



## 2022 South Dakota Legislature

# Senate Bill 90

### SENATE LOCAL GOVERNMENT ENGROSSED

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

Introduced by: **Senator Herman Otten**

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:**

24 **11-10-6.** The design standard for ~~any new construction~~ construction, alteration,  
 25 movement, enlargement, replacement, repair, equipment, use and occupancy, location,

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

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

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

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

32 Beginning in the year 2024, and every three years thereafter, the Board of  
33 Technical Professions created under § 36-18A-14 shall convene a workgroup to review the

1 latest edition of the model national codes referenced in this chapter. The workgroup shall  
2 consist of two local building code officials, one person engaged in the business of  
3 constructing multi-family housing, one person engaged in the business of constructing  
4 single-family housing, one person engaged in the business of constructing commercial  
5 buildings, one licensed architect, and one licensed professional engineer. The workgroup  
6 shall identify any significant revisions to the current edition of each model code and  
7 evaluate the impact of the revisions on quality, safety, and cost of construction in the  
8 state. The workgroup may recommend amendments to this chapter, including updates to  
9 the current edition of any model code referenced in this chapter and alternatives and  
10 exceptions to such codes. The workgroup shall report its findings and recommendations  
11 to the Board of Technical Professions within six months from the date of the workgroup's  
12 first meeting, and the Board shall publish the report on its website. The workgroup shall  
13 dissolve and cease to exist upon the completion of its report to the Board.