

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

570T0253

HOUSE BILL NO. 1079

Introduced by: Representatives Kirkeby, Schrempp, and Turbiville and Senators Nelson
(Tom) and Bradford

1 FOR AN ACT ENTITLED, An Act to revise certain publication date citations for references
2 to the International Building Code.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 11-10-5 be amended to read as follows:

5 11-10-5. If the governing body of any local unit of government adopts any ordinance
6 prescribing standards for new construction, the ordinance shall comply with the ~~2009~~ 2012
7 edition of the International Building Code as published by the International Code Council,
8 Incorporated. The governing body may amend, modify, or delete any portion of the International
9 Building Code before enacting such an ordinance. Additional deletions, modifications, and
10 amendments to the municipal ordinance may be made by the governing body and are effective
11 upon their adoption and filing with the municipal finance officer. Additional deletions,
12 modifications, and amendments to the county ordinance may be made by the governing body,
13 and are effective upon their adoption and filing with the county auditor. No ordinance may apply
14 to mobile or manufactured homes as defined in chapter 32-7A which are constructed in
15 compliance with the applicable prevailing standards of the United States Department of Housing



1 and Urban Development at the time of construction. No ordinance may require that any fire
2 sprinkler be installed in a single family dwelling. No ordinance may apply to any specialty resort
3 or vacation home establishment as defined in chapter 34-18 that is constructed in compliance
4 with the requirements of Group R-3 of the ~~2009~~ 2012 edition of the International Building Code.

5 Section 2. That § 11-10-6 be amended to read as follows:

6 11-10-6. The design standard for any new construction commenced after July 1, ~~2009~~ 2012,
7 within the boundaries of any local unit of government that has not adopted an ordinance
8 prescribing standards for new construction pursuant to § 11-10-5 shall be based on the ~~2009~~
9 2012 edition of the International Building Code as published by the International Code Council,
10 Incorporated. Each local unit of government may adopt an ordinance allowing local
11 administration and enforcement of the design standard. The provisions of this section do not
12 apply to new construction for any one or two family dwelling, mobile or manufactured home,
13 townhouse, or farmstead and any accessory structure or building thereto. For purposes of this
14 section the term, farmstead, means a farm or ranch, including any structure or building located
15 on the land. The provisions of this section do not apply to any mobile or manufactured home
16 as defined in chapter 32-7A which is used for purposes other than residential that is constructed
17 in compliance with the applicable prevailing standards of the United States Department of
18 Housing and Urban Development at the time of construction if the structure complies with
19 applicable accessibility standards for the occupancy intended. The provisions of this section do
20 not apply to any specialty resort or vacation home establishment as defined in chapter 34-18 that
21 is constructed in compliance with the requirements of Group R-3 of the ~~2009~~ 2012 edition of
22 the International Building Code.