

ORDINANCE #2023-07
AN ORDINANCE AMENDING CHAPTER 11, BUILDING REGULATIONS
OF THE REVISED ORDINANCES OF THE CITY OF PHILIP, SD

Be it Ordained by the City Council of the City of Philip, South Dakota, that the following Sections in Chapter 11, Building Code, are hereby amended and adopted – with ~~striketrough~~ indicating text to be deleted, underline indicating text to be added, and the remainder of the Chapter left unaffected – as follows:

11-102. ~~Building code adopted.~~ CONSTRUCTION STANDARDS

~~The Uniform Building Code, current edition, together with appendix and index, is hereby adopted by the city for the regulation of the construction and alteration of buildings within the city. A printed copy of such code shall be on file in the offices of the City Finance Officer.~~

11-102.1 BUILDING CODE ADOPTED

The common council hereby adopts the 2021 International Residential Code for One- and Two-Family Dwellings, Chapters 1-10 and 12-24 and 44 and the 2021 International Building Code as published by the International Code Council. A copy of the code shall be on file in the City Office.

11-102.1.1 AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE (IRC)

The following amendments to the International Residential Code for One- and Two-Family Dwellings adopted by section 6-26 are made and incorporated into the code:

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA
City of Philip, SD

Ground Snow Load	40
Wind Speed (mph)	115
Seismic Design Category	A
Subject to Damage From:	
Weathering	Severe
Frost Line Depth	42"
Termite	None to Slight
Decay	None to Slight
Winter Design Temperature (f)	- 7
Ice Shield Under-underlayment Required	Yes
Flood Hazards	NFIP
Air Freezing Index	3000
Mean Annual Temperature	42

IRC Chapter 1, Section R105 Permits.

1. IRC Chapter 1, Section 105.1 Required is hereby amended to read as follows: Any owner or owner’s authorized agent who intends to construct, enlarge, move, or change

the occupancy of a building or structure shall first make application to the city of Philip and obtain the required permit.

2. IRC Chapter 1, Section R105.2 Work exempt from building permit is hereby amended to read as follows: Building 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.
 1. One-story detached accessory structures provided the floor area does not exceed two hundred (200) square feet. Setback requirements from zoning are still required to be met.
 2. Fences not over seven (7) feet high.
 3. Retaining walls that are not over four (4) feet in height measured from grade on the exposed side 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 and the ratio of height to diameter or width does not exceed 2 to one 1.
 5. Sidewalks and driveways.
 6. Painting, papering, tiling carpeting, cabinets, countertops and similar finish work.
 7. Above ground prefabricated swimming pools.
 8. Swings and other playground equipment.
 9. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
 10. Replacement of similar siding materials.
 11. Replacement of similar roofing materials.
 12. Gutters, downspouts, and storm windows.
 13. Window replacement where the rough opening is not altered.
 14. Structures or work performed on properties of the government of the United States of America or the State of South Dakota.
 15. Decks that are not more than 30 inches above grade at any point.
 16. Interior remodeling.
3. IRC Chapter 3, Section R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches in thickness, solid or honeycomb-core steel doors not less than 1 3/8 inches thick, or 20-minute fire-rated doors. Doors shall be equipped with a self-closing device.
4. IRC Chapter 3, Section R302.13 Fire protection of floors is hereby deleted.
5. IRC Chapter 3, Section 313 Automatic fire sprinkler systems is hereby deleted. IRC Chapter 3, Section R313.2.1 Design and installation is hereby amended. When installed an Automatic residential fire sprinkler system shall be designed and installed in accordance with Section P2904 or NFPA 13D.
6. IRC Chapter 4, Section 403.1.4.1 exception 1. Frost Protection of freestanding accessory structures with an area of 1,024 square feet or less, of light-framed construction, with an eave height of ten (10) feet or less shall not be required.
7. Chapter 11 Energy Efficiency. Chapter 11 is hereby deleted and not adopted by the city.

11.102.1.2 2021 INTERNATIONAL BUILDING CODE (IBC)

The following amendments to the International Building Code hereby adopted and incorporated into the code:

1. Section 105 Permits.

(1) IBC Chapter 1, Section A105.1 Required is hereby amended to read as follows: Any owner or owner's authorized agent who intends to construct, enlarge, move, or change the occupancy of a building or structure shall first make application to the city and obtain the required permit.

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

- a. One-story detached accessory structures provided the floor area does not exceed one hundred twenty (200) square feet.
- b. Fences not over seven (7) feet high.
- c. Retaining walls that are not over four (4) feet in height measured from grade on the exposed side to the top of the wall, unless supporting a surcharge.
- d. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to one 1.
- e. Sidewalks and driveways.
- f. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- g. Above ground prefabricated swimming pools.
- h. Swings and other playground equipment.
- i. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
- j. Gutters, downspouts, and storm windows.
- k. Window replacement where the rough opening is not altered.
- l. Replacement of similar siding materials.
- m. Replacement of similar roofing materials.
- o. Structures or work performed on properties of the government of the United States of America or the State of South Dakota.
- p. Interior remodeling and repairs.

(3) IBC Chapter 1, Section 113 Board of Appeals is hereby amended to read as follows: The board of adjustment shall be the Board of Appeals.

11-102.2 DEFINITIONS IN CODE

(a) Whenever the word "jurisdiction" is used in the code adopted by section 11-102.1, it shall be held to mean the City of Philip, South Dakota.

(b) Whenever the term "corporate counsel" is used in the code, it shall be held to mean the city attorney.

11-102.3 CONFLICTS

In the event of any conflict between the provisions of the code adopted in section 11-102.1 and applicable provisions of this Code of Ordinances, state law or city ordinance,

the provisions of this Code of Ordinances, state law, or city ordinance shall prevail and be controlling.

11-102.4 INTERNATIONAL EXISTING BUILDING CODE ADOPTED

The common council hereby adopts the 2021 International Existing Building Code published by the International Code Council.

11-102-5 INTERNATIONAL FIRE CODE ADOPTED

The common council hereby adopts the 2021 International Fire Code published by the International Code Council.

11-201(a)10. ~~No building shall be erected or structurally altered in residence districts without a written permit from the Building Committee of the City of Philip, South Dakota. Before the Building Committee shall have authority to issue a building permit, it shall first be furnished with plans and specifications of the buildings to be erected, which plans and specifications shall be in sufficient detail to enable it to intelligently pass on the desirability of the buildings; it's cost, appearance and value to conform with other residences in the district in which it is to be built. No residence shall be erected in a residence district designated on the use district map as "A", except they be supplied with running water on the same lot as the residence from the City water mains and equipped with proper plumbing connections to the sewage system. No new surface well shall be permitted in any of above named districts. All buildings and structures must be built or constructed according to the National Building Code and Fire Prevention Code and all chimneys must be of brick or such other fireproof materials as approved by the National Board of Fire Underwriters.~~

11-1602 BUILDING PERMITS

~~No person, firm, corporation or association of individuals shall construct, erect or place upon any land within the City of Philip any building, office or structure of any kind without first making application to the City Council for obtaining a building permit as required in section 102 and securing such permit from the City Finance Officer after approval by the City Council. The application for building permit shall, when such building is to be constructed within the fire limits, be accompanied by plans and specifications in sufficient detail to be readily understood by the City Council, and all other applications shall state the type of material to be used, type of foundation, type of chimney, whether such building will have water and plumbing and the estimated cost of such building. The City Council shall, when the application for building permit complies with all provisions for the city ordinances, approve the same and direct the issuance of said permit by the City Office City Finance Officer.~~

~~a) **Moving Buildings:** It shall be unlawful for any person to remove any building from one point to another within the corporate limits of the City of Philip without first securing a permit therefor. An application for such permit shall be made to the City Finance Officer stating the type of building being moved, the present location of the building, the intended destination, the streets to be traveled and assurances that if the building is wooden or a frame building it will not be placed within the fire limits. The City Council must further be assured that no injury will result to any street during such moving and may require a bond to be posted, conditioned upon the repairing of any damage done to any street in the city of the person or persons moving such building. Upon granting of the application and compliance by the applicant with the terms set forth, the City Finance Officer shall issue a removal permit.~~

- b) ~~House Moving—Permit Necessary: It shall be unlawful for any person or persons to move a building or buildings of any kind over the streets or alleys of this city without first obtaining a permit to do so from the City Council.~~
- e) ~~Expiration of Permits: Permits expire if the proposed work in a permit has not been substantially completed within twelve (12) months from the date the permit is issued. Failure to substantially complete the work during that time will require refiling the permit for approval by the City Council. This applies to all permits issued within the City of Philip. Ord. #2008-14; 01/19/09~~

~~11-1603 — PENALTY FOR FAILURE TO FILE~~

- a) ~~A one hundred (\$100.00) dollar fine and/or removal of offending structure can be enforced upon the property owner for the failure to file a building permit as outlined in this chapter.~~
- b) ~~A one hundred (\$100.00) dollar fine can be enforced upon the contractor for the failure to insure the proper building permit(s) has been filed and approved prior to any construction work being done. Amended Ord. #2005-02; 2/27/05.~~

~~11-1701 — BOND REQUIRED~~

~~When a permit shall be granted for the purpose of moving a building over the streets of the city it shall be the duty of the Street Commissioner to collect from the person to whom any such permit was granted a bond in an amount which, in the judgment of said Street Commissioner, will be sufficient to cover any damages to the city property, which might result from such use of the streets and alleys of the city, under the operation of said permit. Also proof of insurance must be provided by the mover at the time of issuance of said permit. Such bond shall be refunded except to the extent of any damage to City property.~~

Dated this 5th day of June 2023.

/s/ Brit Miller, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

Passed First Reading: May 1, 2023

Passed Second Reading: June 5, 2023

Yeas: 6 Nays: 0

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