



## 2021 South Dakota Legislature

# House Bill 1113

Introduced by: **Representative Ernie Otten**

1 **An Act to revise certain references to the International Building Code.**

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

3 **Section 1.** That § 11-10-5 be AMENDED.

4 **11-10-5. New construction standards--Building code ordinance.**

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 ~~2018~~ 2021  
 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  
 9 International Building Code before enacting such an ordinance. Additional deletions,  
 10 modifications, and amendments to the municipal ordinance may be made by the governing  
 11 body and are effective upon their adoption and filing with the municipal finance officer.  
 12 Additional deletions, modifications, and amendments to the county ordinance may be  
 13 made by the governing body, and are effective upon their adoption and filing with the  
 14 county auditor. No ordinance may apply to mobile or manufactured homes as defined in  
 15 chapter 32-7A that are constructed in compliance with the applicable prevailing standards  
 16 of the United States Department of Housing and Urban Development at the time of  
 17 construction. No ordinance may require that any fire sprinkler be installed in a single  
 18 family dwelling. No ordinance may apply to any specialty resort or vacation home  
 19 establishment as defined in chapter 34-18 that is constructed in compliance with the  
 20 requirements of Group R-3 of the ~~2018~~ 2021 edition of the International Building Code.

21 **Section 2.** That § 11-10-6 be AMENDED.

22 **11-10-6. New construction standards--No building code ordinance.**

23 The design standard for any new construction commenced after July 1, ~~2018~~ 2021,  
 24 within the boundaries of any local unit of government that has not adopted an ordinance  
 25 prescribing standards for new construction pursuant to § 11-10-5 shall be based on the

1     ~~2018~~ 2021 edition of the International Building Code as published by the International  
2     Code Council, Incorporated. Each local unit of government may adopt an ordinance  
3     allowing local administration and enforcement of the design standard. The provisions of  
4     this section do not apply to new construction for any one or two family dwelling, mobile  
5     or manufactured home, townhouse, or farmstead and any accessory structure or building  
6     thereto. For purposes of this section the term, farmstead, means a farm or ranch, including  
7     any structure or building located on the land. The provisions of this section do not apply  
8     to any mobile or manufactured home as defined in chapter 32-7A that is used for purposes  
9     other than residential that is constructed in compliance with the applicable prevailing  
10    standards of the United States Department of Housing and Urban Development at the  
11    time of construction if the structure complies with applicable accessibility standards for  
12    the occupancy intended. The provisions of this section do not apply to any specialty resort  
13    or vacation home establishment as defined in chapter 34-18 that is constructed in  
14    compliance with the requirements of Group R-3 of the ~~2018~~ 2021 edition of the  
15    International Building Code.

16    **Section 3.** That § 11-10-11 be AMENDED.

17           **11-10-11. Property maintenance--Local ordinance--Required standards--**  
18           **Modifications.**

19           If the governing body of any local unit of government adopts any ordinance  
20           prescribing standards for maintenance of existing structures and premises, the ordinance  
21           shall comply with the ~~2018~~ 2021 edition of the International Property Maintenance Code  
22           as published by the International Code Council, Incorporated. The governing body may  
23           amend, modify, or delete any portion of the International Property Maintenance Code  
24           before enacting such an ordinance. Additional deletions, modifications, and amendments  
25           to the municipal ordinance may be made by the governing body and are effective upon  
26           their adoption and filing with the municipal finance officer. Additional deletions,  
27           modifications, and amendments to the county ordinance may be made by the governing  
28           body, and are effective upon their adoption and filing with the county auditor. However,  
29           no ordinance may impose standards that conflict with the applicable prevailing standards  
30           of the United States Department of Housing and Urban Development at the time of  
31           construction for manufactured homes as defined in chapter 32-7A.