



2022 South Dakota Legislature  
**Senate Bill 90**  
**ENROLLED**

AN ACT

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

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

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

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

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

**11-10-6.** The design standard for construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and

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

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

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

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

Beginning in the year 2024, and every three years thereafter, the Board of Technical Professions created under § 36-18A-14 shall convene a workgroup to review the latest edition of the model national codes referenced in this chapter. The workgroup shall

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

An Act to revise certain provisions regarding local building codes.

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 90

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2022 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2022

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

Office of the Secretary of State

ss.

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2022  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 90  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State