

ORDINANCE # 5474

AN ORDINANCE CREATING CHAPTER 15.14 OF THE RAPID CITY MUNICIPAL CODE ENTITLED INTERNATIONAL PROPERTY MAINTENANCE CODE.

BE IT ORDAINED by the City of Rapid City that Chapter 15.14 of the Rapid City Municipal Code is created.

BE IT FURTHER ORDAINED by the City of Rapid City that a new Chapter 15.14 of the Rapid City Municipal Code, entitled International Property Maintenance Code, is hereby adopted as follows:

15.14.100 Adoption

There is adopted by the city for the purpose of prescribing regulations for the practical safeguarding of persons and property from hazards arising from housing, and for the removal of blighted structures in population areas, that certain code known as the International Property Maintenance Code, as recommended by the International Code Council, specifically the 2006 edition thereof, Chapters 1 through 8. A copy of the same is on file in the office of the City Building Official.

BE IT FURTHER ORDAINED that the International Property Maintenance Code, as adopted, be hereinafter amended as follows:

15.14.110 IPMC Chapter 1, Section 101.1 Title – Amended

IPMC Chapter 1, Section 101.1 Title, is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the City of Rapid City, hereinafter referred to as “this code.”

15.14.120 IPMC Chapter 1, Section 101.3 Intent – Amended

IPMC Chapter 1, Section 101.3 Intent, is hereby amended to read as follows:

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the International Building Code and the International Residential Code.

15.14.130 IPMC Chapter 1, Section 102.3 Application of Other Codes – Amended

IPMC Chapter 1, Section 102.3 Application of other codes, is hereby amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Residential Code, Rapid City Gas Code, Rapid City Municipal Code, and the current codes adopted by the City of Rapid City for Plumbing, Electrical, Fuel Gas, and Mechanical.

15.14.140 IPMC Chapter 1, Section 103 Department of Property Maintenance Inspection – Amended

IPMC Chapter 1, Section 103 Department of Property Maintenance Inspection, is hereby amended to read as follows:

SECTION 103 BUILDING PERMIT REVIEW TEAM

103.1 General. The building permit review team is hereby created and the executive official in charge thereof shall be known as the building or code official.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

103.4 Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any 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 defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule. (Table 100-A and Table 100-B).

15.14.150 IPMC Chapter 1, Section 111 Means of Appeal – Amended

IPMC Chapter 1, Section 111 Means of Appeal, is hereby amended to read as follows:

SECTION 111 MEANS OF APPEAL

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the International Property Maintenance Code Board of Appeals, provided that a written application for appeal is filed with the city building official or their authorized designee within 20 days after the day the decision, notice or order was served. 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 the requirements of this code are adequately satisfied by other means.

111.2 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

111.3 Membership. The membership of the IPMC Board of Appeals 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 IBC Board of Appeals as they hold on the DARB Board. When the members of the DARB Board are sitting as the IPMC 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 IPMC 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 IPMC Board of Appeals shall be governed by the latest edition of Robert Rules of Order.

111.4 Open Meeting. 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.

111.5 Board Decision. The decision of the code official shall only be modified or reversed only upon a majority vote of the members present. The decision of the Board shall be final.

15.14.160 IPMC Chapter 2, Section 201.3 Terms Defined in Other Codes – Amended

IPMC Chapter 2, Section 201.3 Terms defined in other codes, is hereby amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code, International Fire Code, International Residential Code, Rapid City Gas Code, Rapid City Municipal Code, and the current codes adopted by the City of Rapid City for Plumbing, Electrical, Fuel Gas, and Mechanical*, such terms shall have the meanings ascribed to them as in those codes.

15.14.170 IPMC Chapter 3, Section 302.4 Weeds – Deleted

IPMC Chapter 3, Section 302.4 Weeds is hereby deleted in its entirety.

15.14.180 IMC Chapter 3, Section 302.8 Motor Vehicles – Deleted

IPMC Chapter 3, Section 302.8 Motor vehicles, is hereby deleted in its entirety.

15.14.190 IPMC Chapter 3, Section 303 Swimming Pools, Spas and Hot Tubs – Deleted

IPMC Chapter 3, Section 303 Swimming Pools, Spas and Hot Tubs, is hereby deleted in its entirety.

15.14.200 IPMC Chapter 3, Section 304.7 Roofs and Drainage – Amended

IPMC Chapter 3, Section 304.7 Roofs and drainage, is hereby amended to read as follows:

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Roofs and reroofing shall comply with the International Building Code Chapter 15 or the International Residential Code Chapter 9.

15.14.210 IPMC Chapter 3, Section 304.14 Insect Screens – Amended

IPMC Chapter 3, Section 304.14 Insect screens, is hereby amended to read as follows:

304.14 Insect screens. During the period from May 1 to October 1, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed,

manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

15.14.220 IPMC Chapter 3, Section 304.18 Building Security – Amended

IPMC Chapter 3, Section 304.18 Building security, is hereby amended to read as follows:

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within as in compliance with Section 702.3.

15.14.230 IPMC Chapter 3, Section 305.1 General – Amended

IPMC Chapter 3, Section 305.1 General, is hereby amended to read as follows:

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

15.14.240 IPMC Chapter 3, Section 307 Rubbish and Garbage – Deleted

IPMC Chapter 3, Section 307 Rubbish and garbage, is hereby deleted in its entirety.

15.14.250 IPMC Chapter 3, Section 308.3 Single Occupant – Deleted

IPMC Chapter 3, Section 308.3 Single occupant, is hereby deleted in its entirety.

15.14.260 IPMC Chapter 3, Section 308.4 Multiple Occupancy – Deleted

IPMC Chapter 3, Section 308.4 Multiple occupancy, is hereby deleted in its entirety.

15.14.270 IPMC Chapter 3, Section 308.5 Occupant – Deleted

IPMC Chapter 3, Section 308.5 Occupant, is hereby deleted in its entirety.

15.14.280 IPMC Chapter 5 Plumbing Facilities and Fixture Requirements – Amended

IPMC Chapter 5 Plumbing Facilities and Fixture Requirements, is hereby amended to read as follows:

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

**SECTION 501
GENERAL**

501.1 Scope. Plumbing facilities and fixture requirements shall be governed by the current plumbing code adopted by the South Dakota State Plumbing Commission with revisions.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

15.14.290 IMC Chapter 6 Mechanical and Electrical Requirements – Amended

IPMC Chapter 6 Mechanical and Electrical Requirements, is hereby Amended to read as follows:

**CHAPTER 6
MECHANICAL AND ELECTRICAL REQUIREMENTS**

**SECTION 601
GENERAL**

601.1 Scope. Mechanical and electrical requirements will be governed by the current mechanical, fuel gas, and electrical codes adopted by the City of Rapid City.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

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 \$100,000.000	\$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 IBC BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$1,600.00	\$37.00
\$1,601 to \$2,000.00	\$69.25
\$2,001 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$ 50,000
\$50,001.00 to \$100,000.000	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,00.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours..... (minimum charge – two hours)	\$47.00 per hour ¹
2. Re-inspection fees	\$47.00 per hour ¹
3. Inspections for which no fee is specifically indicated..... (minimum charge – one hour)	\$47.00 per hour ¹
4. Additional plan review required by changes, additions, or revisions to plans..... (minimum charge – one hour)	\$47.00 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.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: