

CHAPTER 11 - CONSTRUCTION AND SPECIAL CODES

ARTICLE 1 - BUILDING CODE

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Section 11-1-101 Adoption of International Building Code.

An ordinance of the City of Pierre adopting the 2015 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, 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 the City of Pierre; providing for the issuance of permits and collection of fees therefore; repealing parts of Ordinance No. 1698 of the City of Pierre and all other ordinances and parts of ordinances in conflict therewith.

The City Commission of the City of Pierre does ordain as follows:

Section 1. That a certain document, a copy of which is on file in the office of the Business Manager of the City of Pierre, being marked and designated as the *International Building Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Pierre, in the State of South Dakota for 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 office of the City of Pierre 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:

PART 1—SCOPE AND APPLICATION

SECTION 101 GENERAL

Section 101.1. Insert: City of Pierre

Section 419. Live/Work Units. Delete

Section 1612.3. Insert: City of Pierre

Section 1612.3. Insert: May 17, 2004

The following sections and subsections of the 2015 International Building Code adopted in this article shall be amended, added, or not adopted by the city as follows. All other sections or subsections of the 2015 International Building Code as published shall remain the same.

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Gas The provisions of the *2015 International Fuel Gas Code* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of deliver to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2 Mechanical. The provisions of the *2015 International Mechanical Code* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.3 Plumbing. The provisions of the *2009 Uniform Plumbing Code* shall apply to the installation, alterations, repair 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 *Individual and Small on-site Wastewater Systems* (ARSD 74:03:01). All references to the International Plumbing Code shall refer to the 2009 edition of the *Uniform Plumbing Code* as amended and adopted by the City of Pierre.

101.4.4 Property maintenance. The provisions of the *2015 International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

101.4.5 Fire prevention. The provisions of the *2015 International Fire Code* shall apply to 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.

101.4.6 Energy. Delete

101.4.7 Existing buildings. The provisions of the *2015 International Existing Building Code* shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

101.4.8 Electrical The provisions of the *2014 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 *2014 National Electrical Code*.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 103 BUILDING DEPARTMENT

103.1 Creation of enforcement agency. The Building Department is hereby created and the official in charge thereof shall be known as the Building Official who shall work under the direct supervision of the City Engineer.

Not adopted by the city.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the City Engineer, the building official shall have authority to supervise related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the City Engineer.

SECTION 104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

[A] 104.8.1 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.

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 city, or its officers and employees, 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.

105 PERMITS

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.

105.1.1 Annual Permit. Not adopted by the city.

105.1.2 Annual Permit Records. Not adopted by the city.

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. All outdoor smoking shelters shall require a building permit be issued regardless of their size.
2. Oil derricks.
3. Retaining walls less than four (4) feet in height measured from bottom grade elevation 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 ratio 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 adjacent grade and not over any basement or story below and which are not part of an accessible route. A right of way permit is required for any excavation or concrete work performed in the public right-of-way.
6. Painting, papering, tiling, carpeting, flooring, cabinets, counter tops, plumbing fixtures, down-spouts, gutters, soffits, fascias and similar finish work.
7. Temporary motion picture, television, and theater stage and scenery.

8. 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.
9. Temporary plastic or shade cloth covered structures constructed for nursery or agricultural purposes, not including service systems.
10. Swings and other playground equipment accessory to one-family and two-family dwellings.
11. Window awnings in Group R-3 or U occupancies, supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
12. Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1753 mm) in height.
13. Decks not more than 30 inches above adjacent grade without a railing and do not serve the exit door required by Section R311.3,

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

107.3.3 Phased approval. The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code, including the requirements of IBC Section 107.2.5, Site Plan, and along with any requirements under , Chapter 4, Article 6, Section 401 through 409, Grading And Other Construction Activities, of the City of Pierre Ordinances. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the permit holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

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.

108.3 Temporary power. Temporary electrical permits are required prior to a temporary electrical connection being provided.

2. FEES

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 current building permit fee resolution as established by the city of Pierre. 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.

109.7 Delinquent accounts. The city may refuse to issue permits or conduct inspections for any person or business whose account is delinquent.

113.4 Board of Appeals application. Application to the Board of Appeals shall be made in writing to the building official within thirty (30) days after the decision of the building official was served.

[A] **114.3 Prosecution of violation.** If the notice of violation is not complied with promptly, 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.

3. BUILDING CODE MODIFICATIONS

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter. In addition, the following words and terms are being added and/or modified to the defined terms already incorporated by reference in Section 150.017 of this code.

FIRE AREA. The aggregate floor area enclosed and bounded by *fire walls, fire barriers, exterior walls* or *horizontal assemblies* of a building.

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.

305.2 Group E, Day care facilities This group includes buildings or structures, or portions thereof, occupied by more than twelve children older than 2-1/2 years of age who receive educational, supervision or personal care services for fewer than 24 hours per day.

305.2.2 Twelve or fewer children. A facility having twelve or fewer children receiving such day care shall be classified as part of the primary occupancy.

305.2.3 Twelve or fewer children in a dwelling unit. A facility such as the above within a *dwelling unit* and having twelve or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

308. 6. Group I-4, Day care facilities. Institutional Group I-4 occupancy shall include buildings and structures occupied by more than twelve persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage or by adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following;

Adult day care
Child day care

308.6.4 Twelve or fewer persons receiving care in a dwelling unit. A facility such as the above within a *dwelling unit* and having twelve or fewer persons receiving *custodial care* shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

310. 6. Residential Group R-4. Residential Group R-4 occupancies shall include buildings, structures or portions thereof for more than five but not more than 16 persons, who reside on a 24 hour basis in a supervised residential environment and receive custodial care. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section 310.6.1 or 310.6.2. The persons receiving care are capable of self-preservation. This group shall include but not be limited to, the following:

Alcohol and drug centers
Assisted living facilities
Congregate care facilities
Group homes
Halfway houses
Residential board and care facilities
Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code or shall comply with the *International Residential Code* provided the entire building is protected by an *automatic sprinkler system* installed in accordance with Section 903.2.8.

402.6.2 Kiosks. Kiosks and similar structures (temporary or permanent) located within the mall of a covered mall building or within the perimeter line of an open mall building shall meet the following requirements:

1. Combustible kiosks or other structures shall not be located within a covered or open mall unless constructed of any of the following materials:
 - 1.1 Fire-retarded-treated wood complying with Section 2303.2
 - 1.2 Foam Plastics having a maximum heat release rate not greater than 100 kW when tested in accordance with the exhibit booth protocol in UL 1975 or when tested in accordance with NFPA 289 using the 20 kW ignition source.
 - 1.3 Aluminum composite material (ACM) meeting the requirements of Class A interior finish in accordance with Chapter 8 when tested as an assembly in the maximum thickness intended.
2. Kiosks or similar structures located within the mall shall be provided with approved automatic sprinkler system and detection devices.

Exception: Temporary kiosks

3. The horizontal separation between kiosks or groupings thereof shall be a minimum of 10 feet.

4. The top of the kiosks shall be open and accessible to the sprinkler system, or the kiosk shall be provided with approved fire suppression and detection devices.
5. The mall way shall be sufficient to accommodate the occupant load immediately tributary thereto.
6. The total number of kiosks shall not exceed more than one for each 1,700 square feet of mall way area.
7. Each kiosk or similar structure shall have a maximum area of 300 square feet with a maximum width of ten (10) feet and a maximum length of thirty (30) feet.

507.2.2 Property lines. Portions of an unlimited area building may be divided by platted property lines without requiring the construction of party walls if the whole building has:

1. Permanent open space on all sides as required by Sections 507.3, 507.4, 507.5; and
2. Proper legal agreements are submitted and approved by the building official and are recorded with the deed for each of the separate properties. These recorded agreements shall require that the buildings, as divided by property lines, be in conformance with the applicable provisions of the building and fire codes, as if the buildings were a single building on a single piece of property. In addition, the agreement must state that no individual building or property owner may modify any portion of the building in any way that would not be in compliance with the building and fire codes.

705.3 Buildings on the same property and buildings containing courts. For the purposes of determining the required wall and opening protection and roof-covering requirements, buildings on the same lot, and court walls of buildings, shall be assumed to have an imaginary property line between them.

Exceptions: In court walls where opening protection is required, such protection is not required provided:

1. Not more than two levels open into the court
2. The aggregate area of the building, including the court is within the allowable area
3. The building is not classified as Group I

Where a new building is to be erected on the same property as an existing building, the location of the assumed property line with relation to the existing building shall be such that the exterior wall and opening protection of the existing building meet the criteria as set forth in Sections 705.5 and 705.8.

Exceptions:

1. Two or more buildings on the same property shall either be regulated as separate buildings or shall be considered as portions of one building if the aggregate area of such buildings is within the limits specified in Chapter 5 for a single building. Where the buildings contain different occupancy groups or are of different types of construction, the area shall be that allowed for the most restrictive occupancy or construction.
2. A detached garage of a Group U occupancy, which is located on the same property as Group R Division 3 occupancy may be considered the same as an attached garage for the purpose of requiring wall and opening protection.

706.6.2 Buildings with sloped roofs. Where a *fire wall* serves as an interior wall for a building, and the roof on one side or both sides of the fire wall slopes toward the fire wall at a slope greater than 2 units vertical in 12 units horizontal (2:12), the *fire wall* shall extend to a height equal to the height of the roof located 4 feet (1219 mm) from the *fire wall* plus 30 inches (762 mm). In no case shall the extension of the fire wall be less than 30 inches (762 mm).

Exception: The *fire wall* may terminate at the underside of the roof sheathing, deck or slab of the lower roof, provided:

1. The roof assemblies within 10 feet (3048 mm) of the wall has not less than a 1-hour *fire resistance rating* and the entire length and span of supporting elements for the rated roof assembly has a *fire-resistance rating* of not less than 1 hour.
2. Openings in the roof on each side of the fire wall shall not be located within 10 feet (3048 mm) of the *fire wall*.

FIRE PROTECTION

903.2.8. Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all building with a Group R fire area.

Exception: Group R-3. One and Two-family dwellings.

[F] 903.3.1.1.1 Exempt locations. Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an *approved* automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. A room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. A room or space where sprinklers are considered undesirable because of the nature of the contents, where *approved* by the fire code official. Such rooms shall be separated from the remainder of the building by fire barrier walls and horizontal assemblies having a fire-resistance rating of not less than two hours.

3. Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a *fire-resistance rating* of not less than two hours.
4. Rooms or areas that are of noncombustible construction with wholly noncombustible contents.
5. Fire service access elevator machine rooms and machinery spaces.
6. Machine rooms, machinery spaces, control rooms and control spaces associated with occupant evacuation elevators designed in accordance with Section 3008.

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.

907.2.2. Group B. A manual fire alarm system shall be installed in Group B occupancies where one of the following conditions exist:

1. Where the combined Group B occupant load of all floors is 500 or more.
2. The Group B occupant load is more than 100 persons above or below the lowest level of exit discharge.
3. The Group B fire area contains a Group B ambulatory health care facility.
4. The Group B occupancy has more than two occupied levels.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

907.2.6.2 Group I-2. Corridors in nursing homes (both intermediate-care and skilled nursing facilities), detoxification facilities and spaces permitted to be open to the corridors by Section 407.2 shall be equipped with an automatic fire detection system. Hospitals shall be equipped with smoke detection as required in Section 407

Exceptions:

1. Corridor smoke detection is not required in smoke compartments that contain patient sleeping rooms where patient sleeping units are provided with smoke detectors that comply with UL 268. Such detectors shall provide a visual display on the corridor side of each patient sleeping unit and an audible and visual alarm at the nursing station attending each unit.

2. Corridor smoke detection is not required in smoke compartments that contain patient sleeping units where patient sleeping unit doors are equipped with automatic door-closing devices with integral smoke detectors on the unit sides installed in accordance with their listing, provided that the integral detectors perform the required alerting function.

[F] 907.2.8.2 Automatic smoke detection system. In R-1 occupancies, an automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be installed throughout all interior *corridors* serving *sleeping units* and at the top of each enclosed stairwell.

Exception: An automatic smoke detection system is not required in buildings that do not have interior *corridors* serving *sleeping units* and where each *sleeping unit* has a *means of egress* door opening directly to an *exit* or to an exterior *exit access* that leads directly to an *exit*.

907.2.9.4 Smoke detectors. In R-2 occupancies, system smoke detection shall be provided in each enclosed stairway and all exit corridors.

[M] 907.2.13.1.2 Duct smoke detection. Duct smoke detectors complying with Section 907.3.1 shall be located as follows:

1. In the main return air and exhaust air plenum of each air-conditioning system having a capacity greater than 2,000 cubic feet per minute (cfm) (0.94 m³/s). Such detectors shall be located in a serviceable area downstream of the last duct inlet.
2. At each connection to a vertical duct or riser serving two or more stories from a return air duct or plenum of an air-conditioning system. In Group R-1 and R-2 occupancies, a smoke detector is allowed to be used in each return air riser carrying not more than 5,000 cfm (2.4 m³/s) and serving not more than 10 air-inlet openings.
3. Duct smoke detectors installed 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.

[F] 912.2.1 Visible location. Fire department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise *approved* by the fire chief. A weather-rated horn/strobe connected to the fire detection or sprinkler system shall be located not lower than 8 feet above the fire department connection and within 10 feet horizontally of the connection. The weather-rated horn/strobe must be visible from the fire lane or street.

MEANS OF EGRESS

1010.1.7 Thresholds. Thresholds at doorways shall not exceed 3/4 inch (19.1 mm) in height above the finished floor or landing for sliding doors serving *dwelling units* or 1/2 inch (12.7 mm) above the finished floor or landing for other doors. Raised thresholds and floor level changes

greater than 1/4 inch (6.4 mm) at doorways shall be beveled with a slope not greater than one unit vertical in two units horizontal (50-percent slope).

Exceptions: 1. In occupancy Group R-2 or R-3, threshold heights for sliding and side hinged exterior doors shall be permitted to be up to 8 inches (203 mm) in height if all of the following apply:

- 1.1. The door is not part of the required *means of egress*.
- 1.2. The door is not part of an *accessible route* as required by Chapter 11.
- 1.3. The door is not part of an *Accessible unit, Type A unit* or *Type B unit*.

1010.1.9.3 Locks and latches. Locks and latches shall be permitted to prevent operation of doors where any of the following exist:

1. Places of detention or restraint.
2. In buildings in occupancy Group A having an *occupant load* of 300 or less, Groups B, F, M and S, in *places of religious worship*, and exterior decks allowed to have one exit where the exit access from the deck extends back into the building, the main door or doors are permitted to be equipped with key-operated locking devices from the egress side provided:
 - 2.1. The locking device is readily distinguishable as locked.
 - 2.2. A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED. The sign shall be in letters 1 inch (25 mm) high on a contrasting background.
 - 2.3. The use of the key-operated locking device is revocable by the *building official* for due cause.
3. Where egress doors are used in pairs, *approved* automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts does not have a doorknob or surface-mounted hardware.
4. Doors from individual *dwelling* or *sleeping units* of Group R occupancies having an *occupant load* of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool.
5. *Fire doors* after the minimum elevated temperature has disabled the unlatching mechanism in accordance with *listed fire door* test procedures.

1011.5.2 Riser height and tread depth. *Stair* riser heights shall be 7 inches (178 mm) maximum and 4 inches (102 mm) minimum. The riser height shall be measured vertically between the *nosings* of adjacent treads. Rectangular tread depths shall be 11 inches (279 mm) minimum measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's *nosing*. *Winder* treads shall have a minimum tread depth of 11 inches (279 mm)

between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline and a minimum tread depth of 10 inches (254 mm) within the clear width of the *stair*.

Exceptions:

1. *Spiral stairways* in accordance with Section 1011.10.
2. *Stairways* connecting stepped *aisles* to cross *aisles* or concourses shall be permitted to use the riser/tread dimension in Section 1029.13.2.
3. In Group R-3 occupancies; within *dwelling units* in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual *dwelling units* in Group R-2 occupancies; the maximum riser height shall be 8 inches (203 mm); the minimum tread depth shall be 10 inches (254 mm); the minimum *winder* tread depth at the walkline shall be 10 inches (254 mm); and the minimum *winder* tread depth shall be 6 inches (152 mm). A *nosing* projection not less than 3/4 inch (19.1 mm) but not more than 1 1/4 inches (32 mm) shall be provided on *stairways* with solid risers where the tread depth is less than 11 inches (279 mm).
4. See Section 403.1 of the *International Existing Building Code* for the replacement of existing *stairways*.
5. In Group I-3 facilities, *stairways* providing access to guard towers, observation stations and control rooms, not more than 250 square feet (23 m²) in area, shall be permitted to have a maximum riser height of 8 inches (203 mm) and a minimum tread depth of 9 inches (229 mm).

EMERGENCY ESCAPE AND RESCUE

1030.1 General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue openings in Group R-2 occupancies accordance with Tables 1006.3.2(1) and 1006.3.2(2) and Group R-3 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 escape and rescue openings shall be required in each sleeping room, but shall not be required in adjoin areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way.

Exceptions:

1. Basements with an average ceiling height of less than 80 inches shall not be required to have emergency escape and rescue openings
2. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior exit balcony that opens to a public way.

3. Basements without habitable spaces and having not more than 200 square feet in floor area shall not be required to have emergency escape and rescue openings.

1030.2 Minimum size. Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet with no exceptions.

1030.2.1 Minimum dimensions. The minimum net clear opening height shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches. The minimum net clear opening dimensions shall be the result of normal operation of the opening.

1030.3 Maximum height from floor. Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 44 inches measured from the floor.

INTERIOR ENVIRONMENT

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

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

1503.4 Roof drainage. Design and installation of roof drainage systems shall comply with Section 1503 of this code and with the *Uniform Plumbing Code*. *Unless roofs are sloped to drain over roof edges, roof drains or scuppers shall be installed at each low point of the roof.* Roofs shall be sloped a minimum of 1 unit vertical in 48 units horizontal (2 percent slope) for drainage unless designed for water accumulation in accordance with Section 1611.2 Ponding Instability.

Roof drainage water from a building shall not be allowed to flow onto adjacent private property or onto public sidewalks.

1507.2.8.2 Ice barrier. In areas where there has been a history of ice forming along the eaves causing a backup of water, an ice barrier that consists of at least two layers of underlayment cemented together or of one layer of a self-adhering polymer modified bitumen sheet shall be used in lieu of normal underlayment and extend from the lowest edges of all roof surfaces to a point at least 24 inches inside the exterior wall line of the building on roofs with less than 5 units vertical in 12 units horizontal and 36 inches inside the eave line on roofs of 5 units vertical in 12 units horizontal or more. **Exception:** Detached accessory structures that contain no conditioned floor area.

STRUCTURAL

1601.1 Scope. 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.

1612.3 Establishment of Flood Hazard Areas. Refer to Chapter 12, Article 13, Flood Hazard areas of the Revised Ordinance of the City of Pierre and Ordinance No. 1468 for minimum build elevations.

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. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Pierre, South Dakota", dated May 17, 2004, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Maps (FBFM) and related supporting data along with any revisions thereto. The flood hazard map and supporting data are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file in the Office of the City Engineer at 222 East Dakota Avenue, Pierre, South Dakota.

1703.1 Approved agency. An approved agency or the design professional of record shall provide all information as necessary for the *building official* to determine that the agency meets the applicable requirements specified in Sections 1703.1.1 through 1703.1.3.

EXCAVATION, GRADING, AND FILL

1804.8 Grading Permits Required. No person shall do any excavating, grading or fill, without first having obtained a grading permit from the building official as per City of Pierre Ordinance Section 4-6-401.

1804.8.1 Exempted Work. A grading permit is not required for the following:

1. When approved by the building official, grading in an isolated, self-contained area if there is no danger to private or public property.
2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5' (1524 mm) after the completion of such structure.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells or tunnels or utilities.

6. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
7. Exploratory excavations under the direction of soil engineers or engineering geologists.
8. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5' (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
9. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage course.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

1804.8.2 Hazards. Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.**1804.8.3 Definitions.** For the purposes of Section 1804, the definitions listed hereunder shall be construed as specified in this section.

Approval shall mean that the proposed work or completed work conforms to this chapter in the opinion of the building official.

As-graded is the extent of surface conditions on completion of grading.

Bedrock is in-place solid rock.

Bench is a relatively level step excavated into earth material on which fill is to be placed.

Borrow is earth material acquired from an off-site location for use in grading on a site.

Civil Engineer is a professional engineer registered in the state to practice in the field of civil works.

Civil Engineering is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

Compaction is the densification of a fill by mechanical means.

Earth Material is any rock, natural soil or fill or any combination thereof.

Engineering geologist is a geologist experienced and knowledgeable in engineering geology.

Engineering geology is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

Erosion is the wearing away of the ground surface as a result of the movement of wind, water or ice.

Excavation is the mechanical removal of earth material.

Fill is a deposit of earth material placed by artificial means.

Geo-technical Engineer See “soils engineer.”

Grading is any excavating or filling or combination thereof.

Grade is the vertical location of the ground surface.

Existing Grade is the grade prior to grading.

Finish Grade is the final grade of the site that conforms to the approved plan.

Rough Grade is the stage at which the grade approximately conforms to the approved plan.

Key is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

Professional Inspection is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

Site is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

Slope is an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

Soil is naturally occurring superficial deposits overlying bedrock.

Soils Engineer (Geo-technical Engineer) is a person, formally educated and licensed in the practice of soils engineering. (geo-technical engineering)

Soils Engineering (Geo-technical Engineering) is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

Terrace is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

1804.8.4 Grading Permit Requirements. Except as exempted in Section 1804.7.1 of this code, no person shall do any grading without first obtaining a grading permit from the building official and approved by the City Engineer. A separate permit shall be obtained for each site, and may cover both excavations and fills.

1804.8.4.1 Application. The provisions of Section 107.3.1 are applicable to grading. Additionally, the application shall state the estimated quantities of work involved.

1804.8.4.2 Grading Designation. Grading in excess of 5,000 cubic yards (3828 m³) shall be performed in accordance with the approved grading plan prepared by a civil engineer and shall be designated as “engineered grading.” Grading involving less than 5,000 cubic yards (3828 m³) shall be designated “regular grading” unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading. When any part of any natural or finished graded building lot contains an area in which the average slope from any property line to an opposite property line is 5% or greater, the area will be determined to have special conditions or hazards and the engineered grading requirements of Section 1803.7.4.3 shall apply. This requirement shall not be construed to prevent the building official from requiring engineered grading due to any perceived special conditions or unusual hazards.

1804.8.4.3 Engineered Grading Requirements. Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared, signed and stamped by an individual licensed by the state to prepare such plans or specifications when required by the building official.

Specifications shall contain information covering construction and material requirements.

FOUNDATIONS

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, Use Category 4B and Section 5.2) and shall be identified in accordance with Section 2303.1.9.1.

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

1808.7.4 Foundation elevation. On graded sites, the top of any exterior foundation shall extend above the elevation of the top of curb a minimum of 12 inches (305 mm) plus 2 percent. Alternate elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

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

- 1.1.1 Classified in Importance Category I (see Table 1604.5);
- 1.1.2 Area of 1200 square feet (138 m²) or less.

SECTION 3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES

3109.1 General. The design and construction of barriers for pools and spas shall comply with the requirements of Section 3109 and other applicable sections of this code.

3109.2 Definition. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2:

ABOVE-GROUND/ON-GROUND POOL. See “Swimming Pool”.

BARRIER. A fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See “Swimming Pool”.

IN-GROUND POOL. See “Swimming Pool”.

RESIDENTIAL POOL. That which is situated on the premises of a detached one-or two-family dwelling or a one-family *town house* not more than three stories in height.

SPA, NONPORTABLE. A non-permanent structure intended for recreational bathing in which all controls, water heating and water circulating equipment are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground, on-ground pools, hot tubs, spas and fixed-in-place wading pools.

SWIMMING POOL, INDOOR. A swimming pool that is totally enclosed within a roof covered structure and surrounded on all four sides by walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool that is not an indoor pool.

SWIMMING POOLS, PRIVATE. Any swimming pool that is not considered as public with or without associated fees.

SWIMMING POOL, PUBLIC. Any swimming pool that is open to the general public with or without associated fees.

3109.2.1. Application. The provisions of this section shall control the design of barriers for swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

This requirement shall be applicable to all new swimming pools hereafter constructed, other than indoor pools, and shall apply to all existing pools, which have a depth of 24 inches (610 mm) or more of water. No person in possession of land within the city, either as owner, purchaser, lessee, tenant, or a licensee, upon which is situated a swimming pool having a depth of 24 inches (610 mm) or more shall fail to provide and maintain such barrier as herein provided.

BARRIERS

3109.3 Public swimming pools. Public swimming pools shall be completely enclosed by a barrier at least 42 inches in height or a screen enclosure. Openings in the barrier shall not *permit* the passage of a 4-inch-diameter (102 mm) sphere. The barrier shall be equipped with self-closing and self-latching gates. The openings or indentations in the barrier or gate shall not present any ladder like features that would provide climbing of the barrier.

3109.4 Residential swimming pools. Residential swimming pools shall comply with Sections 3109.4.1 through 3109.4.5.

Exception: A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346.

3109.4.1 Barrier height and clearances. The top of the barrier shall be at least 42 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Any openings or indentations in the barrier shall not produce a ladder like or horizontal feature. Where the top of the pool structure is above grade, the barrier may be at ground level or mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

3109.4.2. Openings. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

3109.4.3. Solid barrier surfaces. Solid barriers which do not have openings shall not contain indentations or protrusions that would provide ladder like features except for normal construction tolerances and tooled masonry joints.

3109.4.4. Outdoor swimming pool. An outdoor swimming pool, including an in-ground, aboveground, or on-ground pool, hot tub or spa, shall be surrounded by a barrier that shall be installed, inspected, and approved prior to filling with water that completely surrounds and obstructs access to the swimming pool, which shall comply with the following:

1. The top of the barrier shall be at least 42 inches (1067mm) above *grade* measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure itself, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow the passage of a 4-inch-diameter (102 mm) sphere.
3. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:
 - 3.1. The ladder or steps shall be capable of being secured, locked, or removed to prevent access; or
 - 3.2. The ladder or steps shall be surrounded by a barrier, which meets the requirements of Item 1 above. When the ladder or steps are secured, locked, or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.
4. All gates or door openings through the barrier shall be equipped with self-closing and self-latching devices for keeping the door or gate securely closed at all times when the pool is not in actual use, except that the door of any dwelling that forms part of the enclosure need not be so equipped.

3109.4.5 Barrier exceptions. Spas or hot tubs with a safety cover that comply with ASTM F 1346 shall be exempt from the provisions of this provision. Modifications in individual cases, upon a showing of good cause with respect to height, nature, or location of a fence, wall, gates, or latches, or the necessity thereof, may be made by the building official, provided the protection as sought hereunder is not reduced thereby. The building official may grant permission for other protective devices or structures to be used as long as the degree of protection afforded by this substitute device or structure is not less than the protection afforded by the wall, fence, gate, and latch described herein. A reasonable period within which to comply with the requirements of this section for existing swimming pools shall be allowed, which period shall not exceed 90 days after notification by the building official.

MOVED STRUCTURES

3410.1 Conformance. Structures moved into or within the jurisdiction shall be required to comply with the provisions of this code for new structures.

Exceptions:

1. Mobile homes used as a dwelling and located in a mobile home park operated under a valid license.
2. Mobile homes used as a dwelling and located in a manufactured housing park.
3. Mobile or manufactured homes used as a dwelling and placed in One Family Residential C or Ag Zoning districts.
4. Structures used as a temporary office or shelter on a construction or development site when approved by the building official.
5. Structures used as a temporary business office, when approved by the building official and the City Commission provided it meets the applicable accessibility requirements of this code, for a period not to exceed two years
6. 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.

3410.1.1 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 jurisdiction of the City of Pierre and the extra-territorial limits of the City of Pierre for permanent placement shall make application for a moving permit to the Building Department for review and approval which application may also be forwarded the Pierre City Commission for their review and approval at the discretion of the Building Department. 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:

- a. Plan of clean-up and reclamation of the property including provisions for positive drainage from the lot but not onto adjacent properties.
 - b. Plan for capping sanitary sewer service
 - c. Plan for disconnection of water service
2. Legal description, lot survey 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. Written acknowledgments of the project from adjacent and nearby property owners
 - d. A detailed plan for the remodel, refurbishing, and exterior finishing of the building

3410.1.2 Utility Disconnects. Unless a building is going to be replaced within one (1) year on the lot a demolished or moved structure has vacated, the sanitary sewer service line and the water service line must be disconnected as follows:

1. The sanitary sewer line shall be capped at the property line adjacent to the sanitary sewer main.
2. The water service line shall be shut off at the corporation valve on the water main.

3410.1.3 Buildings moved out of jurisdiction or buildings to be demolished. Buildings that are to be moved out of the jurisdiction of the city of Pierre or to be demolished shall require a demolition or moving permit. The plan for the removal of the building shall include the restoration of the property including removal of the building foundation, accessory buildings and foundations or slabs on grade. The property shall be graded to provide for positive drainage off of the property to the exterior of the lot but shall not be directed onto the adjacent lots.

3410.1.4 Utility disconnects. Existing water and sanitary sewer services shall be removed as provided for in Section 3410.1.2.

Section 3. That the part of Ordinance No. 1698, of the City of Pierre, identified as Section 1, entitled Adoption of International Building Code, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the Business Manager is hereby ordered and directed to cause this ordinance to be published.

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect twenty (20) days from and after the date of its adoption and publication.

Source: R.O. Pierre, 1957, 4.0101; Ord. No. 805, 1969; Ord. No. 838, 1971; Ord. No. 1080, 1982. Ord. No. 1136, 1984, Ord. No. 1176, 1986; Ord. No. 1232, 1989; Ord. No. 1295, 1992; Ord. No. 1373, 1996; Ord. 1427, 1998; Ord. No. 1511, 2002; Ord. No. 1567, 2005; Ord. No. 1621, 2008; Ord. No. 1641, 2008; Ord. No. 1698, 2012; Ord. No. 1761, 2016.

Statutory reference: SDCL 9-19-7, codes incorporated by reference.

Cross reference: Chapter 12, planning and zoning generally.

Section 11-1-102. Establishment of fire zones. (Repealed.)

Source: R.O. Pierre, 4.0103; Ord. No. 805, 1969; 838, 1971; 944, 1976; Ord. No. 1080, 1982.

Cross reference: Sections 11-3-101, et. seq., fire prevention code and permits.

Section 11-1-103. Conflicts with International Building Code.

If there should be a conflict between any provision of the International Building Code and any other Ordinance of the City of Pierre, the most restrictive provision shall apply.

Source: Ord. No. 1136, 1984; Ord. No. 1511, 2002; Ord. No. 1761

Sections 11-1-104 to 199, inclusive. Reserved.

Source: R.O. Pierre, 1957, 4.0101; Ord. No. 805, 1969; Ord. No. 838, 1971; Ord. No. 1080, 1982. Ord. No. 1136, 1984, Ord. No. 1176, 1986; Ord. No. 1232, 1989; Ord. No. 1295, 1992; Ord. No. 1373, 1996; Ord. 1427, 1998; Ord. No. 1511, 2002; Ord. No. 1567, 2005; Ord. No. 1621, 2008; Ord. No. 1641, 2008; Ord. No. 1698, 2012; Ord. No. 1761, 2016

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