

Chapter 59

(Senate Bill 129)

An Act to update references in certain statutes to the 2024 standard 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 § 11-10-12, the ordinance ~~shall~~ must comply with the ~~2021~~ 2024 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~~ the 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~~ An ordinance may not apply to mobile or manufactured homes, as defined in chapter 32-7A ~~that, which~~ 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~~ An ordinance may not require that any fire sprinkler be installed in a single family dwelling. ~~No~~ An ordinance may 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~~ 2024 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~~ 2026, within the boundaries of any local unit of government that has not adopted an ordinance prescribing ~~such the~~ standards pursuant to § 11-10-5 ~~shall, must~~ be based on the ~~2021~~ 2024 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 § 11-10-12, 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, which~~ is used for purposes other than residential and that which 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~~ 2024 edition of the International Building Code.

Section 3. That § 11-10-11 be AMENDED:

11-10-11. If the governing body of any local unit of government adopts any ordinance prescribing standards for maintenance of existing structures and premises, the ordinance ~~shall~~ must comply with the ~~2021~~ 2024 edition of the International Property Maintenance Code, as published by the International Code Council, Incorporated. The governing body may amend, modify, or delete any portion of the International Property Maintenance Code before enacting ~~such an~~ the 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. ~~However, no~~ An ordinance may ~~not~~ impose standards that conflict with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of construction for manufactured homes as defined in chapter 32-7A.

Section 4. That § 11-10-12 be AMENDED:

11-10-12. 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~~ 2024 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~~ 2024 edition of the International Residential Code.

For purposes of this section, ~~the term, residential structure,~~ "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~~ any accessory structure of the dwelling or townhouse.

Signed March 4, 2026
