

**ORDINANCE NO. 5105**

**AN ORDINANCE REMOVING THE REQUIREMENT THAT GROUP R-2 OCCUPANCIES CONTAIN TYPE A DWELLING UNITS BY ADDING SECTION 15.12.735 TO THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, the City of Rapid City has adopted the 2003 Edition of the International Building Code (IBC); and

WHEREAS, Section 1107.6.2 of the IBC requires that a certain number of units in an R-2 classified occupancy be Type “A” dwelling units; and

WHEREAS, a Type “A” dwelling unit must be constructed in such a way that the unit is difficult to rent to a non-disabled person; and

WHEREAS, subject to certain exceptions, many of the units in an R-2 occupancy are required to be constructed as a Type “B” unit; and

WHEREAS, Type “B” dwelling units are constructed so that they can be quickly adapted to accommodate residents who are disabled; and

WHEREAS, other municipalities have removed from their building codes the IBC requirement that Type “A” dwelling units be installed when the structure is built; and

WHEREAS, the City desires to strike a balance in its Building Code that both protects its disabled citizens and is reasonable with what it requires of builders; and

WHEREAS, the rights of Rapid City’s disabled citizens can be effectively protected by maintaining the requirement for the construction of Type “B” dwelling units.

NOW THEREFORE, be it ordained by the City of Rapid City that Chapter 15.12 of the Rapid City Municipal Code be amended by adding Section 15.12.735 to read as follows:

**15.12.735 IBC Chapter 11, Section 1107.6.2 Group R-2 – Amended**

IBC Chapter 11, Section 1107.6.2 and its subsections dealing with accessibility in Group R-2 occupancies is hereby amended to read as follows:

**1107.6.2 Group R-2.** Accessible units, ~~Type A units and~~ Type B units shall be provided in occupancies in Group R-2 in accordance with Sections 1107.6.2.1 and 1107.6.2.2.

**1107.6.2.1 Apartment houses, monasteries and convents.** ~~Type A and~~ Type B units shall be provided in apartment houses, monasteries and convents in accordance with Sections ~~1107.6.2.1.1 and~~ 1107.6.2.1.2.

~~**1107.6.2.1.1 Type A units.** In occupancies in Group R-2 containing more than 20 dwelling units or sleeping units, at least 2 percent, but not less than one, of the units shall be a Type A unit. All units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units.~~

**Exceptions:**

1. ~~The number of Type A units is permitted to be reduced in accordance with Section 1107.7.~~
2. ~~Existing structures on a site shall not contribute to the total number of units on a site.~~

**1107.6.2.1.2 Type B units.** Where there are four or more dwelling units or sleeping units intended to be occupied as a residence in a single structure, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

**Exception:** The number of Type B units is permitted to be reduced in accordance with Section 1107.7.

**1107.6.2.2 Boarding houses, dormitories, fraternity houses and sorority houses.** ~~Accessible units and~~ Type B dwelling units shall be provided in boarding houses, dormitories, fraternity houses and sorority houses in accordance with Sections ~~1107.6.2.2.1 and~~ 1107.6.2.2.2.

~~**1107.6.2.2.1 Accessible units.** Accessible dwelling units and sleeping units shall be provided in accordance with Table 1107.6.1.1.~~

**1107.6.2.2.2 Type B units.** Where there are four or more dwelling units or sleeping units intended to be occupied as a residence in a single structure, every dwelling unit and every sleeping unit intended to be occupied as a residence shall be a Type B unit.

**Exception:** The number of Type B units is permitted to be reduced in accordance with Section 1107.7.

**1107.6.2.3 Materials to convert on hand.** Any person or entity owning a structure that is governed by this section shall be required to have, on hand, the materials and appliances necessary to convert any Type B unit into a dwelling unit that is consistent with the criteria established in the currently adopted version of the ANSI A117.1 accessibility guidelines within 14 days.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer  
(SEAL)

First Reading:  
Second Reading:  
Published:  
Effective: