

ORDINANCE # 5473

AN ORDINANCE REPEALING CHAPTER 15.13 OF THE RAPID CITY MUNICIPAL CODE IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 15.13 OF THE RAPID CITY MUNICIPAL CODE ENTITLED INTERNATIONAL RESIDENTIAL CODE.

BE IT ORDAINED by the City of Rapid City that Chapter 15.13 of the Rapid City Municipal Code is repealed in its entirety.

BE IT FURTHER ORDAINED by the City of Rapid City that a new Chapter 15.13 of the Rapid City Municipal Code, entitled International Residential Code, be and is hereby adopted as follows:

15.13.010 Adoption.

There is adopted by the city that certain code known as the International Residential Code for One- and Two-Family Dwellings, Chapters 1-11 and 43, as recommended by the International Code Council, specifically the 2006 edition thereof, and Appendix H; for one- and two-family dwellings only. A copy of same is on file in the office of the City Building Official.

BE IT FURTHER ORDAINED that the International Residential Code for One- and Two-Family Dwellings, as adopted, be hereinafter amended as follows:

15.13.020 IRC Chapter 1, Section R103, DEPARTMENT OF BUILDING SAFETY – Amended.

IRC, Chapter 1, Section R103, **DEPARTMENT OF BUILDING SAFETY**, is hereby amended to read as follows:

**SECTION R103
BUILDING PERMIT REVIEW TEAM**

R103.1 Creation of enforcement agency. The Building Permit Review Team is hereby created and the official in charge thereof shall be known as the building official.

R103.2 Appointment. The building official shall be appointed by the chief appointing authority of the jurisdiction.

R103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

15.13.030 IRC, Chapter 1, Section R105.2 Work Exempt from Permit – Amended.

IRC, Chapter 1, Section R105.2 Work exempt from permit is hereby amended to read as follows:

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from the 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 120 square feet.
2. Fences not over 6 feet (1829 mm) high.

3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18.927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Platforms, walks, and driveways not more than 30 inches above grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools which are less than 18 inches deep, do not exceed 5,000 gallons (19,000 L) and are installed entirely above ground.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Replacement of siding.
11. Replacement of like roofing materials.
12. Dumpsters.
13. Gutters, downspouts, and storm windows.
14. Window replacement - where the rough opening is not altered.
15. Structures or work performed on properties of the government of the United States of America, State of South Dakota, and County of Pennington.

Unless otherwise exempted, separate plumbing, electrical, and mechanical permits will be required for the above exempted items.

15.13.040 IRC Chapter 1, Section R105.3.1.1 Substantially improved or substantially damaged existing building in areas prone to flooding – Amended.

IRC Chapter 1, Section R105.3.1.1 Substantially improved or substantially damaged existing building in areas prone to flooding, is hereby amended to read as follows:

R105.3.1.1 Substantially improved or substantially damaged existing building in areas prone to flooding. See Chapter 15.32, Flood Area Construction Regulations, of the Rapid City Municipal Code.

15.13.050 IRC Chapter 1, Section R105.5 Expiration - Amended

R105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The requirement that all work authorized by a building permit be commenced within 180 days does not operate to change timelines established in any notice and/or order issued by the building official or his designee.

15.13.060 IRC Chapter 1, Section R106.1.3 Information for Construction in Areas Prone to Flooding – Amended.

IRC Chapter 1, Section R106.1.3 Information for construction in areas prone to flooding, is hereby amended to read as follows:

R106.1.3 Information for construction in areas prone to flooding. See Chapter 15.32, Flood Area Construction Regulations, of the Rapid City Municipal Code.

15.13.070 IRC Chapter 1, Section R106.3 Examination of documents – Amended.

IRC Chapter 1, Section R106.3 Examination of documents, is hereby amended to read as follows:

R106.3 Examination of documents. The building official shall examine or cause to be examined construction documents for code compliance.

R106.3.1 Review of construction documents. When the building official issues a permit, the construction documents shall be reviewed in writing or by stamp. One set of construction documents so reviewed shall be retained by the building official. The other 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 his or her authorized representative.

R106.3.2 Previous review. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

R106.3.3 Phased review. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

15.13.080 IRC Chapter 1, Section R106.4 Amended Construction Documents - Amended.

IRC Chapter 1, Section R106.4 Amended construction documents, is hereby amended to read as follows:

R106.4 Amended construction documents. Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the reviewed construction documents shall be resubmitted for review as an amended set of construction documents.

15.13.090 IRC Chapter 1, Section R106.5 Retention of Construction Documents - Amended.

IRC Chapter 1, Section R106.5 Retention of construction documents, is hereby amended to read as follows:

R106.5 Retention of construction documents. One set of reviewed construction documents shall be retained by the building official for a period of not less than 180 days from the date of completions of the permitted work, or as required by state or local laws.

15.13.100 IRC Chapter 1, Section R107 Temporary Structures and Uses – Deleted

IRC Chapter 1, Section R107 Temporary Structures and Uses, is hereby deleted in its entirety.

15.13.110 IRC Chapter 1, Section R108 Fees – Amended

IRC Chapter 1, Section R108 Fees, is hereby amended to read as follows:

**SECTION R108
FEES**

R108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid. (Table 100-A)

R108.2 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. (Table 100-A)

R108.3 Building permit valuations. Building permit valuation shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor.

R108.4 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

R108.5 Refunds. The building official is authorized to establish a refund policy.

R108.6 Plan review fees. When submittal documents are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be paid as required, in accordance with Table 100-A.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section R108.1 and are in addition to the permit fees.

R108.7 Investigation fees for work without a permit. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Table 100-A. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

15.13.120 IRC Chapter 1, Section R109.0 General - Added

IRC Chapter 1, Section R109.0 General, is hereby added to read as follows.

R109.0 General. All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in Section 1701 of the 2003 International Building Code.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the Rapid City Municipal Code. Inspections do not give authority to violate or fail to follow other provisions of the Rapid City Municipal Code.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

Buildings or structures built without one or more required inspections, as specified by Section R109 of this Code and Chapter 17 of the *International Building Code* may be classed as an unsafe building or structure and action taken as specified by Section 115 for unsafe buildings or structures of this code. Buildings or structures wired, plumbed, provided with mechanical equipment, vents, connectors, chimneys without required inspections, as specified by the currently adopted Electrical Code, as locally amended; the currently adopted Plumbing Code, as amended; the currently adopted Mechanical Code, as locally

amended, may be classed as an unsafe building or structure and action taken as specified by Section 115 for unsafe buildings or structures of the currently adopted edition of the *International Building Code*.

15.13.130 IRC Chapter 1, Section R109.1.3 Floodplain inspections - Amended

IRC Chapter 1, Section 109. 1.3 Floodplain inspections, is hereby amended to read as follows:

R109.1.3 Floodplain inspections. See Chapter 15.32, Flood Area Construction Regulations, of the Rapid City Municipal Code.

15.13.140 IRC Chapter 1, Section R112 Board of Appeals

IRC Chapter 1, Section R112 Board of Appeals, is hereby amended to read as follows:

SECTION R112 BOARD OF APPEALS

- A. In order to hear and decide appeals of orders, decisions or determinations made by the city's building official or their designee relative to the application and interpretation of this code, there is hereby created a board of appeals to be known as the Rapid City International Residential Code Board of Appeals (IRC Board of Appeals). The decision of the IRC Board of Appeals shall be final.
- B. The membership of the IRC Board of Appeals described in subsection A shall be identical to the membership of the City's Development Appeals and Review Board (DARB). The officers of the DARB Board shall hold the same positions on the IRC Board of Appeals as they hold on the DARB Board. When the members of the DARB Board are sitting as the IRC Board of Appeals they shall make clear on the record that they are hearing a matter on their agenda in that capacity and not as the DARB Board. The IRC Board of Appeals will have the authority to adopt by-laws governing the conduct of meetings. In the absence of by-laws to the contrary the meetings of the IRC Board of Appeals shall be governed by the latest edition of Roberts Rules of Order.
- C. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or that a request to use an alternate material, design or method of construction under Section R104.11 has been requested and denied. If the appeal is based on a claim that an alternate material, design or method of construction was improperly denied, the appellant must submit what alternate material, design or method of construction they are proposing. The appellant also has the burden to demonstrate to the Board that the alternative method or material that they are proposing is an equally good or better form of construction. The Board shall have no authority to waive the requirements of the International Residential Code as adopted by the City.
- D. All appeals must be submitted in writing to the building official or their designee within 30 days of the order, decision or determination of the building official being appealed from. Once the appeal is received by the building official they should contact the members of the IRC Board of Appeals to schedule a meeting at which the appeal will be heard. The hearing on the appeal shall be held no sooner than 7 days after the appeal is received by the City.
- E. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official, any member of the City's staff or any person whose interests are affected shall be given an opportunity to be heard.

15.13.150 IRC Chapter 1, Section R115 Residential Contractor Licenses – Added

IRC Chapter 1, Section R115 Residential Contractor Licenses, is hereby added to read as follows:

SECTION R115 RESIDENTIAL CONTRACTOR LICENSES

R115.1 Definitions.

For the purposes of this chapter, the following definitions shall apply.

- A. **EMPLOYEE.** A person whose compensation for construction work is reported by the employer on an Internal Revenue Service W-2 Form and is also otherwise considered an employee under applicable law.
- B. **RESIDENTIAL BUILDING CONTRACTING.** The enlargement, alteration, repair, improvement, conversion or new construction of any 1-family or 2-family dwelling, or any accessory building or structure associated with a 1-family or 2-family dwelling for which a building permit is required.
- C. **RESIDENTIAL BUILDING CONTRACTOR.** A proprietorship, partnership, firm or corporation, who for compensation undertakes or offers to undertake residential building contracting.

R115.2 License required.

- A. It is unlawful for any person or persons representing or operating under the auspices of a firm or corporation to conduct, carry on or engage in the business of residential contracting work or act in the capacity of a residential contractor, without first being approved by the Rapid City Residential Contractor Board and having had issued to them a valid residential contractor's license by the Rapid City Finance Officer.
- B. The following are exceptions.
 - 1. Employees or bona fide subcontractors of a person licensed in accordance with this chapter when they are under the direction and control of that person;
 - 2. Persons engaged in other construction trades for which licenses are required by the city when that person is performing work commensurate with the respective license;
 - 3. A dwelling owner for work to be done on his or her property which he or she occupies as his or her own home or will occupy as his or her own home and when the property owner is acting as his or her own contractor;
 - 4. A landlord for work to be done on his or her property when the landlord is acting as his or her own building contractor; and
 - 5. A homeowner who builds, constructs, alters, repairs, adds to or demolishes any building or structure or any portion thereof that constitutes the owner's residence or a building or structure accessory thereto that is intended for the owner's personal use. An owner may build not more than 1 single-family dwelling in a 3-year period without obtaining a contractor's license; provided, he or she occupies the dwelling a minimum of 1 year after the final inspection is approved.

R115.3 License application.

A residential contractor license shall be issued to every proprietorship, partnership, firm or corporation who makes application for the license, pays the required application fee, meets the requirements as stated in this chapter, and successfully passes the examination conducted by the Board of Residential Contractors; provided, however, that, the Board may approve the issuance of the license to any person who makes application therefore, pays the required fee, meets the requirements and presents to the Board a valid current residential contractor license issued to him or her by any other governmental agency giving an examination, the scope and character of which, in the opinion of the Board, is at least equal to that given by the Residential Contractor Board.

- A. *Person or persons responsible for license.* Each residential contractor license issued to a proprietorship, partnership, firm or corporation shall be the responsibility of the owner or owners of the proprietorship, partnership, firm or corporation.
- B. *License use restricted.* No licensed residential building contractor shall allow his or her name to be used by any other person directly or indirectly, either to obtain a building permit or to perform residential building contracting outside his or her personal supervision.
- C. *License term renewal.* All licenses issued under the provisions of this chapter shall expire on December 31 of every third year, beginning on December 31, 1994. All renewal fees shall be paid on or before December 31 of each successive triennial year. No license may be issued until the designated construction supervisor has completed the requirements for continuing education in subsection J. of this section. Licenses not renewed by the date of expiration shall not be renewed until the applicant has submitted and passed an examination and has paid the examination fees.
- D. *Examination.* Before a residential building contractor's license may be issued, the contractor shall be required to submit to and pass an examination as to his or her qualifications and fitness to perform residential building contracting. The examination shall be given under the direction of the Rapid City Residential Contractor's Board. Any applicant who fails to pass the examination shall not be eligible to take another examination until at least 30 days have lapsed from the date of the last examination. Applicants shall pay the examination fee for each exam given.
- E. *Liability insurance.* Liability insurance shall be required of every residential contractor. Every applicant for a residential contractor's license shall present to the building official for his or her review a valid certificate of insurance at the time of application. It shall be the duty of every residential contractor to continually maintain valid liability insurance. The minimum required general aggregate liability shall be \$300,000 with \$50,000 fire damage and \$300,000 each occurrence.
- F. *Worker's compensation insurance.* In accordance with South Dakota state law, proof of worker's compensation insurance shall be verified prior to the issuance of a license.
- G. *Proof of excise tax number.* Applicants for a residential contractor's license shall be required to supply their excise tax number.
- H. *South Dakota Address and Phone Number.* Applicants for a residential contractor's license shall be required to furnish the name, address and phone number of an agent residing in South Dakota.
- I. *Continuing education.* The requirement for triennial renewal is 1 hour of attendance for every year the license is in effect, at a code class approved by the Building Inspection office. The class topics shall include, but are not limited to:
 - 1. Legal requirements of the code;
 - 2. Local amendments to the code;

3. Requirements for group R occupancies; and
4. Requirements for group U occupancies.

R115.4 License application fees.

- A. Each person applying for a residential contractor's license shall pay to the city's Finance Officer an initial fee of \$200. The license is valid for 3 years. The triennial renewal fee shall be \$100.
- B.
 1. A person may put his or her residential contractor's license under inactive status; however, during that time, he or she may not work as a residential building contractor within the city.
 2. The license application fee and continuing education requirement for inactive status shall be the same as active status, \$200 initial fee and \$100 renewal fee every 3 years, and 1 hour of continuing education every year.

R115.5 Rapid City Residential Contractor Board.

There is established the Board of Residential Contractors, and shall be henceforth entitled the Rapid City Residential Contractor Board. The Board shall consist of 5 members from the residential construction industry, the Building Official or his or her designee. Two members of the Board shall serve for a term of 1 year and 3 members shall serve for a term of 2 years. The members shall be appointed by the Common Council, in January, at its first regular meeting. The members of the Board, except for city staff, shall serve without compensation for the service. The Building Official or his or her designee shall serve as a nonvoting member.

A. Powers and duties of the Board.

1. The Rapid City Residential Contractor Board is authorized to adopt such rules and regulations as shall become necessary with the approval of the Common Council. The Rapid City residential contractor shall notify all license holding residential contractors of the proposed rules and regulations within 60 days prior to the delivery of the rules and regulations to the Common Council.
2. The Board shall hold meetings, as necessary, for transaction of business and for examination of applicants, as heretofore provided for in this chapter; to examine all such applicants as to their knowledge of the rules and regulations governing residential building work, and to determine the qualifications and fitness of the applicants for executing the class of work covered by the license applied for; and to grant licenses as applied for and renewals thereof to those applicants who shall show proper qualifications.
3. The purpose of the Residential Contractor Board is to protect the public health, safety and welfare, and to guard against incompetent or dishonest contractors providing unsafe, unstable or short-lived products or services. Board procedures should always be fair and reasonable. Special care should be taken to insure that new or small volume builders can obtain a license without hardship.

B. Violations and penalties.

1. Any person who shall commence any residential building work for which a permit is required by this code without first having obtained a permit therefore shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for the work; provided, however, that, this provision shall not apply to emergency work when it shall be proved to the satisfaction of the administrative authority that the work was urgently necessary and that it was not practical to obtain a permit therefore before the commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining the permit, a double fee as herein provided shall be charged.

2. It shall be within the discretion of the Residential Contractor Board to revoke a license of any residential contractor who has been doing work without a permit. It shall also be within the discretion of the Residential Contractor Board to revoke any residential contractor's license if the Board receives three complaints within a two year time period on structures that do not comply with the minimum standards of the building code under which the structure was built.
 - a. Should any license, or applicant for license, under this chapter be aggrieved by the action of the Rapid City Residential Contractor Board, he or she may, within 10 days, apply to the Common Council for a review of the action. Upon the review, the Common Council may affirm, modify or reverse the action of the Residential Contractor Board and may order for good cause the issuance of a license.
3. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorizes is lawful.
4. The issuance or granting of a permit or approval of plans shall not prevent the administrative authority from thereafter requiring the correction of errors in the plans and specifications or from preventing construction operations being carried on thereunder when in violation of this chapter or of any other ordinance or from revoking any certificate of approval when issued in error.
5. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine, not to exceed \$100, or by imprisonment in the county jail, not to exceed 30 days, or by both fine and imprisonment. Upon written notice by the Building Official, each separate day or any portion thereof during which any violation of this chapter continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.
6. A licensed contractor who is the subject of an investigation by the Board shall cooperate fully with the Board in its investigation. Cooperation includes, but is not limited to:
 - a. Responding fully and promptly to questions raised by the Board;
 - b. Providing copies of records in the person's possession relative to the matter under investigation, as requested by the Board; and
 - c. Appearing at conferences or hearing scheduled by the Board.

15.13.160 IRC Chapter 2, Section R202 Definitions – Amended

IRC Chapter 2, Section R202 Definitions, is hereby amended to read as follows:

SECTION R202 DEFINITIONS

All definitions will remain the same except for those specifically changed as follows:

ACCESSORY STRUCTURE. A structure not over one story in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same property.

TOWNHOUSE. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.

15.13.170 IRC Chapter 3, Table R301.2(1) Climatic and Geographic Design Criteria – Amended

IRC Chapter 3, Table R301.2(1) Climatic and Geographic Design Criteria, is hereby amended by inserting the following information into the table.

TABLE R301.2(1), CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA. Ground Snow Load – 42 psf and as per ASCE 705; Wind speed – 90 mph; Seismic Design Category – B; Weathering – Moderate; Frost line depth – 42"; Termite – None to slight; Winter Design Temp – -7; Ice Barrier Underlayment Required – Yes; Flood Hazards – 2-18-98; Air Freezing Index – 1548; and Mean Annual Temp - 48°F. (Table 100-B)

15.13.180 IRC Chapter 3, Section R301.2.4 Floodplain construction – Amended

IRC Chapter 3, Section R301.2.4 Floodplain construction, is hereby amended to read as follows:

R301.2.4 Floodplain construction. See Chapter 15.32, Flood Area Construction Regulations, of the Rapid City Municipal Code.

15.13.190 IRC Chapter 3, Section R303.1 Habitable Rooms – Amended

IRC Chapter 3, Section R303.1 Habitable rooms, is hereby amended to read as follows:

R303.1 Habitable rooms. All habitable rooms shall be provided with aggregate glazing area of not less than 6 percent of the floor area of such rooms. Natural ventilation shall be through windows, doors, louvers or other approved openings to the outdoor air. Such openings shall be provided with ready access or shall otherwise be readily controllable by the building occupants. The minimum openable area to the outdoors shall be 3 percent of the floor area being ventilated.

Exceptions:

1. The glazed areas need not be openable where the opening is not required by Section R310 and an approved mechanical ventilation system is provided capable of producing 0.35 air change per hour in the room or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) (7.08 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.
2. The glazed areas need not be provided in rooms where Exception 1 above is satisfied and artificial light is provided capable of producing an average illumination of 6 foot candles (6.46 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.
3. Use of sunroom additions and patio covers, as defined in Section R202, shall be permitted for natural ventilation if in excess of 40 percent of the exterior sunroom walls are open, or are enclosed only by insect screening.
4. Media and theater rooms.

15.13.200 IRC Chapter 3, Section 309.2 Separation Required – Amended

IRC Chapter 3, Section 309.2 Separation required, is hereby amended to read as follows:

R309.2 Separation required. The garage shall be separated from the residence and its attic area by not less than 5/8-inch gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8-inch (15.9 mm) Type X gypsum board or

equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 1/2-inch (12.7 mm) gypsum board or equivalent. Garages located less than 6 feet from a dwelling unit on the same lot shall be protected with not less than 5/8-inch gypsum board applied to the interior side of exterior walls that are within this area. Openings in these walls shall be regulated by Section R309.1. This provision does not apply to garage walls that are perpendicular to the adjacent dwelling unit wall.

15.13.210 IRC Chapter 3, Section R309.5 Flood Hazard Areas – Amended

IRC Chapter 3, Section R309.5 Floodplain construction, is hereby amended to read as follows:

R301.2.4 Floodplain construction. See Chapter 15.32, Flood Area Construction Regulations, of the Rapid City Municipal Code.

15.13.220 IRC Chapter 3, Section R310.1 Emergency escape and rescue required - Amended

IRC Chapter 3, Section R310.1 Emergency escape and rescue required, is hereby amended to read as follows:

R310.1 Emergency escape and rescue required. Basements and every sleeping room shall have at least one operable emergency and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 48 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 emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

Exception: Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m²).

15.13.230 IRC Chapter 3, Section R310.1.1 Minimum Opening Area – Amended

IRC Chapter 3, Section R310.1.1 Minimum opening area, is hereby amended to read as follows:

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).

15.13.240 IRC Chapter 3, Section R310.2.1 Ladder and steps - Amended

IRC Chapter 3, Section R310.2.1, is hereby amended to read as follows:

R310.2.1 Ladder and steps. Window wells with a vertical depth greater than 48 inches 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 R311.5 and R311.6. 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.

15.13.250 IRC Chapter 3, Section R311.4.3 Landings at Doors – Amended

R311.4.3 Landings at doors. There shall be a floor or landing on each side of each exterior door. The floor or landing at the exterior door shall not be more than 1.5 inches (38 mm) lower than the top of the threshold. The landing shall be permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2-percent).

Exceptions:

1. Where a stairway of two or fewer risers is located on the exterior side of a door, other than the required exit door, a landing is not required for the exterior side of the door provided the door, other than an exterior storm or screen door does not swing over the stairway.
2. The exterior landing at an exterior doorway shall not be more than 8 inches below the top of the threshold, provided the door, other than an exterior storm or screen door does not swing over the landing.
3. The height of floors at exterior doors other than the exit door required by Section R311.4.1 shall not be more than 8 inches lower than the top of the threshold.

The width of each landing shall not be less than the door served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.

15.13.260 IRC Chapter 3, Section R311.5.3 Stair Treads and Risers – Amended

IRC Chapter 3, Section R311.5.3 Stair treads and risers, is hereby amended to read as follows:

R311.5.3 Stair treads and risers.

R311.5.3.1 Riser height. The maximum riser height shall be 8 inches. The minimum riser height shall be 4 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 (9.5 mm).

R311.5.3.2 Tread depth. The minimum tread depth shall be 9 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 treads leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point 12 inches (305) mm from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the greatest winder tread depth at the 12 inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R311.5.3.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4 inch (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 (0.51 rad) degrees from the vertical. Open risers are permitted.

Exceptions:

1. A nosing is not required where the tread depth is a minimum of 11 inches (279 mm).

2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.

15.13.270 IRC Chapter 3, Section R311.5.8.3 Circular Stairways - Added

IRC Chapter 3, Section R311.5.8.3 Circular stairways is hereby added to read as follows:

R311.5.8.3 Circular stairways. See Section 1009.7 of the 2006 International Building Code.

15.13.280 IRC Chapter 3, Section R317.2 Townhouses – Amended

IRC Chapter 3, Section R317.2 Townhouses, is hereby amended to read as follows:

R317.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire- resistance-rated wall assemblies meeting the requirements of Section R302 for exterior walls.

Exception: A common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with the current electrical code adopted by the City of Rapid City. Penetrations of electrical outlet boxes shall be in accordance with Section R317.3.

15.13.290 IRC Chapter 3, Section R318 Moisture Vapor Retarders – Deleted

IRC Chapter 3, Section R318 Moisture Vapor Retarders, is hereby deleted in its entirety.

15.13.300 IRC Chapter 3, Section R319.1.1 Field Treatment – Amended

IRC Chapter 3, Section R319.1.1 Field treatment, is hereby amended to read as follows:

R319.1.1 Field treatment. Field-cut ends, notches and drilled holes of preservative-treated wood shall be treated.

15.13.310 IRC Chapter 3, Section R320 Protection Against Subterranean Termites – Deleted

IRC Chapter 3, Section R320 Protection Against Subterranean Termites, is hereby deleted in its entirety.

15.13.320 IRC Chapter 3, Section R324 Flood-Resistant Construction - Deleted

IRC Chapter 3, Section R324 Flood-resistant construction, is hereby deleted in its entirety.

15.13.330 IRC Chapter 4, Section R401.1 Application – Amended

IRC Chapter 4, Section R401.1 Application, is hereby amended to read as follows:

R401.1 Application. The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. Wood foundations shall be designed and installed in accordance with AF&PA Report No. 7.

Exception: The provisions of this chapter shall be permitted to be used for wood foundations only in the following situations:

1. In buildings that have no more than two floors and a roof.
2. When interior basement and foundation walls are provided at intervals not exceeding 50 feet.

3. A one-story wood or metal frame building, not used for human occupancy and no over 1,000 square feet in floor area, when the clear span of the roof framing elements (bearing walls) do not exceed 24 feet may be supported on a concrete slab with thickened edge, as approved by the building official.

Wood foundations in Seismic Design Category D₀, D₁ or D₂ shall be designed in accordance with accepted engineering practice.

15.13.340 IRC Chapter 4, Section R403.1.4.1 Frost Protection – Amended

IRC Chapter 4, Section R403.1.4.1 Frost protection, is hereby amended to read as follows:

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. Constructing in accordance with Section R403.3;
3. Constructing in accordance with ASCE 32; or
4. Erected on solid rock.

Exceptions:

1. Protection of freestanding accessory structures with an area of 1,000 square feet or less, of light-framed 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 400 square feet (37m²) or less, of other than light-framed construction, with an eave height of 10 feet (3048 mm) or less shall not be required.
3. Decks not supported by a dwelling need not be provided with footings that extend below the frost line.

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

15.13.350 IRC Chapter 4, Section R404.1 Concrete and Masonry Foundation Walls - Amended

IRC Chapter 4, Section R404.1 Concrete and masonry foundation walls, is hereby amended to read as follows:

R404.1 Concrete and masonry foundation walls. Concrete and masonry foundation walls shall be selected and constructed in accordance with the provisions of Section R404 or in accordance with ACI 318, ACI 332, NCMA TR68-A or ACI 530/ASCE 5/TMS 402 or other approved structural standards. When ACI 318, ACI 332 or ACI 530/ASCE 5/TMS 402 or the provisions of Section R404 are used to design concrete or masonry foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the state law of the jurisdiction having authority.

A one-story wood or metal frame building, not used for human occupancy and not over 1,000 square feet in floor area, when the clear span of the roof framing elements (bearing walls) do not exceed 24 feet may be supported on a concrete slab with thickened edge, as approved by the building official.

15.13.360 IRC Chapter 4, Table R404.1(1) Top Reactions and Prescriptive Support for Foundation Walls – Deleted

IRC Chapter 4, Table R404.1(1) Top reactions and prescriptive support for foundations walls is hereby deleted in its entirety.

15.13.370 IRC Chapter 4, Table R404.1(2) Maximum Plate Anchor-Bolt Spacing for Supported Foundation Wall – Deleted

IRC Chapter 4, Table R404.1(2) Maximum plate anchor-bolt spacing for supported foundation wall is hereby deleted in its entirety.

15.13.380 IRC Chapter 4, Table R404.1(3) Maximum Aspect Ratio, L/W for Unbalanced Foundations – Deleted

IRC Chapter 4, Table R404.1(3) Maximum aspect ratio, l/w for unbalanced foundations is hereby deleted in its entirety.

15.13.390 IRC Chapter 4, Section R404.5 Retaining Walls – Deleted

IRC Chapter 4, Section R404.5 Retaining walls, is hereby deleted in its entirety.

15.13.400 IRC Chapter 5, Section R502.12 Draftstopping required - Amended

IRC Chapter 5, Section R502.12 Draftstopping, is hereby amended to read as follows:

R502.12 Draftstopping required. When there is usable space both above and below the concealed space of a floor/ceiling assembly, draftstops shall be installed so that the area of the concealed space does not exceed 1,500 square feet. Draftstopping shall divide the concealed space into approximately equal areas. Where the assembly is enclosed by a floor membrane above and a ceiling membrane below draftstopping shall be provided in floor/ceiling assemblies under the following circumstances:

1. Ceiling is suspended under the floor framing.
2. Floor framing is constructed of truss-type open-web or perforated members.

15.13.410 IRC Chapter 5, Section 506.2.3 Vapor Retarder - Deleted

IRC Chapter 5, Section 506.2.3 Vapor retarder, is hereby deleted in its entirety.

15.13.420 IRC Chapter 9, Section 905.2.7.1 Ice Barrier – Amended

IRC Chapter 9, Section 905.2.7.1 Ice Barrier, is hereby amended to read as follows:

R905.2.7.1 Ice barrier. In areas where there has been a history of ice forming along the eaves causing a backup of water as designated in Table R301.2(1), an ice barrier that consists of a least two layers of underlayment cemented together or 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 (610 mm) inside the exterior wall line of the building.

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

If the ice dam is not inspected, the contractor shall provide an affidavit that the ice dam was installed properly.

15.13.430 IRC Chapter 11 – Amended

IRC Chapter 11, is hereby amended to read as follows:

CHAPTER 11 ENERGY EFFICIENCY

Habitable living spaces shall be insulated to the following specifications: R-30 in the attic and R-11 in exterior walls.

Exception: manufactured sunroom components.

15.13.440 IRC Appendix H, Section AH106.1 Footings – Amended

IRC Appendix H, Section AH106.1 Footings, is hereby amended to read as follows:

AH106.1 General. A patio cover shall be permitted to be supported on a slab on grade without footings, provided the slab conforms to the provisions of Section R505 of this code, is not less than 3.5 inches (89 mm) thick and the columns do not support live and dead loads in excess of 750 pounds (3.34 kN) per column.

15.13.450 IRC Appendix H, Section AH107.5 Footings - Amended

IRC Appendix H, Section AH107.7 Footings, is hereby amended to read as follows:

AH107.5 Footings. A screen enclosure shall be permitted to be supported on a concrete slab on grade without footings, provided the slab conforms to the provisions of Section R506, is not less than 3 1/2 inches (89mm) thick, and the columns do not support loads in excess of 750 pounds (3.36 kN) per column.

TABLE 100-A IRC BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$1,600.00	\$37.00
\$1,601 to \$2,000.00	\$37.00 for the first \$1,600.00 plus \$2.00 for each additional \$1,000.00, or fraction thereof, to and including \$2,000.00
\$2,001 to \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00, or fraction thereof, to and including \$ 50,000.00
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,00.00 to \$1,000,000.00	\$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$3,539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00, or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours..... (minimum charge – two hours)	\$42.00 per hour ¹
2. Re-inspection fees	\$42.00 per hour ¹
3. Inspections for which no fee is specifically indicated..... (minimum charge – one hour)	\$42.00 per hour ¹
4. Additional plan review required by changes, additions, or revisions to plans..... (minimum charge – one hour)	\$42.00 per hour ¹
5. For use of outside consultants for plan checking and inspections, or both.....	Actual costs ²
6. Plan review fees for 1 and 2 family dwellings and accessory structures shall be 10% of the building permit fee.	
7. Plan review fees for all occupancies except 1 and 2 family dwellings shall be 50% of the building permit fee.	

¹Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

²Actual costs include administrative and overhead costs.

TABLE 100-B CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
			Weathering	Frost line depth	Termite					
42 psf ¹	90	B	Moderate	42"	None to slight	-7	Yes	2-18-98	1548	48° F

¹The ground snow load for Rapid City shall be 42 psf and as per ASCE 705.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: