

REGULAR MEETING BALTIC CITY COUNCIL  
APRIL 19, 2022 7:00 PM BALTIC AMERICAN LEGION  
210 ST. OLAF AVENUE BALTIC, SOUTH DAKOTA

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
  - a. 03-10-2022 Regular Session
  - b. 03-21-2022 Special Session
  - c. 03-21-2022 Board of Equalization
- VI. APPROVAL OF CLAIMS PAYABLE
- VII. VISITORS TO BE HEARD
- VIII. PUBLIC HEARING – Rezone Request Parcel #20353 LOT 4 BALTIC SCHOOL 2<sup>nd</sup> ADDN. TO THE CITY OF BALTIC OWNER GRANT PARK CAPITAL, LLC from R-4 Manufactured Housing Residential to R-3 Residential District
  - a. In favor
  - b. Opposed
- IX. OLD BUSINESS
  - a. 2<sup>nd</sup> Reading of Code of Conduct Ordinance 295
  - b. Consideration of adoption of ICC 2021 codes
    - i. 2<sup>nd</sup> Reading of International Residential Code ORD 296
    - ii. 2<sup>nd</sup> Reading of International Building Code ORD 297
    - iii. 2<sup>nd</sup> Reading of International Existing Building Code ORD 298
- X. NEW BUSINESS
  - a. Planning and Zoning recommendations
  - b. Open Bids for surplus push box and angle blade
  - c. Malt Beverage License Renewals
    - i. Classic Corner Retail on/off sale Malt Beverage & SD Farm Wine
  - d. Declare the following city property surplus
    - i. Four Drawer lateral filing cabinet (broken, value \$0)
    - ii. Desk with hutch
    - iii. Desk with hutch with return desk
  - e. Consideration of transfer of deed to Development Foundation
  - f. 1<sup>st</sup> Reading of International Property Management 2021 Code ORD 299
  - g. 1<sup>st</sup> Reading of International Fire 2021 Code ORD 300
- XI. CANVASSING OF APRIL 12, 2022 ELECTION
- XII. EXECUTIVE SESSION
  - a. Executive Session: SDCL 1-25-2 For Matters Relating to Legal Counsel
  - b. Executive Session: SDCL 1-25-2 For Matters Relating to Personnel
- XIII. ADDITIONAL BUSINESS
  - a.
- XIV. ADJOURNMENT

## WELCOME TO YOUR CITY COUNCIL MEETING

If you wish to participate in the discussion, the meeting provides two opportunities:

After the minutes are approved, the Mayor will ask if any visitors wish to be heard. Any item not on the agenda may be discussed. Items requiring action will then be placed next on the agenda for formal action. **Each speaker is limited to three minutes.**

During the discussion of agenda topics, anyone may comment **only if** the Council is accepting public testimony. The Mayor **MAY** recognize you if you raise your hand. Please state your name and address for the City minutes. Discussion occurs before motions are made and seconded. Discussion also occurs after the motion is seconded and before the vote.

Should you wish to have information on past Council action, contact the City Administrator at City Hall. The City Council meets the second Tuesday of each month at 7:00 p.m. in the Baltic American Legion. Please call City Hall, 529-5497, regarding the accessibility of City Council meetings and information on this agenda. The City can provide alternative means of accessibility for disabled citizens. Please call at least 24 hours in advance.

MINUTES OF MARCH 10, 2022 REGULAR SESSION

- I. THE BALTIC CITY COUNCIL MET IN REGULAR SESSION ON MARCH 10, 2022. Mayor Petersen called the meeting to order at 7:00 PM.
- II. ROLL CALL: Present were Mayor Tracy Petersen and Aldermen Travis Schreurs, Kiri Sells, Aaron Senner, and Brendan Tidemann. Also present were Maintenance Supervisor Brad Eggert, Maintenance Assistant Myles Peterson, Administrative Assistant Dan Hotzler, City Administrator Rebecca Wulf, Finance Officer Sara Smith, City Engineer Pat Carey and City Attorney Thomas Frieberg. The meeting was held at the Baltic American Legion.
- III. PLEDGE OF ALLEGIANCE: Mayor Petersen asked all present to rise and join in the Pledge of Allegiance to the Flag.
- IV. APPROVAL OF AGENDA: Motion by Tidemann to approve the agenda. Schreurs seconded. All ayes, motion passed.
- V. APPROVAL OF PAST MINUTES: Tidemann made a motion to approve the minutes for the February 08, 2022 Regular Session with a correction of the spelling of the Mayor's first name. Senner seconded. All ayes, motion passed.
- VI. APPROVAL OF CLAIMS PAYABLE: Senner made a motion to approve the following disbursements. Second by Tidemann. All ayes, motion passed.

SD Dept. of Revenue	\$633.84	January 2022 Sanitation Sales Tax
SD Dept. of Revenue	\$645.77	December 2021 Sanitation Sales Tax
SD Dept. of Revenue	\$708.29	November 2021 Sanitation Sales Tax
AFLAC	\$559.64	indemnity products AFLAC
EFTPS	\$2,709.91	Federal Payroll Tax
EFTPS	\$2,079.52	Federal Payroll Tax
SDRS	\$2,363.06	February 2022 Retirement
SD Dept. of Revenue	\$634.69	February 2022 Sanitation Sales Tax
Minnehaha Community Water Corp	\$4,377.84	Water Purchase
AFLAC	\$559.64	indemnity products AFLAC
Alliance Communications	\$173.28	Phone/Internet Service
US Post Master	\$116.00	postage stamps
MIDWEST COVER	\$6,556.50	Safety Top Cap for ball fields
US Post Master	\$193.60	Mailing January Utility Bills
Kibble Equipment LLC	\$4,130.00	John Deere X590
Alternative HR, LLC	\$337.50	Recruiting
ARGUS LEADER	\$25.32	Publishing
Banner Associates, Inc.	\$12,531.61	Engineering Services
City of Baltic	\$121.04	city utility bill
CORE & MAIN LP	\$1,151.37	18" Hydrant Extension
DAKOTA PUMP AND CONTROL CO,INC	\$13,339.14	Baltic Heights Lift 4H4 Pump
Direct Technologies	\$394.76	Managed IT Services - February
FRIEBERG, NELSON, & ASK, LLP	\$793.70	Attorney Services
Interstate Office Products	\$220.20	Office Supplies
Interstate PowerSystems	\$83.97	Block Heater Baltic Heights Lift Station
JENSEN INSURANCE & REAL ESTATE	\$100.00	Notary Bonds
JOHN MCCAFFREY	\$48.39	Return of Credit after Final Bill
Kinetic Leasing	\$2,773.00	Loan Payment
Menard's	\$122.36	Misc Supplies
MENARDS, (EAST SIDE)	\$145.67	Misc Supplies
MOPPIN MAMAS CLEANING LLC	\$68.00	Cleaning City Hall 2/22/2022
OREILLY'S	\$38.44	flashers for Ford F800
OVERHEAD DOOR CO OF SIOUX FALL	\$189.80	Service and Adjust Shop Door
SARA SMITH (Contracted)	\$4,453.75	January 25 - February 22, 2022
SCOTT OR BRIANNA RICK	\$173.92	Return of Credit after Final Bill
SD SECRETARY OF STATE	\$60.00	Notary Filing Fees

SIOUX FALLS RUBBER STAMP	\$23.74	Notary Stamp
US BANCORP	\$757.67	Contract Payment 04/01/22
US Post Master	\$348.00	postage stamps
ZACH CARMONDY	\$192.89	Return of Credit after Final Bill
Badger Meter	\$100.61	beacon meter
HEALTH POOL OF SD	\$3,690.00	Insurance
NEW CENTURY PRESS	\$228.61	Publishing
Powerplan BF	\$330.23	Misc Supplies
SEAFOG	\$40.00	2022 Dues
US Post Master	\$193.20	Mail February Utility Bills
Verizon Wireless	\$374.40	Cell Phone Service
City of Baltic	\$98.04	City Utility Bill
SD ASSOC OF RURAL WATER	\$565.00	Annual Dues: Class B Member
Xcel Energy	\$2,475.52	Electric Service
US Bank	\$3,026.11	City Credit Cards
Classic Corner	\$170.56	fuel purchase
MALLOY ELECTRIC	\$33.84	Oil Seals
Midway Service	\$350.00	tires for S10
OREILLY'S	\$21.91	misc supplies
SD ASSOC OF RURAL WATER	\$100.00	Leak Tuner Use
<b>TOTAL</b>	<b>\$76,733.85</b>	

**February 2022 Salaries** in gross amounts by Department: Finance, \$3,588.75; Inspection, \$2,088.75; Streets, \$3,216.74; Parks, \$3,216.74; Econ Dev \$3,412.50; Water, \$3,216.74; Sewer, \$3,216.75; Total \$21,956.97.

- VII. VISITORS TO BE HEARD: Brenton Wilson of 150 Nidros informed the Council he believed his water usage on his bill was inaccurate. He will send a letter to the Finance Officer as required by ordinance to formally submit his complaint.
- VIII. PUBLIC HEARING Someday Café Liquor License. Mayor Petersen opened the public hearing. One person in favor and none were opposed. None were opposed. Mayor Petersen closed the public hearing. Motion by Schreurs to approve the liquor license for Someday Café. Second by Senner. All ayes, motion passed.
- IX. OLD BUSINESS:
- a. Motion by Schreurs to approve the 2<sup>nd</sup> reading of Fireworks Ordinance 294. Second by Tidemann. All approved.
  - b. Motion by Senner to move the chip sealing plans for the yellow streets to 2023 and the brown streets to 2022 in order to explore more grant opportunities. All ayes, motion passed.
  - c. Motion by Schreurs to approve the Election Agreement between the City and School for the April 12 Election. Second by Tidemann. All ayes, motion passed.
- X. NEW BUSINESS:
- a. Jane Ackerman of 527 Valley View Avenue requested an adjustment of her water bill. Council denied the request due to not meeting the standards required by Ordinance 53.05.
  - b. Christopher Drayer, President of Planning and Zoning, made a recommendation to Council to approve the rezone for Parcel #20353 LOT 4 BALTIC SCHOOL 2nd ADDN. TO THE CITY OF BALTIC from R-4 to R-3. Council accepted the recommendation and will be to hold a public hearing at the next regular Council meeting April 19.
  - c. A first reading of Ordinance 295 Code of Conduct for Elected Officials was heard.
  - d. Motion by Schreurs to select Roto Rooter for the Sewer televising and cleaning project. Second by Sells. All ayes, motion carried.
  - e. Motion by Senner to approve Resolution 2022-01 updating fees and fines. Second by Tidemann. All ayes, motion carried.

- f. Motion by Schreurs to abate the property tax on city owned property that is tax exempt. Second by Tidemann. All ayes, motion carried.
  - g. Motion by Sells to appoint Nikki Stukel as election superintendent, Deb Murphy and Dave Linton as election deputies for Ward 1, and Sallie Franchuk and Cassie Moeller as election deputies for Ward 2. Second by Tidemann. All ayes, motion carried.
  - h. Ballot order was drawn for those who submitted petitions for the upcoming election. The ballot order will be as follows: In the mayoral race, Aaron Senner will be listed first and Deborah McIsaac second. For ward 1, Nikki Oien will be listed first and Zach Nebben second. For ward 2, Tracy Petersen will be listed first and Ryan Sinding second.
  - i. A first reading of Ordinance 296 International Residential Code was heard.
  - j. A first reading of Ordinance 297 International Building Code was heard.
  - k. A first reading of Ordinance 298 International Existing Building Code was heard.
- XI. EXECUTIVE SESSION:
- a. Per SDCL 1-25-2 for matters relating to personnel. Tidemann made a motion to enter Executive Session at 7:55 pm. Second by Senner. All ayes, motion carried. Mayor Petersen declared end of Executive Session at 8:05 pm.
- XII. ADDITIONAL BUSINESS:
- a. Motion by Senner to appoint Sara Smith as Finance Officer with an annual salary of \$60,000. Second by Schreurs. All ayes, motion carried.
  - b. Motion by Schreurs to appoint Brad Eggert as Maintenance Supervisor with an annual salary of \$55,000. Second by Sells. All ayes, motion carried.
- XIII. ADJOURNMENT: Senner made a motion to adjourn at 8:25 pm. 2<sup>nd</sup> by Schreurs. All ayes, motion carried. Meeting adjourned.

\_\_\_\_\_  
 Sara Smith  
 Finance Officer  
 Published once at the approximate cost of \$\_\_\_\_\_.

\_\_\_\_\_  
 Tracy Petersen  
 Mayor, City of Baltic

MINUTES OF MARCH 21, 2022 SPECIAL SESSION

- I. THE BALTIC CITY COUNCIL MET IN SPECIAL SESSION ON MARCH 21, 2022. Mayor Petersen called the meeting to order at 6:45 PM.
- II. ROLL CALL: Present were Mayor Tracy Petersen and Aldermen Travis Schreurs, Kiri Sells (via phone for the garbage bid vote), Aaron Senner, and Brendan Tidemann. Also present were Maintenance Supervisor Brad Eggert, Maintenance Assistant Myles Peterson, Administrative Assistant Dan Hotzler, City Administrator Rebecca Wulf, and Finance Officer Sara Smith. The meeting was held at the Baltic American Legion.
- III. PLEDGE OF ALLEGIANCE: Mayor Petersen asked all present to rise and join in the Pledge of Allegiance to the Flag.
- IV. APPROVAL OF AGENDA: Motion by Senner to approve the agenda. Tidemann seconded. All ayes, motion passed.
- V. NEW BUSINESS
  - a. Bids for garbage service were opened from Garbage N More and Novak Sanitary Service. Motion by Senner to award the garbage contract to Garbage N More. 2<sup>nd</sup> by Tidemann. Schreurs abstained from the vote. Sells was called via phone to vote to have a quorum. In favor, Sells, Senner, and Tidemann. Opposed, none. Motion carried.
  - b. Motion by Senner to repair the existing heating and cooling system in City Hall as detailed in the quote from JB Mechanical for \$2,974.85. 2<sup>nd</sup> by Tidemann. In favor, Senner and Tidemann. Opposed, Schreurs. Motion carried.
- VI. ADJOURNMENT: Senner made a motion to adjourn at 7:05 pm. 2<sup>nd</sup> by Schreurs. All ayes, motion carried. Meeting adjourned.

\_\_\_\_\_  
Sara Smith  
Finance Officer  
Published once at the approximate cost of \$\_\_\_\_\_.

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Tracy Petersen  
Mayor, City of Baltic

MINUTES OF MARCH 21, 2022 BOARD OF EQUALIZATION

- I. THE BALTIC CITY BOARD OF EQUALIZATION MET ON MARCH 21, 2022. Mayor Petersen called the meeting to order at 7:05 PM.
- II. ROLL CALL: Present were Mayor Tracy Petersen and Aldermen Travis Schreurs, Aaron Senner, and Brendan Tidemann. Absent was Alderman Kiri Sells. Also present were Baltic School District representative Darin Larson, Maintenance Supervisor Brad Eggert, Maintenance Assistant Myles Peterson, City Administrator Rebecca Wulf, and Finance Officer Sara Smith. The meeting was held at the Baltic American Legion.
- III. PLEDGE OF ALLEGIANCE: Mayor Petersen asked all present to rise and join in the Pledge of Allegiance to the Flag.
- IV. APPROVAL OF AGENDA: Motion by Senner to approve the agenda. Schreurs seconded. All ayes, motion passed.
- V. HEARING OF APPEALS: Finance Officer Smith informed the Board that the County Equalization Office had reviewed the three appeals from Baltic Farmers Elevator and would correct a calculation error. No action is needed by the Board of Equalization.
- VI. ADJOURNMENT: Tidemann made a motion to adjourn at 7:06 pm. 2<sup>nd</sup> by Senner. All ayes, motion carried. Meeting adjourned.

\_\_\_\_\_  
Sara Smith  
Finance Officer  
Published once at the approximate cost of \$\_\_\_\_\_.

\_\_\_\_\_  
Tracy Petersen  
Mayor, City of Baltic

## April 2022 Voucher Summary

1010 First National Gener

667e	EFTPS	15-Mar-22	\$2,030.10	03/15/2022 Payroll Tax
677e	EFTPS	30-Mar-22	\$2,861.62	03/30/2022 Payroll Tax
678e	SDRS	30-Mar-22	\$2,460.18	March 2022 Retirement
679e	SD Dept. of Revenue	20-Apr-22	\$632.47	March Sanitation Sales Tax
680e	SD Dept. of Revenue	04-Apr-22	\$222.26	2002 Q1 Unemployment Insurance
694e	Alliance Communications	20-Apr-22	\$211.67	Phone/Internet Service
695e	Kinetic Leasing	01-Apr-22	\$2,773.00	Loan Payment
696e	EFTPS	15-Apr-22	\$2,699.26	04/15/2022 Payroll Tax
697e	AFLAC	15-Apr-22	\$559.64	indemnity products AFLAC
698e	US Bank	28-Apr-22	\$5,061.07	City Credit Cards
29052	BALTIC POST PROM	20-Apr-22	\$100.00	Baltic School Post Prom Donation
29053	BALTIC PTO	20-Apr-22	\$100.00	Baltic PTO Carnival Donation
29054	Banner Associates, Inc.	20-Apr-22	\$3,879.00	Engineering Services
29055	BARGAIN BASEMENT	20-Apr-22	\$200.00	Filing Cabinets
29056	Direct Technologies	20-Apr-22	\$397.73	Managed IT Services - March
29057	Dust-Tex Service, Inc.	20-Apr-22	\$22.42	Rug Service
29058	Garbage N More	20-Apr-22	\$7,708.34	Garbage Service
29059	HEALTH POOL OF SD	20-Apr-22	\$4,531.66	April 2022 Group Insurance
29060	J P COOKE COMPANY	20-Apr-22	\$54.00	Pet License Receipt Books
29061	Kinetic Leasing	20-Apr-22	\$2,773.00	Loan Payment
29062	MCLEODS	20-Apr-22	\$158.43	Election Supplies
29063	Menard's	20-Apr-22	\$99.49	Office Supplies
29064	MENARDS, (EAST SIDE)	20-Apr-22	\$124.25	Back Office Painting/Electrical Supplies
29065	MidAmerican Energy	20-Apr-22	\$914.57	Electric Service
29066	Midway Service	20-Apr-22	\$1,321.65	fuel
29067	Minnehaha County Highway Dept	20-Apr-22	\$2,125.00	Road Salt
29068	MOPPIN MAMAS CLEANING LLC	20-Apr-22	\$136.00	Clean City Hall 3/8 & 3/22
29069	MYLES PETERSON	20-Apr-22	\$55.00	CDL Physical reimbursement
29070	NEW CENTURY PRESS	20-Apr-22	\$325.78	Publishing
29071	PETERS DISTRIBUTING, INC	20-Apr-22	\$25.00	Stun Gun Flashlight
29072	ROTO ROOTER	20-Apr-22	\$395.00	Thaw culvert
29073	SARA SMITH (Contracted)	20-Apr-22	\$3,500.00	February 23 - March 10, 2022
29074	SD ASSOC OF RURAL WATER	20-Apr-22	\$75.00	Rural Water Expo Registration
29075	SEAM	20-Apr-22	\$486.58	Recycle old electronics & Document shredding
29076	Sverdrup Township	20-Apr-22	\$120.00	Road Grading
29077	US BANCORP	20-Apr-22	\$721.59	Contract Payment 05/01/22
29078	WILLIAM J. PEARSON	20-Apr-22	\$7.38	Certified Mail postage reimbursement
29079	Badger Meter	01-Apr-22	\$119.50	beacon meter
29080	City of Baltic	01-Apr-22	\$71.94	March City Utility Bill
29081	Minnehaha Community Water Corp	01-Apr-22	\$1,055.60	Water Purchase

29082	Menard's	01-Apr-22	\$257.75 Trim & Misc for City Hall
29083	US Post Master	01-Apr-22	\$156.80 Mail March Utility Bills
29084	Verizon Wireless	01-Apr-22	\$374.40 Cell Phone Service
29085	AFLAC	08-Apr-22	\$559.64 indemnity products AFLAC
29086	City of Baltic	08-Apr-22	\$6.10 March Utility Bill
29087	Classic Corner	08-Apr-22	\$251.49 fuel
29088	CONSTRUCTION PRODUCTS &CON	08-Apr-22	\$58.50 Paint and Utility Marker
29089	EL RIAD SHRINE	08-Apr-22	\$30.00 Circus Tickets Donation
29090	Minnehaha Community Water Corp	08-Apr-22	\$4,004.32 Water Purchase
29091	Menard's	08-Apr-22	\$368.54 City Hall Misc Supplies
29092	MidAmerican Energy	08-Apr-22	\$1,362.04 Electric Service
29093	Midway Service	08-Apr-22	\$283.92 Misc Repairs to S10
29094	Minnehaha County Sheriff Dept.	08-Apr-22	\$16,812.25 2002Q2 Sheriff Services
29095	MOPPIN MAMAS CLEANING LLC	08-Apr-22	\$136.00 Clean City Hall 4/5/22 & 4/19/22
29096	PATRICK CONRADE	08-Apr-22	\$15.25 Refund after Final Bill
29097	Sanitation Products, Inc.	08-Apr-22	\$135.00 SB Segment Set 4 17 Wire
29098	SD One Call	08-Apr-22	\$52.50 Message Fees January - March 2022
29099	Stan Houston Equipment	08-Apr-22	\$315.40 Marking Flags & Paint
29100	Xcel Energy	08-Apr-22	\$2,360.83 Natural Gas Service
29101	Banner Associates, Inc.	20-Apr-22	\$879.50 Engineering Services
29102	BRAD EGGERT	20-Apr-22	\$7.99 Reimburse Mac's purchase packing tape for Election Boxes
29103	CASSIE MOELLER	20-Apr-22	\$250.00 Election Board Deputy Pay
29104	DAVE LINTON	20-Apr-22	\$250.00 Election Board Deputy Pay
29105	DEB MURPHY	20-Apr-22	\$250.00 Election Board Deputy Pay
29106	Dell Rapids Ace Hardware	20-Apr-22	\$33.97 Misc Shop Supplies
29107	Direct Technologies	20-Apr-22	\$35.02 Final Bill - Managed IT Services
29108	DSG	20-Apr-22	\$1,874.86 Meter Setters
29109	FRIEBERG, NELSON, & ASK, LLP	20-Apr-22	\$3,907.00 Attorney Services
29110	Garbage N More	20-Apr-22	\$175.00 Garbage Service -Correct Underpayment
29111	NIKKI STUKEL	20-Apr-22	\$419.12 Election Superintendent Pay & Meal Reimbursement
29112	SALLIE FRANCHUK	20-Apr-22	\$250.00 Election Board Deputy Pay
29113	SD PUBLIC ASSURANCE ALLIANCE	20-Apr-22	\$16,569.29 Insurance
29114	Sverdrup Township	20-Apr-22	\$60.00 Road Grading
29115	AMERICAN LEGION POST 175	20-Apr-22	\$3,000.00 Annual Fee for Legion Rental for council meetings
29116	ARGUS LEADER	20-Apr-22	\$16.48 Publishing
29117	City of Sioux Falls	20-Apr-22	\$87.00 Bacteria Water Tests Q1 2022
29118	DSG	20-Apr-22	\$266.09 Water & Sewer Supplies
29119	Dust-Tex Service, Inc.	20-Apr-22	\$22.42 Rug Service
29120	GREAT BEAR SAND & GRAVEL LLC	20-Apr-22	\$227.01 Crushed Concrete
29121	LODES TREE SERVICE	20-Apr-22	\$400.00 Tree Trimming
29122	MARC	20-Apr-22	\$2,077.00 Lagoon Chemicals

29123	Metering & Technology Solution	20-Apr-22	\$7,151.74	Water Meters and Endpoints
29124	Pheasantland Industries	20-Apr-22	\$34.56	2 Handicap Parking Signs
29125	SD Dept. of Revenue	20-Apr-22	\$150.00	Classic Corner Malt Bev Lic Renewal
29126	VANDERSNICK EXCAVATING	20-Apr-22	\$474.49	Repair Water Line
			<b>\$117,524.45</b>	

## ORDINANCE 295

### AN ORDINANCE ESTABLISHING AND ADDING §30.05-CODE OF CONDUCT FOR ELECTED OFFICIALS AND DUE PROCESS PROCEDURES FOR VIOLATIONS OF SAID CONDUCT TO TITLE III ADMINISTRATION CHAPTER 30 GENERAL PROVISIONS

**WHEREAS:** The City of Baltic (the "City") is adopting an ordinance pertaining to the conduct expected of its elected officials; and

**WHEREAS:** A due process procedure would provide notice and an opportunity to be heard to any elected official affected by an allegation/violation under the Code of Conduct; and

**WHEREAS:** The City of Baltic deems it is in the best interests of the City and its elected officials to incorporate a due process procedure into a Code of Conduct.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Baltic that there is hereby established a Code of Conduct for Elected Officials, which reads as follows.

#### **§30.05 CODE OF CONDUCT FOR ELECTED OFFICIALS**

##### **Section 1: Elected Officials Conduct with One Another**

###### **A. Use civility and decorum in discussion and debate**

- a. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. However, this does not allow, elected officials to make belligerent, personal, disrespectful, slanderous, threatening, abusive, or personally disparaging comments in public meetings or during individual encounters. No shouting or physical actions that could be construed as threatening or demeaning will be acceptable.
- b. If an elected official is personally offended by the remarks of another official, the offended elected official should make notes of the actual words used and call for a "point of personal privilege" that challenges the other elected official to justify or apologize for the language used.

###### **B. Honor the role of the Mayor in maintaining order**

- a. It is the responsibility of the mayor (or in her/his absence, council president or in her/his absence, council vice president) to keep the comments of elected officials on track during public meetings. Elected officials should honor efforts by the mayor to focus the discussion on current agenda items. If there is a disagreement about the agenda or the mayor's actions, those objections should

be voiced professionally and with reason, following commonly recognized parliamentary procedures.

**C. Demonstrate effective problem-solving approaches**

- a. Elected officials have a public forum to show how individuals with different points of view can find common ground and seek a compromise that benefits the community as a whole. This public forum should be used in an effective and beneficial manner.

**Section 2: Elected Officials Conduct with City Staff**

**A. Treat all staff as professionals**

- a. Clear, honest communication that respects the abilities, experience, and the dignity of each individual is expected. Inappropriate or disrespectful behavior towards staff is not acceptable.

**B. Limit contact with City staff**

- a. Contact with City staff is encouraged during meetings, especially within committee meetings where City employees are in attendance.
- b. Questions directed to City staff and/or requests for incident background information shall first be directed to the City Administrator or Finance Officer.
- c. Requests for follow-up or directions to staff should be made only through the City Administrator or Finance Officer. When in doubt about what type of staff contact is appropriate, elected officials should ask the City Administrator or Finance Officer for direction. When appropriate, materials supplied to an elected official in response to a request will be made available to all elected officials so that all officials have equal access to the same information.
- d. City staff are permitted to meet with Elected Officials on their own volition

**C. Do not disrupt City staff from their jobs**

- a. Elected officials should not disrupt City staff while they are in meetings, on the phone, or engaged in performing their job functions in order to have their individual needs met.

**D. Never publicly criticize an individual employee**

- a. Elected officials must never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's department head. Comments about staff performance should only be made to the City Administrator, Finance Officer, or Mayor through private correspondence or conversation.

**E. Do not attend meetings with City staff unless requested by staff**

- a. Even if the elected official does not say anything, the elected official's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their jobs objectively.
- b. This does not apply to committee meetings.

**F. Do not solicit political support from staff**

- a. Elected officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, collection of petition signatures, etc.) from City staff while they are working. City staff may, as private citizens within their constitutional rights, support political candidates. However, all such activities must be done away from the workplace and the staff cannot identify themselves in any manner as City employees.

**Section 3: Elected Officials Conduct with the Public**

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of elected officials toward an individual participating in a public forum. Every effort should be made to be fair and impartial to public testimony.

**A. Be welcoming to speakers and treat them with care and respect**

- a. For many citizens, speaking in front of elected officials is a new and difficult experience. Under such circumstances many are nervous. Elected officials are expected to treat citizens with respect during public hearings. Elected officials should commit their full attention to the speakers, actively listen to speakers, and any materials relevant to the topic at hand. Comments and non-verbal expressions should be appropriate, respectful, and professional. Questions by elected officials to speakers should seek to clarify or expand information.

**B. Ask for clarification, but avoid debate and argument with the public**

- a. The elected officials can ask for a point of order if the speaker is off the topic or exhibiting behavior or language the elected officials find disturbing.

**C. Follow parliamentary procedure in conducting public meetings**

- a. The City's ordinances require meetings of the elected officials to follow Robert's Rules of Order. It is expected all elected officials will adhere to this procedure in conducting meetings.

**Section 4: In unofficial settings:**

**A. Make no promises on behalf of the City governing body in unofficial settings**

- a. Elected officials will frequently be asked to explain actions of the governing body or to give their opinion about an issue as they meet and talk with constituents in

the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. Overt or implicit promises of specific council action, or to promise City staff will take some specific action must not occur.

## **Section 5: Elected Officials Conduct with other Public Agencies**

### **A. Be clear about representing the city or personal interests**

- a. If an elected official appears before another governmental agency or organization to give a statement on an issue, the elected official must clearly state; 1) whether his or her statement reflects a personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the council.

### **B. Representation of the City on an Outside Board, Commission, or to an Outside Agency**

- a. If the elected official is representing the City, that elected official shall support and advocate the City's official position on an issue and cannot foster or further a personal viewpoint that is inconsistent with the official City position.
- b. Elected officials must inform the council of their involvement in an outside organization if that organization is or may become involved in any issues within the City's jurisdiction. If an elected official publicly represents or speaks on behalf of another organization whose positions differs from the City's official position on any issue, that elected official must clearly identify the organization upon whose behalf they are speaking and must withdraw from voting or commenting as an elected official upon any action, which would be deemed a conflict of interest.

### **C. Representation of the City on Intergovernmental Commissions and Other Outside Entities**

- a. Elected officials serving on committees or boards as the City representative on outside entities or agencies shall properly communicate with other elected officials on issues pertinent to the city.

## **Section 6: Elected Officials Conduct with the Media**

### **A. Expression of Positions on Issues**

- a. When communicating with the media, elected officials shall clearly differentiate between personal opinions and the official position of the City. An elected official represents one vote of eight and until a vote on any issue is taken, elected officials' positions are merely their own personal opinions.

### **B. Discussions Regarding Staff Members**

- a. Elected officials shall not discuss personnel issues or other matters regarding individual staff members in the media. Any issues pertaining to staff will be addressed directly to the City Administrator or Finance Officer.

### **Section 7: Sanctions and Violations Process**

1. The first and most important step in this section is the requirement that the offended elected official address the concern with the offender including a description of the specific action observed, the relationship of that event to the respective Code of Conduct and, if applicable, the impact it had on the offended elected official. The purpose of this first step is to assure that an attempt has been made to discuss the issue and resolve the conflict without proceeding further. This step requires no formal action and no involvement of other elected officials.
2. Either party may request, and both must agree, to seek a third party who will assist in facilitating the discussion toward a mutually satisfactory conclusion.
3. If the situation cannot be settled through the process in steps (1) and (2), either elected official may choose to refer the concern to the entire council for review in an executive session meeting pursuant to SDCL 1-25-2(1). The other council members not involved in the situation will serve as a committee of the whole for purposes of Code of Conduct violations and sanction considerations.
4. To present the concern to the council, the offended elected official must advise the offending elected official that the issue will be taken to the council and subsequently ask the City Administrator to post the issue for the earliest upcoming executive session. All laws pertaining to executive session will apply.
5. The council will discuss the issue in order to:
  - a. Become fully informed.
  - b. Determine if there appears to be a violation of the governing Code of Conduct.
  - c. Seek resolution without further action or, if necessary, schedule the issue for an upcoming public hearing for final determination regarding whether a violation occurred.
  - d. Determine what sanction is most appropriate; customarily, sanctions are limited to a letter of reprimand, censure, or expulsion.
6. A two-thirds (2/3) vote of the council at a regular council meeting will be required for a determination that a violation has occurred and likewise, a two-thirds (2/3) vote is required for sanctions to be imposed.

### **Section 8. Due Process:**

Any time a violation of this Code is alleged, the affected elected official(s) shall be entitled to notice of the alleged violation(s) and a public hearing on the merits of the allegation(s).

1. Any complaint of violation of this Code shall be made in writing to the City Attorney. The City Attorney or his or her designee shall examine the complaint and shall also review any signed written submissions by the person(s) or entity(ies) that are directly involved. Pursuant to SDCL 1-25-2(1), the complaint may be heard in executive session, and upon completion of the review, the City Attorney shall submit in executive session an unbiased fact-based investigative report to the City Council. All laws pertaining to executive session shall apply, and the City Council shall not take any action regarding any alleged violation of this Code in executive session. If, during executive session, a public hearing is requested or desired by council, the scheduling of a hearing cannot be made during executive session but must be set after resuming the public meeting.
  - a. At least ten days prior to the scheduled executive session, any affected elected official(s) shall be notified in writing of the complaint and the scheduled date of the executive session and they shall be provided copies of any materials reviewed by the City Attorney, along with the report produced by the City Attorney, or his or her designee.
    - i. This provision of notice shall be required, except in cases in which the affected elected official(s) has/have been accused of criminal wrongdoing, or in cases in which notice to the affected elected official(s) would jeopardize an on-going criminal investigation by any local, state, or federal law enforcement agency.
    - ii. The City Attorney shall make the determination as to whether the above-enumerated notice exception applies and shall document in the file as to the reason(s) thereof.
    - iii. In cases of alleged criminal wrongdoing or on-going criminal investigation, the subject of the complaint of violation of this Code shall be suspended until such time as the City Attorney deems the criminal allegation and/or criminal investigation has been resolved, either by prosecution, or a determination that no criminal charge(s) are warranted against the affected elected official(s).
  - b. In the event the notice exception above does not apply, the matter shall proceed, and any affected elected official(s) shall have an opportunity to respond and be heard during the scheduled executive session and/or the public hearing.
  - c. The City Council will utilize the executive session to:

- i. Become fully informed.
  - ii. Discuss if there appears to be a violation of this Code.
  - iii. Seek resolution without further action.
  - iv. If necessary, discuss scheduling the matter for a public hearing for final determination regarding whether a violation occurred; and
  - v. If necessary, discuss what sanction if any may be most appropriate.
2. Any elected official(s) affected by a complaint of violation of this Code may be represented by legal counsel of his or her choosing at the scheduled executive session and/or public hearing.
  - a. The elected official's counsel present under this section is only allowed to attend that portion of the executive session where the complaint at issue under this Code is discussed.
  - b. Counsel under this section means an attorney licensed to practice in the State of South Dakota.
3. Any elected official(s) accused of violating this Code may at any time during the process, at his or her option, choose to have the matter heard at a public hearing.
  - a. Election of a public hearing must be made in writing to the City Attorney.
  - b. The public hearing shall take place at the next regularly scheduled or special City Council meeting after written notice has been received, provided however that written notice is received at least ten days prior to the next regularly scheduled or special City Council meeting.
4. At a public hearing, a concurrence of two-thirds (2/3) of the elected aldermen shall be required to determine that a violation of this Code has occurred and likewise, a concurrence of two-thirds (2/3) of the elected aldermen shall be required to impose any sanctions.

**Section 9. Effect of Violation:**

1. Neither an alleged nor confirmed violation of this Code of Conduct by itself provides a basis for challenging the validity of any final action, enactment, ordinance, resolution, decision, determination, or recommendation of the Governing Body.
2. Under SDCL 9-8-5, the council is the judge of the election and qualification of its members. The council determines its rules of procedure, and may punish its members for disorderly conduct, and, with the concurrence of two-thirds of the aldermen may expel a member.

3. Under SDCL 9-8-4, the Mayor is a member of the council and the mayor falls under the provisions of SDCL 9-8-5 and this Ordinance and Code of Conduct.
4. Any alderman who is convicted of bribery shall vacate the position.

**Section 10. Definitions:**

1. Public reprimand as used in this Code of Conduct means an official public declaration made by motion at a council meeting announcing that an elected official's conduct was improper and describing the impropriety under this Code of Conduct.
2. Public censure as used in this Code of Conduct means an official public condemnation made by resolution at a council meeting denouncing an elected official's conduct as a violation of this Code of Conduct and the reasons, therefore.
3. Elected official as used in this Code of Conduct means any person who is an official by virtue of an election. An elected official also includes persons appointed to positions which are typically filled by an election.

**Effective Date.** This Ordinance will become effective 20 days following publication, which will occur after the ordinance receives second and final reading by the City Council and is signed by the Mayor.

Dated this 8<sup>th</sup> day of March 2022.

Approved:

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Tracy Petersen, Mayor

Attest:

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Sara Smith, Finance Officer

First Reading: 3/08/2022

Second Reading:

Published:

Effective:

1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

ORDINANCE NO. 296

AN ORDINANCE OF THE CITY OF BALTIC, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2021 *INTERNATIONAL RESIDENTIAL CODE* AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE CITY OF BALTIC, SD:

*Section 1. That Section 150.20 of the Code of Ordinances of Baltic, SD, is hereby amended to read:*

**§ 150.20 ADOPTED.**

- (a) The *International Residential Code*, 2021 edition, including Appendix AE, Appendix AG, Appendix AH, and Appendix AQ as published by the International Code Council Inc. as amended, is hereby adopted as the residential building code by the city for regulating the design, construction, quality of materials, erection, installation, alteration, movement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and town houses not more than three stories in height with a separate means of egress and their accessory structures not more than three stories in height, and provides for the issuance of permits and the collection of fees therefor.
- (b) The adoption of the *International Residential Code*, 2021 edition, will become effective June 1, 2022. The minimum building standards in the 2021 edition of the *International Residential Code* and amendments thereto shall be applied to any building permit issued after May 31, 2022.
- (c) The city shall publish this ordinance, without attachments, after its passage. The attachments are on file and available for inspection at the office of the city clerk.

*Section 2. That Section 150.20 of the Code of Ordinances of Baltic, SD, is hereby amended to read:*

**§ 150.21 AMENDMENTS, ADDITIONS, AND DELETIONS TO THE 2021 *INTERNATIONAL RESIDENTIAL CODE*.**

The following sections and subsections of the 2021 *International Residential Code* adopted in this subchapter shall be amended, added, or not adopted by the city as follows. All other sections or subsections of the 2021 *International Residential Code* as published shall remain the same.

**R101.1 Title.** These provisions shall be known as the residential code for one- and two-family dwellings of the city of Baltic and shall be cited as such and will be referred to herein as “this code.”

**R101.2 Scope.** The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and town houses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height.

**Exception 1:** The following shall be permitted to be constructed in accordance with this code where provided with an automatic sprinkler system complying with Section P2904:

1. A care facility with five or fewer persons receiving custodial care within a dwelling unit.
2. A care facility with five or fewer persons receiving medical care within a dwelling unit.
3. A care facility for five or fewer persons receiving care that are within a single-family dwelling.

**Exception 2:** The following shall be permitted to be constructed in accordance with this code. A fire sprinkler system if installed may be in accordance with Section P2904.

1. Live/work units located in town houses and complying with the requirements of Section 419 of the *International Building Code*.
2. Owner-occupied lodging houses with five or fewer guestrooms.

**Exception 3:** Existing buildings undergoing repair, alteration or additions, and change of occupancies may be permitted to comply with the *International Existing Building Code*.

**R103.1 Creation of enforcement agency.** Building services is hereby created and the official in charge thereof shall be known as the building official.

**R103.2 Appointment.** Adopted by the city of Baltic.

**R104.8 Liability.** The building 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 civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as

assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

**R104.8.1 Legal defense.** Any suit or criminal complaint instituted against an 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 afforded all the protection provided by the city's insurance pool and any immunities and defenses provided by other applicable state and federal law and defended by legal representatives of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

**R105.1 Required.** Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit. The building official may exempt permits for minor work.

Exclusive of a homeowner, no person or firm shall be issued a building permit for residential building defined as owner-occupied one- and two-family dwellings, including accessory garages, until that person or firm has been issued a residential contractor's license required by this chapter.

**R105.2 Work exempt from permit.** Exemption from 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. Permits shall not be required for the following:

**Building:**

1. Other than storm shelters, one-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m<sup>2</sup>). A placement permit is required by the zoning division.
2. Fences not over 7 feet (2,134 mm) high. A fence permit is required by the zoning division.
3. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the grade elevation 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. Sidewalks and driveways. A driveway permit is required by the zoning division. A sidewalk permit is required by the engineering division.
6. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.

8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.

**Electrical:**

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

**Gas:**

1. Portable heating, cooking, or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Mechanical:**

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

## **Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

**R106.1 Submittal documents.** Submittal documents consisting of construction documents and other data shall be submitted with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

**Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

**R106.1.6 Energy efficiency.** Construction documents for detached one- and two-family dwellings and townhomes shall be provided with the intended R-value for the ceilings, walls, floors, basement walls (if finished), slab perimeter R-value and depth, and crawl space walls.

**R106.1.7 Foundation reinforcement.** Construction for detached one- and two-family dwellings and town houses shall be provided with the intended reinforcement of foundation walls referenced in Tables R404.1.1(2), R404.1.1(3), and R404.1.1(4) for reinforced masonry foundation walls; Tables R404.1.2(2), R404.1.2(3), R404.1.2(4), and R404.1.1(8) for flat concrete foundation walls; Tables 404.1.2(5) and R404.1.2(6) for waffle-grid basement walls; and Table R404.1.2(7) for screed-grid basement walls where the foundation wall exceeds the provisions for plain masonry and concrete foundation walls.

**R106.2 Site plan or plot plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. Site plans for new dwellings are required to specify the corner pin elevations and the minimum ground elevation (MGE) which designates the elevation of the top of the black dirt under the grass, or the top of the landscape rock or other landscape material at the lowest exposed part of the house. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

**R106.3.1 Approval of construction documents.** Where the building official issues a permit, the construction documents shall be approved. One set of construction documents so reviewed shall be retained by the building official.

**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 city.

The fee for each residential building permit shall be set forth in a resolution

**R108.6 Work commencing before permit issuance.** Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required permit fees. Administrative citations and legal and/or civil proceedings may also be commenced.

**R108.7 Delinquent accounts.** The administrative authority may refuse to issue permits or conduct inspections for any person or business whose account is delinquent.

**R109.1.1 Footing inspection.** Inspection of the footing shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The footing inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

**R109.1.3 Floodplain inspections.** For construction in flood hazard areas as established by Chapter 152.01 Floodplain Management, upon placement of the lowest floor, including basement, and prior to further vertical construction, the floodplain administrator shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Chapter 152.01, Floodplain Management.

**R109.1.6.1 Elevation documentation.** If located in a flood hazard area, the documentation of elevations required in Chapter 152.01, Floodplain Management, shall be submitted to the floodplain administrator or his designated official prior to the final inspection.

**R110.1 Use and change of occupancy.** A building or structure shall not be used or occupied in whole or part, and a change of occupancy or change of use of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein and final inspections have been obtained from the electrical, mechanical, plumbing, and building inspection divisions of building services. An inspection placard shall be posted on the electrical panel, which is signed after final inspections have occurred by the electrical inspector, mechanical inspector, and plumbing inspector for new one- and two-family dwelling units and multiple single-family dwellings (town houses). Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the city. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the city shall not be valid.

**Exceptions:**

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2.
2. Accessory buildings or structures.

**R110.6 Placards.** Placards or inspection record tags placed on the job by the inspectors to indicate approval of the work inspected shall not be removed, except when authorized by the building official.

**R112.1 General.** In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, to review all proposed changes to the respective codes and to submit recommendations to the responsible official and the city council, to review requests for house moves, to examine applicants for licensing, and to investigate matters brought before the board, there shall be and is hereby created a building board of appeals and examiners. The building official shall be an ex officio member of said board but shall not have a vote on any matter before the board. Members shall be appointed by the mayor with the consent of the council and shall hold office for a term of three years. The board shall adopt rules of procedure for conducting its business and shall render decisions and findings in writing to the appellant with a duplicate copy to the building official and/or the fire marshal.

The board, in exercising its authority over house moving, may deny the building request or may require additional stipulations to be placed on the building permit to address the protection of the property values and neighborhood compatibility.

**R112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority relative to the interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

**R113.3 Prosecution of violation.** If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to deem the violation as a strict liability offense and institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto

**Section R202. Definitions.** Add the following definition.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.

**Table R301.2  
Climatic and Geographic Design Criteria**

GROUND SNOW Load	WIND DESIGN				SEISMIC DESIGN Category	SUBJECT TO DAMAGE FROM			ICE BARRIER UNDERLAYMENT Required	FLOOD Hazards	AIR FREEZING Index	MEAN ANNUAL TEMP <sup>1</sup>
	Speed (mph)	Topographic effects	Special wind region	Wind-borne debris zone <sup>m</sup>		Weathering	Frost line depth	Termite				
40 psf	112	No	No	No	A	Severe	42 inches (1067 mm)	Slight to moderate	Yes	Baltic entered the regular phase of the National Flood Insurance Program on September 17, 1979.	3,000	46 degrees F

**Manual J Design Criteria**

Elevation	Altitude correction factor	Coincident wet bulb	Indoor winter design dry-bulb temperature	Indoor winter design dry-bulb temperature	Outdoor winter design dry-bulb temperature	Heating temperature difference
1418	0.95	72 degrees F	70 degrees F	70 degrees F	-11 degrees F	81 degrees F
Latitude	Daily range	Indoor summer design relative humidity	Indoor summer design relative humidity	Indoor summer design dry-bulb temperature	Outdoor summer design dry-bulb temperature	Cooling temperature difference
43 degrees north	M	50% relative humidity	50% relative humidity	75 degrees F	90 degrees F	15 degrees F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, “negligible,” “moderate,” or “severe” for concrete as determined from Figure R301.2(1). The grade of masonry units shall be determined from ASTM C34, ASTM C55, ASTM C62, ASTM C73, ASTM C90, ASTM C129, ASTM C145, ASTM C216, or ASTM C652.
- b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(2)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The jurisdiction shall fill in this section of the table to establish the design criteria using Table 10A from ACCA Manual J or established criteria determined by the jurisdiction.

- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with the date of the jurisdiction’s entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas); and the title and date of the currently effective Flood Insurance Study or other flood hazard study.
- h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1, and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with “YES.” Otherwise, the jurisdiction shall fill in this part of the table with “NO.”
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table “Air Freezing Index-USA Method (Base 32°F).”
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table “Air Freezing Index-USA Method (Base 32°F).”
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with “YES.” Otherwise, the jurisdiction shall indicate “NO” in this part of the table.
- l. In accordance with Figure R301.2(2), where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with “YES” and identify any specific requirements. Otherwise, the jurisdiction shall indicate “NO” in this part of the table.
- m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate “NO” in this part of the table.
- n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.
- o. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figures R301.2(3) and R301.2(4).

**Table R301.5**  
**Minimum Uniformly Distributed Live Loads**  
**(in pounds per square foot)**

Use	Uniform Load (psf)	Concentrated Load (lb)
Uninhabitable attics without storage <sup>b</sup>	10	—
Uninhabitable attics with limited storage <sup>b, g</sup>	20	—
Habitable attics and attics served with fixed stairs	30	—
Balconies (exterior) and decks <sup>c</sup>	40	—
Fire escapes	40	—

Guards	—	200 <sup>h, i</sup>
Guardrails in-fill components <sup>f</sup>		50 <sup>h</sup>
Handrail	200h	—
Passenger vehicle garages <sup>a</sup>	50 <sup>a</sup>	2,000 <sup>h</sup>
Rooms	40	—
Stairs	40 <sup>c</sup>	300 <sup>c</sup>

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479 kPa, 1 square inch = 645 mm<sup>2</sup>, 1 pound = 4.45 N.

- a. Elevated garage floors shall be capable of supporting the uniformly distributed live load or a 2,000-pound concentrated load applied on an area of 4 1/2 inches by 4 1/2 inches, whichever produces the greater stresses.
- b. Uninhabitable attics without storage are those where the clear height between joists and rafters is not more than 42 inches, or where there are not two or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches in height by 24 inches in width, or greater, within the plane of the trusses. This live load need not be assumed to act concurrently with any other live load requirements.
- c. Individual stair treads shall be capable of supporting the uniformly distributed live load or a 300-pound concentrated load applied on an area of 2 inches by 2 inches, whichever produces the greater stresses.
- d. A single concentrated load applied in any direction at any point along the top. For a guard not required to serve as a handrail, the load need not be applied to the top element of the guard in a direction parallel to such element.
- e. See Section R507.1 for decks attached to exterior walls.
- f. Guard in-fill components (all those except the handrail), balusters, and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.
- g. Uninhabitable attics with limited storage are those where the clear height between joists and rafters is 42 inches or greater, or where there are two or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches in height by 24 inches in width, or greater, within the plane of the trusses.

The live load need only be applied to those portions of the joists or truss bottom chords where all of the following conditions are met:

1. The attic area is accessed from an opening not less than 20 inches in width by 30 inches in length that is located where the clear height in the attic is not less than 30 inches.
2. The slopes of the joists or truss bottom chords are no greater than 2 inches vertical in 12 units horizontal.
3. Required insulation depth is less than the joist or truss bottom chord member depth.

The remaining portions of the joists or truss bottom chords shall be designed for a uniformly distributed concurrent live load of not less than 10 pounds per square foot.

- h. Glazing used in handrail assemblies and guards shall be designed with a load adjustment factor of 4. The load adjustment factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.
- i. Where the top of a guard system is not required to serve as a handrail, the single concentrated load shall be applied at any point along the top in the vertical downward direction and in the horizontal direction away from the walking surface. Where the top of a guard is also serving as the handrail, a single concentrated load shall be applied in any direction at any point along the top. Concentrated loads shall not be applied concurrently.

<b>Table R302.1(1) Exterior Walls</b>			
Exterior Wall Element		Minimum Fire-Resistance Rating	Minimum Fire Separation Distance
Walls	(Fire-resistance rated)	1 hour – tested in accordance with ASTM E 119 or UL 263 or Section 703.3 of the <i>International Building Code</i> with exposure from both sides	0 feet
	(Not fire-resistance rated)	0 hours	≥ 5 feet
Projections	Not allowed	N/A	< 2 feet
	(Fire-resistance rated)	1 hour on the underside, or heavy timber or fire-retardant treated wood <sup>a, b</sup>	≥ 2 to < 3 feet
	(Not fire-resistance rated)	0 hours	≥ 3 feet
Openings	Not allowed	N/A	< 3 feet
	25% Maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet

For SI: 1 foot = 304.8 mm.

NA = Not Applicable.

- a. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fire blocking is provided from the wall top plate to the underside of the roof sheathing.
- b. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where gable vent openings are not installed.

**R302.2.2 Common walls.** Common walls separating town house units shall be assigned a fire-resistance rating in accordance with Item 1 or 2 and shall be rated for fire exposure from both sides. Common walls shall extend to and be tight against the exterior sheathing of the exterior walls, or the inside face of exterior walls without stud cavities, and the underside of the roof sheathing. The common wall shared by two town house units shall be constructed without mechanical equipment, ducts or vents, other than water-filled fire sprinkler piping in the cavity of the common wall. Electrical installations shall be in accordance with the *National Electric Code*. Penetrations of the membrane of common walls for electrical outlet boxes shall be in accordance with Section R302.4. Plumbing installations shall be in accordance with the *Uniform Plumbing Code*. Membrane or through penetrations of common walls for plumbing systems shall be in accordance with Section 302.4.

1. Where an automatic sprinkler system in accordance with Section P2904 is provided, the common wall shall be not less than a 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263, or Section 703.3.2.2 of the *International Building Code*.
2. Where an automatic sprinkler system in accordance with Section P2904 is not provided, the common wall shall be not less than a 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263, or Section 703.3.2.2 of the *International Building Code*.

**Exception:** Common walls are permitted to extend to and be tight against the inside of the exterior walls if the cavity between the end of the common wall and the exterior sheathing is filled with a minimum of two 2-inch nominal thickness wood studs.

**R302.2.3 Continuity.** The fire-resistance-rated wall or assembly separating town house units shall be continuous from the foundation to the underside of the roof sheathing, deck, or slab. The fire-resistance rating shall extend the full length of the wall or assembly, including wall extensions through and separating attached enclosed accessory structures.

Exterior walls that extend beyond an adjacent structure that has a fire separation distance less than 5 feet (1,523 mm) to a common property line shall have not less than a one-hour fire rating with exposure from both sides with no openings allowed therein.

Projections such as a deck that have a fire separation distance of less than 3 feet (914 mm) to a common property line shall have a 1-hour fire rating with exposure from both sides with no openings allowed therein that extends at least 30 inches (762 mm) above the projection.

**R302.3 Two-family dwellings.** *Dwelling units* in two-family dwellings shall be separated from each other by wall and floor assemblies having not less than a 1-hour fire-resistance rating where

tested in accordance with [ASTM E119](#), [UL 263](#), or [Section 703.2.2](#) of the *International Building Code*. Such separation shall be provided regardless of whether a *lot line* exists between the two *dwelling units* or not. Fire-resistance-rated floor/ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend from the foundation to the underside of the roof sheathing.

**Exception:** A fire-resistance rating of 1/2 hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with [Section P2904](#).

**R302.13 Fire protection of floors.** Not adopted by the city.

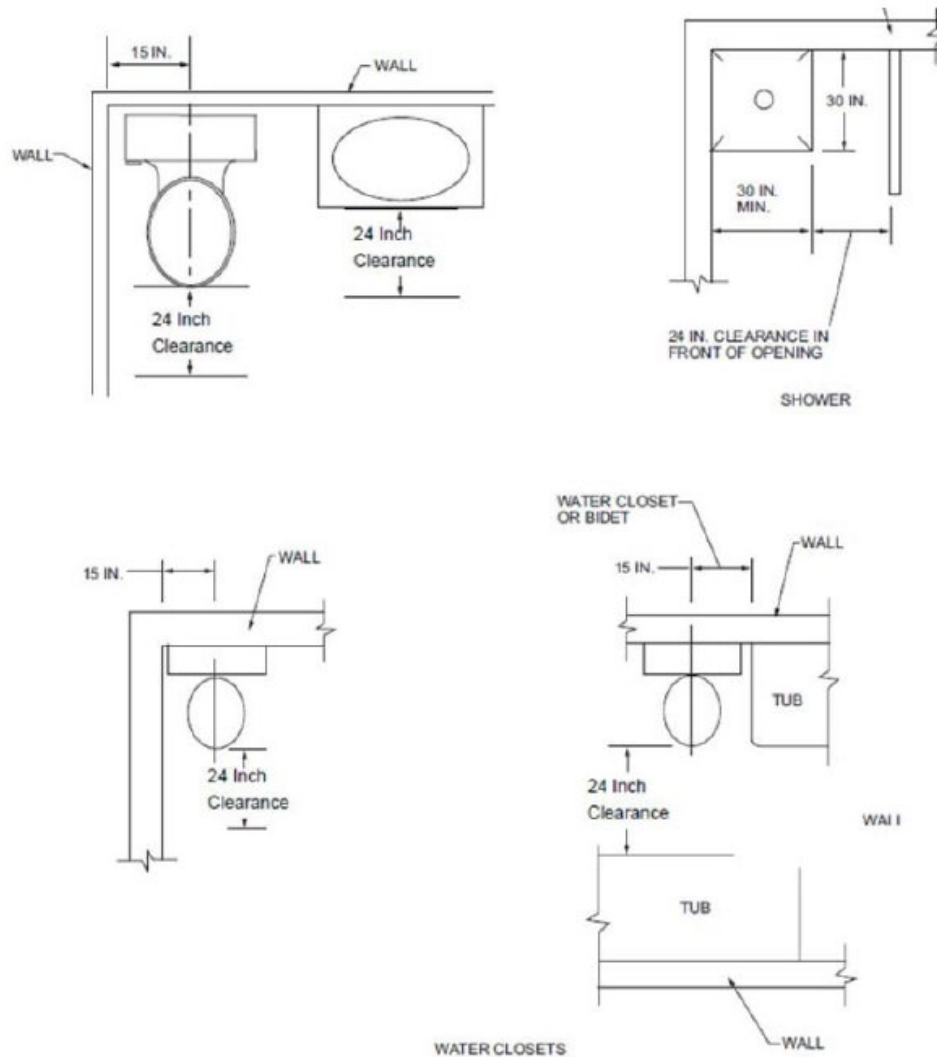
**R303.5.1 Intake openings.** Mechanical and gravity outdoor air intake openings shall be located not less than 10 feet (3,048 mm) from any hazardous or noxious contaminant, such as vents, chimneys, plumbing vents, streets, alleys, parking lots, and loading docks.

For the purpose of this section, the exhaust from dwelling unit toilet rooms, bathrooms, and kitchens shall not be considered as hazardous or noxious.

**Exceptions:**

1. The 10-foot (3,048 mm) separation is not required where the intake opening is located 3 feet (914 mm) or greater below the contaminant source.
2. Vents and chimneys serving fuel-burning appliances shall be terminated in accordance with the applicable provisions of Chapters 18 and 24.
3. Clothes dryer exhaust ducts shall be terminated in accordance with Section M1502.3.
4. For equipment replacements on existing structures, gravity outdoor intake openings for combustion air shall be located a minimum of 3 feet (914 mm) from any hazardous or noxious contaminant.

**R307.1 Space required.** Fixtures shall be spaced in accordance with Figure R307.1.



For SI: 1 inch = 25.4 mm.

**FIGURE R307.1**  
**MINIMUM FIXTURE CLEARANCES**

**R308.4.2 Glazing adjacent to doors.** Glazing in an individual fixed or operable panel adjacent to a door shall be considered to be a hazardous location where the bottom exposed edge of the glazing is less than 60 inches (1524 mm) above the floor or walking surface and it meets either of the following conditions:

1. Where the glazing is within 24 inches (610 mm) of either side of the door in the plane of the door in a closed position.
2. Where the glazing is on a wall perpendicular to the plane of the door in a closed position and within 24 inches (610 mm) of the hinge side of an in-swinging door.

**Exceptions:**

1. Decorative glazing.
2. Where there is an intervening wall or other permanent barrier between the door and the glazing.
3. Where access through the door is to a closet or storage area 3 feet (914 mm) or less in depth. Glazing in this application shall comply with Section R308.4.3.
4. Glazing that is adjacent to the fixed panel of patio doors.

**R309.5 Fire sprinklers.** Not adopted by the city.

**R310.2.1 Minimum size.** Emergency and escape rescue openings shall have a net clear opening of not less than 5.0 square feet (0.465 m<sup>2</sup>).

**R310.2.3 Maximum height from floor.** Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 48 inches (1,219 mm) above the floor.

**R310.4.2 Ladder and steps.** Area wells with a vertical depth greater than 48 inches (1,219 mm) shall be equipped with a permanently affixed ladder or steps. The ladder or steps shall not be obstructed by the emergency escape and rescue opening where the window or door is in the open position. Ladders or steps required by this section shall not be required to comply with Section R311.7. .

**R311.3.1 Floor elevations at the required egress doors.** Landings or finished floors at the required egress door shall be not more than 1 1/2 inches (38 mm) lower than the top of the threshold.

**Exception:** The landing or floor on the exterior side shall be not more than 8 inches (202 mm) below the top of the threshold, provided the door does not swing over the landing or floor.

Where exterior landings or floors serving the required egress door are not at grade, they shall be provided with access to grade by means of a ramp in accordance with Section R311.8 or a stairway in accordance with Section R311.7.

**R311.3.2 Floor elevations for other exterior doors.** Doors other than the required egress door shall be provided with landings or floors not more than 8 inches (202 mm) below the top of the threshold.

**Exception:** A top landing is not required where a stairway of not more than two risers is located on the exterior side of the door, provided that the door does not swing over the stairway.

**R311.7.5.1 Risers.** The riser height shall be not more than 8 inches (202 mm). 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). Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted.

**Exceptions:**

1. The opening between adjacent treads is not limited on spiral stairways.
2. The riser height of spiral stairways shall be in accordance with Section R311.7.10.1.

**R311.7.8 Handrails.** Handrails shall be provided on not less than one side of each flight of stairs with four or more risers.

**Exception:** When the landing at the top of the stair is not required to have a guardrail.

**R311.7.8.4 Continuity.** Handrails for stairways shall extend for the full length of the flight from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned toward a wall, guard, walking surface continuous to itself, or terminate to a post.

**Exceptions:**

1. Handrails shall be permitted to be interrupted by a newel post at the turn.
2. The use of a volute, turnout, starting easing, or starting newel shall be allowed over the lowest tread and over the top landing.

**R311.7.8.5 Grip size.** Required handrails shall be of one of the following types or provide equivalent grasp ability:

1. Type I. Handrails with a circular cross section shall have an outside diameter of not less than 1 1/4 inches (32 mm) and not greater than 2 inches (51 mm). If the handrail is not circular, it shall have a perimeter dimension of not less than 4 inches (102 mm) and not greater than 6 1/4 inches (160 mm) with a cross section of dimension of not more than 2 1/4 inches (57 mm). Edges shall have a radius of not less than 0.01 inch (0.25 mm).
2. Type II. Handrails with a perimeter greater than 6 1/4 inches (160 mm) shall have a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of 3/4 inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of not less than 5/16 inch (8 mm) within 7/8 inch (22 mm) below the widest portion of the profile. This required depth shall continue for not less than 3/8 inch (10 mm) to a level that is not less than 1 3/4 inches (45 mm) below the tallest portion of the profile. The width of the handrail above the recess shall be not less than 1 1/4 inches (32 mm) and not more than 2 3/4 inches (70 mm). Edges shall have a radius of not less than 0.01 inch (0.25 mm).

**Exception:** Exterior stairs are allowed to have a horizontal 2X member to form a 1 1/2-inch graspable dimension in lieu of the above-referenced perimeter dimensions.

**R312.1.3 Opening limitations.** Required guards shall not have openings from the walking surface to the required guard height that allow passage of a sphere 5 inches (127 mm) in diameter.

**Exception:** The triangular openings at the open side of stair, formed by the riser, tread, and bottom rail of a guard, shall not allow passage of a sphere 6 inches (153 mm) in diameter.

**R312.2.1 Window opening height.** In dwelling units, where the bottom of the clear opening of an operable window opening is located less than 24 inches (610 mm) above the finished floor and greater than 72 inches (1829 mm) above the finished grade or other surface below on the exterior of the building, the operable window shall comply with one of the following:

1. Operable window openings will not allow a 5-inch-diameter (102 mm) sphere to pass through where the openings are in their largest opened position.
2. Operable windows are provided with window opening control devices or fall prevention devices that comply with ASTM F2090.

**R313.1 Town house automatic fire sprinkler systems.** Not adopted by the city.

**R313.1.1 Design and installation.** When an automatic sprinkler system for town houses is installed, it shall be designed and installed in accordance with Section P2904 or NFPA 13D.

**R313.2 One- and two-family dwellings automatic fire systems.** Not adopted by the city.

**R313.2.1 Design and installation.** When automatic sprinkler systems are installed, it shall be designed and installed in accordance with Section P2904 or FPA 13D.

**R314.2.2 Alterations, repairs, and additions.** Where alterations, repairs, or additions requiring a permit occur with a valuation of more than \$1,000, the individual dwelling unit shall be equipped with smoke alarms located as required for new dwellings.

**Exceptions:**

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, the addition or replacement of windows or doors, or the addition of a porch or deck.
2. Installation, alteration, or repairs of plumbing or mechanical systems.

**R314.3 Location.** Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements and habitable attics and not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed

on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

4. Not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by this section.
5. In the hallway and in the room open to the hallway in dwelling units where the ceiling height of a room open to a hallway serving bedrooms exceeds that of the hallway by 24 inches (610 mm) or more.

**Exception:** Hallways less than 4 feet (1,220 mm) in length are allowed to omit the smoke detector within the hallway adjacent to the bedrooms.

**R314.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

**Exception:** Interconnection of smoke alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space, or basement available that could provide access for interconnection without the removal of interior finishes.

**R315.2.2 Alterations, repairs, and additions.** Where alterations, repairs, or additions requiring a permit occur with a valuation of more than \$1,000, the individual dwelling unit shall be equipped with carbon monoxide alarms located as required for new dwellings.

**Exceptions:**

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck.
2. Installation, alteration, or repairs of plumbing systems.
3. Installation, alteration, or repairs of mechanical systems that are not fuel fired.

**R326.3 Story above grade plane.** A habitable attic shall be considered a story above grade plane.

**Exceptions:** A habitable attic shall not be considered to be a story above grade plane provided that the habitable attic meets all the following:

1. The aggregate area of the habitable attic is either of the following:
  - 1.1. Not greater than one-third of the floor area of the story below.

- 1.2. Not greater than one-half of the floor area of the story below where the habitable attic is located within a dwelling unit equipped with a fire sprinkler system in accordance with [Section P2904](#).
2. The occupiable space is enclosed by the roof assembly above, knee walls, if applicable, on the sides and the floor-ceiling assembly below.
3. The floor of the habitable attic does not extend beyond the exterior walls of the story below.

**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.
2. Constructed in accordance with Section R403.3.
3. Constructed in accordance with ASCE 32.
4. Erected on solid rock.

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

**Exceptions:**

1. Protection of freestanding accessory structures with an area of 1,500 square feet (139 m<sup>2</sup>) or less, of light-frame construction, with an eave height of 10 feet (3,048 mm) or less shall not be required.
2. Protection of freestanding accessory structures with an area of 400 square feet (37 m<sup>2</sup>) or less, of other than light-frame construction, with an eave height of 10 feet (3,048 mm) or less shall not be required.

**R502.3.1 Sleeping areas and attic joists.** Table R502.3.1(1) shall be used to determine the maximum allowable span of floor joists that support sleeping areas and attics that are accessed by means of a fixed stairway in accordance with Section R311.7, provided that the design live load does not exceed 40 pounds per square foot (1.92 kPa) and the design dead load does not exceed 20 pounds per square foot (0.96 kPa). The allowable span of ceiling joists that support attics used for limited storage or no storage shall be determined in accordance with Section R802.5.

**R506.2.3 Vapor retarder.** A minimum 6-mil (0.006 inch; 0.152 mm) vapor retarder conforming to ASTM E1745 Class A requirements with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where a base course does not exist.

**Exception:** The vapor retarder is not required for the following:

1. Garages, utility buildings, and other unheated *accessory structures*.
2. For unheated storage rooms having an area of less than 70 square feet (6.5 m<sup>2</sup>) and carports.
3. Driveways, walks, patios, and other flatwork not likely to be enclosed and heated at a later date.
4. Where *approved* by the *building official*, based on local site conditions.

**R507.3 Footings.** Decks shall be supported on concrete footings or other *approved* structural systems designed to accommodate all loads in accordance with [Section R301](#). Deck footings shall be sized to carry the imposed loads from the deck structure to the ground as shown in [Figure R507.3](#).

**Exception:** Decks not supported by a dwelling need not be provided with footings that extend below the frost line.

**R602.10.1.2 Location of braced wall lines and permitted offsets.** Each braced wall line shall be located such that no more than two-thirds of the required braced wall panel length is located to one side of the braced wall line. Braced wall panels shall be permitted to be offset not more than 4 feet (1,219 mm) from the designated braced wall line. Braced wall panels parallel to a braced wall line shall be offset not more than 4 feet (1219 mm) from the designated braced wall line location as shown in Figure R602.10.1.1.

Exterior walls parallel to a braced wall line shall be offset not more than 4 feet (1,219 mm) from the designated braced wall line location as shown in Figure R602.10.1.1.

Interior walls used as bracing shall be offset not more than 4 feet (1,219 mm) from a braced wall line through the interior of the building as shown in Figure R602.10.1.1.

**Exception:** The offset out-of-plane may exceed 4 feet (1,219 mm) and the out-to-out offset dimension may exceed 8 feet (2,438 mm) if the area of the offset is less than 200 square feet (18.6 m<sup>2</sup>).

**R602.12 Simplified wall bracing.** Buildings meeting all of the conditions listed below shall be permitted to be braced in accordance with this section as an alternate to the requirements of Section R602.10. The entire building shall be braced in accordance with this section; the use of other bracing provisions of Section R602.10, except as specified herein, shall not be permitted.

1. There shall be not more than three stories above the top of a concrete or masonry foundation or basement wall. Permanent wood foundations shall not be permitted.
2. Floors shall not cantilever more than 24 inches (607 mm) beyond the foundation or bearing wall below.

3. Wall height shall not be greater than 12 feet (3,658 mm).
4. The building shall have a roof eave-to-ridge height of 20 feet (6,096 mm) or less.
5. Exterior walls shall have gypsum board with a minimum thickness of 1/2 inch (12.7 mm) installed on the interior side fastened in accordance with Table R702.3.5.
6. The structure shall be located where the ultimate design wind speed is less than or equal to 130 mph (58 m/s) and the exposure category is B or C.
7. The structure shall be located in Seismic Design Category A, B, or C for detached one- and two-family dwellings or Seismic Design Category A or B for town houses.
8. Cripple walls shall not be permitted in three-story buildings.

**R806.2 Minimum vent area.** The minimum net free ventilating area shall be 1/150 of the area of the vented space.

**Exception:** The minimum net free ventilation area shall be 1/300 of the vented space provided one or more of the following conditions are met:

1. In Climate Zones 6, 7, and 8, a Class I or II vapor retarder is installed on the warm-in-winter side of the ceiling.
2. Not less than 40 percent and not more than 50 percent of the required ventilating area is provided by ventilators located in the upper portion of the attic or rafter space. Upper ventilators shall be located not more than 3 feet (914 mm) below the ridge or highest point of the space, measured vertically. The balance of the required ventilation provided shall be located in the bottom one-third of the attic space. Where the location of wall or roof framing members conflicts with the installation of upper ventilators, installation more than 3 feet (914 mm) below the ridge or highest point of the space shall be permitted.

**N1101.2 (R101.3) Intent.** This chapter shall regulate the design and construction of buildings for the effective use and conservation of energy over the useful life of each new building. Additions, alterations, renovations, or repairs to an existing building, building system, or portion thereof may conform to the provisions of this code as they relate to new construction without requiring the unaltered portion(s) of the existing building or building system to comply with this code. This chapter is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective. This chapter is not intended to abridge safety, health, or environmental requirements contained in other applicable codes or ordinances.

**N1101.13 (R401.2) Application.** Not adopted by the city.

**N1101.14 (R401.3) Certificate.** Not adopted by the city.

Table N1102.1.3 (R402.1.3)										
Insulation Minimum R-Values and Fenestration Requirements By Component <sup>a</sup>										
Climate Zone	Fenestration U-Factor <sup>i</sup>	Skylight U-Factor	Glazed Fenestration SHGC <sup>b, e</sup>	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement <sup>g</sup> Wall R-Value	Slab <sup>4</sup> R-Value	Crawl Space <sup>g</sup> Wall R-Value
6	0.32	0.55	NR	49	20 or 13 + 5h	15/19	30 <sup>g</sup>	10/13	10, 4 ft	10/13
For SI: 1 foot = 304.8 mm NR = Not Required.										
a. R-values are minimums. U-factors and SHGC are maximums. Where insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.										
b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration. <i>Exception:</i> Skylights may be excluded from glazed fenestration SHGC requirements in Climate Zones 1 through 3 where the SHGC for such skylights does not exceed 0.30.										
c. “5ci or 13” means R-5 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. “10ci or 13” means R-10 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. “15ci or 19 or 13 + 5ci” means R-15 continuous insulation (ci) on the interior or exterior surface of the wall; or R-19 cavity insulation on the interior side of the wall; or R-13 cavity insulation on the interior of the wall in addition to R-5 continuous insulation on the interior or exterior surface of the wall. “10/13” means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation on the interior of the basement wall. “15/19” means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation on the interior of the basement wall. Alternatively, compliance with “15/19” shall be R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home.										
d. R-5 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R-value for slabs, as indicated in the table. The slab edge insulation for heated slabs shall not be required to extend below the slab.										
e. There are no SHGC requirements in the Marine Zone.										
f. Basement wall insulation is not required in warm humid locations as defined by Figure N1101.7 and Table N1101.7.										
g. The first value is cavity insulation; the second value is continuous insulation. Therefore, as an example, “13 + 5” means R-13 cavity insulation plus R-5 continuous insulation.										
h. Mass walls shall be in accordance with Section N1102.2.5. The second R-value applies where more than half of the insulation is on the interior of the mass wall.										
i. A maximum U-factor of 0.32 shall apply in Climate Zones 3 through 8 to vertical fenestration products installed in buildings located either: 1. Above 4,000 feet in elevation; or 2. In windborne debris regions where protection of openings is required by Section R301.2.1.2.										
j. Alternatively, insulation sufficient to fill the framing cavity providing not less than an R-value of R-19.										
k. The minimum R-value for ceilings is further based on a minimum 6-inch (152 mm) heel height to allow the ceiling insulation to extend over the top plate.										

**N1102.2.8.1 (R402.2.8.1) Basement wall insulation installation.** Where *basement walls* are insulated, the insulation shall be installed from the top of the *basement wall* down to 10 feet (3,048 mm) below grade or to the basement floor, whichever is less.

**Exception:** Exterior basement walls of enclosed mechanical rooms.

**N1102.4.1.2 (R402.4.1.2) Testing.** Not adopted by the city.

**N1102.4.1.3 (R402.4.1.3) Leakage rate.** Not adopted by the city.

**N1102.4.4 (R402.4.4) Rooms containing fuel-burning appliances.** Not adopted by the city.

**N1102.4.6 (R402.4.6) Electrical and communication outlet boxes (air-sealed boxes).** Not adopted by the city.

**N1103.3.1 (R403.3.1) Ducts located outside conditioned space.** Supply and return ducts located outside *conditioned space* shall be insulated to an *R*-value of not less than R-8 for ducts 3 inches (76 mm) in diameter and larger and not less than R-6 for ducts smaller than 3 inches (76 mm) in diameter.

**N1103.3.5 (R403.3.5) Duct testing (Mandatory).** Not adopted by the city.

**N1103.5 (R403.5) Service hot water systems.** Energy conservation measures for service hot water systems shall be in accordance with the plumbing code.

**N1103.6.3 (R403.6.3) Testing.** Not adopted by the city.

**N1104.1 (R404.1) Lighting equipment.** Not adopted by the city.

**N1109.2 (R501.2) Compliance.** Additions, alterations, repairs or changes of occupancy to, or relocation of, an existing building, building system, or portion thereof may comply with Section N1110, N1111, N1112, or N1113, respectively, in this code. Changes where unconditioned space is changed to conditioned space shall comply with Section N1110.

**N1110.1 (R502.1) General.** *Additions* to an existing *building*, *building system*, or portion thereof may conform to the provisions of this chapter as they relate to new construction without requiring the unaltered portion of the existing *building* or *building system* to comply with this chapter. *Additions* shall not create an unsafe or hazardous condition or overload existing *building* systems. An *addition* shall be deemed to comply with this chapter where the *addition* alone complies, where the existing *building* and *addition* comply with this chapter as a single *building*, or where the *building* with the *addition* does not use more energy than the existing *building*. *Additions* shall be in accordance with Section N1110.2 or N1110.3.

**N1111.1 (R503.1) General.** Alterations to any building or structure may comply with the requirements of the code for new construction, without requiring the unaltered portions of the existing building or building system to comply with this chapter. Alterations shall be such that the existing building or structure is no less conforming with the provisions of this chapter than the existing building or structure was prior to the alteration.

Alterations to an existing building, building system, or portion thereof may conform to the provisions of this chapter as they relate to new construction without requiring the unaltered portions of the existing building or building system to comply with this chapter. Alterations shall not create an unsafe or hazardous condition or overload existing building systems. Alterations shall be such that the existing building or structure uses no more energy than the existing building or structure prior to the alteration. Alterations to existing buildings shall comply with Sections N1111.1.1 through N1111.1.4.

**N1112.1 (R504.1) General.** Buildings, structures, and parts thereof may be repaired in compliance with Section N1109.3 and this section. Work on nondamaged components necessary for the required repair of damaged components shall be considered part of the repair and shall not be subject to the requirements for alterations in this chapter. Routine maintenance required by Section N1109.3, ordinary repairs exempt from permit, and abatement of wear due to normal service conditions shall not be subject to the requirements for repairs in this section.

**N1113.1 (R505.1) General.** Any space that is converted to a *dwelling unit* or portion thereof from another use or occupancy may comply with this chapter.

**Exception:** Where the simulated performance option in Section N1105 is used to comply with this section, the annual energy cost of the *proposed design* is permitted to be 110 percent of the annual energy cost allowed by Section N1105.2.

**M1305.1.3.1 Ground clearance.** Equipment and appliances supported from the ground shall be level and firmly supported on a concrete slab or other approved material extending not less than 1 1/2 inches (38 mm) above the adjoining ground. Such support shall be in accordance with the manufacturer’s installation instructions. Appliances suspended from the floor shall have a clearance of not less than 6 inches (152 mm) from the ground.

**M1305.1.3.3 Electrical requirements.** A luminaire controlled by a switch located at the required passageway opening and a receptacle outlet shall be installed at or near the *appliance* location in accordance with *National Electric Code*. Exposed lamps shall be protected from damage by location or lamp guards.

**M1502.4.2 Duct installation.** Exhaust ducts shall be supported at 4-foot (1,219 mm) intervals and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints shall be sealed in accordance with Section M1601.4.1. Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct. Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation.

**M1504.2 Duct length.** The length of exhaust and supply ducts used with ventilating equipment shall not exceed the lengths determined in accordance with Table M1504.2 as revised.

<b>Table M1504.2</b>					
<b>Duct Length</b>					
Fan airflow rating CFM	0–80	81–125	126–200	201–300	Over 300
Minimum duct diameter (inches)	4	5	6	7	8

**M1504.3 Exhaust openings.** Air exhaust openings shall terminate as follows:

1. Not less than 3 feet (914 mm) from property lines.
2. Not less than 3 feet (914 mm) from gravity air intake openings, operable windows, and doors.

3. Not less than 10 feet (3,048 mm) from mechanical air intake openings except where the exhaust opening is located not less than 3 feet (914 mm) above the air intake opening. Openings shall comply with Sections R303.5.2 and R303.6.
4. Minimum clearance between the exhaust and intake openings of an HRV/PRV system shall be in accordance with the manufacturer's installation instructions.

**M1505.4 Whole-house mechanical ventilation system.** Whole-house mechanical ventilation systems shall be designed in accordance with [Sections M1505.4.1](#) through [M1505.4.4](#).

**Exceptions:**

1. A bathroom exhaust fan shall operate continuously at a minimum rate of 20 cfm. A 6-inch-round passive makeup air shall be provided. If opening directly into the occupied space, such opening shall not decrease the comfort conditions of the occupied space. Such opening may also be used to provide combustion air for fuel-fired appliances if sized and designed for combustion air purposes. If opening into the mechanical room, permanent openings shall be provided between the mechanical room and occupied space to provide a path of travel for the air. The exhaust fan shall be located in the bathroom farthest away from the source of makeup air and shall be rated for 0.8 sones or less.
2. A 4-inch-round outdoor air duct connected to the return side of the air handler. The duct shall be insulated to a minimum R-6 and shall connect to the return duct within 8 feet of the air handler connection, not above a finished ceiling.

**Table M1505.4.4**  
**Minimum Required Local Exhaust Rates**  
**for One- and Two-Family Dwellings**

Area to be Exhausted	Exhaust Rates
Bathrooms—Toilet Rooms	Mechanical exhaust capacity of 50 cfm intermittent or 20 cfm continuous

**Section M1506 Sub slab Soil Exhaust Systems.**

**M1506.1 General.** When a sub slab soil exhaust system is provided, the duct shall conform to the requirements of this section.

**M1506.2 Materials.** Sub slab soil exhaust system duct material shall be air duct material listed and labeled to the requirements of UL 181 for Class 0 air ducts, or any of the following piping materials that comply with the plumbing code as building sanitary drainage and vent pipe: cast iron; galvanized steel; copper or copper-alloy pipe and tube of a weight not less than type DWV; and plastic piping.

**M1506.3 Grade.** Exhaust system ducts shall not be trapped and shall have a minimum slope of 1/8 unit vertical in 12 units horizontal (1 percent slope).

**M1506.4 Termination.** Sub slab soil exhaust system ducts shall extend through the roof and terminate at least 6 inches (152 mm) above the roof and at least 10 feet (3,048 mm) from any operable openings or air intake.

**M1506.5 Identification.** Sub slab soil exhaust ducts shall be permanently identified within each floor level by means of a tag, stencil, or other approved marking.

**M1601.1.1 Aboveground duct systems.** Aboveground duct systems shall conform to the following:

1. Equipment connected to duct systems shall be designed to limit discharge air temperature to not greater than 250°F (121°C).
2. Factory-made ducts shall be listed and labeled in accordance with UL 181 and installed in accordance with the manufacturer's instructions. Flexible air ducts shall be limited in length to 14 feet. Flexible air connectors are not allowed.
3. Fibrous glass duct construction shall conform to the SMACNA *Fibrous Glass Duct Construction Standards* or NAIMA *Fibrous Glass Duct Construction Standards*.
4. Field-fabricated and shop-fabricated metal and flexible duct constructions shall conform to the SMACNA *HVAC Duct Construction Standards—Metal and Flexible* except as allowed by Table M1601.1.1. Galvanized steel shall conform to ASTM A 653, except that sheet steel and strip used for duct, connectors, and round duct shall be G40 galvanized steel of lock-forming quality.
5. The use of gypsum products to construct return air ducts or plenums is permitted, provided that the air temperature does not exceed 125°F (52°C) and exposed surfaces are not subject to condensation.
6. Duct systems shall be constructed of materials having a flame spread index of not greater than 200.
7. Stud wall cavities and the spaces between solid floor joists to be used as air plenums shall comply with the following conditions:
  - 7.1. These cavities or spaces shall not be used as a plenum for supply air.
  - 7.2. These cavities or spaces shall not be part of a required fire-resistance-rated assembly.
  - 7.3. Stud wall cavities shall not convey air from more than one floor level.
  - 7.4. Stud wall cavities and joist-space plenums shall be isolated from adjacent concealed spaces by tight-fitting fire blocking in accordance with Section R302.11. Fire blocking materials used for isolation shall comply with Section R302.11.1.

- 7.5. Stud wall cavities in the outside walls of the building envelope assemblies shall not be utilized as air plenums.
8. Volume dampers, equipment, and other means of supply, return, and exhaust air adjustment used in system balancing shall be provided with access.

**M1601.1.2 Underground duct systems.** Underground duct systems shall be constructed of approved concrete, clay, metal, or plastic. The maximum design temperature for systems utilizing plastic duct and fittings shall be 150°F (66°C). Metal ducts shall be protected from corrosion in an approved manner or shall be completely encased in concrete not less than 2 inches (51 mm) thick. Nonmetallic ducts shall be installed in accordance with the manufacturer's instructions. Plastic pipe and fitting materials shall conform to cell classification 12454-B of ASTM D1248 or ASTM D1784 and external loading properties of ASTM D2412. Ducts shall slope to a drainage point that has access. Ducts shall be sealed and secured prior to encasing the ducts in concrete or direct burial. Metallic ducts having an approved protective coating and nonmetallic ducts shall be installed in accordance with the manufacturer's instructions.

**M1601.4.1 Joints, seams, and connections.** Longitudinal and transverse joints, seams, and connections in metallic and nonmetallic ducts shall be constructed as specified in *SMACNA HVAC Duct Construction Standards—Metal and Flexible* and *NAIMA Fibrous Glass Duct Construction Standards*. Joints, longitudinal and transverse seams, and connections in ductwork outside the building thermal envelope, all return ducts located within 10 feet (3.05 m) of any appliance or all return ducts within a mechanical room, and all supply main trunk ducts and branch duct connections to the main trunk ducts shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), mastic-plus-embedded-fabric systems, liquid sealants, or tapes. Tapes and mastics used to seal fibrous glass ductwork shall be listed and labeled in accordance with UL 181A and shall be marked "181A-P" for pressure-sensitive tape, "181 A-M" for mastic, or "181 A-H" for heat-sensitive tape.

Tapes and mastics used to seal metallic and flexible air ducts and flexible air connectors shall comply with UL 181B and shall be marked "181 B-FX" for pressure-sensitive tape or "181 B-M" for mastic. Duct connections to flanges of air distribution system equipment shall be sealed and mechanically fastened. Mechanical fasteners for use with flexible nonmetallic air ducts shall comply with UL 181B and shall be marked 181 B-C. Crimp joints for round metallic ducts shall have a contact lap of not less than 1 inch (25 mm) and shall be mechanically fastened by means of not less than three sheet metal screws or rivets equally spaced around the joint.

Closure systems used to seal all ductwork shall be installed in accordance with the manufacturer's instructions.

**Exceptions:**

1. Spray polyurethane foam shall be permitted to be applied without additional joint seals.

2. Where a duct connection is made that is partially inaccessible, three screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.
3. For ducts having a static pressure classification of less than 2 inches of water column (500 Pa), additional closure systems shall not be required for continuously welded joints and seams and locking-type joints and seams. This exception shall not apply to snap-lock and button-lock type joints and seams that are located outside of conditioned space.

**M1601.4.4 Support.** Factory-made ducts listed in accordance with UL 181 shall be supported in accordance with the manufacturer's installation instructions. Field- and shop-fabricated fibrous glass ducts shall be supported in accordance with the SMACNA *Fibrous Glass Duct Construction Standards* or the NAIMA *Fibrous Glass Duct Construction Standards*. Field- and shop-fabricated metal and flexible ducts shall be supported in accordance with the SMACNA *HVAC Duct Construction Standards—Metal and Flexible*. Metal ducts shall be supported by 1/2-inch-wide (13 mm) 18-gage, 1-inch-wide (25 mm) 24-gage, or 1 1/2-inch-wide (39 mm) 26-gage metal straps or 12-gage galvanized wire at intervals not exceeding 10 feet (3,048 mm), or other approved means.

**G2402.3 (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*, NFPA-70, *International Mechanical Code*, *International Fuel Gas Code* or *Uniform Plumbing Code*, such terms shall have meanings ascribed to them as in those *codes*.

**G2407.6 (304.6) Outdoor combustion air.** Outdoor combustion air shall be provided through opening(s) to the outdoors in accordance with Section G2407.6.1, G2407.6.2, or G2407.6.3. The minimum dimension of air openings shall be not less than 3 inches (76 mm).

Combustion air intake opening shall be located a minimum of 3 feet (914 mm) from a gas meter.

**G2407.6.3 Alternate combustion air sizing.** As an alternate, the net free area of openings, ducts, or plenums supplying air to an area containing gas- and oil-burning appliances shall be in accordance with CSA B149.1:20, Natural Gas and Propane Installation Code, published by the Canadian Standards Association (CSA).

The combustion air duct is required to be upsized one diameter size when a dryer is installed in the same room as the combustion air.

**G2408.1 (305.1) General.** Equipment and appliances shall be installed as required by the terms of their approval in accordance with the conditions of listing, the manufacturer's instructions, and this code. Manufacturer's installation instructions shall be available on the job site at the time of inspection. Where a code provision is less restrictive than the conditions of the listing of the equipment or appliance or the manufacturer's installation instructions, the conditions of the listing and the manufacturer's installation instructions shall apply.

After completion of the installation, all safety and operating controls and venting shall be tested before placing the burner in service in accordance with the manufacturer's installation

instructions. The following requirements need to be recorded and affixed to the inside of the gas train access panel:

1. The rate of flow of the gas or fuel shall be adjusted to within plus or minus 5 percent of the required Btu/hr rating at the manifold pressure specified by the manufacturer. When the prevailing pressure is less than the manifold pressure specified, the rates shall be adjusted at the prevailing pressure.
2. The gas inlet pressure per the manufacturer's installation settings.
3. The temperature rise across the heat exchanger per the manufacturer's installation settings.
4. The static pressure of the supply and return ducts per the manufacturer's installation settings.

Unlisted appliances approved in accordance with Section G2404.3 shall be limited to uses recommended by the manufacturer and shall be installed in accordance with the manufacturer's instructions, the provisions of this code, and the requirements determined by the code official.

**G2408.4 (305.7) Clearances from grade.** *Equipment and appliances* installed at grade level shall be supported on a level concrete slab or other *approved* material extending not less than 1 1/2 inches (38 mm) above adjoining grade or shall be suspended not less than 6 inches (152 mm) above adjoining grade. Such supports shall be installed in accordance with the manufacturer's instructions.

**G2410.2 (309.2) Connections.** Electrical connections between *appliances* and the building wiring, including the grounding of the *appliances*, shall conform to the *National Electric Code*.

**G2415.2 (404.2) CSST.** CSST piping systems shall be installed in accordance with the terms of their approval, the conditions of listing, the manufacturer's instructions, and this code.

The piping located on the exterior extending from the gas meter to the inside of the structure shall be a metallic pipe in compliance with Section G2414.3. The entrance into the structure shall be provided with the appropriate transition flange where an alternate gas piping material is utilized on the inside of the structure.

**G2415.3 (404.3) Prohibited locations.** Piping shall not be installed in or through a ducted supply, return or exhaust, or a clothes chute, chimney or gas vent, dumbwaiter, or elevator shaft.

**G2415.6 (404.6) Piping through foundation walls.** Underground piping, where installed through the outer foundation or basement wall of a building, shall be encased in a protective sleeve or protected by an approved device or method. The space between the gas piping and the sleeve and between the sleeve and the wall shall be sealed to prevent the entry of gas and water.

**G2415.12 (404.12) Minimum burial depth.** The minimum depth shall be increased to 18 inches (457 mm) if external damage to the piping or tubing from external forces is likely to result. Where a minimum of 12 inches (305 mm) of depth cannot be provided, the pipe shall be installed in conduit or bridged (shielded).

**G2415.12.1 (404.12.1) Individual outdoor appliances.** Not adopted by the city.

**G2420.1.2 (409.1.2) Prohibited locations.** Shutoff valves shall be prohibited in concealed locations, furnace plenums, and accessible spaces between a fixed ceiling and a dropped ceiling unless serving a gas appliance installed in that space.

**Part VII—Plumbing.** The following chapters are not adopted by the city: Chapter 25—Plumbing Administration; Chapter 26—General Plumbing Requirements; Chapter 27—Plumbing Fixtures; Chapter 28—Water Heaters; Chapter 29—Water Supply and Distribution except Section P2904 Dwelling Unit Fire Sprinkler Systems; Chapter 30—Sanitary Drainage; Chapter 31—Vents; Chapter 32—Traps; and Chapter 33—Storm Drainage.

The provisions of the plumbing code of the city of Sioux Falls or the most current *Uniform Plumbing Code* adopted by the South Dakota State Plumbing Commission shall apply to the installation, alterations, repairs, and replacement of plumbing systems, including equipment, appliances, fixtures, and appurtenances, and where connected to a water or sewage system for detached one- and two-family dwellings and multiple single-family dwellings (town houses) not more than three stories high with separate means of egress and their accessory structures.

**Part VIII—Electrical.** The following chapters are not adopted by the city: Chapter 34—General Requirements; Chapter 35—Electrical Definitions; Chapter 36—Services; Chapter 37—Branch Circuit and Feeder Requirements; Chapter 38—Wiring Methods; Chapter 39—Power and Lighting Distribution; Chapter 40—Device and Luminaires; Chapter 41—Appliance Installation; Chapter 42—Swimming Pools; Chapter 43—Class 2 Remote- Control, Signaling and Power-Limited Circuits.

The provisions of the electrical code or the most current code adopted *National Electrical Code* by the South Dakota State Electrical Commission shall apply to the installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of any electrical system, apparatus, wiring, or equipment for electrical, light, heat, power, fire alarms, and associate controls for detached one- and two-family dwellings and multiple single-family dwellings (town houses) not more than three stories high with separate means of egress and their accessory structures.

Date adopted: \_\_\_\_\_.

\_\_\_\_\_  
Tracy Petersen, Mayor

ATTEST:

\_\_\_\_\_  
Sara Smith, Finance officer

1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

ORDINANCE NO. 297

AN ORDINANCE OF THE CITY OF BALTIC, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2021 *INTERNATIONAL BUILDING CODE* AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE CITY OF BALTIC, SD.

*Section 1. That Section 150.20 of the Code of Ordinances of BALTIC, SD, is hereby amended to read:*

**§ 150.20 ADOPTED.**

- (a) The *International Building Code*, 2021 edition, including Appendix C, Appendix I, and Appendix O as published by the International Code Council Inc., and amendments and additions thereto as provided in this article are hereby adopted as the building code by the city for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures in the city providing for the issuance of permits and collection of fees therefor.
- (b) The adoption of the *International Building Code*, 2021 edition, will become effective January 1, 2022. The minimum building standards in the 2021 edition of the *International Building Code* and amendments thereto shall be applied to any building permit issued after December 31, 2021.
- (c) The city shall publish this ordinance, without attachments, after its passage. The attachments are on file and available for inspection at the office of the city clerk.

*Section 2. That Section 150.21 of the Code of Ordinances of BALTIC, SD, is hereby amended to read:*

**§ 150.21 CONFLICTS.**

In the event of any conflict between the provisions of the code adopted by this subchapter and applicable provisions of this Code of Ordinances, state law or city ordinance, rule or regulation, the provisions of this Code of Ordinances, state law or city ordinance, rule or regulation shall prevail and be controlling.

*Section 3. That Section 150.017 of the Code of Ordinances of BALTIC, SD, is hereby amended to read:*

## **§ 150.22 AMENDMENTS, ADDITIONS, AND DELETIONS TO THE 2021 INTERNATIONAL BUILDING CODE.**

The following sections and subsections of the 2021 *International Building Code* adopted in this subchapter shall be amended, added, or not adopted by the city as follows. All other sections or subsections of the 2021 *International Building Code* as published shall remain the same.

**[A] 101.1 Title.** These regulations shall be known as the building code of the city of BALTIC, hereinafter referred to as “this code.”

**[A] 101.4.1 Gas.** The provisions of the *International Fuel Gas Code* or the plumbing code shall apply to the installation of gas piping from the point of delivery, gas appliances, and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**[A] 101.4.3 Plumbing.** The provisions of the plumbing code shall apply to the installation, alteration, repair, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

**101.4.8 Electrical.** The provisions of the NFPA 70 shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

**[A] 103.1 Creation of enforcement agency.** Building services is hereby created and the official in charge thereof shall be known as the building official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

**[A] 103.2 Appointment.** Adopted by the city.

**[A] 104.8 Liability.** The building 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 civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

This code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the city, or its officers and employees, be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

**[A] 104.8.1 Legal defense.** Any suit or criminal complaint instituted against an 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 afforded all the protection provided by the city’s insurance pool and any immunities and defenses provided by other applicable state and

federal law and defended by legal representatives of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

**[A] 104.10.1 Flood hazard areas.** The floodplain administrator shall not grant modifications to any provision required in flood hazard areas as established by Chapter 152: Floodplain Management, unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site render the elevation standards of Chapter 156: Floodplain Management, inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

**[A] 105.1 Required.** Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit. The building official may exempt permits for minor work.

**[A] 105.2 Work exempt from permit.** Exemptions from 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. Permits shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area is not greater than 200 square feet (18.6 m<sup>2</sup>). A placement permit is required by the zoning division.
2. Fences not over 7 feet (2,134 mm) high. A fence permit is required by the zoning division.
3. Oil derricks.

4. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom grade elevation to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,927 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route. A driveway permit is required by the zoning division. A sidewalk permit is required by the engineering division.
7. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
8. Temporary motion picture, television, and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1,753 mm) in height.

#### **Electrical:**

1. **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. **Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. **Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

#### **Gas:**

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefor in writing on a form for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

**[A] 107.1 General.** Submittal documents consisting of one complete set of plans in an electronic submittal in PDF format along with other construction documents, statement of special inspections, geotechnical report, and other data shall be submitted with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

**Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

**[A] 107.3.1 Approval of construction documents.** When the building official issues a permit, the construction documents shall be reviewed for compliance. One set of construction documents so reviewed shall be retained by the building official.

**[A] 109.2 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.

The fee schedules for the issuance of a building permit shall be as set by resolution.

**Table No. 1-C. Other Inspections and Fees**

1.	Inspections outside of normal business hours, per hour* (Minimum charge one hour) .....	\$70.00
2.	Reinspection fees, per hour* (minimum charge one hour) .....	\$70.00
3.	Inspections for which no fee is specifically indicated, per hour* (Minimum charge one-half hour).....	\$70.00
4.	Additional plan review required by changes, additions, or revisions to approved plans, per hour* (minimum charge one-half hour) .....	\$70.00

\*Or the total hourly cost to the jurisdiction, whichever is the greater. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involve

5. Board of appeals fees. Before the board takes any action, the party or parties requesting such hearing shall deposit with the secretary of the board, or authorized agent, \$65.00 to cover the approximate cost of the procedure. Under no condition shall said sum or any part thereof be refunded for failure of said request to be approved.

**Exception.** Appeals referred to the board from the *International Property Maintenance Code*.

6. A mileage fee based on the current rate per mile authorized by the Internal Revenue Service shall be charged for any inspection occurring outside city limits.
7. When submittal documents are required by Section 106, a plan review fee shall be paid when it is deemed that a plan review is required. Said plan review fee shall be 25 percent of the building permit fee as specified on Table 1-B. The plan review fee specified herein is a separate fee from the building permit fee and is in addition to the building permit fee. When submittal documents are incomplete or changed so as to require additional plan review or when a project involves deferred submittals as defined in Section 106.3.4.2, an additional plan review fee may be charged at 25 percent of the building permit fee specified on Table 1-B.
8. Fee for late corrections. A \$100.00 administrative fee may be charged for failure to correct violations within the time specified on a contractor's correction report.
9. Fee for failure to request a required inspection. Where building construction work is completed without a request for an inspection, an administrative fee of \$250.00 may be charged.

**Exception:** Group R Division 3 and Group U occupancies.

**109.7 Delinquent accounts.** The city may refuse to issue permits or conduct inspections for any person or business whose account is delinquent.

**[A] 110.3.1 Footing inspection.** Footing inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. If an inspection is required for concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

**[A] 111.2 Certificate issued.** After the building official inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
4. The name of the building official.
5. The edition of the code under which the permit was issued.
6. The use and occupancy, in accordance with the provisions of Chapter 3.
7. The type of construction as defined in Chapter 6.
8. The design occupant load.
9. If an automatic sprinkler system is provided, whether the sprinkler system is required.
10. Any special stipulations and conditions of the building permit.

**[A] 113.1 General.** In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code and the fire code, to review all prospective changes to the respective codes and to submit recommendations to the responsible official and the city council, to review requests for house moves, and to examine applicants for licensing and to investigate matters brought before the board, there shall be and is hereby created a building board of appeals and examiners. The building official shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board of appeals shall be appointed by the mayor with consent of the city council and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions in writing to the appellant with a duplicate copy to the building and/or fire official.

**[A] 114.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to deem the violation as a strict liability offense and institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the

unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**201.1 Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter. In addition, the following words and terms are being added and/or modified to the defined terms already incorporated by reference in Section 150.017 of this code.

**FIRE AREA.** The aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls, or horizontal assemblies of a building.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.

**305.2.2 Twelve or fewer children.** A facility having twelve or fewer children receiving such day care shall be classified as part of the primary occupancy.

**305.2.3 Twelve or fewer children in a dwelling unit.** A facility such as the above within a dwelling unit and having twelve or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

**308.5.4 Twelve or fewer persons receiving care in a dwelling unit.** A facility such as the above within a dwelling unit and having twelve or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

**310.4.2 Lodging houses.** Owner-occupied *lodging houses* with five or fewer *guest rooms* and 10 or fewer total occupants shall be permitted to be constructed in accordance with the *International Residential Code*.

**423.4 Group E occupancies.** All Group E occupancies with an occupant load of 50 or more shall have a storm shelter constructed to withstand a wind of 200 mph.

**Exceptions:**

1. Group E day care facilities.
2. Group E occupancies accessory to places of religious worship.
3. Buildings meeting the requirements for shelter design in ICC 500.

**[F] 501.2 Address identification.** New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency

response. Multi-building campus/complex developments addressed on private or public streets shall be provided with signage at the entrance to the campus/complex indicative of the address ranges within. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole, or other approved sign or means shall be used to identify the structure. Address identification shall be maintained.

**603.1.2 Piping.** The use of combustible piping materials shall be permitted where installed in accordance with the limitations of the *International Mechanical Code* and the *Plumbing Code*.

**706.6.2 Buildings with sloped roofs.** Where a fire wall serves as an interior wall for a building, and the roof on one side or both sides of the fire wall slopes toward the fire wall at a slope greater than 2 units vertical in 12 units horizontal (2:12), the fire wall shall extend to a height equal to the height of the roof located 4 feet (1,219 mm) from the fire wall plus 30 inches (762 mm). In no case shall the extension of the fire wall be less than 30 inches (762 mm).

**Exception:** The fire wall may terminate at the underside of the roof sheathing, deck, or slab of the lower roof, provided:

1. The roof assemblies within 10 feet (3,048 mm) of the wall has not less than a 1-hour fire resistance rating and the entire length and span of supporting elements for the rated roof assembly has a fire-resistance rating of not less than 1 hour.
2. Openings in the roof on each side of the fire wall shall not be located within 10 feet (3,048 mm) of the fire wall.

**714.5.1.2 Through-penetration fire-stop system.** Through penetrations of the fire-resistive membrane shall be protected by an approved through-penetration fire-stop system installed and tested in accordance with ASTM E 814 or UL 1479, with a minimum positive pressure differential of 0.01 inch of water (2.49 Pa). The system shall have an F rating/T rating of not less than 1 hour but not less than the required rating of the floor penetrated.

**Exceptions:**

1. Floor penetrations contained and located within the cavity of a wall above the floor or below the floor do not require a T rating.
2. Floor penetrations by floor drains, tub drains, or shower drains contained and located within the concealed space of a horizontal assembly do not require a T rating.
3. Floor penetrations of maximum 4-inch (102 mm) nominal diameter penetrating directly into metal-enclosed electrical power switchgear do not require a T rating.

**716.2.6.1 Door closing.** Fire doors shall be latching and self- or automatic closing in accordance with this section.

**Exceptions:**

1. Fire doors located in common walls separating sleeping units in Group R-1 shall be permitted without automatic- or self-closing devices.
2. The elevator car doors and the associated hoist way enclosure doors at the floor level designated for recall in accordance with Section 3003.2 shall be permitted to remain open during Phase I emergency recall operation.
3. Interior doors located in exit enclosures, smokeproof enclosures, and exit passageways in Group R and I-1 occupancies shall be automatic closing fire door assemblies in accordance with NFPA 80 and controlled in accordance with NFPA 72.

**717.5.2 Fire barriers.** Ducts and air transfer openings of fire barriers shall be protected with listed fire dampers installed in accordance with their listing. Ducts and air transfer openings shall not penetrate enclosures for interior exit stairways and ramps and exit passageways, except as permitted by Sections 1023.5 and 1024.6, respectively.

**Exceptions:** Fire dampers are not required at penetrations of fire barriers where any of the following apply:

1. Penetrations are tested in accordance with ASTM E119 or UL 263 as part of the fire-resistance-rated assembly.
2. Ducts are used as part of an approved smoke control system in accordance with Section 909 and where the use of a fire damper would interfere with the operation of a smoke control system.
3. Such walls are penetrated by fully ducted HVAC systems, have a required fire-resistance rating of 1 hour or less, are in areas of other than Group H, and are in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2. For the purposes of this exception, a fully ducted HVAC system shall be a duct system for conveying supply, return, or exhaust air as part of the structure's HVAC system. Such a duct system shall be constructed of sheet steel not less than No. 26 gage thickness and shall be continuous from the air-handling appliance or equipment to the air outlet and inlet terminals. Nonmetal flexible air ducts shall be permitted in the following locations:
  - 3.1 At the duct connection to the air handling unit or equipment located within the mechanical room in accordance with Section 603.9 of the *International Mechanical Code*.
  - 3.2 From an overhead metal duct to a ceiling diffuser within the same room in accordance with Section 603.6.2 of the *International Mechanical Code*.

**[F] 903.2.6 Group I.** An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

**Exceptions:**

1. An automatic sprinkler system installed in accordance with Section 903.3.1.1 is required in Group I-1 Condition 1 or 2 facilities.
2. An automatic sprinkler system is not required where Group I-4 day care facilities are at the level of exit discharge and where every room where care is provided has not fewer than one exterior exit door.
3. In buildings where Group I-4 day care is provided on levels other than the level of exit discharge, an automatic sprinkler system in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors between the level of care and the level of exit discharge, and all floors below the level of exit discharge other than areas classified as an open parking garage.

**[F] 903.2.8 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with Groups R-1 and R-4 fire areas and Group R-2 multifamily residences having six or more dwelling units.

**[F] 903.2.10 Group S-2 parking garages.** An *automatic sprinkler system* shall be provided throughout buildings classified as parking garages where any of the following conditions exist:

1. Where the fire area of the enclosed parking garage in accordance with Section 406.6 exceeds 12,000 square feet (1,115 m<sup>2</sup>).
2. Where the enclosed parking garage in accordance with Section 406.6 is located beneath other groups.

**Exception:** Enclosed parking garages located beneath Group R-3 occupancies.

**[F] 903.3.1.1.1 Exempt locations.** Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction, or contains electrical equipment.

1. A room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. A room or space where sprinklers are considered undesirable because of the nature of the contents, where approved by the fire code official. Such rooms shall be separated from the remainder of the building by fire barrier walls and horizontal assemblies having a fire-resistance rating of not less than two hours.

3. Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than two hours.
4. Rooms or areas that are of noncombustible construction with wholly noncombustible contents.
5. Fire service access elevator machine rooms and machinery spaces.
6. Machine rooms, machinery spaces, control rooms, and control spaces associated with occupant evacuation elevators designed in accordance with Section 3008.

**[F] 903.3.1.2 NFPA 13R sprinkler systems.** Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

1. Four stories or fewer above grade plane.
2. The floor level of the highest story is 60 feet (18,288 mm) or less above the lowest level of fire department vehicle access.
3. The floor level of the lowest story is 60 feet (18,288 mm) or less below the lowest level of fire department vehicle access.

The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 shall be measured from grade plane.

**[F] 903.3.5 Water supplies.** Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the Plumbing Code. For connections to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the fire code official.

**[F] 904.13.2 System interconnection.** The actuation of the fire suppression system shall automatically shut down the fuel and/or electrical power supply to the cooking equipment and all electrical receptacles located beneath the hood. The fuel and electrical supply reset shall be manual.

**[F] 907.2.1.1 System initiation in Group A occupancies with an occupant load of 1,000 or more.** Activation of the fire alarm in Group A occupancies with an occupant load of 1,000 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with Section 907.5.2.2.

**Exceptions:**

1. Group A-3 occupancies used for religious worship.
2. Where approved, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed three minutes, for the sole purpose of allowing a live

voice announcement from an approved, constantly attended location.

**[F] 907.2.2 Group B.** A manual fire alarm system, which activates the occupant notification system in accordance with Section 907.5, shall be installed in Group B occupancies where one of the following conditions exists:

1. The combined Group B occupant load of all floors is 500 or more.
2. The Group B occupant load is more than 100 persons above or below the lowest level of exit discharge.
3. The fire area contains an ambulatory care facility.
4. The Group B occupancy has more than two occupied levels.

**Exception:** Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

**[F] 907.2.6.2 Group I-2.** An automatic smoke detection system shall be installed in corridors in Group I-2 Condition 1 facilities and spaces permitted to be open to the corridors by Section 407.2. The system shall be activated in accordance with Section 907.4. Group I-2 Condition 2 occupancies shall be equipped with an automatic smoke detection system as required in Section 407.

**Exception:** Corridor smoke detection is not required in smoke compartments that contain sleeping units where such units are provided with smoke detectors that comply with UL 268. Such detectors shall provide a visual display on the corridor side of each sleeping unit and shall provide an audible and visual alarm at the care providers' station attending each unit. Smoke detectors installed as part of an intelligent or addressable fire alarm system capable of annunciation of room origin at a constantly attended location shall be acceptable.

**[F] 907.2.8.2 Automatic smoke detection system.** An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be installed throughout all interior corridors serving sleeping units and at the top of each stairwell.

**Exception:** An automatic smoke detection system is not required in buildings that do not have interior corridors serving sleeping units and where each sleeping unit has a means of egress door opening directly to an exit or to an exterior exit access that leads directly to an exit.

**[F] 907.2.9 Group R-2.** Fire alarm systems and smoke alarms shall be installed in Group R-2 occupancies as required in Sections 907.2.9.1 through 907.2.9.4.

**[F] 907.2.9.1 Manual fire alarm system.** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies where any of the following conditions apply:

1. Any dwelling unit or sleeping unit is located three or more stories above the lowest level of exit discharge.
2. Any dwelling unit or sleeping unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit or sleeping unit.
3. The building contains more than 16 dwelling units or sleeping units.
4. The building contains four or more dwelling units or sleeping units above the level of exit discharge.

**Exceptions:**

1. A fire alarm system is not required in buildings not more than two stories in height where all dwelling units or sleeping units and contiguous attic and crawl spaces are separated from each other and public or common areas by not less than 1-hour fire partitions and each dwelling unit or sleeping unit has an exit directly to a public way, egress court, or yard.
2. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and the occupant notification appliances will automatically activate throughout the notification zones upon a sprinkler water flow.
3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1027.6, Exception 3.

**907.2.9.4 Smoke detectors.** Automatic smoke detection shall be provided in each stairway and all exit corridors.

**[F] 907.2.13.1.2 Duct smoke detection.** Duct smoke detectors complying with Section 907.3.1 shall be located as follows:

1. In the main return air and exhaust air plenum of each air-conditioning system having a capacity greater than 2,000 cubic feet per minute (cfm) (0.94 m<sup>3</sup>/s). Such detectors shall be located in a serviceable area downstream of the last duct inlet. At each connection to a vertical duct or riser serving two or more stories from a return air duct or plenum of an air-conditioning system. In Group R-1 and R-2 occupancies, a smoke detector is allowed to be

used in each return air riser carrying not more than 5,000 cfm (2.4 m<sup>3</sup>/s) and serving not more than 10 air-inlet openings.

2. Duct smoke detectors installed more than 10 feet above a finished floor, above a ceiling, or on a rooftop shall be installed with remote test/indicators in an approved location below and in proximity to the unit served.

**[F] 907.5 Occupant Notification.** Occupant notification by fire alarms shall be in accordance with Sections 907.5.1 through 907.5.2.3.3. Occupant notification by smoke alarms in Group R-1 occupancies shall comply with Section 907.5.2.1.3.2.

**[F] 907.5.2.1.3 Audible signal frequency in Group R-1 sleeping rooms.** Audible signal frequency in Group R-1 occupancies shall be in accordance with Sections 907.5.2.1.3.1 and 907.5.2.1.3.2.

**[F] 907.5.2.1.3.1 Fire alarm system signal.** In sleeping rooms of Group R-1 occupancies, the audible alarm activated by a fire alarm system shall be a 520-Hz low-frequency signal complying with NFPA 72.

**[F] 907.5.2.1.3.2 Smoke alarm signal in sleeping rooms.** In sleeping rooms of Group R-1 occupancies that are required by Section 907.2.8 or 907.2.9 to have a fire alarm system, the audible alarm signal activated by single- or multiple-station smoke alarms in the dwelling unit or sleeping unit shall be a 520-Hz signal complying with NFPA 72. Where a sleeping room smoke alarm is unable to produce a 520-Hz signal, the 520-Hz alarm signal shall be provided by a listed notification appliance or a smoke detector with an integral 520-Hz sounder.

**[F] 912.2.1 Visible location.** Fire department connections shall be located on the street side of buildings or facing approved fire apparatus access roads, fully visible and recognizable from the street, fire apparatus access road or nearest point of fire department vehicle access, or as otherwise approved by the fire code official. A weather-rated horn/strobe connected to the fire detection or sprinkler system shall be located not lower than 8 feet above the fire department connection and within 10 feet horizontally of the connection. The weather-rated horn/strobe must be visible from the fire lane or street.

**Table 1004.5 Maximum Floor Area Allowances Per Occupant**

Function of Space	Occupant Load Factor <sup>a</sup>
Accessory storage areas, mechanical equipment room	300 gross
Agricultural building	300 gross
Aircraft hangars	500 gross
Airport terminal	
Baggage claim	20 gross

Baggage handling	300 gross
Waiting areas	15 gross
Assembly	
Gaming floors (keno, slots, etc.)	11 gross
Exhibit gallery and museum	30 net
Assembly with fixed seats	See Section 1004.6
Assembly without fixed seats	
Concentrated (chairs only—not fixed)	7 net
Standing space	5 net
Unconcentrated (tables and chairs)	15 net
Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas	7 net
Business areas	150 gross
Concentrated business use areas	See Section 1004.8
Courtrooms—other than fixed seating areas	40 net
Day care	35 net
Dormitories	50 gross
Educational	
Classroom area	25 net
Shops and other vocational room areas	50 net
Exercise rooms	50 gross
Group H-5 fabrication and manufacturing areas	200 gross
Industrial areas	100 gross
Institutional areas	
Inpatient treatment areas	240 gross
Outpatient areas	100 gross
Sleeping areas	120 gross
Kitchens, commercial	200 gross
Library	
Reading rooms	50 net
Stack area	100 gross
Locker rooms	50 gross
Mall buildings—covered and open	See Section 402.8.2
Mercantile	60 gross
Storage, stock, shipping areas	300 gross
Parking garages	200 gross
Residential	200 gross
Skating rinks, swimming pools	
Rink and pool	50 gross

Decks	15 gross
Stages and platforms	15 net
Warehouses	500 gross

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m<sup>2</sup>

a. Floor area in square feet per occupant

**1010.1.6 Thresholds.** Thresholds at doorways shall not exceed 3/4 inch (19.1 mm) in height above the finished floor or landing for sliding doors serving dwelling units or 1/2 inch (12.7 mm) above the finished floor or landing for other doors. Raised thresholds and floor level changes greater than 1/4 inch (6.4 mm) at doorways shall be beveled with a slope not greater than one unit vertical in two units horizontal (50 percent slope).

**Exceptions:**

1. In occupancy Group R-2 or R-3, threshold heights for sliding and side hinged exterior doors shall be permitted to be up to 8 inches (203 mm) in height if all of the following apply:
  - 1.1. The door is not part of the required means of egress.
  - 1.2. The door is not part of an accessible route as required by Chapter 11.
  - 1.3. The door is not part of an accessible unit, Type A unit or Type B unit.
2. In Type B units, where Exception 5 to Section 1010.1.5 permits a 4-inch (102 mm) elevation change at the door, the threshold height on the exterior side of the door shall not exceed 4 3/4 inches (120 mm) in height above the exterior deck, patio, or balcony for sliding doors or 4 1/2 inches (114 mm) above the exterior deck, patio, or balcony for other doors.

**1011.5.2 Riser height and tread depth.** Stair riser heights shall be 7 inches (178 mm) maximum and 4 inches (102 mm) minimum. The riser height shall be measured vertically between the nosing's of adjacent treads or between the stairway landing and the adjacent tread. Rectangular tread depths shall be 11 inches (279 mm) minimum measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's nosing. Winder treads shall have a minimum tread depth of 11 inches (279 mm) between the vertical planes of the foremost projection of adjacent treads at the intersections with the walk line and a minimum tread depth of 10 inches (254 mm) within the clear width of the stair.

**Exceptions:**

1. Spiral stairways in accordance with Section 1011.10.
2. Stairways connecting stepped aisles to cross aisles or concourses shall be permitted to use the riser/tread dimension in Section 1029.14.2.

3. In Group R-3 occupancies, within dwelling units in Group R-2 occupancies, and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies, the maximum riser height shall be 8 inches (203 mm), the minimum tread depth shall be 10 inches (254 mm), the minimum winder tread depth at the walk line shall be 10 inches (254 mm), and the minimum winder tread depth shall be 6 inches (152 mm). A nosing projection not less than 3/4 inch (19.1 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).
4. See Section 503.1 of the *International Existing Building Code* for the replacement of existing stairways.
5. In Group I-3 facilities, stairways providing access to guard towers, observation stations, and control rooms, not more than 250 square feet (23 m<sup>2</sup>) in area, shall be permitted to have a maximum riser height of 8 inches (203 mm) and a minimum tread depth of 9 inches (229 mm).

**1015.4 Opening limitations.** Required guards shall not have openings that allow passage of a sphere 5 inches (127 mm) in diameter from the walking surface to the required guard height.

**Exceptions:**

1. The triangular openings at the open sides of a stair, formed by the riser, tread, and bottom rail shall not allow passage of a sphere 6 inches (152 mm) in diameter.
2. At elevated walking surfaces for access to and use of electrical, mechanical, or plumbing systems or equipment, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
3. In areas that are not open to the public within occupancies in Group B, I-3, F, H, M, or S, and for alternating tread devices and ships ladders, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
4. In assembly seating areas, guards required at the end of aisles in accordance with Section 1029.17.4 shall not have openings that allow passage of a sphere 5 inches (127 mm) in diameter up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1,067 mm) above the adjacent walking surfaces, guards shall not have openings that allow passage of a sphere 8 inches (203 mm) in diameter.
5. Within individual dwelling units and sleeping units in Group R-2 and R-3 occupancies, guards on the open sides of stairs shall not have openings that allow passage of a sphere 5 inches (127 mm) in diameter.

**1020.5 Dead ends.** Where more than one exit or exit access doorway is required, the exit access shall be arranged such that dead-end corridors do not exceed 20 feet (6,096 mm) in length.

**Exceptions:**

1. In Group I-3, Condition 2, 3 or 4, occupancies, the dead end in a *corridor* shall not exceed 50 feet (15,240 mm).
2. In occupancies in Groups B, E, F, M, R-1, R-2, S and U, where the building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1, the length of the dead-end *corridors* shall not exceed 50 feet (15,240 mm).
3. In occupancies in Group I-1 where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, the length of the dead-end corridors shall not exceed 30 feet (9,144 mm).
4. A dead-end *corridor* shall not be limited in length where the length of the dead-end *corridor* is less than 2.5 times the least width of the dead-end *corridor*.
5. In Group I-2, Condition 2 occupancies, the length of dead-end *corridors* that do not serve patient rooms or patient treatment spaces shall not exceed 30 feet (9,144 mm).

**1023.8 Barrier at level of exit discharge.** An interior exit stairway and ramp shall not continue below its level of exit discharge unless an approved barrier or a directional exit sign is provided at the level of exit discharge to prevent persons from unintentionally continuing into levels below. Directional exit signs shall be provided as specified in Section 1013.

**1031.3.1 Minimum size.** Emergency escape and rescue openings shall have a minimum net clear opening of 5.0 square feet (0.46 m<sup>2</sup>).

**1030.3 Maximum height from floor.** Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 48 inches (1,219 mm) measured from the floor.

**1031.5.2 Ladders or steps.** Area wells with a vertical depth of more than 48 inches (1,219 mm) shall be equipped with an approved permanently affixed ladder or steps. The ladder or steps shall not be obstructed by the emergency escape and rescue opening when the window or door is in the open position. Ladders or steps required by this section shall not be required to comply with Section 1011.

**1104.4 Multistory buildings and facilities.** At least one accessible route shall connect each accessible story, mezzanine, and occupied roofs in multilevel buildings and facilities.

**Exceptions:**

1. An accessible route from an accessible level is not required in facilities that are less than three stories in height or have less than 3,000 square feet (279 m<sup>2</sup>) per story. This exception shall not apply to:
  - 1.1. Multiple tenant facilities of Group M occupancies containing five or more tenant spaces used for the sales or rental of goods and where at least one such tenant space is located on a floor level above or below the accessible levels;

- 1.2. Stories or mezzanines containing offices of health care providers (Group B or I);
  - 1.3. Passenger transportation facilities and airports (Group A-3 or B);
  - 1.4. Government buildings or
  - 1.5. Structures with four or more dwelling units.
2. Stories, mezzanines, or occupied roofs that do not contain accessible elements or other spaces as determined by Section 1107 or 1108 are not required to be served by an accessible route from an accessible level.
  3. In air traffic control towers, an accessible route is not required to serve the cab and the floor immediately below the cab.
  4. Where a two-story building or facility has one story or mezzanine with an occupant load of five or fewer persons that does not contain public use space, that story or mezzanine shall not be required to be connected by an accessible route to the story above or below.

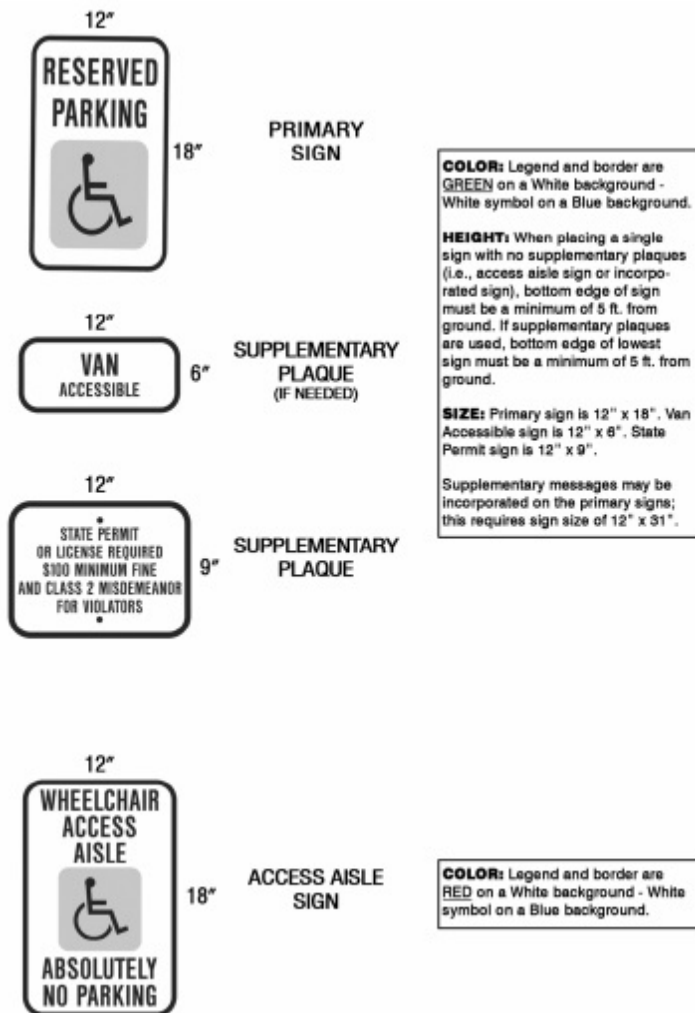
**1106.10 Signage.** Accessible parking spaces and access aisles are required to be identified by signs. Signs shall be located at the head of accessible parking stalls and access aisles. The bottom of the lowest signs shall be located at least 60 inches above the pavement.

As referenced below, standard and van accessible parking space signs shall state, “RESERVED PARKING” and include the International Symbol of Accessibility; supplemental signage must additionally state, “STATE PERMIT OR LICENSE REQUIRED. \$100 MINIMUM FINE AND CLASS 2 MISDEMEANOR FOR VIOLATORS.” A van accessible parking space must have additional signage stating, “VAN ACCESSIBLE.” A van accessible access aisle must be provided with signage including the International Symbol of Accessibility which states, “WHEELCHAIR ACCESS AISLE. ABSOLUTELY NO PARKING.”

**1106.11 Access aisles and markings.** Each access that is part of an accessible route shall extend the full length of the parking space it serves. The aisle must have diagonally striped markings spaced every 4 feet (1,219 mm). Boundaries of the access aisle must be marked. The end may be a squared or curved shape. Two parking spaces may share an access aisle.

Access aisles shall be placed on a level surface with a slope not to exceed 1:48.

Where an access aisle is located immediately adjacent to a sidewalk that provides the closest accessible route, the sidewalk must be provided with a curb ramp access to serve the access aisle.



**1108.6.2.2.1 Type A units.** In Group R-2 occupancies 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 Group R-2 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 1108.7.
2. Existing structures on a site shall not contribute to the total number of units on a site.
3. The following provisions of the 2017 ICC/ANSI A117.1-2017 referenced in Section 1103 Type A Dwelling are applicable.

3.1 A work surface in the kitchen referenced in Section 1103.12.3 Clear Floor Space

of ICC/ANSI A117.1-2017 is not required.

3.2 .12.4.2 ICC/ANSI A117.1-2017 is not required.

3.3 Appliances referenced in Section 1103.12.5 Appliances ICC/ANSI A117.1-2017 and Laundry Equipment requires only the clear floor space referenced in Section 305 Clear Floor Space The reduced work height of the kitchen sink at 34 inches referenced in Section 1103 of ICC/ANSI A117.1-2017.

**1205.3.3 Court drainage.** The bottom of every court shall be properly graded and drained to a public sewer or other approved disposal system complying with the plumbing code.

**[E] 1301.1.1 Criteria.** Buildings shall be designed and constructed in accordance with the 2009 *International Energy Conservation Code*.

**[P] 1502.1 General.** Design and installation of roof drainage systems shall comply with this section, Section 1611 of this code, and shall be sized and discharge in accordance with the Plumbing Code. Unless roofs are sloped to drain over roof edges, roof drains or scuppers shall be installed at each low point of the roof.

Roofs shall be sloped a minimum of 1 unit vertical in 48 units horizontal (2 percent slope) for drainage unless designed for water accumulation in accordance with Section 1611.2 Ponding instability.

Roof drainage water from a building shall not be allowed to flow over public property.

**[P] 1502.2 Secondary (emergency overflow) drains or scuppers.** Where roof drains are required, secondary (emergency overflow) roof drains or scuppers shall be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason. The installation and sizing of secondary emergency overflow drains, leaders, and conductors shall comply with Section 1611 of this code and the *Plumbing Code*.

**1601.1 Scope.** The provisions of this chapter shall govern the structural design of buildings, structures, and portions thereof regulated by this code.

It shall not be the responsibility of the building official to determine engineering requirements of this code. Exclusive of conventional light-frame wood construction provisions referenced in Section 2308, the method to resist loads as referenced in this chapter is the responsibility of a structural engineer or other qualified design professional.

**1612.3 Establishment of flood hazard areas.** To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for the City of Baltic” dated September 17, 1979, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section. If there is a conflict between the provisions of this code and the city’s floodplain management

ordinance, the provisions of Chapter 152: Floodplain Management, shall prevail.

**1703.1 Approved agency.** An approved agency or the design professional of record shall provide all information as necessary for the building official to determine that the agency meets the applicable requirements specified in Sections 1703.1.1 through 1703.1.3.

**1704.2 Special inspections and tests.** Where application is made to the building official for construction as specified in Section 105, the owner or the owner's authorized agent, other than the contractor, shall employ one or more approved agencies to provide special inspections and tests during construction on the types of work specified in Section 1705 and identify the approved agencies to the building official. These special inspections and tests are in addition to the inspections by the building official that are identified in Section 110.

**Exceptions:**

1. Special inspections and tests are not required for construction of a minor nature or as warranted by conditions in the jurisdiction as approved by the building official.
2. Unless otherwise required by the building official, special inspections and tests are not required for Group U occupancies that are accessory to a residential occupancy including, but not limited to, those listed in Section 312.1.
3. Special inspections and tests are not required for portions of structures designed and constructed in accordance with the cold-formed steel light-frame construction provisions of Section 2211.1.2 or the conventional light-frame construction provisions of Section 2308.
4. The contractor is permitted to employ the approved agencies where the contractor is also the owner.
5. The frequency and amount of special inspections shall be as determined by the design professional of record. The continuous and periodic inspections referenced in Tables 1705.2.3, 1705.3, 1705.5.3, 1705.6, 1705.7, and 1705.8 are considered as guidelines.

**1705.3 Concrete construction.** Special inspections and tests of concrete construction shall be performed in accordance with this section and Table 1705.3.

**Exception:** Special inspections and tests shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock.

2. Continuous concrete footings supporting walls of buildings three stories or less above grade plane that are fully supported on earth or rock where:
  - 2.1. The footings and foundation walls support walls of light-frame construction.
  - 2.2. The footings are designed in accordance with Table 1809.7.
  - 2.3. The structural design of the footing is based on a specified compressive strength,  $f'_c$ , not more than 3,000 pounds per square inch (psi) (20.6 MPa), regardless of the compressive strength specified in the approved construction documents or used in the footing construction.
3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.0 MPa).
4. Concrete foundation walls constructed in accordance with Table 1807.1.6.2.
5. Concrete patios, driveways, and sidewalks on grade.

**[BF] 1705.18 Fire-resistant penetrations and joints.** In high-rise buildings or in buildings assigned to Risk Category III or IV, special inspections for through-penetrations, membrane penetration fire-stops, fire-resistant joint systems, and perimeter fire containment systems that are tested and listed in accordance with Sections 714.4.1.2, 714.5.1.2, 715.3.1, and 715.4 shall be in accordance with Section 1705.18.1 or 1705.18.2.

**1804.8 Grading permits required.** No person shall excavate or grade without first obtaining a permit from the city engineer. If a building permit is not obtained, a separate grading permit must be obtained from the city engineer for each site and may cover both excavations and fills.

**Exceptions:**

1. A separate grading permit is not required from the city engineer where a site plan for a new building, structure, or addition is submitted for plan review where an excavation below finished grade for basements, footings, and foundations of a building, retaining wall, or other structure is authorized by a valid building permit.
2. A fill of less than 1 foot in depth and placed on natural terrain with a slope flatter than one unit vertical to five units horizontal (20 percent slope), or less than 3 feet (914 mm) in depth not intended to support structures, which does not exceed 300 cubic yards (229 m<sup>3</sup>) on any one lot and does not obstruct a drainage course.
3. Excavation, removal, or stockpiling of rock, sand, dirt, clay, or other like material as may be required by the state, county, or city authorities in connection with the construction or maintenance of roads and highways. This shall not exempt work for street construction when such work is performed by private developers. When the private developer has obtained a permit to perform site grading, a second permit will not be required for street grading.

4. When approved by the city engineer, grading in an isolated, self-contained area if there is no danger to public or private property.
5. Cemetery graves.
6. Refuse disposal sites controlled by other regulations.
7. Excavations for wells, tunnels, or utilities.
8. Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
9. Exploratory excavations under the direction of soils engineers or engineering geologists.
10. An excavation that (1) is less than 2 feet (610 mm) in depth; or (2) does not create a cut slope of less than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7 percent slope).

Exemptions from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

**1804.8.1 Grading permit requirements.** Grading shall be performed in accordance with a grading plan approved by the city engineer. Submitted plans shall indicate existing elevations, proposed elevations, method of erosion control, and shall include the legal description.

**1806.2 Presumptive load-bearing values.** The load-bearing values used in design for supporting soils near the surface shall not exceed the values specified in Table 1806.2 unless data to substantiate the use of higher values are submitted and approved. Where the building official has reason to doubt the classification, strength, or compressibility of the soil, the requirements of Section 1803.5.2 shall be satisfied.

Presumptive load-bearing values shall apply to materials with similar physical characteristics and dispositions. Where a presumed soil-bearing capacity is in excess of 3,000 psf (471 kPa/m), data to substantiate the use of the presumed higher value must be submitted from a soils engineer for approval from the building official. Mud, organic silt, organic clays, peat, or unprepared fill shall not be assumed to have a presumptive load-bearing capacity unless data to substantiate the use of such a value are submitted.

**Exception:** A presumptive load-bearing capacity shall be permitted to be used where the building official deems the load-bearing capacity of mud, organic silt, or unprepared fill is adequate for the support of lightweight or temporary structures.

**1809.5 Frost protection.** Except where otherwise protected from frost, foundations and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extending below the frost line of the locality.
2. Constructing in accordance with ASCE 32.
3. Erecting on solid rock.

**Exception:** Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to Risk Category I.
2. Area of 1,500 square feet (139 m<sup>2</sup>) or less for light frame construction or 400 square feet (37 m<sup>2</sup>) or less for other than light-frame construction.
3. Eave height of 10 feet (3,048 mm) or less.

Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

**[P] 2901.1 Scope.** The provisions of this chapter and the *Plumbing Code* shall govern the design, construction, erection, and installation of plumbing components, appliances, equipment, and systems used in buildings and structures covered by this code. Toilet and bathing rooms shall be constructed in accordance with Section 1209. Private sewage disposal systems shall conform to the *Plumbing Code*. The *International Fire Code*, the *International Property Maintenance Code* and the *Plumbing Code* shall govern the use and maintenance of plumbing components, appliances, equipment, and systems. The *International Existing Building Code* and the *Plumbing Code* shall govern the alteration, repair, relocation, replacement, and addition of plumbing components, appliances, equipment, and systems.

**[P] Table 2902.1**  
**Minimum Number of Required Plumbing Fixtures <sup>a</sup>**  
**(See Sections 2902.1.1 and 2902.2)**

No.	CLASSIFICATION	DESCRIPTION	WATER CLOSETS (URINALS SEE SECTION 2902.1.4)		LAVATORIES		BATHTUBS/SHOWERS	DRINKING FOUNTAINS (SEE SECTION 2902.1.5)	OTHER
			Male	Female	Male	Female			
1	Assembly	Theaters and other buildings for the performing arts and motion pictures	1 per 125	1 per 65	1 per 200		—	1 per 500	1 service sink
		Nightclubs, bars, taverns, dance halls and buildings for similar purposes	1 per 40	1 per 40	1 per 75		—	1 per 500	1 service sink
		Restaurants, banquet halls and food courts	1 per 75	1 per 75	1 per 200		—	1 per 500	1 service sink
		Casino gaming areas	1 per 100 for the first 400 and 1 per 250 for the remainder exceeding 400	1 per 50 for the first 400 and 1 per 150 for the remainder exceeding 400	1 per 250 for the first 750 and 1 per 500 for the remainder exceeding 750		—	1 per 1,000	1 service sink
		Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums <sup>2</sup>	1 per 125	1 per 65	1 per 200		—	1 per 500	1 service sink
		Passenger terminals and transportation facilities <sup>d</sup>	1 per 500	1 per 500	1 per 750		—	1 per 1,000	1 service sink
		Places of worship and other religious services <sup>d</sup>	1 per 150	1 per 75	1 per 200		—	1 per 1,000	1 service sink
		Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities	1 per 120	1 per 60	1 per 200	1 per 150	—	1 per 1,000	1 service sink
		Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities <sup>f</sup>	1 per 120	1 per 60	1 per 200	1 per 150	—	1 per 1,000	1 service sink
2	Business	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial, ambulatory care and similar uses	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for the first 80 and 1 per 80 for the remainder exceeding 80		—	1 per 100	1 service sink <sup>g</sup>
3	Educational	Educational facilities	1 per 50		1 per 50		—	1 per 100	1 service sink
4	Factory and industrial	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	1 per 100		1 per 100		—	1 per 400	1 service sink
5	Institutional	Custodial care facilities	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
		Medical care recipients in hospitals and nursing homes <sup>b</sup>	1 per room <sup>c</sup>		1 per room <sup>c</sup>		1 per 15	1 per 100	1 service sink
		Employees in hospitals and nursing homes <sup>b</sup>	1 per 25		1 per 35		—	1 per 100	—
		Visitors in hospitals and nursing homes	1 per 75		1 per 100		—	1 per 500	—
		Prisons <sup>b</sup>	1 per cell		1 per cell		1 per 15	1 per 100	1 service sink
		Reformatories, detention centers and correctional centers <sup>b</sup>	1 per 15		1 per 15		1 per 15	1 per 100	1 service sink
		Employees in reformatories, detention centers and correctional centers <sup>b</sup>	1 per 25		1 per 35		—	1 per 100	—
6	Mercantile	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500		1 per 750		—	1 per 1,000	1 service sink <sup>g</sup>
7	Residential	Hotels, motels, boarding houses (transient)	1 per sleeping unit		1 per sleeping unit		1 per sleeping unit	—	1 service sink
		Dormitories, fraternities, sororities and boarding houses (not transient)	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
		Apartment house	1 per dwelling unit		1 per dwelling unit		1 per dwelling unit	—	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units
		One- and two-family dwellings and lodging houses with five or fewer guestrooms	1 per dwelling unit		1 per 10		1 per dwelling unit	—	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per dwelling unit
		Congregate living facilities with 16 or fewer persons	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
8	Storage	Structures for the storage of goods, warehouses, storehouses and freight depots, low and moderate hazard	1 per 100		1 per 100		—	1 per 1,000	1 service sink

- a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by this code.
- b. Toilet facilities for employees shall be separate from facilities for inmates or care recipients.
- c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted, provided that each patient sleeping unit has direct access to the toilet room and provisions for privacy for the toilet room user are provided.
- d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.
- e. For business and mercantile classifications with an occupant load of 15 or fewer, a service sink shall not be required.
- f. The required number and type of plumbing fixtures for outdoor swimming pools shall be in accordance with Section 609 of the *International Swimming Pool and Spa Code*.

**2902.1.4 Substitution for water closets.** In a toilet room or bathroom, urinals shall not be substituted for more than 67 percent of the required water closets.

**2902.1.5 Drinking fountains.** Where water is served in restaurants or where bottled water is served in other occupancies, drinking fountains shall not be required. Drinking fountains shall not be installed in public restrooms.

**[P] 2902.2 Separate facilities.** Where plumbing fixtures are required, separate facilities shall be provided for each sex.

**Exceptions:**

1. Separate facilities shall not be required for *dwelling units* and *sleeping units*.
2. Separate facilities shall not be required in structures or tenant spaces with a total *occupant load*, including both employees and customers, of 15 or fewer.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum *occupant load* is 100 or fewer.
4. Separate facilities shall not be required in business occupancies in which the maximum *occupant load* is 25 or fewer.
5. Separate facilities shall not be required to be designated by sex where single-user toilets rooms are provided in accordance with Section 2902.1.2.

Separate facilities shall not be required where rooms having both water closets and lavatory fixtures are designed for use by both sexes and privacy for water closets are installed in accordance with Section 2902.2.2. Urinals shall be located in an area visually separated from the remainder of the facility or each urinal that is provided shall be located in a stall. **[P] 2902.6 Small occupancies.** Drinking fountains and service sinks shall not be required for an occupant load of 15 or fewer.

**3111.2 Solar thermal systems.** Solar thermal systems shall be designed and installed in accordance with this section, the *International Mechanical Code*, and the *International Fire Code*. Where light-transmitting plastic covers are used, solar thermal collectors shall be designed in accordance with Section 2606.12.

**Section 3114 Public use restroom buildings in flood hazard areas.** Not adopted by the city.

**Section 3116 Prefabricated construction.**

**3116.1 General.**

**3116.1.1 Purpose.** The purpose of this section is to regulate materials and establish methods of safe construction where any structure or portion thereof is wholly or partially prefabricated.

**3116.1.2 Scope.** Unless otherwise specifically stated in this section, all prefabricated construction and materials used therein shall conform to all the requirements of this code.

**3116.1.3 Definitions.**

*Prefabricated assembly* is a structural unit, the integral parts of which have been built or assembled prior to incorporation in the building.

*Prefabricated structures* are structures, the parts of which are fabricated and assembled in a central assembly point, where on-site building, electrical, plumbing, and mechanical rough-in inspections occur at the assembly location.

**3116.2 Tests of materials.** Every approval of a material not specifically mentioned in this code shall incorporate as a proviso the kind and number of nationally recognized tests to be made.

**3116.3 Tests of assemblies.** The building official may require special tests to be made on assemblies to determine their durability and weather resistance.

**3116.4 Connections.** Every device used to connect prefabricated assemblies shall be designed as required by this code and shall be capable of developing the strength of the members connected, except in the case of members forming part of a structural frame as specified in Chapter 16. Connections shall be capable of withstanding uplift forces as specified in this code and in Chapter 16.

**3116.5 Pipes and conduits.** In structural design, due allowance shall be made for any material to be removed for the installation of pipes, conduit, and other equipment.

## **3116.6 Permits, materials, plans, fees, certificate, and inspections.**

**3116.6.1 Materials.** Materials and the assembly thereof shall be inspected to determine compliance with this code. Every material shall be graded, marked, or labeled as required elsewhere in this code.

**3116.6.2 Plans.** One complete set of plans and specifications shall be submitted to the building inspection division of planning and development services for approval prior to issuing a building permit for a prefabricated structure. Plans shall be of sufficient detail and clarity to indicate compliance with all applicable codes (electrical, plumbing, building, mechanical, and zoning).

**3116.6.3 Permits and fees.** Permit fees shall be as follows:

1. The fee for a building permit shall conform to Tables 1-A and 1-B, and the plan review fee, if applicable, shall be in accordance with Table 1-C.
2. Electrical, plumbing, and mechanical permits and fees shall conform to the respective permit requirements and fee schedules.

**3116.6.4 Certificate.** A certificate of approval shall be furnished with every prefabricated assembly and prefabricated structure, except where the assembly is readily accessible to inspection at the site. The certificate of approval shall certify that the assembly in question has been inspected and meets all the requirements of this code. When mechanical equipment is installed so that it cannot be inspected at the site, the certificate of approval shall certify that such equipment complies with the laws applying thereto.

**3116.6.5 Certifying agency.** To be acceptable under this code, every certificate of approval shall be made by the approved agency.

**3116.6.6 Field erection.** The building official shall inspect placement of prefabricated assemblies at the building site to determine compliance with this code. Installation and finishing work at the building site must be performed by locally licensed contractors where required. Final inspections are to be made after the installation and finishing work has been completed and the building is ready for occupancy.

**3116.6.7 Continuous inspection.** If continuous inspection is required for certain materials where construction takes place on the site, it shall also be required where the same materials are used in prefabricated construction.

**Exception:** Continuous inspection will not be required during prefabrication if the approved agency certifies to the construction and furnishes evidence of compliance.

**3116.6.8 Moving permits.** A moving permit shall be obtained for each prefabricated structure being moved within the city in accordance with Section 3404 Moved Buildings. No person except a building mover licensed pursuant to subsection 3404.2 of the Code of Ordinances of Baltic shall move a prefabricated structure or part thereof across, along, or over public property.

**3303.1 Construction documents.** No person shall demolish or wreck a building or structure without first obtaining a razing permit. Permit fees shall be paid in accordance with Item 5 of Table 1-C. Construction documents and a schedule for demolition shall be submitted where required by the building official. Where such information is required, work shall not be done until such construction documents or schedule, or both, are approved. The applicant shall secure insurance covering any possible liability that could incur during demolition.

**3303.6 Utility connections.** Service utility connections shall be discontinued and capped in accordance with the approved rules and the requirements of the applicable governing authority.

Before a razing permit can be issued, the applicant must furnish approval from the city engineering division that applicable permits have been secured to ensure that all utilities will be properly disconnected and inspected as per city engineer's specifications. The applicant shall be responsible for notifying other utilities of such anticipated demolition.

Date adopted: \_\_\_\_\_ .

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Tracy Petersen, Mayor

ATTEST:

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Sara Smith, Finance Officer

1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

ORDINANCE NO. 298

AN ORDINANCE OF THE CITY OF BALTIC, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2021 *INTERNATIONAL EXISTING BUILDING CODE* AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE CITY OF BALTIC, SD:

*Section 1. That Section 150.30 of the Code of Ordinances of BALTIC, SD, is hereby amended to read:*

**§ 150.30 ADOPTED.**

- (a) The *International Existing Building Code*, 2021 edition, including Resource A, Guidelines on Fire Ratings of Archaic Materials and Assemblies, as published by the International Code Council Inc., and amendments and additions thereto as provided in this article, are hereby adopted as the existing building code by the city for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings, as herein provided and provides for the issuance of permits and the collection of fees therefor.
- (b) The adoption of the *International Existing Building Code*, 2021 edition, will become effective MAY 1, 2022. The minimum building standards in the 2021 edition of the *International Existing Building Code* and amendments thereto shall be applied to any building permit issued after APRIL 30, 2022.
- (c) The city shall publish this ordinance, without attachments, after its passage. The attachments are on file and available for inspection at the office of the city clerk.

*Section 2. That Section 150.30 of the Code of Ordinances of BALTIC, SD, is hereby amended to read:*

**§ 150.31 AMENDMENTS, ADDITIONS, AND DELETIONS TO THE 2021 *INTERNATIONAL EXISTING BUILDING CODE*.**

The following sections and subsections of the existing building code adopted in this subchapter shall be amended, added, or deleted as follows. All other sections or subsections of the 2021 *International Existing Building Code* shall remain the same.

[A] **101.1 Title.** These regulations shall be known as the existing building code of the city of Sioux Falls, hereinafter referred to as “this code.”

[A] **103.1 Enforcement agency.** Building services is hereby created, and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

[A] **103.2 Appointment.** By the city OF BALTIC.

[A] **104.8 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 civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

[A] **104.8.1 Legal defense.** Any suit or criminal complaint instituted against an 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 afforded all the protection provided by the city’s insurance pool and immunities and defenses provided by other applicable state and federal laws and shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

[A] **104.11 Alternative materials, design and methods of construction, and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design, or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method, or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety.

[A] **105.1 Required.** Any owner or owner’s authorized agent who intends to repair, add to, alter, relocate, demolish, or change the occupancy of a building or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the code official and obtain the required permit. The code official may exempt permits for minor work.

[A] **105.1.1 Annual permit.** Not adopted by the city.

[A] **105.1.2 Annual permit records.** Not adopted by the city.

**108.7 Delinquent accounts.** The city may refuse to issue permits or conduct inspections for any person or business whose account is delinquent.

[A] **109.3.1 Footing or foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. If an inspection is required for concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

[A] **110.2 Certificate issued.** After the code official inspects the structure and does not find violations of the provisions of this code or other laws that are enforced by the department, the code official shall issue a certificate of occupancy that shall contain the following:

1. The permit numbers.
2. The address of the structure.
3. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
4. The name of the code official.
5. The edition of the code under which the permit was issued.
6. The use and occupancy in accordance with the provisions of the *International Building Code*.
7. The type of construction as defined in the *International Building Code*.
8. The design occupant load in assembly occupancies only.
9. Where an automatic sprinkler system is provided, and whether an automatic sprinkler system is required.
10. Any special stipulations and conditions of the building permit.

[A] **112.1 General.** In order to hear and decide appeals of orders, decisions, or determinations made by the building and fire code officials relative to the application and interpretation of this code and the fire code, to review all prospective changes to the respective codes and to submit recommendations to the responsible official and the city council, to approve permits for house moves, and to examine applicants for licensing and to investigate matters brought to the board, there shall be and is hereby created a board of appeals. Members shall be appointed by the mayor with the advice and consent of the city council and shall hold office at its pleasure. The board

shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

**[A] 113.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the code official is authorized to request the legal counsel of the jurisdiction to deem the violation as a strict liability offense and institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**Section 202—General Definitions.** Add the following definition:

**STRICT LIABILITY OFFENSE.** An offense, in which the prosecution in a legal proceeding, is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.

**3022 Additional codes.** Alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy, or relocation, respectively, in this code and the *International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, Uniform Plumbing Code, International Property Maintenance Code, International Residential Code*, and NFPA 70. Where provisions of the other codes conflict with provisions of this code, the provisions of this code shall take precedence.

**Section 303 Storm Shelters.** Not adopted by the city.

**406.1 Material.** Existing electrical wiring and equipment undergoing repair shall be allowed to be repaired or replaced with like material. Minor additions, alterations, and repairs to existing electrical systems or equipment may be installed in accordance with the law in effect at the time the original installation was made, when approved by the electrical inspector.

**406.1.4 Health care facilities.** Portions of electrical systems being repaired in Group I-2, ambulatory care facilities and outpatient clinics, shall comply with NFPA 99 requirements for repairs and Article 517 of NFPA 70.

**406.1.6 New electrical service entrances in existing single-family and multiple-family dwellings.** When adding a new service entrance with increased amperage, the existing electrical system shall, at a minimum, comply with the following:

- (1) *Kitchens.* Each kitchen shall have a minimum of one 20-ampere circuit serving a countertop receptacle and a grounded receptacle serving a refrigerator.
- (2) *Overcurrent device location.* Each occupant shall have access to his branch circuit overcurrent devices without going outdoors or through another occupancy.

- (3) *Habitable areas.* All habitable areas, other than closets, kitchens, basements, garages, hallways, laundry areas, utility areas, storage areas, and bathrooms, shall have a minimum of two duplex receptacle outlets, or one duplex receptacle outlet and one ceiling or wall-type lighting outlet.
- (4) *Minimum lighting outlets.* At least one lighting fixture shall be provided in every habitable room, bathroom, hallway, stairway, attached garage, and detached garage with electrical power, in utility rooms and basements where such spaces are used for storage or contain equipment requiring service, and to illuminate outdoor entrances and exits. A switched receptacle is allowed in lieu of a lighting fixture in habitable rooms only.
- (5) *Ground fault circuit interrupters.* Ground fault circuit interrupter protection shall be provided for all receptacles in bathrooms, above kitchen counters, attached and detached garages provided with power, at readily accessible receptacles within 6 feet of sinks, basements, and at outdoor locations. The exceptions of the *National Electrical Code* 210.8(A) 3 and 5 shall apply.
- (6) *Laundries.* Each laundry shall be provided with at least one separate 20-ampere circuit.
- (7) *Heat sources.* The primary heat source shall be provided with a separate circuit.
- (8) *Exposed wiring methods.* All exposed wiring methods shall be installed in accordance with the applicable *National Electrical Code* article.
- (9) *Bathrooms.* Each bathroom shall have one receptacle outlet located within 3 feet of the basin. Any bathroom receptacle outlet shall have ground fault circuit interrupter protection.
- (10) *Emergency disconnect.* An emergency disconnect shall be provided as required in Section 230.85 of the *National Electric Code* for one- and two-family dwelling units and townhomes.

**408.1 Materials.** Plumbing materials and supplies shall not be used for repairs that are prohibited in the *Uniform Plumbing Code*.

**702.7 Materials and methods.** New work shall comply with the materials and methods requirements in the *International Building Code*, *International Residential Code*, *International Energy Conservation Code*, *International Mechanical Code*, *International Fuel Gas Code*, *NFPA 70*, and the *Uniform Plumbing Code*, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

**[M] 702.7.2 International Mechanical Code.** The following sections of the *International Mechanical Code* shall constitute the mechanical materials and methods requirements for Level 1 alterations:

1. All of Chapter 3, entitled “General Regulations,” except Sections 303.7 and 306.

2. All of Chapter 8, entitled “Chimneys and Vents.”
3. All of Chapter 9, entitled “Specific Appliances.”

**[R] 702.6.3 *International Residential Code.*** The following sections of Part V—Mechanical of the *International Residential Code* shall constitute the residential mechanical and fuel gas materials and methods requirements for Level 1 alterations:

1. All of Chapter 13, entitled “General Mechanical System Requirements,” except Section M1305.
2. All of Chapter 18, entitled “Chimneys and Vents.”
3. All of Section G2412 entitled “General” and G2413 entitled “Pipe Sizing” except Sections 2412.8 and G2413.3.
  - 3.1. Sections G2412 and G2413 shall apply where the work being performed increases the load on the system such that the existing pipe does not meet the size required by code. Existing systems that are modified shall not require resizing as long as the load on the system is not increased and the system length is not increased even if the altered system does not meet code minimums.
4. All of Sections G2431 through G2453 governing the appliances and equipment specifically identified therein.

**804.4.1.2.1 Fire escape access and details.** Fire escapes shall comply with all of the following requirements:

1. Occupants shall have unobstructed access to the fire escape without having to pass through a room subject to locking.
2. Access to a new fire escape shall be through a door, except that windows shall be permitted to provide access from single dwelling units or sleeping units in Group R-1, R-2, and I-1 occupancies or to provide access from spaces having a maximum occupant load of 10 in other occupancy classifications.
  - 2.1. The window shall have a minimum net clear opening of 5 square feet (0.46 m<sup>2</sup>).
  - 2.2. The minimum net clear opening height shall be 24 inches (610 mm) and net clear opening width shall be 20 inches (508 mm).
  - 2.3. The bottom of the clear opening shall not be greater than 48 inches (1,219 mm) above the floor.
  - 2.4. The operation of the window shall comply with the operational constraints of the *International Building Code*.

3. Newly constructed fire escapes shall be permitted only where exterior stairways cannot be utilized because of lot lines limiting the stairway size or because of the sidewalks, alleys, or roads at grade level.
4. Openings within 10 feet (3,048 mm) of fire escape stairways shall be protected by fire assemblies having minimum 3/4-hour fire resistance ratings.

**Exception:** Opening protection shall not be required in buildings equipped throughout with an approved automatic sprinkler system.

5. In all buildings of Group E occupancy, up to and including the 12th grade, buildings of Group I occupancy, rooming houses and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

**1009.1 Increased demand.** Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to increased or different plumbing fixture requirements or to increased water supply requirements in accordance with the *Uniform Plumbing Code*, the new occupancy shall comply with the intent of the respective *Uniform Plumbing Code* provisions.

**Exception:** Only where the occupant load of the story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the *International Building Code* based on the increased occupant load.

**1009.2 Food-handling occupancies.** If the new occupancy is a food-handling establishment, all existing sanitary waste lines above the food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas and shall be protected in accordance with the *Uniform Plumbing Code*.

**1009.3 Interceptor required.** If the new occupancy will produce grease or oil-laden wastes, interceptors shall be provided as required in the *Uniform Plumbing Code*.

**1009.5 Group I-2.** If the occupancy group is changed to Group I-2, the plumbing system shall comply with the applicable requirements of the *Uniform Plumbing Code*.

**Table 1011.5  
Means of Egress Hazard Categories**

Relative Hazard	Occupancy Classifications
1 (Highest Hazard)	H; I-2; I-3; I-4
2	I-1; R-1; R-2; R-4, Condition 2
3	A; E; M; R-4, Condition 1
4	B; F-1; S-1; R-3
5 (Lowest Hazard)	F-2; S-2; U

**1011.5.6 Existing emergency escape and rescue openings.** Where a *change of occupancy* would require an *emergency escape and rescue opening* in accordance with Section 1031 of the *International Building Code*, operable windows serving as the *emergency escape and rescue opening* shall comply with the following:

1. An existing operable window shall provide a minimum net clear opening of 4 square feet (0.38 m<sup>2</sup>) with a minimum net clear opening height of 22 inches (559 mm) and a minimum net clear opening width of 20 inches (508 mm), provided the operable window has a sill height of not more than 48 inches (1,219 mm) above the floor.
2. A replacement window where such window complies with both of the following:
  - 2.1. The replacement window meets the size requirements in Item 1.
  - 2.2. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window shall be permitted to be of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.

**Table 1011.6  
Heights and Areas Hazard Categories**

Relative Hazard	Occupancy Classifications
1 (Highest Hazard)	H; I-2; I-3; I-4
2	A-1; A-2; A-3; A-4; I-1; R-1; R-2; R-4, Condition 2
3	E; F-1; S-1; M
4 (Lowest Hazard)	B; F-2; S-2; A-5; R-3; R-4, Condition 1; U

**1011.6.2 Exterior wall rating for change of occupancy classification to an equal or lesser hazard category.** When a change of occupancy classification is made to an equal or lesser hazard category as shown in Table 1011.6, existing exterior walls, including openings, shall be accepted.

**Exception.** Where a property line is platted creating a Group R-3, multifamily dwelling (town house), the walls separating the dwelling units shall be constructed to provide a continuous fire separation using construction materials consistent with the existing wall or complying with the requirements for a new structure. The fire-resistive elements are not required to be continuous between concealed floor spaces, although there shall be provided a draft-stop, located above and in line with the dwelling unit separation walls.

**1301.2.6 Plumbing fixtures.** Plumbing fixtures shall be provided in accordance with Section 1009 for a change of occupancy and Section 808 for *alterations*. Plumbing fixtures for *additions* shall be in accordance with the *International Building Code*.

**1401.2 Conformance.** The building shall be safe for human occupancy as determined by the *International Fire Code* and the *International Property Maintenance Code*. Any repair, alteration, or change of occupancy undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field-fabricated elements shall comply with the requirements of the *International Building Code* or the *International Residential Code* as applicable.

**Exceptions:**

1. Manufactured homes used as a dwelling and located in a licensed manufactured home park.
2. Structures used as a temporary office or shelter on a construction or development site when approved by the building official.
3. Structures used as a temporary business office for a period as specified in Section [A] 108.1 of the *International Building Code* when approved by the building official and provided it meets the applicable accessibility requirements of this code.
4. Manufactured homes used as a sales office at a location where such homes are offered for sale, provided it meets the applicable accessibility requirements of this code.

**1401.3 Definitions.** For the purpose of this section, the following words and phrases mean:

1. *Building mover.* Any person, firm, partnership, corporation, or association who engages in the business or work of moving a building across public property within the city.
2. *Building moving.* The moving of any house, building, structure, or any part or parts thereof, except structures or parts of structures less than 12 feet wide and 13.5 feet high when loaded, from one location to another when moving requires traveling upon, across, along, or over any street, avenue, highway, thoroughfare, alley, sidewalk, or other public ground in the city. This term does not apply to manufactured or modular structures or assemblies that do not exceed 15 feet in height and 16.6 feet in width including all nonstructural appendages, or a length of 80.6 feet including all nonstructural appendages.
3. *Agency.* The planning and building services department, police department, city forester, city light and power, and city engineering department.

**1401.4 License required.** No person except a building mover licensed by the city shall move any building, house, or structure, or part thereof, across, along, or over any public property.

**1401.5 License application.** Any person desiring to engage in the business of building moving must file an application for the building mover's license in the city engineering department.

**1401.6 Bonding.** The applicant for a building mover's license shall file with the application a bond running to the city in the penal sum of \$10,000.00 with sufficient sureties and conditioned

that the license will comply with all city requirements to the satisfaction of the city engineering department and shall encompass repairs due to any damage to any sidewalk, crosswalk, hydrant, street, alley, or other property done or caused by himself, his servants, or employees in connection with moving any building.

The bond will guarantee payment for damages to property and payment to the city for services provided by the city. The license will indemnify and save harmless the city against any and all liability for damages, costs, or expenses arising out of any negligence on his part or on the part of his servants or employees in connection with the moving of any building or the use of any public street or ground for that purpose.

**1401.7 Revocation.** A building mover's license may be revoked at any time if the mover violates the provisions of this chapter or rules established by the agency, or conducts his business in a careless or reckless manner, or refuses to make prompt payment of any sums due the city from him under any of the provisions of this chapter, or whose bond or insurance as required herein has been canceled or otherwise terminated.

**1401.8 Transferability.** No license or permit issued pursuant to this chapter shall be transferable.

**1401.9 Permits required.** No person shall engage in building moving unless and until he has obtained a building moving permit, which will not be issued to anyone except a person licensed as the building mover. Such permit shall be obtained not less than seven days prior to the move.

**1401.10 Prerequisites to a permit.** No permit to move a building shall be issued as hereunder provided until the following conditions have been satisfied:

1. A permit for capping the sanitary sewer service and/or water service shall be obtained pursuant to Permit To Raze or Remove Building Required and Disconnection, of the Code of Ordinances of Baltic, SD.
2. A building permit is required to place a one- or two-family dwelling in a residential zoning district on the property described on the application if located in the city. Before a city building permit can be issued for a one- or two-family dwelling to be moved in a residential zoning district, the applicant shall post the property. A hearing before the building board of appeals will be required prior to the issuance of the building permit upon request from the public. A hearing will be initiated and scheduled at the request of the public within the time period of posting the signs per Item 1 below. The request shall be in writing on forms provided by building services.

Before any action can be taken by the board, the applicant shall:

1. Post the property where the dwelling is to be moved for a continuous period of not less than five working days with signs furnished by the building official. At least two signs shall be posted. The applicant shall submit a written oath that the signs were properly posted.

2. Submit one certified copy of the restrictions and covenants of the property where the dwelling is proposed to be moved. Those portions applicable to the dwelling shall be highlighted. If the property contains no restrictions or covenants, a statement to that fact shall be submitted.
  3. Submit a proposed site plan containing the legal description where the dwelling is proposed to be moved.
  4. Submit the inspection report from the building inspector.
  5. Submit original clear photographs of the front, rear, and side elevations of the dwelling to be moved.
3. Any person filing an application for a moving permit shall file with the city engineer a liability insurance policy issued by the insurance company authorized to do business in this state and approved as to form by the city attorney in the following amounts: \$250,000.00 per person, \$500,000.00 per accident, \$500,000.00 property damage.
  4. When required by the building official, satisfactory evidence from a licensed pest control company that all nuisance pests have been exterminated from the structure.
  5. Approval of the route and time of move by the city police, city light and power, city traffic engineer, and city forester.
  6. Approval from planning and building services concerning the moving of any building or structure in the historic district.

**1401.11 Permit application.** The application shall contain the date or dates of the moving of the building, house, or structure; a detailed statement setting forth the proposed route to be followed; the name of the person in charge of the move; the location of the premises to which the structure or building is to be moved; and an agreement that the applicant will immediately report any damage done by the moving operation to any public property and will indemnify and hold the city harmless from any claims or damages for injuries to persons or property resulting from the moving of the building or structure.

**1401.12 Fees. Set by resolution.**

**1401.13 Denial.** If the applicant fails to agree or comply with the conditions as set forth herein or if in the judgment of the building official the building or structure is in such a state of disrepair that it would not be safe to move the building, or if in the judgment of the traffic engineer or the city forester the proposed move would result in an undue hazard to public traffic or undue damage to streets, sidewalks, trees, or other public property, the permit will be denied and reasons therefor endorsed upon the application.

**1401.14 Restrictions on moving through streets.** All moving of the building once started shall continue until completed, and no building shall be parked along the route unless deemed an

emergency and approved by the traffic engineer. The traffic engineer may require police escorts, temporary removal of traffic devices, or may restrict or specify the day and hours during which the moving operation must be accomplished.

**1401.15 Posting.** Two moving placards must be posted on a visible location on opposite ends of the building being moved during the entire move, and the person moving the building must carry a signed duplicate of the permit.

**1401.16 Escorts.** Movers shall provide a front and rear escort for all movements.

**1401.17 Flags.** Red and orange flags, 12 inches by 12 inches, must be fastened to the rear corners of the moving structure.

**1401.18 Notice to public service companies, cable TV operations, and the city of Baltic.** Before moving any building, the building mover shall notify Metro Communications (911) immediately prior to entering public property. The mover shall make arrangements with the police department and traffic engineers seven days prior to the move if a police escort is required. The mover shall also give seven days' notice to all city departments, public service operations, and cable TV operators whose wires, traffic control devices, or other appliances which affect the moving of such building of the time when the move is to take place and request and arrange for the passage of such building. Such building mover shall pay to the city and said corporation and operators the reasonable cost and expense of the work required to be done.

**1401.19 Tampering with private property.** The mover during all moves shall obey all laws pertaining to tampering with private property and vehicles on the street. Tampering with any wires or facilities belonging to private or public service companies is prohibited.

**1401.20 Reporting damage.** The building mover shall immediately report any damage done by the moving operation to any street, sidewalk, curb, utility equipment, tree sign, or other public or private property to the city engineer.

Date adopted: \_\_\_\_\_.

\_\_\_\_\_  
Tracy Petersen, Mayor

ATTEST:

\_\_\_\_\_  
Sara Smith, Finance Officer

Date Received \_\_\_\_\_  
Date Issued \_\_\_\_\_

# 2022-2023

License No. RB-23883

## Uniform Alcoholic Beverage License Application

### A. Owner Name and Mailing Address

CITY OF BAL TIC  
PO BOX ~~421-327~~ 327  
BAL TIC, SD 57003

### B. Business Name and Address

Lic # RB-23883  
CLASSIC CORNER  
200 LOVELY AVE  
BAL TIC, SD 57003

Owner's Telephone#: \_\_\_\_\_

Business Telephone #: (605) 529-5559

### C. Indicate the class of license being applied for (submit separate application for each class of license).

- Retail (on-sale) Liquor
- Retail (on-sale) Liquor - Restaurant
- Convention Center (on-sale) Liquor
- Package (off-sale) Liquor
- Retail (on-off sale) Wine and Cider
- Retail (on-off sale) Malt Beverage & SD Farm Wine
- Package Delivery
- Hunting Preserve
- Other \_\_\_\_\_

Place of business is located in a municipality?  Yes [ ] No

County: Minnehaha

Do you own  or lease [ ] this property? (Check one)

Are real property taxes paid to date?  Yes [ ] No

### D. Legal description of licensed premise:

Lots A, B, C + S 68' Lot D Block 3  
Keyes 1st Addn Johnsons Subd  
to City of Baltic

Is this License in active use?  Yes [ ] No

Have you ever been convicted of a felony? [ ] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses?  
[ ] Yes [ ] No If Yes, please list on the back page

E. State Sales Tax Number: 1031-9495-ST

F. New license? \_\_\_\_\_ Transfer? (\$150) \_\_\_\_\_ Re-issuance? ✓

G. CERTIFICATE The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 4/14/22 Print Name Justin Geth Signature [Signature]

H. APPROVAL OF LOCAL GOVERNING BODY- Notice of hearing was published \_\_\_\_\_ . Public hearing on the application was held \_\_\_\_\_, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held   
Amount of fee collected with application \$ 300.00  
Amount of fee retained \$ 150.00  
Forwarded with application \$ 150.00

**For Local Government Use**

**Transferred (State Use)**

(Seal) \_\_\_\_\_  
Mayor or Chairman

From \_\_\_\_\_  
Sales tax approval \_\_\_\_\_ Date \_\_\_\_\_

If disapproved, endorse reason thereon and return to applicant STATE LIQUOR AUTHORITY: APPROVAL \_\_\_\_\_ REVIEW 98 \_\_\_\_\_

## **Transfer of Property to the Baltic Area Development Foundation**

A little over one year ago, the Sioux Metro Growth Alliance (SMGA) and the City of Baltic partnered to host the “Build Baltic” planning sessions to help build consensus and create a roadmap for the future of economic development in the community. Amongst the recommendations made by the SMGA at the end of the sessions was the creation of an economic development organization (EDO) to lead business attraction and tax base expansion efforts.

EDOs offer several advantages over municipalities in leading economic development initiatives. Prospective businesses value discretion, flexibility, and responsiveness in community partners when deciding on locations. EDOs can provide these due to their exemption from rules and regulations that municipalities must follow allowing for greater confidentiality and quick decision making. EDOs can also allow a community to tap into a broader range of connections and expertise amongst its residents to help complete projects.

To be effective, EDOs must have access to resources that can entice businesses and provide the leverage necessary to close deals. In South Dakota, this resource is typically land. The City of Baltic can provide the newly created Baltic Area Development Foundation (BADF) with prime commercial and residential parcels that can be used encourage growth and improve the quality of live for Baltic residents.

The BADF is a rapidly maturing organization that is ready to take on primary responsibility for business attraction in the community. The group is now incorporated, has professional guidance, and has quickly adopted best practices and other institutional structures that will serve them well in the future. The BADF allows for city officials, including the mayor and city administrator, to serve as full or ex officio board members, and the city will be the sole benefactor of the organization for the foreseeable future, meaning that there will be accountability for the actions the group takes with public resources. The City can also stipulate in contracts with the BADF deadlines for the development of the land and return of profits from land sales to the City.

**Recommendation: The City of Baltic transfer County Parcels 93702 and 20295 to the Baltic Area Development Foundation at \$1 each.**

1st Reading: 4-19- 2022  
2nd Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

ORDINANCE NO. 299

AN ORDINANCE OF THE CITY OF BALTIC, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2021 *INTERNATIONAL PROPERTY MAINTENANCE CODE* AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE CITY OF BALTIC, SD:

*Section 1. That Section 150.10 of the Code of Ordinances of Baltic, SD, is hereby amended to read:*

**§ 150.10 ADOPTED.**

- (a) The *International Property Maintenance Code*, 2021 edition, including Appendix A, Appendix B, as published by the International Code Council Inc. as amended, is hereby adopted as the property maintenance code by the city for the provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises. And constitute minimum requirements and standards for premises, structures, equipment, and facilities for lighting, ventilation, space, heating, sanitation, protection from elements, a reasonable level of safety from fire and other hazards, and for reasonable level of sanitary maintenance; the responsibility of owners, an owner’s authorized agent, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.
- (b) The adoption of the *International Property Maintenance Code*, 2021 edition, will become effective June 1, 2022. The minimum building standards in the 2021 edition of the *International Property Maintenance Code* and amendments thereto shall be applied to any building permit issued after May 31, 2022.
- (c) The city shall publish this ordinance, without attachments, after its passage. The attachments are on file and available for inspection at the office of the city clerk.

*Section 2. That Section 150.11 of the Code of Ordinances of Baltic, SD, is hereby amended to read:*

**101.3 Purpose.** The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general 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 reasonable minimum level of health, safety and general welfare as required herein.

**103.2 Appointment.** By the city of Baltic.

**302.1 Weeds.** *Premises and exterior property* shall be maintained free from weeds or plant growth more than **8 inches**. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 108.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property

**304.14 Insect screens.** During the period from **May 1st** to **October 1st**, 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 minimum 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.

Date adopted: \_\_\_\_\_.

\_\_\_\_\_  
Tracy Petersen, Mayor

ATTEST:

\_\_\_\_\_  
Sara Smith, Finance Officer

