

**BUILDING OFFICIAL  
AND  
BUILDING REGULATIONS  
ORDINANCE**



**City of Hot Springs  
South Dakota**

Revised December 2012

**CHAPTER 6-A**  
**Building Official and General Building Regulations**

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## **06-A.01 Purpose And Intent.**

### 06-A.01.01. Purpose and Intent.

The City of Hot Springs Building Official is the appointed officer responsible for the administration and enforcement of the codes and ordinances related to building safety.

The primary responsibility is to ensure that the health and safety of the public are maintained through adherence to the requirements established by law for the construction, alteration or use of new and existing buildings.

The Building Official shall have the authority to render interpretations of the codes and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of those codes. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in those codes.

## **06A.02. Building Official.**

### 06-A.02.01. Building Official.

1. The Office of the Building Official is hereby created and the executive official in charge shall be known as the Building Official.
2. The Building Official shall be appointed by the Mayor with the approval of the Common Council of the City of Hot Springs, South Dakota. His appointment shall continue during good behavior and satisfactory service.
3. During temporary absence or disability of the Building Official, the appointing authority shall designate an acting Building Official.
4. The Building Official shall perform duties associated with this office, such as Building Inspector, Code Enforcement Officer, Zoning Administrator, or Floodplain Administrator, as required or assigned.

06-A.02.02. Duties and Authority of Building Official.

1. It shall be the duty of the Building Official to enforce all laws and ordinances relating to the construction, alteration, removal, and demolition of buildings and structures in this City.
2. The Building Official or any employee charged with the enforcement of this Code, or those codes relating to building and building safety legally adopted and specified herein, acting in good faith and without malice for the City in discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to a person or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employee, because of such act or omission performed by him in the enforcement of any provisions of this code, shall be defended by the City Attorney of the City until termination of the proceedings.

06-A.02.03 Inspection by Building Official.

1. All construction or work for which a permit is required shall be subject to inspection by the Building Official.
2. Where the Building Official has a reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry.

3. The Building Official or his subordinate(s) is authorized to enter a structure or premises at reasonable times as provided above subject to constitutional restrictions on unreasonable searches and seizures.

06-A.02.04. Applicant for Building Permit to Consent to Inspection.

All building permits issued by the City are contingent upon the consent of the applicant to an examination or inspection of the facilities covered by the permit, and the failure of the applicant to give such consent shall be grounds for denial or revocation of the permit.

**06-A.03. Property Identification.**

06-A.03.01. Numbering of Buildings.

Buildings on the west side of any street or the north side of any avenue shall be given even numbers, and the buildings on the east side of any street or the south side of any avenue shall be given odd numbers.

06-A.03.02. Numbering Begins.

All buildings on the avenues shall be numbered commencing from First Street. All buildings on the streets shall be numbered north and south from University Avenue.

06-A.03.03. Numbering System.

1. For numbering purposes, each block within the City shall be divided into twenty-five foot (25') widths to be counted in assigning numbers. Numbers are assigned to each fifty foot (50') section within each block. The corners of each block shall be assigned the numbers 01 and 45, and 02 and 46, respectively. Blocks shall be numbered consecutively by hundreds, starting with one hundred (100).

2. For numbering purposes in unconventional or non-symmetrically platted additions or subdivisions, numbering systems shall generally follow the above prescribed method of numbering. The Building Official shall have the discretion of tailoring the numbering system to the specific situation with special attention being paid to the ability of emergency response crews to quickly and easily locate the property in question.

06-A.03.04. Duty of Owner to Properly Number Building.

1. It shall be the duty of the owner or agent having control of any house or building to have said house or building properly numbered as provided for in this chapter. The correct number is to be obtained from the Building Official.
2. In case any house or building is incorrectly numbered, the Building Official may order the owner or agent to correctly number the same and it shall be unlawful for such owner or agent to refuse to comply with such order. It shall be the responsibility of the property owner, or his agent, to inform the Post Office, utility companies, or other interested parties of the address correction.
3. The number of any structure hereafter erected, as determined by the Building Official, shall be indicated on the building permit.

06-A.03.05. Location and Size of Property Identification.

1. Address numbers shall be placed on all new and existing habitable structures in such a position as to be plainly visible and legible from the street or road fronting the property. The height, or size, and location of address numbers shall comply with the following:
  - a. Numbers shall be a minimum of four inches (4") in height if the structure is thirty feet (30') or less from the roadway.
  - b. Numbers shall be a minimum of five inches (5") in height if the structure is from thirty-one feet (31') to fifty feet (50') from the roadway.

- c. Numbers shall be a minimum of seven inches (7") in height if the structure is fifty-one feet (51') to two hundred feet (200') from the roadway.
2. If the structure is not visible from the roadway because of terrain, trees or other obstructions, or if the structure is more than two-hundred feet (200') from the roadway, the following shall apply:
  - a. the address numbers shall be posted on a post not more than thirty feet (30') from the entrance of the driveway to the structure;
  - b. The numbers on the post shall be a minimum of four inches (4") in height and shall be visible from both sides of the approach to the entrance;
  - c. The address on the post is in addition to the address required on the house or other building;
  - d. The post with the numbers shall be a minimum of four feet (4'), but not more than six feet (6'), in height.
3. The property identification provisions of this section shall supersede all other past or present property identification requirements of the City of Hot Springs.

#### **06-A.04. International Building Codes.**

##### 06-A.04.010. Introduction.

1. The International Building Codes adopted herein were developed by the International Code Council (ICC), a consolidation of the model building codes of BOCA (Building Officials and Code Administrators International), ICBO (International Conference of Building Officials, and SBCCI (Southern Building Code Congress International). With the development of the ICC building codes, the development and maintenance of the BOCA, ICBO and

SBCCI model codes was discontinued.

2. The purpose of these codes is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

06-A.04.020 Adoption of International Building Code (IBC), 2012 Edition.

That certain code known as the International Building Code, 2012 Edition, is hereby adopted by the City of Hot Springs, South Dakota, and the printed, copyrighted copy of such Code, which is on file in the office of the Building Official of this City, is adopted and incorporated as fully as if set out at length herein. Such Codes shall be enforced by the Building Official of this City.

06-A.04.025. Amendments to the International Building Code (IBC), 2012 Edition.

Section 102.4 Referenced codes and standards shall include those electrical and plumbing codes most currently adopted and enforced by the South Dakota Electrical Commission and the South Dakota Plumbing Commission, to include all amendments and exceptions thereto.

Section 105.5 Expiration shall include the following: Expiration of Building Permit. If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be canceled by the Building Official; and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been completed within two (2) years of the date of issuance thereof, the Building Official shall cause the building permit to be reviewed and written notice thereof shall be given to the persons affected. Upon review of the

permitted project the Building Official may extend the permit conditional on an established completion date or, in the alternative, cancel the building permit. Written notice of cancellation shall be given to the persons affected to include provisions for the appeal of such decision.

Section 113 Board of Appeals. 113.1 General shall read “An appeal or complaint regarding decisions or determinations from the administrative official or department head in regard to the administration of this code shall first be made to the City Administrator or, in his/her absence, the Chief Executive Officer of the City for an administrative review. If the decision or determination is in writing an appeal shall be made within the time period specified in the notice or directive resulting from such decision or determination. In the event that the appellant is not satisfied with the City Administrator’s interpretation and/or determination on the issue, the appellant shall have the right to request to appeal the matter to the Common Council who shall act as the Board of Appeals. Upon such request the City Administrator shall place the appellant on the agenda for the next regularly scheduled City Council meeting for a legislative determination on the matter.”

Section 1807.1.3 ‘Rubble stone foundation walls’ shall be repealed in its entirety.

Section 1807.1.4 Wood foundations shall read: “Wood foundation systems shall not be permitted within the jurisdiction of the City of Hot Springs, to include post-frame or ‘pole barn’ construction for habitable residential structures.”

06-A.04.030. Adoption of International Residential Code (IRC), 2012 Edition.

That certain code known as the International Residential Code, 2012 Edition, is hereby adopted by the City of Hot Springs, South Dakota, and the printed, copyrighted copy of such Code, which is on file in the office of the Building Official of this City, is adopted and incorporated as fully as if set out at length herein. Such Code shall be enforced by the Building Official of this City.

06-A.04.035. Amendments to the International Residential Code (IRC), 2012 Edition.

Section R102.4 Referenced codes and standards shall include those electrical and plumbing codes most currently adopted and enforced by the South Dakota Electrical Commission and the South Dakota Plumbing Commission, to include all amendments and exceptions thereto.

Section R105.2 Work exempt from permit shall be amended to include and/or read as follows:

- Decks:
  1. unenclosed decks not exceeding 200 square feet in area which do not incorporate or include a framed roof system.
  2. unenclosed decks not more than 30 inches above grade at any point which do not incorporate or include a framed roof system.
- Roof systems covering unenclosed porches providing:
  1. the total floor area does not exceed sixty (60) square feet and,
  2. the supporting members do not encroach more than six feet (6') into the required set-back.
- Window and door replacement where the rough opening is not altered and the means of egress is not reduced.
- Replacement of exterior wall siding.
- Structures or work performed on properties of the United States Veterans Administration Hospital or the Michael J. Fitzmaurice State Veterans Home.

Section R105.5 Expiration shall include the following: Expiration of Building Permit. If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be canceled by the Building Official; and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been completed within two (2) years of the date of issuance thereof, the Building Official shall cause the building permit to be reviewed and written notice thereof shall be given to the persons affected. Upon review of the permitted project the Building Official may extend the permit conditional on an established completion date or, in the alternative, cancel the building permit. Written notice of cancellation shall be given to the persons affected to include provisions for the appeal of such decision.

Section R112 Board of Appeals. R112.1 General shall read “An appeal or complaint regarding decisions or determinations from the administrative official or department head in regard to the administration of this code shall first be made to the City Administrator or, in his/her absence, the Chief Executive Officer of the City for an administrative review. If the decision or determination is in writing an appeal shall be made within the time period specified in the notice or directive resulting from such decision or determination. In the event that the appellant is not satisfied with the City Administrator’s interpretation and/or determination on the issue, the appellant shall have the right to request to appeal the matter to the Common Council who shall act as the Board of Appeals. Upon such request the City Administrator shall place the appellant on the agenda for the next regularly scheduled City Council meeting for a legislative determination on the matter.”

Section R202 Definitions shall include the following definitions:

- “Balcony, Exterior” An exterior floor system projecting from a structure and supported entirely by that structure, with no additional independent supports.

- “Carport” A temporary or permanent unenclosed detached accessory structure, without doors and not more than six-hundred square feet (600 sq/ft) in area, used for the sheltered parking of vehicles. Carports enclosed on more than two sides shall be considered a garage. (see ‘Accessory Structure’)
- “Deck” A non-covered exterior attached or detached floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.
- “Porch” A roofed structure, usually open at the front and sides, projecting from the face of a building and used to protect an entrance. Considered to be an addition to the main structure.
- “Veranda” Typically a long, wrap-around covered porch surrounded by a railing, often extending along more than one side of a building. Considered to be a part of or an addition to the main structure.

Table R301.2(1) Climatic And Geographic Design Criteria shall be designated as follows:

Ground Snow Load=	30lb
Wind Speed=	Speed/90mph
Topographic effects=	NO
Seismic Design Category=	B
Weathering=	Severe
Frost Line Depth=	42 inches
Termite=	None to Slight
Winter Design Temp.=	-7 degrees Fahrenheit
Ice Barrier Underlayment=	Yes
Flood Hazards=	Yes
Air Freezing Index=	2000
Mean Annual Temp.=	45 degrees Fahrenheit

Section R309.1 Floor Surface shall read “Garage floor surfaces shall be of approved noncombustible material.”

“The area of floor used for parking of automobiles or other vehicles should be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry door.”

Section R313 Automatic Fire Sprinkler Systems shall be deleted from this code.

Section R402.1 Wood foundations shall read: “Wood foundation systems shall not be permitted within the jurisdiction of the City of Hot Springs, to include post-frame or ‘pole barn’ construction for habitable residential structures.”

Section R403.1.4 Minimum depth. Exceptions: (monolithic foundations)

1. Where the roof truss span is not over twenty-four feet (24’), single family light-framed detached garages not over 1000 square feet in area shall have a minimum footing width of eight inches (8”), shall have a minimum depth of eight inches (8”) below grade provided that the sill plate is a minimum of four inches (4”) from grade and proper drainage is provided.
2. Where the roof truss span is not over twenty-four feet (24’), single family light-framed detached garages over 1000 square feet in area may reduce the footing width from the required twelve inches (12”) to eight inches (8”) where a 30 degree to 45 degree back slope from the bottom of the footing to the floor slab is provided.

Section R403.1.6 Foundation anchorage. Exception #1, “For exterior wall wood sole plates attached to poured concrete foundations, an 8” ‘J’ or ‘L’ anchor bolt, embedded a minimum of 6 inches into the concrete may be used where the anchor bolt spacing is minimum 48 inches on-center.”

Section R404.1.2 Concrete foundation walls. Exception: “Cast-in-place foundations greater than eighteen inches (18”) in depth are prohibited except upon approval by the local Building Official and subject to a soils investigation. The term ‘cast-in-place foundations’ shall be defined as an excavation of which the excavated earthen sides or walls are intended to be used as the concrete form(s) against which the concrete is poured.”

Section 501.3 Fire Protection of Floors shall be repealed.

Section 507 Decks. In addition to the provisions of this code, the Prescriptive Residential Wood Deck Construction Guide, based on the most current International Residential Code, as provided by the American Forest and Paper Association, shall be the official guide for the construction of decks within the city. Where a conflict exists between the guide and the adopted code, the most restrictive provisions shall prevail.

Chapter 11 Energy Efficiency shall read as follows:

Habitable spaces shall contain a minimum of:

- 1- R-38 insulation in attic spaces.
- 2- R-19 insulation in wall spaces.

Chapters 12 through Chapter 43 shall be repealed from this code.

06-A.04.040. Adoption of the International Property Maintenance Code (IPMC), 2012 Edition.

That certain code known as the International Property Maintenance Code, 2012 Edition, is hereby adopted by the City of Hot Springs, South Dakota, and the printed, copyrighted copy of such International Property Maintenance Code, 2012 Edition, which is on file in the office of the Building Official of this City, is adopted and incorporated as fully as if set out at length herein. The Police Department and the Building Department may act jointly or separately, as is deemed necessary and appropriate by the Chief of Police and/or the Building Official, or however otherwise directed by the governing body, in the enforcement of this code.

06-A.04.045 Amendments to the International Property Maintenance Code, 2012 Edition.

Section 102.2 shall be repealed in its entirety.

Section 103 shall be repealed in its entirety.

Section 105 shall be repealed in its entirety.

Section 111.1, shall read: “An appeal or complaint regarding decisions or determinations from the administrative official or department head in regard to the administration of this code shall first be made to the City Administrator or, in his/her absence, the Chief Executive Officer of the City for an administrative review. If the decision or determination is in writing an appeal shall be made within the time period specified in the notice or directive resulting from such decision or determination. In the event that the appellant is not satisfied with the City Administrator’s interpretation and/or determination on the issue, the appellant shall have the right to request to appeal the matter to the Common Council who shall act as the Board of Appeals. Upon such request the City Administrator shall place the appellant on the agenda for the next regularly scheduled City Council meeting for a legislative determination on the matter.”

Section 302.4 shall indicate weeds or plant growth in excess of twelve inches (12”) in height.

Section 303 shall be repealed in its entirety.

Section 305 shall be repealed in its entirety.

Chapter 4 shall be repealed in its entirety.

Chapter 5 shall be repealed in its entirety.

Chapter 6 shall be repealed in its entirety.

Chapter 7 shall be repealed in its entirety.

### **06-A.05. Building Permit Fees.**

#### 06-A.05.01. Building Permit Fees.

1. When work has begun on a project for which a building permit is required, and the permit has not yet been obtained and the appropriate fees paid, then the building permit fees shall be multiplied by a factor of four (4). However, this shall not relieve the owner and or contractor from fully complying with the requirements of all applicable building/construction codes and zoning laws applicable in that district or from any other penalties prescribed herein.

**Source: Ord. #1110, 12/2011;**



**06-A.06. Remedies.**

06-A.06.01. Termination of Utility Services.

1. Any municipal or public utility franchised or authorized to do business in the City of Hot Springs shall refuse and terminate service to any building or structure that:
  - a. fails to meet minimum standards prescribed by any of the following codes or ordinances adopted into law by the City or as otherwise recognized as indicated below:
    - i. International Building Code
    - ii. International Residential Code
    - iii. International Plumbing Code
    - iv. International Mechanical Code
    - v. International Existing Building Code
    - vi. International Property Maintenance Code
    - vii. South Dakota State Electrical Commission Code
    - viii. South Dakota State Plumbing Commission Code
    - ix. South Dakota State Department of Health Code
  - b. has been declared to constitute a public nuisance by the Common Council;
  - c. has been determined to constitute a dangerous or unsafe building by the city Building Official;
  - d. is occupied or used in violation of Hot Springs' Zoning Ordinances;
  - e. contains any establishment which is required to be licensed by the City and has refused to comply with the licensing provisions.
2. Upon determination by the Building Official and/or Common Council that any of the above violations or conditions exist, notice of such violations shall be made to the owner or occupant and if such condition is not corrected within ten (10) days, the utility company or companies involved will be notified and upon notification will terminate service to said building or structure.

06-A.06.02. Conflicts with other Ordinances and State Laws.

In case of conflicts between provisions of any of the codes, ordinances or laws referenced in 06-A.06.01(1) (i. through ix.) or other ordinances of the City or laws of the State, the provisions of such ordinances or State laws shall prevail.

**06-A.07. Validity.**

06-A.07.01. Validity.

Should any section, clause, or provision of this ordinance be declared by the court to be unconstitutional or invalid, this judgement shall not affect the validity of the ordinance as a whole or any other part other than the part judged invalid.