

2022 South Dakota Legislature

Senate Bill 90**AMENDMENT 90B FOR THE INTRODUCED BILL**

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

1 **An Act to revise certain provisions regarding local building codes.**

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.** If the governing body of any local unit of government adopts any
5 ordinance prescribing standards for ~~new construction~~ construction, alteration, movement,
6 enlargement, replacement, repair, equipment, use and occupancy, location, removal, and
7 demolition of any building other than a residential structure as defined in section 3 of this
8 Act, the ordinance shall comply with the 2021 edition of the International Building Code
9 as published by the International Code Council, Incorporated. The governing body may
10 amend, modify, or delete any portion of the International Building Code before enacting
11 such an ordinance. Additional deletions, modifications, and amendments to the municipal
12 ordinance may be made by the governing body and are effective upon their adoption and
13 filing with the municipal finance officer. Additional deletions, modifications, and
14 amendments to the county ordinance may be made by the governing body, and are
15 effective upon their adoption and filing with the county auditor. No ordinance may apply
16 to mobile or manufactured homes as defined in chapter 32-7A that are constructed in
17 compliance with the applicable prevailing standards of the United States Department of
18 Housing and Urban Development at the time of construction. No ordinance may require
19 that any fire sprinkler be installed in a single family dwelling. No ordinance may apply to
20 any specialty resort or vacation home establishment as defined in chapter 34-18 that is
21 constructed in compliance with the requirements of Group R-3 of the 2021 edition of the
22 International Building Code.

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

1 **11-10-6.** ~~The design standard for any new construction~~ construction, alteration,
2 movement, enlargement, replacement, repair, equipment, use and occupancy, location,
3 removal, and demolition of any building commenced after July 1, 2021, within the
4 boundaries of any local unit of government that has not adopted an ordinance prescribing
5 such standards for new construction pursuant to § 11-10-5 shall be based on the 2021
6 edition of the International Building Code as published by the International Code Council,
7 Incorporated. Each local unit of government may adopt an ordinance allowing local
8 administration and enforcement of the design standard. The provisions of this section do
9 not apply to ~~new construction for any one or two family dwelling~~ any residential structure
10 as defined in section 3 of this Act, mobile or manufactured home, ~~townhouse~~, or farmstead
11 and any accessory structure or building thereto. For purposes of this section the term,
12 farmstead, means a farm or ranch, including any structure or building located on the land.
13 The provisions of this section do not apply to any mobile or manufactured home as defined
14 in chapter 32-7A that is used for purposes other than residential that is constructed in
15 compliance with the applicable prevailing standards of the United States Department of
16 Housing and Urban Development at the time of construction if the structure complies with
17 applicable accessibility standards for the occupancy intended. The provisions of this
18 section do not apply to any specialty resort or vacation home establishment as defined in
19 chapter 34-18 that is constructed in compliance with the requirements of Group R-3 of
20 the 2021 edition of the International Building Code.

21 **Section 3. That chapter 11-10 be amended with a NEW SECTION:**

22 The governing body of a municipality may enact requirements for construction,
23 alteration, movement, enlargement, replacement, repair, equipment, use and occupancy,
24 location, removal, and demolition of a residential structure by adopting the 2021 edition
25 of the International Residential Code, as published by the International Code Council.
26 Incorporated. The governing body may, at any time, amend any provision of the
27 International Residential Code. The governing body may not require the installation of a
28 sprinkler system in a residential structure or impose any requirements that are more
29 stringent than the requirements in the 2021 edition of the International Residential Code.
30 For purposes of this section, the term, residential structure, means a detached one-family
31 or two-family dwelling, or multiple single-family dwellings not more than three stories in
32 height with a separate means of egress and their accessory structures.

33 **Section 4. That chapter 11-10 be amended with a NEW SECTION:**

1 Beginning in the year 2024, the governor shall establish every three years a council
2 on building codes to review the latest edition of the national model code referenced in this
3 chapter. The council shall identify any significant revisions to the current edition of each
4 model code and evaluate the impact of the revisions on quality, safety, and cost of
5 construction in the state. The council shall report its findings to the governor and the
6 legislature and may recommend amendments to this chapter, including updates to the
7 current edition of any model code referenced in this chapter and alternative and
8 exceptions to such codes. The governor shall appoint the members of the council. The
9 members shall consist of two local building code officials, one person engaged in the
10 business of constructing multi-family housing, one person engaged in the business of
11 constructing commercials building, one licensed architect and one licensed engineer. The
12 council will dissolve and cease to exist upon the completion of its report to the governor
13 and the legislature.