

2021 South Dakota Legislature

House Bill 1113**AMENDMENT 1113B FOR THE INTRODUCED BILL**

1 **An Act to revise certain ~~references to requirements for adopting~~ the International**
2 **Building Code.**

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

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

5 **11-10-5. New construction standards--Commercial real estate impact**
6 **statement--Building code ordinance--Commercial real estate defined.**

7 If the governing body of any local unit of government adopts any ordinance
8 prescribing standards for new construction that impacts commercial real estate, the
9 ordinance shall comply with the ~~2018~~ 2021 edition of the International Building Code as
10 published by the International Code Council, Incorporated, but the governing body may
11 amend, modify, or delete any portion of the International Building Code prior to adopting
12 the ordinance. The governing body ~~may amend, modify, or delete any portion of the~~
13 ~~International Building Code shall prepare a commercial real estate impact statement~~
14 pursuant to § 11-10-5.1 before enacting such an ordinance. Additional deletions,
15 modifications, and amendments to the municipal ordinance may be made by the governing
16 body if a commercial real estate impact statement is prepared for those deletions,
17 modifications, and amendments pursuant to § 11-10-5.1, and are effective upon their
18 adoption and filing with the municipal finance officer if the commercial real estate impact
19 statement is included with the filing. Additional deletions, modifications, and amendments
20 to the county ordinance may be made by the governing body if a commercial real estate
21 impact statement is prepared for those deletions, modifications, and amendments
22 pursuant to § 11-10-5.1, and are effective upon their adoption and filing with the county
23 auditor if the commercial real estate impact statement is included with the filing. No
24 ordinance may apply to mobile or manufactured homes as defined in chapter 32-7A that
25 are constructed in compliance with the applicable prevailing standards of the United States
26 Department of Housing and Urban Development at the time of construction. No ordinance

1 may require that any fire sprinkler be installed in a single family dwelling. No ordinance
2 may apply to any specialty resort or vacation home establishment as defined in chapter
3 34-18 that is constructed in compliance with the requirements of Group R-3 of the ~~2018~~
4 2021 edition of the International Building Code.

5 For purposes of this section, commercial real estate, means any structure and
6 premises other than that of a single family dwelling, two-family dwelling, or townhouse
7 not more than three stories above grade.

8 **Section 2.** That a NEW SECTION be added:

9 **11-10-5.1. Commercial real estate impact statement.**

10 A commercial real estate impact statement that is required under the provisions of
11 this chapter shall set forth the need for each new standard or requirement for commercial
12 real estate and the estimated cost, per unit of commercial real estate, of compliance. To
13 determine the estimated cost of compliance, the governing body shall obtain from three
14 licensed contractors, or other applicable building trades professionals operating in this
15 state an estimate of the total cost to consumer of all materials, labor and taxes necessary
16 to comply with the proposed new standard or requirement. The governing body shall use
17 the average of these estimates in preparing the impact statement.

18 For purposes of this section, commercial real estate, means any structure and
19 premises other than that of a single family dwelling, two-family dwelling, or townhouse
20 not more than three stories above grade.

21 **Section 3.** That § 11-10-6 be AMENDED.

22 **11-10-6. New construction standards--No building code ordinance--**
23 **Commercial real estate impact statement--Commercial real estate defined.**

24 The design standard for any new construction commenced after July 1, ~~2018~~ 2021,
25 within the boundaries of any local unit of government that has not adopted an ordinance
26 prescribing standards for new construction pursuant to § 11-10-5 shall be based on the
27 ~~2018~~ 2021 edition of the International Building Code as published by the International
28 Code Council, Incorporated, but shall only apply to commercial real estate if the local unit
29 of government has prepared a commercial real estate impact statement pursuant to § 11-
30 10-5.1. Each local unit of government may adopt an ordinance allowing local
31 administration and enforcement of the design standard. The provisions of this section do
32 not apply to new construction for any one or two family dwelling, mobile or manufactured
33 home, townhouse, or farmstead and any accessory structure or building thereto. For

1 purposes of this section the term, farmstead, means a farm or ranch, including any
 2 structure or building located on the land. The provisions of this section do not apply to
 3 any mobile or manufactured home as defined in chapter 32-7A that is used for purposes
 4 other than residential that is constructed in compliance with the applicable prevailing
 5 standards of the United States Department of Housing and Urban Development at the
 6 time of construction if the structure complies with applicable accessibility standards for
 7 the occupancy intended. The provisions of this section do not apply to any specialty resort
 8 or vacation home establishment as defined in chapter 34-18 that is constructed in
 9 compliance with the requirements of Group R-3 of the ~~2018~~ 2021 edition of the
 10 International Building Code.

11 For purposes of this section, commercial real estate, means any structure and
 12 premises other than that of a single family dwelling, two-family dwelling, or townhouse
 13 not more than three stories above grade.

14 **Section 4.** That § 11-10-11 be AMENDED.

15 **11-10-11. Property maintenance--Commercial real estate impact statement-**
 16 **-Local ordinance--Required standards--Modifications--Commercial real estate**
 17 **defined.**

18 If the governing body of any local unit of government adopts any ordinance
 19 prescribing standards for maintenance of existing structures and premises that impacts
 20 commercial real estate, the ordinance shall comply with the ~~2018~~ 2021 edition of the
 21 International Property Maintenance Code as published by the International Code Council,
 22 Incorporated, but the governing body may amend, modify, or delete any portion of the
 23 International Property Maintenance Code prior to adopting the ordinance. The governing
 24 body ~~may amend, modify, or delete any portion of the International Property Maintenance~~
 25 ~~Code shall prepare a commercial real estate impact statement pursuant to § 11-10-5.1~~
 26 before enacting such an ordinance. Additional deletions, modifications, and amendments
 27 to the municipal ordinance may be made by the governing body if a commercial real estate
 28 impact statement is prepared for those deletions, modifications, and amendments
 29 pursuant to § 11-10-5.1, and are effective upon their adoption and filing with the
 30 municipal finance officer if the commercial real estate impact statement is included with
 31 the filing. Additional deletions, modifications, and amendments to the county ordinance
 32 may be made by the governing body if a commercial real estate impact statement is
 33 prepared for those deletions, modifications, and amendments pursuant to § 11-10-5.1,
 34 and are effective upon their adoption and filing with the county auditor if the commercial

1 real estate impact statement is included with the filing. However, no ordinance may
2 impose standards that conflict with the applicable prevailing standards of the United States
3 Department of Housing and Urban Development at the time of construction for
4 manufactured homes as defined in chapter 32-7A.

5 For purposes of this section, commercial real estate, means any structure and
6 premises other than that of a single family dwelling, two-family dwelling, or townhouse
7 not more than three stories above grade.