

## CHAPTER 11 - CONSTRUCTION AND SPECIAL CODES

### ARTICLE 7 - PROPERTY MAINTENANCE CODE

#### SECTIONS:

Sections 11-7-101 to 199, inclusive. Property maintenance code - general provisions.

Section 11-7-101. Adoption of International Property Maintenance Code.

Sections 11-7-102 to 199, inclusive. Reserved.

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**Sections 11-7-101 to 199, inclusive. Property maintenance code - general provisions.**

#### **Section 11-7-101 Adoption of International Property Maintenance Code.**

An ordinance of the City of Pierre adopting the 2015 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Pierre; providing for the issuance of permits and collection of fees therefore; repealing Ordinance No. 1703 of the City of Pierre and all other ordinances and parts of ordinances in conflict therewith.

#### **The City Commission of the City of Pierre does ordain as follows:**

**Section 1.** That a certain document, a copy of which is on file in the office of the Business Manager of City of Pierre, being marked and designated as the *International Property Maintenance Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Pierre, in the State of South Dakota for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Pierre are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**Section 2.** The following sections are hereby revised:

**Section 101.1. Insert:** City of Pierre

**Section 102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the 2015 *International Building Code*, 2015 *International Existing Building Code*, , 2015 *International Fire Code*, 2015 *International Fuel Gas Code*, 2015 *International Mechanical Code*, 2015 *International Residential Code*, 2009 *Uniform Plumbing Code*, the 2014 *International Electric Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*, and Chapter 12, Article 13, *Flood Hazard Areas*, of the *Revised Ordinances of the City of Pierre*.

**Section 103.2 Appointment.** The Community Resource Officer shall enforce the provisions of this code.

**[A] 103.4 Liability.** The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

**[A] 103.4.1 Legal defense.** Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection by the city's insurance pool and any immunities and defenses provided by other applicable state and federal laws and be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**107.7 Extension of time agreement.** If the code official determines that an extension of time will not create or perpetuate a situation imminently dangerous to life or property, the code official may grant an extension of time, not to exceed 180 days, in which to complete the work listed in the Notice and Order. Any extension shall not extend the time to appeal the Notice and Order. Any extension shall be agreed to in writing in a document containing the following:

1. A reasonable and acceptable schedule, setting forth specific dates to complete corrective action for each violation listed in the Notice and Order.
2. A signature of the responsible party.

**[A] 110.1 General.** The *code official* shall order the *owner* or owner's authorized agent of any *premises* upon which is located any structure, which in the *code official's* or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than 18 months, the *code official* shall order the *owner* or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official. The structure must remain secured during the 18-month time period.

**[A] 111.1 Application for appeal.** Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Building Code Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The board shall have no authority relative to the interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

**[A] 112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to administrative citations through the code enforcement process.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, Uniform Plumbing Code, International Residential Code, Chapter 13, Article 10, Floodplain Ordinance, and 2014 National Electric Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

**Section 302.4. Insert:** 12 inches

**Section 304.14. Delete**

## **Chapter 5. Plumbing Facilities and Fixture Requirements**

**Section 501.1 Scope.** The provisions of the 2009 Uniform Plumbing Code, shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

**505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be

supplied with hot or tempered and cold running water in accordance with the *Uniform Plumbing Code*.

**602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality . Cooking appliances shall not be used, nor shall *portable unvented* fuel-burning space heaters be used, as a means to provide required heating.

**Exception:** In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

**Section 602.3. Delete**

**Section 602.4. Delete**

**Section 3.** That Ordinance No. 1703 of City of Pierre entitled Section 1, Adoption of International Property Maintenance Code, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 5.** That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 6.** That the Business Manager is hereby ordered and directed to cause this ordinance to be published.

**Section 7.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect twenty (20) days from and after the date of adoption and publication.

**Source:** Ord. No. 1427, 1998; Ord. No. 1511, 2002; Ord. No. 1567, 2005; Ord. No. 1626, 2008; Ord. No. 1703, 2012; Ord. No. 1763, 2016; Ord. No. 1764, 2016.

**Sections 11-7-102 to 199, inclusive. Reserved.**