1000 cubic yards or fraction thereof
10,001 cubic yards and more	\$185 for the first 10,000 cubic yards plus \$6 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 904.12.2 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.

**1014.1 Handrails.** Stairways shall have handrails on each side and shall comply with Section 1607.8. Where glass is used to provide the handrail, the handrail shall also comply with Section 2407. Handrails for ramps, where required by Section 1012.8, shall comply with this section.

### **Exceptions:**

1. Aisle stairs complying with Section 1028.13 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 require 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.

**1015.4 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 6 inches (203 mm) in diameter shall not pass. Required guards shall not be constructed with horizontal rails or other ornamental patterns that result in a ladder effect.

**Exceptions:**

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.

## **INTERIOR ENVIRONMENT**

**Section 1204.4.1 Controls.** The control for activation of the required stairway lighting shall be in accordance with the *National Electrical Code*.

**Section 1205.3.3 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 1502.1 General.** Design and installation of roof drainage systems shall comply with Section 1502 of this code and 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. Current FIRM dated May 17, 2004.** Refer to Hughes County Ordinance 2004-02.

## **SOILS AND FOUNDATIONS**

**Section 1807.1.4 Permanent Wood Foundation Systems.** Wood foundation systems shall be designed by a qualified engineer and installed in accordance with AWC PWF. Lumber and plywood shall be treated in accordance with AWPA U1 (Commodity Specification A, Special Requirement 4.2) and shall be identified in accordance with Section 2303.1.9.1.

**Section 1807.3 Embedded posts and poles.** 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 1807.3.1 through 1807.3.3.

## SHALLOW FOUNDATIONS

**Section 1809.5 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. Assigned to *Risk Category 1*.
2. Area of 1500 square feet or less.

Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

**SECTION 3.** That all ordinances or parts thereof in conflict herewith are hereby repealed.

First Reading: December 2, 2019

Hearing and Adoption: December 16, 2019

Published:

ATTEST:

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Roger Inman, Chairman  
Hughes County Board of Commissioners

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Jane Naylor, Finance Officer  
Hughes County, South Dakota