

## ORDINANCE 5820

### AN ORDINANCE ADOPTING THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE BY REPEALING CHAPTER 15.14 OF THE RAPID CITY MUNICIPAL CODE IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 15.14 OF THE RAPID CITY MUNICIPAL CODE.

**BE IT ORDAINED** by the City of Rapid City that Chapter 15.14 of the Rapid City Municipal Code is repealed in its entirety.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 15.14 of the Rapid City Municipal Code, entitled International Property Maintenance Code, is hereby adopted as follows:

#### 15.14.010 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 recommended by the International Code Council known as the International Property Maintenance Code, 2009 edition, specifically Chapters 1 through 8 thereof. A copy of the same is on file in the office of the City Building Official.

### SECTION 101 GENERAL

#### 15.14.020 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 *International Property Maintenance Code* of [the City of Rapid City](#), hereinafter referred to as “this code.”

#### 15.14.030 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.](#)

**SECTION 102  
APPLICABILITY**

**15.14.040 IPMC Chapter 1, Section 102.3, APPLICATION OF OTHER CODES – AMENDED**

IMPC 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 Fuel Gas Code, International Mechanical Code and NFPA-70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.~~ Rapid City Municipal Code, and the current codes adopted by the City of Rapid City for Residential Contracting Plumbing, Electrical, Fuel Gas, and Mechanical.

**SECTION 103**

~~**DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION**~~ **BUILDING SERVICES**

**15.14.050 IPMC Chapter 1, Section 103, ~~DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION~~ BUILDING SERVICES – AMENDED**

IMPC Chapter 1, Section 103, ~~DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION~~ Building Services, is hereby amended to read as follows:

**103.1 General.** The ~~department of property maintenance inspection~~ Division of Building Services is hereby ~~created~~ continued and the executive official in charge thereof shall be known as the code official.

**103.2 Appointment.** The code official shall be appointed by the Director of Community Planning & Development Services.

**103.3 Deputies.** In accordance with the prescribed procedures of ~~this jurisdiction~~ the City of Rapid City and with the concurrence of the ~~appointing authority~~ Director of Community Planning & Building Services, the code official shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the code official.

**103.4 Liability.** The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all

personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

**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-AR and Table 100-B.](#)

## SECTION 201 GENERAL

### **15.14.060 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 Zoning Code, International Plumbing Code, International Mechanical Code~~ or NFPA 70*, ~~such terms shall have the meanings ascribed to them as stated in those codes~~ [Rapid City Municipal Code, and the current codes adopted by the City of Rapid City for Residential Contracting, Plumbing, Electrical, Fuel Gas, and Mechanical](#), such terms shall have the meanings [ascribed to them as in those codes.](#)

## SECTION 302 EXTERIOR PROPERTY AREAS

### **15.14.070 IPMC Chapter 3, Section 302.4, WEEDS – DELETED (SEE ATTACHED)**

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

### **15.14.080 IMC Chapter 3, Section 302.8, MOTOR VEHICLES – DELETED (SEE ATTACHED)**

IPMC Chapter 3, Section 302.8, **MOTOR VEHICLES**, is hereby deleted in its entirety.

## SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

### **15.14.090 IPMC Chapter 3, Section 303, SWIMMING POOLS, SPAS AND HOT TUBS – DELETED (SEE ATTACHED)**

IPMC Chapter 3, Section 303, **SWIMMING POOLS, SPAS AND HOT TUBS**, is hereby deleted in its entirety.

## SECTION 304 EXTERIOR STRUCTURE

### 15.14.100 IPMC Chapter 3, Section 304.1, GENERAL – AMENDED

IPMC Chapter 3, Section 304.1, **GENERAL**, is hereby amended to read as follows:

**304.1 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**304.1.1 Unsafe conditions.** ~~The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:~~

- ~~1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;~~
- ~~2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;~~
- ~~3. Structures or components thereof that have reached their limit state;~~
- ~~4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;~~
- ~~5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;~~
- ~~6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;~~
- ~~7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;~~
- ~~8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;~~
- ~~9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;~~
- ~~10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;~~
- ~~11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees,~~

~~signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;~~

~~12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or~~

~~13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.~~

**Exceptions:**

~~1. When substantiated otherwise by an *approved* method.~~

~~2. Demolition of unsafe conditions shall be permitted when *approved* by the code official.~~

#### 15.14.110 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.](#)

#### 15.14.120 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.

#### 15.14.130 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](#).

~~**304.18.1 Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.~~

~~**304.18.2 Windows.** Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.~~

~~**304.18.3 Basement hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.~~

## SECTION 305 INTERIOR STRUCTURE

### 15.14.140 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 ~~containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies,~~ shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

## SECTION 308 RUBBISH AND GARBAGE

### 15.14.150 IPMC Chapter 3, Section 308, RUBBISH AND GARBAGE – DELETED (SEE ATTACHED)

IPMC Chapter 3, Section 308, **RUBBISH AND GARBAGE**, is hereby deleted in its entirety.

**SECTION 309  
PEST ELIMINATION**

**15.14.160 IPMC Chapter 3, Section 309.3, SINGLE OCCUPANT – DELETED**

IPMC Chapter 3, Section 309.3, **SINGLE OCCUPANT**, is hereby deleted in its entirety.

~~**309.3 Single occupant.** *The occupant of a one-family dwelling or of a single tenant nonresidential structure shall be responsible for extermination on the premises.*~~

**15.14.170 IPMC Chapter 3, Section 309.4, MULTIPLE OCCUPANCY – DELETED**

IPMC Chapter 3, Section 309.4, **MULTIPLE OCCUPANCY**, is hereby deleted in its entirety.

~~**309.4 Multiple occupancy.** *The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for extermination.*~~

**15.14.180 IPMC Chapter 3, Section 309.5, OCCUPANT – DELETED**

IPMC Chapter 3, Section 309.5, **OCCUPANT**, is hereby deleted in its entirety.

~~**309.5 Occupant.** *The occupant of any structure shall be responsible for the continued rodent and pest free condition of the structure.*~~

~~**Exception:** *Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.*~~

**SECTION 501  
GENERAL**

**15.14.190 IPMC Chapter 5, Section 501.1, SCOPE – AMENDED**

IPMC Chapter 5, Section 501.1, **SCOPE**, is hereby amended to read as follows:

~~**501.1 Scope.** *The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.*~~ Plumbing facilities and fixture requirements shall be governed by the current plumbing code adopted by the South Dakota State Plumbing Commission with revisions.

**[P] SECTION 502  
REQUIRED FACILITIES**

**15.14.200 IPMC Chapter 5, Section 502.5, PUBLIC TOILET FACILITIES – AMENDED**

IPMC Chapter 5, Section 502.5, **PUBLIC TOILET FACILITIES**, is hereby amended to read as follows:

**502.5 Public toilet facilities.** Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the current codes adopted by the City of Rapid City for Plumbing, ~~International Plumbing Code~~. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

**SECTION 505  
WATER SYSTEM**

**15.14.210 IPMC Chapter 5, Section 505.1, GENERAL – AMENDED**

IPMC Chapter 5, Section 505.1, **GENERAL**, is hereby amended to read as follows:

**505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the current codes adopted by the City of Rapid City for Plumbing, ~~International Plumbing Code~~.

**SECTION 601  
GENERAL**

**15.14.220 IMC Chapter 6, Section 601.1, SCOPE – AMENDED**

IPMC Chapter 6, Section 601.1, **SCOPE**, is hereby amended to read as follows:

**601.1 Scope.** ~~The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.~~ Mechanical, electrical and plumbing requirements will be governed by the current mechanical, fuel gas, electrical and plumbing codes adopted by the City of Rapid City.



TABLE 100-AR IRC BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$5,000.00	\$72.00
\$5,001 to \$25,000.00	\$72.00 for the first \$5,000.00 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
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours.....\$42.00 per hour <sup>1</sup> (minimum charge – two hours)	
2. Re-inspection fees .....\$42.00 per hour <sup>1</sup>	
3. Inspections for which no fee is specifically indicated.....\$42.00 per hour <sup>1</sup> (minimum charge – one hour)	
4. Additional plan review required by changes, additions, or revisions to plans...\$42.00 per hour <sup>1</sup> (minimum charge – one hour)	
5. For use of outside consultants for plan checking and inspections, or both.....Actual costs <sup>2</sup>	
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.	

<sup>1</sup>Or 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.

<sup>2</sup>Actual 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
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours.....\$47.00 per hour <sup>1</sup> (minimum charge – two hours)	
2. Re-inspection fees .....\$47.00 per hour <sup>1</sup>	
3. Inspections for which no fee is specifically indicated .....\$47.00 per hour <sup>1</sup> (minimum charge – one hour)	
4. Additional plan review required by changes, additions, or revisions to plans...\$47.00 per hour <sup>1</sup> (minimum charge – one hour)	
5. For use of outside consultants for plan checking and inspections, or both.....Actual costs <sup>2</sup>	
6. <del>Plan review fees for 1 and 2 family dwellings and accessory structures shall be 10% of the building permit fee.</del>	
7. Plan review fees for all occupancies except 1 and 2 family dwellings shall be 50% of the building permit fee.	

<sup>1</sup>Or 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.

<sup>2</sup>Actual costs include administrative and overhead costs.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: