

ORDINANCE NO. 183

AN ORDINANCE OF THE CITY OF CROOKS, SD, REPEALING ORDINANCE NO. 87 AND ADOPTING THE 2012 INTERNATIONAL RESIDENTIAL CODE AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE CITY OF CROOKS, SD:

Section 1. That Ordinance No. 87 is hereby repealed and that the 2012 International Residential Code and amendments thereto is adopted as follows:

Adopted. The International Residential Code, 2012 edition—including Appendix E, Appendix G, and Appendix H—as published by the International Code Council Inc. as amended is hereby adopted as the residential building code by the City of Crooks for regulating the design, construction, quality of materials, erection, installation, alteration, movement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and town houses not more than three stories in height with a separate means of egress and their accessory structures, and provides for the issuance of permits and the collection of fees therefore. The minimum building standards in the 2012 edition of the International Residential Code and amendments thereto shall be applied to any building permit issued after October 17, 2012.

A printed copy as amended is on file with the Crooks Finance Officer.

Modifications by the City of Crooks to the 2012 International Residential Code. The following sections and subsections of the 2012 International Residential Code adopted in this Chapter shall be amended, added, or not adopted by the City as set forth below. All other sections or subsections of the 2012 International Residential Code as published shall remain the same as published.

R101.1 Title. These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of the City of Crooks, 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 town houses not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures*.

Exceptions:

1. Live/work units complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be built as one- and two-family *dwellings* or town houses. Fire suppression required by Section 419.5 of the *International Building Code* when constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section 903.3.1.3 of the *International Building Code*.

Department Of Building Safety R103.1 Enforcement agency. The Building Inspections Team is hereby created and the official in charge thereof shall be known as the *building official*.

Department Of Building Safety R103.2 Appointment. Not adopted by the City of Crooks.

Duties and Powers of the Building Official R104.8 Liability. The *building official*, member of the board of adjustments, or employee charged with the enforcement of this code, while acting 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 liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act 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. 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.

Permits R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to 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.

Permits R105.2 Work exempt from permit. *Permits* shall not be required for the following. Exemption 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*.

Building:

1. One-story detached *accessory structures* used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²).
2. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the grade elevation to the top of the wall, unless supporting a surcharge.
3. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
4. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
5. Swings and other playground equipment.
6. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support

Electrical: Not adopted by the City of Crooks.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2.
2. Accessory buildings or structures.

Board of Appeals R112.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this code, to review all proposed changes to the respective codes and to submit recommendations to the responsible official and the City Council, to review requests for house moves, and to examine applicants for licensing and to investigate matters brought before the board, shall go in front of the board of adjustments. The *building official* shall be an ex officio member of said board but shall have no vote on any matter before the board.

The board in exercising its authority over house moving may deny the building request, or may require additional stipulations to be placed on the building permit to address the protection of the property values and neighborhood compatibility.

R112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority relative to the interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

R112.3 Qualifications. Not adopted by the City of Crooks.

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.

R309.5 Fire Sprinklers. Not adopted by the City of Crooks.

R310.1.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.530 m²). No Exception.

R313.1 Townhouse automatic fire sprinkler systems. Not adopted by the City of Crooks.

R313.1.1 Design and installation. Not adopted by the City of Crooks.

Gas: Not adopted by the City of Crooks.

Mechanical: Not adopted by the City of Crooks.

R105.3.2 Time limitation of application. Not adopted by the City of Crooks.

R105.5 Expiration. Not adopted by the City of Crooks.

R106.1 Submittal documents. Submittal documents consisting of *construction documents* and other data shall be submitted with each application for a *permit*. 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 reviewing of *construction documents* is not necessary to obtain compliance with this code.

106.3.1 Approval of construction documents. When the *building official* issues a *permit*, the *construction documents* shall be submitted and reviewed. One set of *construction documents* so reviewed shall be retained by the *building official*.

R108.2 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 the City. The fee schedule for the City of Crooks shall be set by resolution by the City Council.

R108.6 Work commencing before permit issuance. Any person who commences work requiring a *permit* on a building or structure before obtaining the necessary permits shall be subject to a fee established by resolution by the City Council that shall be in addition to the required *permit* fees. Legal and/or civil proceedings may also be commenced.

R109.1.1 Footing inspection. Inspection of the footings shall be made after poles or piers are set or trenches or *basement* areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The footing inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or *equipment* and special requirements for wood foundations.

R110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the *building official* has issued a certificate of occupancy therefore as provided herein and final inspections have been completed. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the City shall not be valid.

R313.2 One- and two-family dwellings automatic fire systems. Not adopted by the City of Crooks.

R313.2.1 Design and installation. An automatic residential fire sprinkler system, when installed, for one- and two-family dwellings shall be designed in accordance with NFPA 13D or equivalent.

Part VII—Plumbing. Not adopted by the City of Crooks.

Part VIII—Electrical. Not adopted by the City of Crooks.

AG105.3 Indoor swimming pool. Not adopted by the City of Crooks.

AG105.4 Prohibited Locations. Not adopted by the City of Crooks.

Adopted this 10th day of September, 2012.



Kelly G. Finke, Mayor

ATTEST:


Linda D. Hunnel, Finance Officer

Seal

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Second Reading & Adoption: September 10, 2012

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