

## ORDINANCE NO. 2009-08

**AN ORDINANCE TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, REGULATING AND GOVERNING THE CONSTRUCTION, ALTERATION, MOVEMENT, ENLARGEMENT, REPLACEMENT, REPAIR, EQUIPMENT, LOCATION, REMOVAL AND DEMOLITION OF DETACHED ONE AND TWO FAMILY DWELLINGS AND MULTIPLE SINGLE FAMILY DWELLINGS (TOWNHOUSES) NOT MORE THAN THREE STORIES IN HEIGHT WITH SEPARATE MEANS OF EGRESS 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 Residential Code*, 2006 edition, including Appendix Chapters E and G, as published by the International Code Council, be and is hereby adopted as the Residential Code of Hughes County, in the State of South Dakota for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress 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 Residential 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 this ordinance.

### **SECTION 2.** The following sections are hereby revised:

**R101.1 Title.** These regulations shall be known as the *Residential Building Code* of Hughes County, South Dakota, hereinafter referred to as “this code.”

**R102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

**R102.4.1 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.

**R102.4.2 Plumbing.** The provisions of the *2003 Uniform Plumbing Code* 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 Uniform Plumbing Code*.

**R102.4.3 Fire Prevention.** The provisions of the *2003 International Fire Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and

explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation. All references to the International Fire Code shall refer to the *2003 International Fire Code*.

**R104.8 Liability.** The building official, member of the board of appeals, or employee charged with the enforcement of this code, while acting 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 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. Any suit instituted against an officer or employee because of an act or omission 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 immunity and defenses provided by other applicable state and federal laws.

This code shall not be construed to relieve 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 its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

**R104.10.1 Areas prone to flooding.** Delete

**R105.1 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.

**R105.2 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 is less than 120 sq. ft.
2. Fences less than . 80 inches in height unless the Board of Adjustment requires approval.
3. Retaining walls not over 6 ft. in height, unless supporting a surcharge or impounding Class I, II, or III-A liquids.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ration of height to diameter or width does not exceed 2 to 1.
5. 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.
6. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches deep.

8. Swings and other playground equipment accessory to one-family and two-family dwellings.
9. Window awnings supported by an exterior wall of Group R-3, as applicable in Section 101.2, and Group U occupancies.
10. Temporary motion picture, television, and theater stage and scenery.
11. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
12. Movable cases, counters, and partitions not over 5 ft. 9 in. (1,753 mm) in height.

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

Exemption from the 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.

**R106.1.3 Information for construction in flood hazard areas.** Delete

**R107.3 Temporary power.** Delete

**R108.2 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 county. The fee for each building permit shall be as set forth in Section 108.2 of the Building Code of Hughes County.

**R108.6 Delinquent Accounts.** The Administrative Authority may refuse to issue permits or conduct inspections for any person or business whose business account with the county is delinquent.

**R108.7 Work commencing before permit issuance.** Any person who commences any work on a building or structure before obtaining the necessary permits shall be subject to an additional fee established by the building official that shall be in addition to the required permit fees. (\$50.00 minimum – double permit fee maximum) Legal and/or civil proceedings may also be commenced.

**R109.1.1 Footing-Foundation Inspections.** Inspection of the footing-foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and all required reinforcing steel is in place prior to the placing of concrete. The footing-foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports and equipment. Wood foundations shall be designed by a design professional and according to Section R405.2 and inspected according to design.

**R301.2 Climatic and Geographic Design Criteria.** Buildings shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Additional criteria shall be established by the county and set forth in Table R301.2 (1).

**TABLE R301.2 (1)  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

1. **Roof Snow Load.** Roof slopes with a rise of 3 inches (or less) to 12 inches shall be designed for a full or unbalanced snow load of 30 pounds per square foot of horizontal projection. Where a

roof system is designed to slope less than ¼ inch per 12 inches, a surcharge load of not less than 5 pounds per square foot in addition to the required live load due to snow shall be designed for.

Roof slopes with over 3 inches of rise per 12 inches shall be designed for a full or unbalanced snow load of not less than 25 pounds per square foot of horizontal projection.

Potential unbalanced accumulation of snow at valleys, parapets, roof structures, and offsets in roofs of uneven configuration shall be considered.

2. **Wind Speed.** (Footnote d). 90 mph
3. **Seismic Design Category.** (Footnote f). Seismic Zone A.
4. **Weathering.** (Footnote a). Severe.
5. **Frost Line Depth.** (Footnote b). 42 inches (1,067 mm).
6. **Termite Damage.** (Footnote c). None to slight.
7. **Winter Design Temp.** (Footnote e). -14°F.
8. **Ice Barrier Underlayment Required.** (Footnote h). Yes.
9. **Flood Hazards.** (Footnote g.). Hughes County has adopted ordinance 2004-2 which addresses Flood Hazards. The current FIRM is dated May 17, 2004.
10. **Air Freezing Index.** (Footnote i). 2500.
11. **Mean Annual Temp.** (Footnote j). 45.7°F.

**R309.2 Separation required.** The garage shall be separated from the residence and its attic area by not less than 5/8 inch Type X gypsum wallboard applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8 inch Type X gypsum wallboard or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall be protected by not less than ½ inch (12.7 mm) gypsum board or equivalent.

**R310.1 Emergency escape and rescue required.** Basements with habitable space and every sleeping room shall have at least one operable emergency escape and rescue window or exterior door opening for emergency escape and rescue. Where openings are provided as a means of escape and rescue, they shall have a sill height of not more than 48 inches above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape-and-rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the window or door opening from the inside. Escape and rescue window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

**R310.2.1 Ladder and steps.** Window wells with a vertical depth greater than 48 inches below the adjacent ground level shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Sections R314 and R315. Ladders or rungs shall have an inside width of at least 12 inches (305 mm), shall project at least 3 inches (76 mm) from the wall, and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height of the window well.

**R311.5.3.1. Stair treads and risers.** The maximum riser height shall be 8 inches and the minimum tread depth shall be 9 inches. The riser height shall be measured vertically between leading edges of the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The walking surface of treads and landings of a stairway shall be sloped no steeper than one unit vertical in 48 units horizontal (2 percent slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch.

**R311.5.3.3 Profile.** The radius of the curvature at the leading edge of the tread shall be no greater than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19.1 mm), but not more than 1 1/4 inch (32mm), shall be provided on stairways with solid risers. The nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter sphere.

**Exceptions:**

1. A nosing is not required where the tread depth is a minimum of 10 inches.
2. The opening between adjacent treads is not limited on stairs with a total rise of less than 30 inches.

**R312.2 Guard opening limitations.** Required guards on open sides of stairways, raised floor areas, balconies, and porches shall have intermediate rails or ornamental closures that do not allow passage of a sphere 4 inches in diameter. Required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

**Exceptions:**

1. The triangular opening formed by the riser, tread and bottom rail of a guard at the open side of a stairway is permitted to be of such a size that a sphere 6 inches in diameter cannot pass through.
2. Openings for required guards on the sides of stair treads shall not allow a sphere 4 3/8 inches in diameter to pass through.

**R313.2.1 Alterations, repairs, and additions.** When interior alterations, repairs, or additions requiring a permit with a valuation in excess of \$1,000 occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be provided with smoke

alarms located as required for new dwellings; the smoke alarms shall be interconnected and hard wired.

**Exceptions:**

- 1. Interconnection and hard-wiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for hard wiring and interconnection without the removal of interior finishes.
- 2. Repairs to the exterior surfaces of dwellings are exempt from the requirements of this section.

**R401.1 Application.** The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of foundations in areas prone to flooding as established by Table R301.2(1) shall meet the provisions of Section R324 and ordinance 2004-2. Wood foundations shall be designed and certified by a qualified engineer and installed in accordance to the submitted design.

**Part VII, Chapters 25 thru 32, Plumbing:** Delete.

**Part VIII, Chapters 33 thru 42, Electrical:** Delete.

**Appendix Chapter E. Manufactured Housing used as Dwelling.** Appendix Chapter E is hereby adopted in its entirety.

**Appendix Chapter G. Swimming Pools, Spas and Hot Tubs.** Appendix Chapter G is hereby adopted in its entirety.

**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:

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Bill Abernathy, Chairman  
Hughes County Board of Commissioners

ATTEST:

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Shellie Baumgart, Finance Officer  
Hughes County, South Dakota