

CHAPTER 11 - CONSTRUCTION AND SPECIAL CODES

ARTICLE 4 - RESIDENTIAL CODE

SECTIONS:

Sections 11-4-101 to 199, inclusive. Residential code - general provisions.

Section 11-4-101. Adoption of International Residential Code.

Section 11-4-102 to 199, inclusive. Reserved.

Sections 11-4-101 to 199, inclusive. Residential code - general provisions.

Section 11-4-101 Adoption of International Residential Code

An ordinance of the City of Pierre adopting the 2015 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 the City of Pierre; providing for the issuance of permits and collection of fees therefore; repealing parts of Ordinance No. 1699 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, which is on file in the office of the Business Manager of City of Pierre, being marked and designated as the *International Residential Code*, 2015 edition, including Appendix Chapter E, as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Pierre, 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 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:

The following sections and subsections of the 2015 International Residential 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 Residential Code as published shall remain the same.

2015 International Residential Code, Appendix E. - Manufactured Housing used as Dwellings.

The International Residential Code, Appendix E, is hereby adopted in its entirety.

1. ADMINISTRATIVE

R101.1 Title. These provisions shall be known as the *Residential Building Code* for One and Two-family Dwellings of the City of Pierre, South Dakota, and shall be cited as such and will be referred to herein as “this code.”

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

Exceptions:

1. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the *International Residential Code for One and Two-family Dwellings*. A fire sprinkler system if installed may be in accordance with Section P2904 of the IRC.
2. Existing buildings undergoing repair, alteration or additions, and change of occupancy may be permitted to comply with the *International Existing Building 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 *2014 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 2014 Edition of the National Electrical Code.

R102.4.2 Plumbing. The provisions of the *2009 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. 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 *2009 Uniform Plumbing Code*.

R102.4.3 Fire Prevention. The provisions of the *2015 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 *2015 International Fire Code*.

R102.4.4 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.

R102.4.5 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.

R102.4.6 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.

R102.4.7 Existing buildings The provisions of the 2015 International Existing Building Code may apply to the alteration, enlargement, repair, equipment, use and occupancy to existing one and two-family dwellings and townhouses not more than three stories in height.

R103.1. 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.

R103.2 Appointment. Not adopted by the City.

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

R104.8.1 Legal defense. Any suit or criminal complaint 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 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 from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

Delete: Section R104.10.1 Areas prone to flooding.

R105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit. The building official may exempt permits for minor work.

Exclusive of a homeowner, no person or firm shall be issued a building permit for residential buildings defined as owner-occupied, one and two-family dwellings, including accessory garages, until that person or firm has been issued a residential contractor's license as required by Chapter 10, Article 22, Section 101, of the Revised Ordinances of the City of Pierre.

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. Retaining walls less than four (4) feet in height measured from the bottom adjacent grade elevation unless supporting a surcharge or impounding Class I, II, or III-A liquids.
3. 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.
4. 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. A ROW permit may be required if work is done in the public right-of-way.

5. Painting, papering, tiling, carpeting, cabinets, counter tops, plumbing fixtures, downspouts, gutters, soffits, fascias, and similar finish work.
6. Prefabricated swimming pools accessory to an R-3 occupancy that are less than 24 inches deep, do not exceed 5,000 gallon capacity and are installed entirely above grade.
7. Swings and other playground equipment accessory to one-family and two-family dwellings.
8. Window awnings supported by an exterior wall of Group R-3, as applicable in Section 101.2, and Group U occupancies that do not require additional support.
9. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems
10. Movable cases, counters, and partitions not over 5 ft. 9 in. (1,753 mm) in height.
11. Decks not more than 30 inches above adjacent grade without a railing and do not serve the exit door required by Section R311.3

R106.1.4 Information for construction in flood hazard areas. Delete

R107.3 Temporary power. Temporary electrical permits are required prior to a temporary electrical connection being provided.

1.5 FEES

108.2 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 s 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. Other inspections and fees shall be in accordance with Table 1-C.

R108.6 Work commencing before permit issuance. Any person who commences any work on a building or structure or a Right-of-Way project 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 the permit fee maximum) Legal and/or civil proceedings may also be commenced.

R108.7 Delinquent Accounts. The Administrative Authority may refuse to issue permits or conduct inspections for any person or business whose business account with the city is delinquent.

2. INSPECTIONS

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 Sections R401.1, R402.1 and R405.2 and inspected according to the certified design.

R112.5 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.

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

Section R202. Definitions. Add the following definition.

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

3. BUILDING PLANNING

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 city 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 included in the design.

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 e). 90 mph
3. **Seismic Design Category.** (Footnotes f and g). 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. **Decay Damage.** (Footnote d). None to Slight.

8. **Flood Hazards.** (Footnote h). The City of Pierre entered the regular phase of the National Flood Insurance Program in December 1979. Additionally, a minimum build elevation was established in areas adjacent to the Missouri River. Refer to Section 12-1-114 of the Revised Ordinances of the City of Pierre

R302.13 Fire protection of floors. Not adopted by the City.

R302.6 Dwelling-garage fire separation. 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.

R309.5 Fire sprinklers. Not adopted by the City.

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 44 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 R310.2.3

R310.2.1 Minimum opening area. Emergency and escape rescue openings shall have a net clear opening of not less than 5.7 square feet. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. The net clear height opening shall not be less than 24 inches and the net clear width shall not be less than 20 inches.

R310.2.3.1 Ladder and steps. Window wells with a vertical depth greater than 44 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 R311.7 and R311.8. 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.

R311.3.2 Floor elevations for other than required exterior doors. Doors other than the required egress door shall be provided with landings or floors not more than 8 inches (202 mm) below the top of the threshold.

Exception: A top landing is not required where a stairway of not more than two risers is located on the exterior side of the door, provided that the door does not swing over the stairway.

R311.7.5.1 Risers The riser height shall be not more than 8 inches. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch. Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees from the vertical. Open risers are permitted provided that the openings located more than 30 inches, as measured vertically, to the floor or grade below do not permit the passage of a 6-inch diameter sphere.

Exceptions:

1. The opening between adjacent treads is not limited on spiral stairways.
2. The riser height of spiral stairways shall be in accordance with Section R311.7.10.1.

R311.7.5.2 Treads. The tread depth shall be not less than 10 inches. 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 greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch.

R311.7.8.3 Grip-size. Required handrails shall be of one of the following types or provide equivalent graspability.

1. Type I. Handrails with a circular cross section shall have an outside diameter of not less than 1 1/4 inches (32 mm) and not greater than 2 inches (51 mm). If the handrail is not circular, it shall have a perimeter dimension of not less than 4 inches (102 mm) and not greater than 6 1/4 inches (160 mm) with a cross section of dimension of not more than 2 1/4 inches (57 mm). Edges shall have a radius of not less than 0.01 inch (0.25 mm).

2. Type II. Handrails with a perimeter greater than 6 1/4 inches (160 mm) shall have a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of 3/4 inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of not less than 5/16 inch (8 mm) within 7/8 inch (22 mm) below the widest portion of the profile. This required depth shall continue for not less than 3/8 inch (10 mm) to a level that is not less than 1 3/4 inches (45 mm) below the tallest portion of the profile. The width of the handrail above the recess shall be not less than 1 1/4 inches (32 mm) and not more than 2 3/4 inches (70 mm). Edges shall have a radius of not less than 0.01 inch (0.25 mm).

Exception: Exterior stairs are allowed to have a horizontal 2X member to form a 1 1/2-inch graspable dimension in lieu of the above-referenced perimeter dimensions.

R312.1.3 Opening limitations. Required *guards* shall not have openings from the walking surface to the required *guard* height that allow passage of a sphere 6 inches (127 mm) 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 are permitted to be of such 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 6 inches to pass through.

R313.1 Townhouse automatic fire sprinkler systems. Not adopted by the city.

R313.1.1 Design and installation. When automatic residential fire sprinkler systems for *townhouses* are installed, they shall be designed and installed in accordance with Section P2904 or NFPA 13D.

R313.2 One and two-family dwelling automatic fire systems. Not adopted by the city. **Exception:**

R313.2.1 Design and installation. When automatic residential fire sprinkler systems are installed, they shall be designed and installed in accordance with Section P2904 or NFPA 13D.

R314.2.2 Alterations, repairs and additions. Where *alterations, repairs* or *additions* requiring a permit occur with a valuation of more than \$1000, or where one or more sleeping rooms are added or created in existing *dwellings*, the individual *dwelling unit* shall be equipped with smoke alarms located as required for new *dwellings*.

Exceptions:

1. Work involving the exterior surfaces of *dwellings*, such as the replacement of roofing or siding, the *addition* or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.
2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section.

R314.3 Location. Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside of each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements and cellars, but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split-levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

4. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section R314.3.
5. Where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room.

Exception: Hallways less than 4 feet in length are allowed to omit the smoke detector within the hallway adjacent to the bedrooms.

R314.4. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound on activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. All smoke alarms shall be listed and installed in accordance with the provisions of this code and the household fire warning equipment provisions of NFPA 72.

Exception: Interconnection of smoke alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

R315.2.2 Alterations, repairs, and additions. Where *alterations*, repairs or *additions* requiring a permit occur with a valuation of more than \$1000, or where one or more sleeping rooms are added or created in existing *dwelling*s, the individual *dwelling unit* shall be equipped with carbon monoxide alarms located as required for new *dwelling*s.

Exceptions:

1. Work involving the exterior surfaces of *dwelling*s, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, is exempt from the requirements of this section.
2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section.

SECTION 326 SWIMMING POOLS, SPAS AND HOT TUBS

R326.1 General. The design and construction of barriers for pools and spas shall comply with the following:

R326.2 Definitions. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVEGROUND/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. 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. See “Swimming pool.”

SPA, PORTABLE. A nonpermanent 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 or recreational bathing that contains water more than 24 inches (457 mm) deep. This includes in-ground, aboveground, and on-ground swimming pools, hot tubs, and spas.

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

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

R326.3 Application. The provisions of this section shall control the design of barriers for residential 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 (457 mm) or more of water. No person in possession of land within the city of Pierre, either as owner, purchaser, lessee, tenant, or a licensee, upon which is situated a swimming pool having a depth of 24 inches (457 mm) or more shall fail to provide and maintain such barrier as herein provided.

R326.4 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, 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. Intermediate barrier components shall not provide a ladder like configuration.
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.

R326.4.1 Barrier exceptions. Spas or hot tubs with a safety cover that comply with ASTM F 1346 shall be exempt from the provisions of this section. 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 approved 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 the substitute device or structure is not less than the protection afforded by the wall, fence, gate, or latch as provided for 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.

4. FOUNDATIONS

R401.1 Application. The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for buildings. In addition to the provisions of this chapter, the design and construction of foundations in flood hazard areas as established by Table R301.2(1) shall meet the provisions of Section R322. Wood foundations shall be designed and certified by a qualified engineer and installed in accordance to the certified design.

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

1. Extended below the frost line specified in Table R301.2.(1).
2. Constructed in accordance with Section R403.3.
3. Constructed in accordance with ASCE 32.

4. Erected on solid rock.

Exceptions:

1. Protection of freestanding *accessory structures* with an area of 1200 square feet (139 m²) or less, of light-frame construction, with an eave height of 10 feet (3048 mm) or less shall not be required.

2. Protection of freestanding *accessory structures* with an area of 1200 square feet (37 m²) or less, of other than light-frame construction, with an eave height of 10 feet (3048 mm) or less shall not be required.

3. Decks supported by a dwelling need not be provided with footings that extend below the frost line unless supporting a roof structure.

Footings shall not bear on frozen soil unless the frozen condition is permanent.

R403.1.7.3 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.

5. ROOFS

Section R905.2.7.1 Ice Protection. In areas where the average daily temperature in January is 25° F (-40° C) or less or where there is a possibility 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 (5:12 pitch), and 36 inches inside the eave line on roofs with 5 units vertical in 12 units horizontal or more.

Exception: Detached accessory structures that contain no *conditioned floor area*.

Part IV---Energy Conservation

Chapter 11 ENERGY EFFICIENCY

Section 1101.1 Scope. With the exception of Section N1103.3.5, Building Cavities, of this code, Chapter 11 is not adopted by the City of Pierre. The International Energy Conservation Code regulates the energy efficiency for the design and construction of buildings. The International Energy Conservation Code has not yet been adopted by the City of Pierre.

N1103.3.5 (R403.3.5) Building cavities (Mandatory). Building framing cavities shall not be used as ducts or plenums.

Exception: Stud spaces and floor joist cavities, correctly isolated, may be used for return air plenums

Part V—Mechanical

Chapter 12 MECHANICAL ADMINISTRATION

Section M1201.1 Scope. The provisions of the International Mechanical Code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and used to control environmental conditions within buildings.. Chapters 13 through 24 are not adopted by the City of Pierre.

Exception: Section 1410.3 in Chapter 14, Unvented Room Heaters. No unvented room heaters are allowed to be used within a dwelling unit in the City of Pierre.

Part VII—Plumbing. The following plumbing chapters are not adopted by the City of Pierre. Chapter 25—Plumbing Administration, Chapter 26—General Plumbing Requirements, Chapter 27—Plumbing Fixtures, Chapter 28—Water Heaters, Chapter 29—Water Supply and Distribution,

Exception: Chapter 29, Section P2904, Dwelling Unit Fire Sprinkler Systems.

Chapter 30—Sanitary Drainage, Chapter 31—Vents, Chapter 32—Traps, and Chapter 33—Storm Drainage.

Section P2904.1 General. When automatic residential fire sprinkler systems are installed at the choosing of the owner, the design and installation of residential fire sprinkler systems shall be in accordance with NFPA 13D or Section P2904, which shall be considered equivalent to NFPA 13D. Partial residential sprinkler systems shall be permitted to be installed only in buildings not required to be equipped with a residential sprinkler system. Section P2904 shall apply to stand-alone and multipurpose wet-pipe sprinkler systems that do not include the use of antifreeze. A multipurpose fire sprinkler system shall provide domestic water to both fire sprinklers and plumbing fixtures. A stand-alone sprinkler system shall be separate and independent from the water distribution system. A backflow preventer shall not be required to separate a stand-alone sprinkler system from the water distribution system.

The provisions of the *Universal Plumbing Code* of the city of Pierre, or the most current plumbing code adopted by the South Dakota State Plumbing Commission shall apply to the installation, alterations, repairs, and replacement of plumbing systems, including equipment, appliances, fixtures, and appurtenances, and where connected to a water or sewage system for detached one- and two-family dwellings and multiple single-family dwellings (town houses) not more than three stories high with separate means of egress and their accessory structures.

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

Section 3. That the part of Ordinance No. 1699 of City of Pierre identified as Section 1, entitled Adoption of International Residential 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 Residential 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: Ord. No. 806, 1969; Ord. No. 839, 1971; Ord. No. 1081, 1982. 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. 1622, 2008; Ord. No. 1699, 2012; Ord. No. 1762, 2016.

Statutory reference: Ch. 12, planning and zoning, generally.

Sections 11-4-102 to 199, inclusive. Reserved.