

## Chapter 6

### BUILDINGS\*

|          |                           |
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| Art. I.  | In General, 6-1-6-15      |
| Art. II. | Building Codes, 6-16-6-20 |

#### ARTICLE I. IN GENERAL

##### Sec. 6-1-6-15. Reserved.

#### ARTICLE II. BUILDING CODES

##### Sec. 6-16. Building Codes.

- (a) There is hereby adopted the 2006 International Residential Code for One- and Two-Family Dwellings, Chapters 1-10, 41 and 43, and Appendix E, G, H, J, M for one- and two-family dwellings only.
- (b) There is hereby adopted the 2006 International Building Code, Chapters 1-12, 14-26, 28, 30-35, and Appendix C, G, H, and I for all occupancies except one- and two-family dwellings.
- (c) There is hereby adopted the 2006 International Mechanical Code, Chapters 1-15, and Appendix A.  
(Ord. No. 931, 1, 3-23-81; Ord. No. 1433, 8-13-07)

**State law references**-Adoption by reference, SDCL 1967, 9-19-7; adoption of Building Code by reference, SDCL 1967, 9-33-4.1 et seq.

##### Sec. 6-16.1. Amendments – International Residential Code:

a) *IRC Chapter 1, Section R105 Permits, R105.2 Work exempt from permit*

R105.2. Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

##### 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.
3. Retaining walls that are not over 4 feet 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 does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
6. Painting, papering, tiling, carpeting, countertops and similar finish work.

7. Prefabricated swimming pools that are less than 24 inches deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
10. Replacement of like siding and roofing.
11. Gutters, downspouts, and storm windows.

(Ord. No. 1461, 6-16-08)

*b) IRC Chapter 1, Section R105 Permits, R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas.*

R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its pre-damage condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the construction shall meet the requirements of Section R324.

*c) IRC Chapter 1, Section R106 Construction Documents, R106.1 Submittal documents:*

R106.1 Submittal documents. Construction documents, special inspection and structural observation programs and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Plans and specifications for hotels, motels, boarding or rooming houses, and buildings that contain six (6) or more dwelling units as defined by the City Zoning Ordinance shall be prepared, designed and certified by a licensed engineer or architect.

*d) IRC Chapter 1, Section R106 Construction Documents, R106.2 Site plan.*

R106.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction 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 applicant is obligated prior to the issuance of the building permit to provide satisfactory evidence to the Zoning Inspector relative to the location of applicable property corners so that the Zoning Inspector or authorized representative can verify set back compliance of the proposed structure.

*e) IRC Chapter 1, Section R112 Board of Appeals, R112.1 General.*

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Commission. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

*f) IRC Chapter 1, Section R112 Board of Appeals, R112.2.1 Determination of substantial improvement in areas prone to flooding.*

Delete entire section.

*g) IRC Chapter 3, Section R310 Emergency Escape and Rescue Openings, R310.1.1 Minimum opening area.*

R310.1.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

*h) IRC Chapter 4, Section 403 Footings, R403.1.4.1 Frost protection.*

R403.1.4.1 Frost protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extended below the frost line specified in Table R301.2.(1);
2. Constructing in accordance with Section R403.3;
3. Constructing in accordance with ASCE 32; or
4. Erected on solid rock.

Exceptions:

1. Protection of freestanding accessory structures with an area of 1000 square feet or less, of light-framed construction, with an eave height of 10 feet (3048mm) or less shall not be required.
2. Protection of freestanding accessory structures with an area of 600 square feet or less, of other than light-framed construction, with an eave height of 10 feet (3048 mm) or less shall not be required.
3. Decks not supported by a dwelling need not be provided with footings that extend below the frost line.

(Ord. No. 1433, 8-13-07)

## **6-16.2 Amendment - 2006 International Building Code**

*a) IBC Chapter 1, Section 105.2 Work exempt from permit*

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**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.
3. Oil derricks.
4. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
7. Painting, papering, tiling, carpeting, countertops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3 and U occupancies.
13. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

(Ord. No. 1461, 6-16-08)

*b) IBC Chapter 1, Section 106 Construction Documents, 106.1 Submittal documents.*

106.1 Submittal documents. Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Plans and specifications for hotels, motels, boarding or rooming houses, and buildings that contain six (6) or more dwelling units as defined by the City Zoning Ordinance shall be prepared, designed and certified by a licensed engineer or architect.

*c) IBC Chapter 1, Section 106 Construction Documents, 106.2 Site plan*

106.2 Site plan. 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, as applicable, flood hazard areas, floodways, and design flood elevations; 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 applicant is obligated prior to the issuance of the building permit to provide satisfactory evidence to the Zoning Inspector relative to the location of applicable property corners so that the Zoning Inspector or authorized representative can verify set back compliance of the proposed structure.

*d) IBC Chapter 1, Section 112 Board of Appeals, 112.1 General.*

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Commission. The board shall adopt rules of procedure for conducting its business.

*e) IBC Chapter 1, Section 112 Board of Appeals, 112.3 Qualifications*

Delete entire section.

*f) IBC Chapter 9, Section 903 Automatic Sprinkler Systems, 903.2.7 Group R.*

903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903 shall be provided throughout all buildings with a Group R-1 fire area and a Group R-4 fire area with more than eight occupants. An automatic fire extinguisher system shall be provided throughout all buildings with a Group R-2 fire area of more than two stories in height, including basements, or having 16 or more dwelling units.

*g) IBC Chapter 10, Section 1026 Emergency Escape and Rescue, 1026.2 Minimum Size.*

1026.2 Minimum size. Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

*h) IBC Chapter 14, Section 1405 Insulation of Wall Coverings 1405.12.2 Window sills.*

1405.12.2 Window sills In Occupancy Groups R-2 and R-3, one- and two-family and multiple-family dwellings, where the opening of the sill portion of an operable window is located more than 72 inches above the finished grade or other surface below, the lowest part of the clear opening of the window shall be a minimum of 18 inches above the finished floor surface of the room in which the window is located. Glazing between the floor and a height of 18 inches shall be fixed or have openings such that a 4-inch diameter sphere cannot pass through.

*i) IBC Chapter 18, Section 1805 Footings and Foundations, 1805.2.1 Frost protection.*

1805.2.1 Frost protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected by one or more of the following methods:

1. Extending below the frost line of the locality;
2. Constructing in accordance with ASCE 32; or
3. Erecting on solid rock.

Exception: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Classified in Occupancy Category I, in accordance with Section 1604.5;
  2. Area of 1000 square feet or less for light-frame construction or 600 square feet or less for other than light-frame construction; and
  3. Eave height of 10 feet (3048 mm) or less.
- (Ord. No. 1433, 8-13-07)

**Section 6-16.3 General Provisions**

The adopted Codes along with the City of Madison Guidelines for Residential Construction shall hereby be considered the Code. If any provision of the adopted Codes is in conflict with the City of Madison Guidelines for Residential Construction, said Guidelines shall prevail.  
(Ord. No. 1433, 8-13-07)

**Section 6-16.4 Building permit fees.**

Notwithstanding other provisions of the 2006 International Residential Code and the 2006 International Building Code, the fee for a building permit shall be as follows.

| <i><b>Building Permit Fees</b></i> |   |
|------------------------------------|---|
| <b>Total Cost of Construction</b>  | <b>Fees</b>   |
| \$0.00 - \$500.00                  | \$10.00   |
| \$501.00 - \$1,000.00              | \$25.00   |
| \$1,001.00 - \$25,000.00           | \$25.00 for the first \$1,000.00 plus \$9.00 for each additional \$1,000.00 to and including \$25,000.00        |
| \$25,001.00 - \$50,000.00          | \$241.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 to and including \$50,000.00      |
| \$50,001.00 - \$100,000.00         | \$403.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 to and including \$100,000.00     |
| \$100,001.00 - \$500,000.00        | \$628.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 to and including \$500,000.00    |
| \$500,001.00 - \$1,000,000.00      | \$2028.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 to and including \$1,000,000.00 |
| \$1,000,001.00 and up              | \$3,528.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 thereafter                   |

| <i><b>Flat fees:</b></i>          |         |
|-----------------------------------|---------|
| Non-like roofing only             | \$20.00 |
| Non-like siding only              | \$20.00 |
| Demolition                        | \$10.00 |
| Manufactured Homes on rental lots | \$25.00 |

(Ord. No. 1461, 6-16-08)

**Sec. 6-17. Conflicts.**

If any provision of the Code adopted by this article is in conflict with any other Ordinance, said other Ordinance shall prevail.

**Sec. 6-18. Fire limits.**

Deleted.

(Ord. No. 1433, 8-13-07)

**Sec. 6-19. Permit for basements.**

Deleted.

(Ord. No. 1433, 8-13-07)

**Sec. 6-20. Amendment – 2006 International Mechanical Code**

- a) Notwithstanding other provisions in the 2006 International Mechanical Code, the building official shall not be required to personally inspect specific items referenced in said code being constructed, reconstructed, or remodeled under a building permit at any time. Any provision in said code directing a personal inspection by the building official is hereby repealed; provided that nothing herein shall prohibit the inspection of any building by the building official as provided in said code and said official is hereby authorized to enforce all provisions of said code as prescribed in said code.

(Ord. No. 1461, 6-16-08)

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