

Ordinance #996
Adoption of the 2015
International Building Code

An ordinance repealing the 2003 International Building Code, (Ordinance 873) and enacting the adoption of the 2015 International Building Code, including amendments, Appendix C, Appendix I and associated documents as published by the International Code Council Inc.,

BE IT ORDAINED, by the Board of Commissioners of the City of Yankton, South Dakota:

Section 1. Chapter 7, Article I, Section 7-4, Ordinance 873, (and all of its sub-parts thereof) is hereby repealed and replaced by a new Section 7-4 to be added to Chapter 7, Article I of the City of Yankton Code of Ordinances to read as follows:

Chapter 7 – BUILDINGS

ARTICLE I. - IN GENERAL

Sec. 7-4. - Building code adopted; amendments.

Those certain documents, one (1) copy of which will be kept on file in the office of Community and Economic Development, being marked as:

- (a) 2015 International Building Code, published by the International Code Council;
- (b) 2015 International Mechanical Code, published by the International Code Council;
- (c) 2015 International Fuel Gas Code, published by the International Code Council;
- (d) 2009 American National Standard for Accessible and Usable Buildings and Facilities A117.1-2009, published by the International Code Council; and
- (e) Amendments by the City of Yankton to the 2015 International Building Code;

are hereby adopted as the code of the City of Yankton, South Dakota for regulating the erection, construction, enlargement, alternation, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height of buildings and structures in the City of Yankton South Dakota providing for the issuance of permits and collection of fees.

[Note: The following portions of this Ordinance are hereby adopted, but shall not be published within the City of Yankton’s Municipal Code or added to Yankton’s Municode online library of municipal ordinances, but rather shall be freely available in print at Yankton City Hall, Office of Community and Economic Development:]

Section 2. 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.

101.1 Title: These regulations shall be known as the Building Code of the City of Yankton, South Dakota hereinafter referred to as “This Code”.

101.4.3 Plumbing: The provision of Uniform Plumbing Code (UPC) shall apply to the installation, alteration, repair and replacement of plumbing systems including equipment appliances fixtures, fittings and appurtenances as mandated by the South Dakota Plumbing Commission.

101.4.8 Electrical: The provisions of the National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement equipment, appliances, fixtures, fittings and appurtenances as mandated by the South Dakota Electrical Commission.

R103.1 Enforcement Agency: The Office of Community and Economic Development and the official in charge shall be known as the “Building Official”.

105.1 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.

Commentary: This gives the authority to exempt permits for work that is considered minor enough to not require inspections

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:

1. One story detached accessory structures, provided that the floor area does not exceed 120 square feet.
2. Fences not over 7 feet in height.
3. Retaining walls that are not over 6 feet in height measured from the bottom of the grade elevation to the top of the wall.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Flag poles and similar structures that are less than 30 feet in height above grade.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Swings and other playground equipment.

8. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.

Commentary: This section defines the types of work that do not require a building permit. Even though a building permit is not required for a shed less than 120 square feet, or fence less than 7 feet in height, the City's zoning ordinance regulates the placement of these structures.

107.1 Submittal Documents: Submittal documents consisting of one complete set of hard copy plans with an additional electronic submittal in PDF format along with other construction documents, statement of special inspections, geotechnical report and other data shall be submitted with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

Commentary: Upon new commercial submittals, this is to require not only a hard copy set of plans to accommodate the actual code review, but to include an electronic copy to insert into the electronic building plans file to be consistent with the new management software system.

108.1 Temporary Structures: The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 365 days. The building official is authorized to grant extensions for demonstrated cause.

Commentary: This establishes that a maximum time period for a temporary structure is for one year and that the Building Official is authorized to grant extensions

109.2 Schedule of permit fees: On buildings, structures, or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by commission resolution.

Commentary: Permit fees are set by resolution by the Board of Commissioners.

113 Appeals: In order to provide for final interpretations of the provisions of this code and to hear appeals provided, a board of appeals is hereby created which shall be the board of city commissioners. Any person may appeal any notice and order or any action of the building official by filing at the office of the building official within ten (10) days from the date of the service of such order a written appeal containing:

1. A brief statement of the specific order or action protested, together with any material facts claimed to support the contentions of the person appealing
2. A brief statement of the relief sought and reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
3. Upon receipt of any appeal filed pursuant to this section, the building official shall present it to the city commission within twenty (20) days. As soon as practicable after receiving the written appeal, the city commission shall fix a date, time and place for the

hearing of the appeal. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant. Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order, or any portion, thereof. Enforcement of any notice and order of the building official issued under this article shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

903.2.1.4 Group A-4: An automatic sprinkler system shall be provided for fire areas containing Group A-4 occupancies and intervening floors of buildings where one of the following conditions exist:

1. The fire area exceeds 12,000 square feet
2. The fire area has an occupant load of 300 or more
3. The fire area is located on a floor other than a level of exit discharge.

Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit with approval from the Fire Chief and Building Official.

903.2.8 Group R: An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with Group R occupancies having six or more dwelling units.

Commentary: Instead of requiring an automatic fire extinguishing system in all Group R occupancies which is required at the national level, this maintains the requirement to sprinkler all Group R occupancies where there are six or more dwelling units in a fire area (as set by the South Dakota Fire Marshal's Office).

1030.2 Minimum size: Emergency escape and rescue openings shall have a minimum net clear opening of 5.0 square feet.

1030.3 Maximum height from floor: Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 48 inches measured from the floor.

1030.5.2 Ladders or steps: Window wells with a vertical depth of more than 48 inches shall be equipped with an approved permanently affixed ladder or steps. Ladders or rungs shall have an inside width of at least 12 inches, shall project at least 3 inches from the wall and shall be spaced not more than 18 on center vertically for the full height of the window well. The ladder or steps shall not encroach into the required dimensions of the window well by more than 6 inches. The ladder or steps shall not be obstructed by the emergency escape and rescue opening. Ladders or steps required by this section are exempt from the stairway requirements of Section 1011.

Commentary: These provisions maintain the local amendments consistent with the Residential Code that defines a 5-square foot openable egress window and maintains the 48-inch sill height and 48-inch height of the window well before a ladder is required.

1612.3 Establishment of flood hazard areas: Delete, refer to the City of Yankton's Floodplain Management Ordinance for provisions that regulate "Special Flood Hazard Areas.

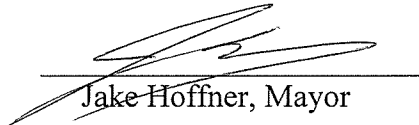
Commentary: This amends the International Building Code and refers floodplain management to Yankton's Code of Ordinances.

Section 3. That 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 or constitutionality of the remaining portions of this ordinance.


Section 4. That the finance Officer is hereby ordered and directed to cause this ordinance to be published as required by law

Section 5. That this ordinance and the rules, regulations, provisions, requirement, orders and matters established and adopted hereby shall take effect and be in full force 20 days from the date of its final passage, adoption and publication.

Adopted: 8-28-17
1st Reading: 8-14-17
2nd Reading: 8-28-17
Publication Date: 9-7-17
Effective Date: 9-27-17


Jake Hoffner, Mayor

Attest:


Al Viereck, Finance Officer