

ORDINANCE NO. 193

AN ORDINANCE OF THE CITY OF CROOKS, SD, ADOPTING THE 2012 INTERNATIONAL BUILDING CODE AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE CITY OF CROOKS, SD:

*Section 1. That the 2012 International Building Code and amendments thereto is adopted as follows:*

Adopted. The International Building Code, 2012 edition, as published by the International Code Council Inc., and amendments and additions thereto as provided in this Ordinance are hereby adopted as the Building Code by the City of Crooks for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures in the City of Crooks providing for the issuance of permits and collection of fees therefore. The minimum building standards in the 2012 edition of the International Building Code and amendments thereto shall be applied to any building permit issued after January 8, 2014.

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

Modifications by the City of Crooks to the 2012 International Building Code. The following sections and subsections of the 2012 International Building Code adopted in this Ordinance shall be amended, added, or not adopted by the City as follows. All other sections or subsections of the 2012 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 Crooks, hereinafter referred to as “this code.”

**101.2 Scope.** The provisions of this code shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

**Exception:**

1. Detached one- and two-family *dwelling*s and multiple single-family *dwelling*s (*townhouses*) not more than three *stories* above *grade plane* in height with a separate *means of egress* and their accessory structures shall comply with the *International Residential Code*.

**101.4.3 Plumbing.** The provisions of the Adopted Plumbing Code of the South Dakota Plumbing Commission shall apply to the installation, *alteration*, 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.

**101.4.7 Electrical.** The provisions of the Adopted Electrical Code of the South Dakota Electrical Commission shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

**103.1 Enforcement agency.** The Building Inspections Team is hereby created and the official in charge thereof shall be known as the *building official*.

**103.2 Appointment.** The *building official* shall be appointed by the Mayor of the Crooks City Council.

**104.8 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 and shall be defended by legal representative 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, 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.

**105.1 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.

A building permit shall be issued for an owner occupied one- or two-family dwelling, including townhouses and accessory buildings, only to the owner or representative.

**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 200 square feet (18.6 m<sup>2</sup>). A placement permit is required by the Zoning Ordinance.
2. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom grade elevation to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids or adjacent to public right-of way.
3. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
4. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.

5. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches (457 mm) deep.
6. Swings and other playground equipment accessory to detached one- and two-family *dwellings*.
7. Window *awnings* supported by an *exterior wall* that do not project more than 54 inches (1,372 mm) from the *exterior wall* and do not require additional support of Groups R-3 and U occupancies.

**Gas:** Not adopted by the City of Crooks.

**Mechanical:** Not adopted by the City of Crooks.

**Plumbing:** Not adopted by the City of Crooks.

**107.1 General.** Submittal documents consisting of one complete set of hard copy plans with an additional hard copy site submittal and an electronic submittal in PDF format along with other *construction documents* such as a 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.

**107.3.1 Approval of construction documents.** When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as "Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building official*. The site submittal set shall be returned to the applicant, shall be kept at the site of work, and shall be open to inspection by the *building official* or a duly authorized representative.

**109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems, or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee schedules for the issuance of a building permit shall be set by resolution by the City Council.

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

**110.3.1 Footing and foundation inspection.** Footing inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. If an inspection is required for concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

**111.2 Certificate issued.** After the *building official* inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building services, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
4. The name of the *building official*.
5. The edition of the code under which the *permit* was issued.
6. The use and occupancy in accordance with the provisions of Chapter 3.
7. The type of construction as defined in Chapter 6.
8. The design *occupant load in assembly occupancies*.
9. Any special stipulations and conditions of the building *permit*.

**113.1 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 prospective 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 investigate matters brought before the board of adjustments.

**113.2 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 administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

**113.3 Qualifications.** Not adopted by the City of Crooks.

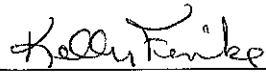
**114.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to deem the violation as a strict liability offense and institute the appropriate proceeding at law or in equity to restrain, 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.

**SECTION 202-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.

Ord.193

Adopted this 9<sup>th</sup> day of December, 2013.

  
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Mayor

ATTEST:

  
Finance Officer  
The seal is circular with a dotted border. The text "CITY OF CROOKS" is at the top, "CORPORATE" is in the middle, "SEAL" is in the center, and "SOUTH DAKOTA" is at the bottom. There are small stars on either side of the word "SEAL".

First Reading: November 11, 2013  
Second Reading & Adoption: December 9, 2013  
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