

Ordinance No. 15-025

An Ordinance amending Article II of Chapter 22 of the Code of Ordinances of the City of Brookings and pertaining to the adoption of the 2015 International Building Code, the 2015 International Residential Code, the 2015 International Mechanical Code, the 2015 International Fire Code, and the 2015 International Existing Building Code with certain Amendments thereto.

Be It Ordained by the City of Brookings that Article II of Chapter 22 of the Code of Ordinances of the City of Brookings be amended to read as follows:

I.

Article II. Building Code

Sec. 22-31. Adoption.

There is adopted by the City those certain codes known as the 2015 Edition of the International Building Code, the 2015 International Residential Code, the 2015 International Mechanical Code, the 2015 International Fire Code and the 2015 International Existing Building Code, which may be used as an alternate to Chapter 34 of the 2009 International Building code, as recommended by the International Code Council, collectively referred to as the "International Building Code", "building code" or "code". A copy of the building code is on file in the office of the City Clerk and is available for inspection.

Sec. 22-32. Conflicts.

In the event of any other conflict between the provisions of the International Building Code adopted by this article and other provisions of city ordinance, state law or rules or regulations of the city, the provisions of city ordinance, state law or the rules or regulations of the city shall prevail and be controlling.

Sec. 22-33. Definitions.

The following words, terms and phrases, when used in the building code adopted in section 22-31, shall be defined, except where the context clearly indicates a different meaning, as follows:

Municipality means the City of Brookings.

Sec. 22-34. Establishment of office of building official.

The office of building official is created, and the city manager shall designate the executive official in charge, who shall be known as the building official and whose duties shall be as outlined in the International Building Code adopted in section 22-31.

Sec. 22-35. Fees; permits.

- (a) No permit required by the building code shall be issued until the fee prescribed by resolution shall have been paid. No amendment to a permit shall be approved until the

additional fee, if any, resulting from an increase in the estimated cost of the building or structure, shall have been paid.

- (b) For the demolition or removal of a building that is furnished with water and/or sewer, a permit may be granted; provided, however, that in such case, a deposit guaranteeing the abandonment of the water services and guaranteeing the abandonment of the sewer services shall be deposited at the time of application for such permit, the deposit to be in an amount to be determined by policy of the utility board. Such deposit, but not the fees, will be refunded upon completion of the work or the city will arrange for such work at actual cost, plus ten percent to be paid from such deposit. The demolition or removal shall be completed within 30 days after the issuance of the permit. If water and sewer services are to be reused or new services required for a new structure in the immediate future at the same location, deposits may be waived by the building official.

Sec. 22-36. Amendments.

The following amendments to the building code are adopted and incorporated into the building code:

Section R105.2. Work exempt from permit, under Section R105, "Permits" is amended to read as follows:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
2. Fences not over 6 feet (1829MM) high.
3. Retaining walls that are not over 4 feet (1219mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity is not greater than 5,000 gallons (18 927 L) and the ratio of height to diameter or width is not greater than 2 to 1.
5. Sidewalks
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

Section 105.2 Work exempt from permit, under Section 105 "Permits" is amended to read as follows:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
2. Fences not over 6 feet (1829MM) high.

3. Retaining walls that are not over 4 feet (1219mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity is not greater than 5,000 gallons (18 927 L) and the ratio of height to diameter or width is not greater than 2 to 1.
5. Sidewalks
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

105.5 and R105.5 Expiration, under Section 105 and R105, "Permits", is amended as follows:

Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days after the time the work is commenced. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half of the amount required for a new permit for such work provided no changes have been made or will be made in the original plans and specifications for such and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

Every permit issued by the building official under the provisions of this code shall expire and become null and void if the building or work is not completed within two years for all occupancies from the date issued.

Section R106.2 Site Plan or Plot Plan, under Sections R106, Construction Documents, is amended to read as follows:

The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction, erosion and sediment controls in accordance with Chapter 72 of the Code of Ordinances, lowest allowable building opening, and existing structures on the site and distances from lot lines. In the case of

demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

Section 107.2.5 Site Plan, under Section 107, Submittal Documents, is amended to read as follows:

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and s applicable, flood hazard areas, floodways, and design flood elevations, and erosion and sediment controls and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

The City Engineer may require that the construction documents submitted with the application for permit be accompanied by a final drainage plan for all projects involving one acre or more of land area. The final drainage plan shall conform to the city approved Storm Drainage Design and Technical Criteria Manual. All drainage facilities including storm sewers, on-site detention, drainageways, detention basins and detention channels shall be designed in compliance with approved engineering design standards and the Storm Drainage and Technical Criteria Manual and are subject to approval of the City Engineer.

Exception: A final drainage plan shall not be required to be submitted with an application to construct a single-family or two-family dwelling on a lot containing one acre or more of lot area.

Section R108.6 and 109.4. Work commencing before permit issuance, under Sections R108 and 109, Fees, is amended by replacing with Section R108.6 and 109.4 to read as follows:

R108.6 and 109.4. Work commencing before permit issuance. Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permit shall be subject to a an investigation fee established by the applicable governing authority that shall be in addition to the required permit fees. The minimum investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Section R112.1 and 113.1 Board of Appeals, General, under Sections R112 and 113, Board of Appeals, is amended by replacing with R112.1 and 113.1 to include the following:

R112.1 and 113.1. General.

In order to hear and decide appeals or orders, decisions or determinations made by the building official relative to the application and interpretation of this code, and to determine the suitability of alternate materials and methods of construction, there shall be and is created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex-officio member of said board and shall act as secretary to such board, but shall have no vote on any matter before the board. The board of appeals shall consist of five members. Each member shall be appointed for a term of five years. The successors shall be appointed upon the expiration of the respective terms to serve five years. The successors shall be appointed upon the expiration of the respective terms to serve five years. A vacancy shall be filled by the mayor with the concurrence of the city council for the unexpired term of any member who resigns, dies or is removed. The board of appeals shall elect a chairperson and vice-chairperson from its members. The board shall adopt rules of procedure for conducting its business, and shall render decisions and findings in writing to the appellant with a duplicate copy to the building official.

Section R301.2 Climatic and Geographic Design Criteria, under Section 301, Design Criteria, is amended as follows:

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| 1. Ground Snow Load | 40 psf contour |
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Roof slopes with a rise of three inches (76.2 mm) or less to 12 inches (305 mm) shall be designed for a full or unbalanced snow load of not less than 30 pounds per square foot (1.44kN/square meter) of horizontal projection. Where a roof system is designed to slope less than one-quarter inch (6.35 mm) per 12 inches (305 mm), a surcharge load of not less five pounds per square foot (0.24kN/square meter) in addition to the required live load due to snow shall be designed for.

Roof slopes with over three inches (76.2 mm) of rise per 12 inches (305 mm) shall be designed for a full or unbalanced snow load of not less than 25 pounds per square foot (1.2kN/square meter) of horizontal projection.

Potential unbalanced accumulation of snow at valleys, parapets, roof structures, and offsets in roofs of uneven configuration shall be considered.

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|---|------------------------|
| 2. Wind Speed | 90 mph |
| 3. Seismic Design Category | A |
| 4. Weathering | Severe |
| 5. Frost Line Depth | 42 inches (1,067 mm) |
| 6. Termite Damage | Slight to Moderate |
| 7. Winter design temperature | -11 degrees Fahrenheit |
| 8. Ice barrier enderlayment requirement | Yes |
| 9. Air freezing index | 3,000 |
| 10. Mean annual temperature | 46 degrees Fahrenheit |

Section 1608.1 General, under Section 1608, Snow Loads, is amended to read as follows:

The building official has determined the minimum roof load to be 40 pounds per square foot ground snow load.

R302.13 Fire Protection of Floors – delete in its entirety

Section R310 Emergency Escape and Rescue Openings, is amended to read as follows:

Section R310.1, Emergency escape and rescue opening required.

Basements, habitable attics and every sleeping room shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency egress and rescue opening shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens into a public way.

Section R310.2.1, Minimum opening area.

Emergency and escape rescue openings shall have a net clear opening of not less than 4.6 square feet. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. The net clear height opening shall not be less than 24 inches (610 mm) and the net clear width shall not be less than 20 inches (508 mm)

Section R310.2.2, Window sill height.

Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 48 inches measured from the floor; where the sill height is below grade, it shall be provided with a window well in accordance with Section R310.2.3.

R310.2.3.1 Ladder and steps.

Window wells with a vertical depth greater than 48 inches shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Sections R311.7 and R311.8. Ladders or rungs shall have an inside width of not less than 12 inches (305 mm), shall project not less than 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height of the window well.

Section R 310.2.4, Emergency escape windows under decks and porches – delete in its entirety with the exception where Emergency escape windows will be allowed for a second story deck with a minimum height of 6'8" above grade.

Section 1030 Emergency Escape and Rescue, is amended to read as follows:

Section 1030.2 Minimum size.

Emergency and escape rescue openings shall have a net clear opening of not less than 4.6 square feet.

Section 1030.3 Maximum height from floor.

Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 48 inches measured from the floor.

Section 1030.5.2 Ladder and steps.

Window wells with a vertical depth of more than 48 inches shall be equipped with an approved permanently affixed ladder or steps. Ladders or rungs shall have an inside width of not less than 12 inches (305 mm), shall project at least 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center (o.c.) vertically for the full height of the window well. The ladder or steps shall not encroach into the required dimensions of the window well by more than 6 inches (152 mm). The ladder or steps shall not be obstructed by the emergency escape and rescue opening. Ladders or steps required by this section are exempt from the stairway requirements of Section 1011.

Section R313, Automatic Fire Sprinkler Systems – delete in its entirety per state statute.

Section R314.3 Location under Section R314, Smoke Alarms, shall be amended as follows:

1. In each sleeping room
2. Outside each separate sleeping area in the immediate vicinity of the bedroom.
3. On each additional story of the dwelling, including basements and habitable attics and not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided the lower level is less than one full story below the upper level.
4. Smoke alarms shall be installed not less than 3 feet (914) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section R314.3.
5. A smoke detector installed in a stairwell shall be so located as to ensure that smoke rising in the stairwell cannot be prevented from reaching the detector by an intervening door or obstruction.
6. A smoke detector installed to detect a fire in the basement shall be located in close proximity to the stairway leading to the floor above.
7. The smoke detector installed on a story without a separate sleeping area shall be located in close proximity to the stairway leading to the floor above.
8. Smoke detectors shall be mounted on the ceiling at least four inches (102 mm) from a wall or on a wall with the top of the detector not less than four inches (102 mm) nor more than 12 inches (305 mm) below the ceiling.

Section R401.1, Application, under Chapter 4, Foundations, is amended to read as follows:
Section R401.1, Application.

The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for buildings. In addition to the provisions of this chapter, the design and construction of foundations in flood hazard areas as established by Table R301.2(1) shall meet the provisions of Section R322. Wood foundations shall be designed and installed in accordance with AWC PWF.

Exception: The provisions for this chapter shall be permitted to be used for wood foundations only in the following situations:

1. In buildings that have no more than two floors and a roof.
2. Where interior basement and foundation walls are constructed at intervals not exceeding 50 feet (15240 mm).

Wood foundations in Seismic Design Category D(0), D(1), or D(2) shall be designed in accordance with accepted engineering practice.

For new home construction, curb and gutter shall be required to be installed on all sides of the lot adjacent to the public street right-of-way prior to the issuance of the building permit, except for pre-existing public streets which do not have curb & gutter.

Section R401.3 Drainage, under Chapter 4, Foundations is amended to read as follows:

R401.3 Drainage

The top of any exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved drainage device a minimum of 12 inches (305 mm) plus 2 percent. Alternate elevations are permitted subject to the approval of the building official, provided it can be demonstrated that the required drainage to the point of discharge and away from the structure is provided at all locations on the site. Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection that does not create a hazard. Lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches (152 mm) within the first 10 feet (3048 mm).

Exception: Where lot lines, walls, slopes or other physical barriers prohibit 6 inches (152 mm) of fall within 10 feet (3048 mm), drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building.

Section 903.2.8. Group R, under R903 Automatic Sprinkler Systems, is amended to read as follows:

Section 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 must be provided throughout all buildings with a Group R fire area.

Exceptions:

1. All R-3 occupancies.
2. All R-2 buildings with five (5) or fewer dwelling units or congregate living facilities with 16 or fewer occupants.

Chapter 11 of the 2015 IRC, Energy Efficiency is amended by replacing with Chapter 11 of the 2009 IRC.

Any or all ordinances in conflict herewith are hereby repealed.

First Reading:	November 24, 2015
Second Reading:	December 8, 2015
Published:	December 11, 2015

CITY OF BROOKINGS, SD

Tim Reed, Mayor

ATTEST:

Shari Thornes, City Clerk