

BUILDING CODE AND CONSTRUCTION
ENFORCEMENT ORDINANCE
Meade County Ordinance No. 34

**AN ORDINANCE OF MEADE COUNTY, SOUTH DAKOTA ADOPTION OF THE 2006
INTERNATIONAL BUILDING CODE AND FOR BUILDING AND CONSTRUCTION
ENFORCEMENT WITHIN THE UNINCORPORATED BOUNDARIES OF MEADE
COUNTY, SOUTH DAKOTA**

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BUILDING CODE AND CONSTRUCTION ENFORCEMENT
ORDINANCE
Meade County Ordinance No. 34

**AN ORDINANCE OF MEADE COUNTY, SOUTH DAKOTA ADOPTION OF THE 2006
INTERNATIONAL BUILDING CODE AND 2006 INTERNATIONAL RESIDENTIAL
CODE AND FOR BUILDING AND CONSTRUCTION ENFORCEMENT WITHIN THE
UNINCORPORATED BOUNDARIES OF MEADE COUNTY, SOUTH DAKOTA**

ARTICLE 1. ADOPTION, AUTHORITY, PURPOSE AND JURISDICTION

Section 1.01 Adoption International Building and International Residential Codes 2006.

The International Building Code, 2006 edition, including Appendix C and Appendix I and the 2006 and International Residential Code, as published by the International Code Council Inc., and amendments and additions thereto as provided this ordinance are hereby adopted by Meade County as provided by South Dakota Codified Laws Chapter 7-8-20(17) for regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the unincorporated area of Meade County and providing for issuance of permits and collection of fees therefore. The minimum building standards in the 2006 editions of the International Building and International Residential Codes and amendments thereto shall be applied to any building permit issued after July 1, 2008. A printed copy of such code and additions and amendments thereto is on file with the Meade County Equalization and Planning Department. Also the current version of the Handbook for South Dakota Building Officials and Design Professionals, South Dakota State Board of Technical Professionals), is hereby adopted by Meade County.

1. **Scope:** These regulations shall be known as the Building Code of Meade County, South Dakota hereinafter referred to as “this code.” The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.
2. **Exceptions:**
 - A. **Electrical.** The term ICC Electrical Code shall mean the ICC Electrical Code as adopted by the State of South Dakota and shall apply to the installation of electrical systems including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto. ICC Electrical Code shall be administered by the State of South Dakota.
 - B. **Gas.** The term International Fuel Gas Code shall mean the International Fuel Gas Code as adopted by the State of South Dakota and shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. The requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories. The International Fuel Gas Code shall be administered by the State of South Dakota.
 - C. **Mechanical.** The term International Mechanical Code shall mean the International Mechanical Code as adopted by the State of South Dakota and shall apply to the installation, alterations, repairs and replacement of mechanical systems including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating cooling, air-conditioning and refrigeration systems,

incinerators and other energy-related systems. The International Mechanical Code shall be administered by the State of South Dakota.

- D. **Plumbing.** The term ICC Plumbing Code shall mean the ICC Plumbing Code as adopted by the State of South Dakota shall apply to the installation, alteration, repair, and replacement of plumbing systems including equipment, appliances, fixtures, fittings, and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. ICC Plumbing Code shall be administered by the State of South Dakota.
 - E. **Property maintenance.** The term International Property Maintenance Code shall mean the International Property Maintenance Code as adopted by the State of South Dakota and shall apply to existing structures and premises equipment and facilities, light, ventilation, space heating, sanitation, life and fire safety hazards, responsibilities of owners, operators and occupants, and occupancy of existing premises and structures. The International Property Maintenance Code shall be administered by the State of South Dakota.
 - F. **Fire prevention.** The term International Fire Code shall mean the International Fire Code as adopted by the State of South Dakota and shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation. The International Fire Code shall be administered by the State of South Dakota.
 - G. **Energy.** The term International Energy Conservation Code shall mean the International Energy Conservation Code as adopted by the State of South Dakota and shall apply to all matters governing the design and construction of buildings for energy efficiency. The International Energy Conservation Code shall be administered by the State of South Dakota.
3. Enforcement agency. The Department of Equalization and Planning shall be the enforcement agency and the official in charge thereof shall be known as the Equalization and Planning Director.
 4. Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Director of Equalization and Planning or the Deputy Planning Director shall have the authority to appoint a Building Inspector, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the appointed authority.
 5. Liability. The building official, member of the planning board, 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 liable personally and is hereby relieved from 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. Any suit brought against the building official, officer or employee because of such act or omission performed by the building official, officer or employee in the lawful discharge of duties and enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be afforded all the protection provided by the County's liability insurance, immunities and any immunities and defenses provided by other applicable state and federal laws.

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 its parent

jurisdiction be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

6. Permits Required. Except as specified in No.7, no building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved or converted unless a separate permit for each building or structure has first been obtained from the building official or designate. Permits for minor work may be exempted by the building official or designee.
7. 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:
 - A. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected floor area does not exceed 200 square feet. Two (2) portable storage units are permitted per platted lot or tract. Portable buildings, no matter of the size, used for a cabin (sleeping quarters), requires a building permit and must contained a hard-wired smoke alarm with battery back-up, a fire extinguisher and must meet other building code requirements.
 - B. Fences.
 - C. Retaining walls
 - D. Walks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below.
 - E. Painting, papering, floor covering, cabinets, countertops and similar finish work.
 - F. Temporary motion picture, television and theater stage sets and scenery.
 - G. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches (457mm) deep.
 - H. Replacement of roofing shingles.
 - I. Replacement of exterior siding.
 - J. 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 of Group R-3 and U occupancies.
 - K. Swings and other playground equipment accessories to detached one and two family dwellings.
 - L. Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1,753 mm) in height.
 - M. Decks not to exceed 100 square feet.
 - N. Kit type car ports
8. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to the time of service and said time shall be specified on the permit.
9. R.V. hook-ups, including electrical - only connections, must have a building permit.
10. New construction, alterations or building expansions of commercial buildings of 4,000 square feet or greater may require a Professional Architect and/or Engineer based on the current version of the "Handbook for South Dakota Building Officials and Design Professionals, (South Dakota State Board of Technical Professionals).

Section 1.02 Building Permit and Related Fees

1. All building permits fees shall be reviewed by the Meade County Commission. When necessary, the Commission, by resolution, may adjust or establish new fees or fee structures.

2. **Residential Fees:** shall be based on estimated building cost of the structure, including building materials and labor. Such estimate shall be based on a signed contractor's bid and/or cost data supported by a duly approved cost manual

 \$75.00 for the first \$1,000.00 (plus)
 \$4.00 per \$1,000.00 thereafter
3. **Commercial Fees:** shall be based on estimated building cost of the structure, including building materials and labor. Such estimate shall be based on a signed contractor's bid and/or cost data supported by a duly approved cost manual.
 \$150.00 for the first \$1,000.00 (plus)
 \$6.00 per \$1,000.00 thereafter
4. Return Building Inspections for corrective action may be \$125.00.
5. Demolition Permit Fees- \$85.00 for commercial structures, residential and agricultural structures have no fees. Fire Departments are exempt from demolition permit fees.
6. House moving permit is required each time a structure is moved within the unincorporated boundaries of Meade County (except portable buildings/sheds), at a cost of \$85.00.
7. Contractors are required to submit one set of building plans, (which include a floor plan, elevation plan and a foundation plan) and a detailed typed or written cost estimate, at least 48 hours in advance for County review before any building permit will be issued for a building or structure.
8. Buildings constructed on land classified for property tax purposes as agricultural land and which are intended for primarily agricultural use require a building permit, but are exempt from all building permit fees. If no building permit is obtained a penalty will apply in accordance to the Amendment to the Building Code found in Appendix "A".

Section 1.03 Building or Construction Inspections

1. Building inspections: are required for each major phase of construction including a foundation inspection, rough carpentry or framing inspection and a final inspection. The building official or inspector may at anytime require additional inspections to ensure a structure is being built in accordance with the 2006 International Building and International Residential Codes.
 - H. The building contractor or the home owner will notify the building inspector in the Equalization & Planning Department at a minimum of 48 hours in advance that a building inspection is needed for a completed phase of work. If the building inspector needs to return for the same type of inspection due to poor scheduling or a violation, there may be an additional cost of \$125.00.
 - B. Building inspections will be required for all structures except small portable accessory buildings or ag-use only buildings constructed on land classified for property tax purposes as agricultural properties.

2. Final Inspections. The final inspection shall be made after all the work required by the building permit is completed and prior to the building being occupied. A Certificate of Occupancy will be issued when the final inspection has passed.
 - A. Temporary occupancy. The building official is authorized to issue written permission of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary occupancy is valid.

3. Asbestos Inspection, (by a South Dakota DENR Licensed Asbestos Inspector), is required per the South Dakota DENR and Meade County when any commercial building is to be demolished. Before Meade County will issue a demolition permit, a copy of a signed South Dakota Notification of Demolition and Renovation Form including a certified mail receipt and a copy of the Asbestos Inspection must be presented at the time the demolition permit is to be obtained. The demolition permit for demolition will be dated at a minimum of 10 business working days from the date the Notification of Demolition and Renovation Form is mailed. Certified Mail Receipt copy is required.

A. Commercial Building Renovation Projects will require a Building Permit and an Asbestos Inspection, (by a South Dakota DENR Licensed Asbestos Inspector), before any commercial renovation projects commences. Meade County and the South Dakota DENR require a Asbestos Inspection to be completed before any commercial renovation project commences. The Asbestos Inspection must be presented at the time the building permit is to be obtained. If 260 linear feet or more and/or 35 cubic feet of RCAM is detected at the facility to be renovated, a copy of the Notification of Demolition and Renovation Form including a certified mail receipt will also be required to be submitted before a Building Permit is issued.

ARTICLE 2. BUILDING RESTRICTIONS

Section 2.01 Construction Restrictions

1. Construction for any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Planning Coordinator, and notice thereof shall be given to the person affected. If the work described in any building permit has not been substantially completed within (1) one years of the date of issuance thereof said permit shall expire. Notice to the persons affected, that further work as described in the cancelled permit shall not proceed unless and until an extension has been obtained. All structures will in general comply with sound engineering and safety regulations normally required by the 2006 International Building and International Residential Codes.

2. All structures shall conform to Meade County Flood Damage prevention Plan Ordinance No.9. All residential dwellings lowest floor level, including basements must be at least one (1) foot above the base flood elevation. Any construction that is in a designated floodway, floodplain or floodway fringe must first have an approved Floodplain Development Permit

before a building permit will be issued.

3. No building permit for the construction of any home, house, or business will be issued until such time there is an installed Meade County permitted and approved wastewater system capable of handling the potential flow on site, (Not including Individual Wastewater Systems). Applicants for building permits must have a set of plans in a format approved by the Meade County Building Official and in accordance with the 2006 International Building Code and a written cost of construction estimate available for review 48 hours before the building permit is to be acquired.
4. Contractors or subcontractors must provide a copy of the concrete delivery tickets when requested indicating the compressive strength of the concrete used in the construction of all foundations, floor slabs, concrete driveways, curb & gutter and sidewalks. During cold weather construction, concrete delivery tickets must also indicate the type of additives added to prevent freezing.
5. The minimum distance between any structure and edge of any Right-of-Way line shall be twenty-five (25) feet.
6. The minimum distance between any structure and the front or rear property line shall twenty-five (25) feet and side property line shall be eight (8) feet; except on a corner lot, the street side, the minimum distance shall be twenty-five (25) feet.
7. The legal property owner who has a house or mobile home which will be reconstructed or remodeled, that is moved on a platted lot or a tract of property, must obtain a building permit.
8. Reconstruction or remodeling activities must commence within 30 days from the date the building permit was obtained.
9. For life saving reasons in case of fire, no dwelling shall exceed forty (40) feet in height.
10. There shall be a minimum of three (3) feet between detached buildings on the same lot.
11. All residential dwelling units shall be hooked up or serviced by both approved water and sewer facilities. Such approval shall come from Meade County or DENR.
12. Building Permits will be issued for only one residential dwelling unit per each platted lot. Multiple –residential dwelling permits will be allowed in a subdivision designed for that specific purpose.
13. Plating will be a prerequisite for obtaining a building permit for all property one hundred and sixty (160) acres or less. Only those properties described as Rural Residential within Meade County Ordinance No. 20 are exempt from plating. All other requirements in this ordinance must be adhered to.
14. Blowing garbage, litter, debris, building materials or other such rubbish from any permitted or non-permitted construction site will not be allowed. Any loose or blowing debris or rubbish shall be picked up immediately and not allowed to accumulate on other nearby lands, and placed in an appropriate waste container equipped with cover to prevent additional blowing. Failure to keep garbage, litter, debris, building materials, and other such rubbish maintained and cleaned up will result in the suspension of building permit(s) to owners of the property, contractors, and/or developers involved, as well as any other fines or penalties brought forth by Meade County. New and used materials must be anchored or otherwise contained at all times.

15. Temporary buildings, decorative fences or other impediments will not block escape routes, natural water ways or drainage easements.
16. Buildings containing explosive or flammable materials will be marked with appropriate warning signs and/or warning devices.
17. Hazardous Materials/Waste or Radioactive/Explosive Materials stored at any facility in Meade County shall be required to place a special mailbox container on the outside of the property/perimeter with copies MSDS (Sheets) for all the materials being stored, for the Fire Department or First Responders. Copies of all MSDS (Sheets) as described above must also be sent to the local Fire Department and Meade County Emergency Management.
18. Additional Construction Requirements:
 - a) Heavy equipment used on or near asphalt streets or roads must have protective pads on the asphalt as not to damaged the asphalt surface. Asphalt damaged by contractors working near or on an asphalt road or street surface must be properly repaired by the contractor. Damaged asphalt must be saw cut 6 inches at any point from the damaged area, cut in symmetrical squares or rectangles only and must be replaced with SD DOT approved "hot mix". Tack Coat must be used on all saw cut edges and the replacement asphalt mix must be compacted to 95% of maximum compaction.
 - b) Anytime a builder or property owner creates a hazard due to the construction of any structure off of a platted road or street, which may require a guardrail and/or retaining wall as determined by the Meade County Building Official and/or Inspector, Planning and/or the Meade County Highway Superintendent; the property owner and/or contractor will be responsible to install a guardrail or retaining wall at no cost to Meade County.
 - c) When using Green Block Type forms or similar type used for foundation walls, 4,000 psi concrete must be used or 3,500 psi concrete with a super-plasticizer additive may also be used so the concrete slump can be increased.
 - d) Reinforcement steel placed for footings, floors or other concrete slabs must be placed on "chairs" and can not be resting on the ground surface and pulled up during the concrete pour.
 - e) New construction requires a ground wire to be attached via an approve clamp protected by a silicon coating to the footing reinforcement steel before the concrete is placed.
 - f) Roof Trusses must be attached to the wall structures with hurricane straps (except post frame construction – see below).
 - g) Roof Trusses attached to post-frame construction must be adequately bolted to the posts.
 - h) The minimum spacing for concrete wall reinforcement steel must be, horizontal and vertical spacing 24 inches on center for up to a 8 foot wall, 18 inches vertical and 18 inches horizontal on center for walls from 8 feet to 10 feet in height, walls greater than 10 feet to be engineered by a Professional Engineer, design drawings must be provided.
 - i) Unattended open excavations or structures within subdivisions must be adequately fenced as not to create a safety hazard to the general public. An excavation left open for

90 days or more within a subdivision must be backfilled to the ground surface.

j) Compaction Requirements must be per this ordinance.

k) Pole Barn or Post Frame posts must be placed to a depth of 42 inches or greater with a minimum of 2.0 feet of concrete around each post with a minimum open hole diameter of 12 inches.

l) Concrete sidewalks, no less than four (4) feet wide, shall be constructed on both sides of all streets within a subdivision having more than 2 lots per acre and on any other locations deemed necessary by the Planning Commission. The building official shall approve sidewalk locations, however it but must be located 3.0 feet from the back of the curb to the nearest edge of the sidewalk. Sidewalks must conform to the American Disabilities Act.

Pedestrian crosswalks, not less than ten (10) feet wide, may be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, bus stops and other community facilities.

m) Minimum floor elevations must be established above the 100 year flood plain to prevent damage to buildings and structures. If no Base Flood Elevations are available for proposed medium, modified high or high density subdivisions, the developer and/or property owner must hire a registered engineer or surveyor at their cost to establish the Base Flood Elevations which must be submitted to planning for review.

Section 2.02 Climatic and Geographical Criteria

1. Ground Snow Load..... 40 psf (pounds per square foot)

A. 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 (1.44 kN/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 (0.24 kN/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 (1.2 kN/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

2. Wind Speed..... 90 mph (miles per hour)

3. Frost Line Depth. 42 inches (1,067 mm)

Section 2.03 Compaction Control

1 Description: Included in this section are the requirements for all compacted fill, including roadway embankments, backfill and road surface material.

2 Materials: This material shall be free from vegetative matter, cinder, ashes, refuse, organic matter, or other unsuitable foreign substance. Frozen material may not be used.

3. Products: Use materials as required to accomplish the results indicated and as specified in each section of the work, per Meade County Ordinance.

4. Execution: On-Site Soils

A. The following soil compaction requirements shall be achieved when placing satisfactory cohesive and/or cohesion less embankment materials in 4" to 8" layers and compacting by appropriate means to the designated percentage of maximum dry density as determined by modified Proctor Test ASTM 0-698. Road surface materials such as gravel and asphalt must be compacted to 95%.

5. Compaction Type 95% of Maximum Dry Density
(Standard Proctor)

- A. Trench Backfill
- B. Footings and Slabs
- C. Road Surface Material

6. Water content in cohesive backfill soils shall be adjusted to a value not more than 3% below, nor more than 3% above optimum unless otherwise indicated.

7. Plasticity Index above 20 shall not be permitted. Water inundation of cohesive soils will not be permitted.

8. Compaction Type: The following compaction requirements shall be achieved when placing imported select granular fill material, as shown on the drawings and compacting by appropriate means to the designated percentage of standard method for standard Proctor Test ASTM 0-698.

- A. Compaction shall be in All Locations 95%
Moisture condition to +/- 3% of the optimum moisture content
- B. Fill must be placed in 4" lifts unless field results indicate a slightly greater lift can be used at the approval of Meade County Equalization and Planning.

9. Compaction Requirements

A. In the event backfill compaction requirements are not met, the Contractor shall remove fill material, adjust moisture content if required, replace and re-compact until the required density is achieved.

10. Field ~ Control: Where embankment, backfill or road materials are required to be compacted by a specified density tests for compliance may be required by Meade County Equalization & Planning Department at the expense of the developer/ owner using the appropriate test procedures.

11. Field density tests will be performed in accordance with test procedures established in "Standard Test". Methods of Density of Soil in Place by the Nuclear Density Method", ASTM D-2922, or "Standard Test. Methods of Density of Soil-Aggregate/Gravel in Place by Nuclear Methods (Shallow Depth)," ASTM D-2922. The field tests may also be performed using the modified Proctor method.

12. The Contractor shall cooperate with testing by the owner by allowing sufficient time for testing each layer. Any layer that does not meet density requirements shall be reworked and re-compacted until it meets the specified density. Retesting of non-complying backfill or road surface materials will be the Contractor's expense.

13. Backfill moisture and density shall be determined at least every 500 feet horizontally and every three (3) feet vertically in trenches and at road/driveway crossings. However, Meade County Equalization and Planning Department may require moisture and density tests at any location and depth they desire. The Contractor shall, at his own expense, excavate the backfill at those locations and to those depths required by Building Official or Inspector to conduct moisture/density tests, if materials are suspect.

14. When specified moisture contents are not met, the Contractor has the options of drying wet soil, furnishing approved materials meeting specifications, or adding water as necessary, to soils that are too dry to meet specifications. If water is added to dry soil, it must be thoroughly mixed with the soil to provide uniform moisture content prior to backfilling.

15. Backfill material not meeting specified densities shall receive additional compaction or shall be removed and replaced at the Contractor's expense as necessary to meet specified densities. Wet soils that otherwise meet the requirements for backfill do not necessarily constitute unsuitable material. It is the contractor's responsibility to either dry the material or furnish other approved material at his expense, unless otherwise specified herein. When the Contractor furnishes backfill material, he shall also furnish the results of the AASHTO T-180 test for the furnished material.

16. The Contractor shall not place the finished surface (asphalt, curb and gutter, grass, etc.) until the specified densities are met at each test location and the Building Official or Inspector gives approval for placement.

17. Trench flooding with water as a method of compaction is prohibited.

ARTICLE 3. LICENSING

Section 3.01 Contractor Licensing

1. Definitions: "Contracting" or "subcontracting" means the enlargement, alteration, repair, improvement, conversion or new construction or demolition of any residential or commercial structure within unincorporated areas of Meade County. Does not include minor repairs completed by handyman workers.

2. "Contractor" or "subcontractor" means a proprietorship, partnership, firm or corporation, who for compensation undertakes or offers to undertake any and all types of contracting, (State Licensed Electricians and Plumbers that are contracting electrical or plumbing work, are exempt).

3. The Purpose of this section is to protect the public health, safety and welfare, and to guard

against incompetent or dishonest contractors providing unsafe, unstable or short-lived products or services.

Section 3.02 License Required

1. Required by Meade County: It is unlawful for any person or persons representing or operating under the auspices of a firm or corporation to conduct, carry on or engages in the business of contracting work or act in the capacity of a contractor, without first being issued to them a valid contractor's license by the Meade County Department of Equalization & Planning Department.

2. Exceptions

A. Employees or bona fide subcontractors of a person licensed in accordance with this section when they are under the direction and control of that person;

B. A dwelling owner for work to be done on his property which he occupies as his own home or will occupy as his own home and when the property owner is acting as his own contractor;

C. A landlord for work to be done on his property when the landlord is acting as his own building contractor;

D. A homeowner who builds, constructs, alters repairs, adds to, or demolishes any building or structure or any portion thereof that constitutes the owner's residence or a building or structure accessory thereto that is intended for the owner's personal use. An owner may build not more than one single family dwelling in a two year period without obtaining a contractor's license, provided he occupies the dwelling a minimum of one year after the final inspection is approved.

E. Buildings constructed on land classified for property tax purposes as agricultural land and which are intended for primarily agricultural use.

F. Utility Contractors that work for public utilities are exempt.

Section 3.03 License Application

1. A contractor license shall be issued to every proprietorship, partnership, firm or corporation who makes application for such license, pays the required application fee, and meets the requirements as stated in this section.

2. Contractors including any subcontractors must show proof they have been in the business of contracting for more than ninety days. If the 90 day requirements is not met, a review and interview by the Department of Equalization and Planning will be required to determine eligibility before a license may be issued after all license fees are paid.

3. License Use Restricted. No licensed contractor shall allow his name to be used by any other person directly or indirectly, either to obtain a building permit or to perform any type of contracting outside his personal supervision.

4. License Term Renewal. All initial licenses issued under the provisions of this chapter shall expire on second year of issuance, beginning on February 1, 2006. All renewal fees shall be paid on or before the expiration date of the license. The renewal shall be valid for a 1 year period at a cost of \$50.00. Licenses that are expired more than 30 days require that a new initial license be issued at the cost of \$100.00.

5. Contractors and subcontractors must have and provide proof of insurance (General Liability Insurance), State issued Excise Tax Number and Workman's Comp Insurance at the time the license application is submitted.

6. Private (non-utility) contractors and subcontractors that perform work in any Public Right-of-Way must provide a Performance Bond to Meade County Equalization & Planning and obtain a permit to complete work in the Public Right-of-Way in Meade County. A Right-of-Way Permit Fee shall be \$25.00. Utility Contractors for public utilities are exempt.

Section 3.04 License Application Fees

1. Each person applying for a contractor's license shall pay to Meade County Equalization and Planning an initial fee of one hundred dollars (\$100.00). The initial license is valid for two years. The annual renewal fee shall be fifty dollars (\$50.00), due on or before the expiration date of the license each and every year thereafter.
2. A person may put his contractor's license under inactive status; however, during that time, he may not work as a contractor within the unincorporated areas of Meade County.

Section 3.05 Violations and Penalties

1. Any person who shall commence any construction for which a permit is required by this ordinance without first having obtained a permit prior to construction, shall be assessed a penalty in accordance with the Meade County Amendment to the International and Residential Building Codes Adopted July 7th, 2010; however this provision shall not apply to emergency work, when it shall be proved to the satisfaction of the Director of Equalization & Planning that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so.
2. It shall be within the discretion of the Meade County Commissioners to revoke a license of any contractor who has been doing work without a required permit. It shall also be within the discretion of the Meade County Commissioners to revoke any contractor's license if it is determined by the Meade County Commissioners that the contractor's work product has been consistently substandard by consistently violating the adopted Uniform Building Code or that the residential contractor has consistently displayed bad faith in dealing with consumers.
3. Unlicensed contractors or subcontractors working within the unincorporated boundaries of Meade County may pay double the License Fee and then shall be issued a Contractor License with a probation period of one (1) year only. At that time their work will be reviewed and a determination will be made by the Department of Equalization and Planning whether a Renewed License will be granted.
4. A licensed contractor who is the subject of an investigation by the Board of Commissioners shall cooperate fully with the board in its investigation. Cooperation includes, but is not limited to:
 - a. Responding fully and promptly to questions raised by the board;
 - b. Providing copies of records in the person's possession relative to the matter under investigation, as requested by the Board of Commissioners.
 - c. Disagreement of any decision made by the Board of Commissioners may be appealed within 45 days by requesting another hearing before the Board of Commissioners.
6. Disagreement of any decision made by a Meade County Building Inspector can be appealed to the Director of Equalization & Planning.
7. Any administrative fee or penalty imposed under the provisions of this Section shall be in addition to any other fee or penalty prescribed by this Ordinance.

ARTICLE 4. VIOLATION AND PENALTIES

Section 4.01 Working Without a Permit:

1. Any person who starts work for which a Building Permit required by this Ordinance or other established Ordinances of Meade County, without first securing such permit and paying the prescribed fee, may be charged according to the provisions of this section.
2. Upon finding such violation, the Department of Equalization & Planning shall send written Notice of Violation addressing the requirement that a Building Permit (or other required County Permit) is required and must be obtained; said notice will be sent to the owner of the property with the violation by certified mail with a return receipt requested. If application for said permit is made within seven (7) working days from the date of receipt of the letter, an administrative fee may be assessed in the amount of one hundred dollars (\$100.00) plus the actual fee for the permit.
3. If application for any required County permit is filed after the deadline of seven (7) working days following receipt of the NOV, (Notice of Violation), there may be imposed an administrative fee in the amount of one hundred dollars (\$100.00) plus two (2) times the actual permit fee for a Building Permit and three (3) times the actual permit fee for all other required County permits. The payment of the administrative fee shall not relieve such person from the provisions of (2) below.

Section 4.02 Additional Inspections

1. The penalty for required Building Inspections that were not scheduled by the builder of the structure shall be \$150.00 per required inspection plus the cost of materials and testing which may be required by Meade County's building inspector and shall be the responsibility of the builder.

Section 4.03 Penalties

1. In addition to other remedies set forth in this ordinance, violation of this ordinance may be punishable by thirty days imprisonment in a county jail or five hundred dollars fine, or both; each day in violation may be deemed a separate offense.
2. The provisions of this ordinance shall be administered and enforced by a County Ordinance Enforcement Officer appointed by the Meade County Board of County Commissioners, who shall have the power to make inspections of buildings or premises necessary to carry out his duties in enforcement of the ordinance;
3. The County Ordinance Enforcement Officer shall have the power to appoint deputies to assist in his duties, such deputies to be approved by the Meade County Board of County Commissioners;
4. The County Ordinance Enforcement Officer, and any deputies appointed, shall have authority to issue an ordinance violation notice which shall specify, in addition to other information as discretion of such officer, the following
 - (a) the date of violation;
 - (b) the nature of violation;
 - (c) the amount of fine associated with the violation;
 - (d) the date the individual is required to appear in court unless the designated fine is paid prior thereto; and
 - (e) the signature, or noted refusal to sign, of the violator.
5. An ordinance violation notice issues under authority of this ordinance **shall be enforced as a criminal proceeding before a magistrate court.**

ARTICLE 5. VARIANCES

Section 5.01 Variance Procedure

1. The Meade County Planning Board of Commissioners shall hear requests for variances from the terms of this ordinance. The board shall base its determination on technical justifications, and has the right to recommend to the Governing Board of Commissioners such conditions to variances as it deems necessary to further the purposes and objectives of this ordinance.

2. In granting variances, modifications, and approvals, the Governing Board of Commissioners may require such conditions that will, in its judgment, secure substantially the objectives or the standards or requirements so varied, modified, or approved. In granting any variance the Governing Board of Commissioners may prescribe conditions that it deems necessary or desirable for the public interest. These conditions may include, without being limited to personal, surety, performance, or maintenance bonds, affidavits, covenants, or other legal instruments. In making its findings as required herein the Governing Board of Commissioners may take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work near the site and the probable affect of the requested variance upon living conditions in the vicinity. The Board must deem the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner, and must deem there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land

Section 5.02 Application Required

1. Applications for any such variance shall be submitted in writing by the property owner at the time when the application is filed for consideration by first the Planning Board and if recommended by the Planning Board to the Governing Board of Commissioners; stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the Planning Board or the Governing Board of Commissioners in the analysis of the proposed variance.

2. Applications for variance shall be considered by the Meade County Governing Board of Commissioners and they will render its decision at the hearing or no later than forty-five (45) days after the hearing at which the request for a variance was submitted. All variances must be approved by the Governing Board of Commissioners.

Section 5.03 Requirements for granting Variance

The Meade County Governing Board of Commissioners shall have the authority to grant a Variance. The person claiming the Variance has the burden of showing:

- A. That the granting of the Variance will not be contrary to the public interest;
- B. That the literal enforcement of the Ordinance will result in unnecessary hardship;
- C. That in granting the Variance contrary to the provisions of the Ordinance the spirit of the ordinance will be observed; and
- D. That by granting the Variance, justice will be done.

Section 5.04 Report to the County Board of Commissioners

For each application for a Variance, the property owner will coordinate with the Administrative Assistant to the Governing Board of Commissioners to set a date and time for a public hearing regarding the variance request.

Section 5.05 Penalties For Violation Of Ordinance No. 34

1. Violation of this ordinance may be a Class 2 misdemeanor, and each day's violation may constitute a separate offense. In addition to the criminal penalty set forth above, the Governing Board of County Commissioners may immediately suspend all of the permits or the construction activities which does not meet the requirements of this Ordinance. If a suspension occurs, the reasons for such suspension shall be clearly stated by the Governing Board of Commissioners. The suspension on permits or construction activities may be lifted by the Governing Board of Commissioners upon satisfactory approval that the reasons which led to the suspension have been remedied.

ARTICLE 6. SEVERABILITY AND SEPARABILITY

Should any Article, Section, Sub-section or Provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

ARTICLE 7. EFFECTIVE DATE

Ordinance No. 34 shall take effect and be in force from and after 20 days from the date of completed publication. Adopted this 6th day of October, 2010

Dated at Sturgis, South Dakota, this 6th day of October, 2010

Chairman Bob Mallow _____
Meade County Commissioner

Attested: _____
Lisa Schieffer, Meade County Auditor

First Reading: April 1st, 2008
Second Reading: April 7th, 2008
Adopted: April 7th, 2008
Published:
Effective date:

Revision
First Reading: February 3, 2010
Second Reading: March 3, 2010
Adopted: March 3, 2010
Published: March 10 & 17, 2010
Effective Date: April 6th, 2010

Revision
First Reading: September 8, 2010
Second Reading: October 6, 2010
Adopted: October 6, 2010
Published: October 13 & 20, 2010
Effective Date: November 9, 2010

**AMENDMENTS TO MEADE COUNTY ADOPTED 2006 INTERNATIONAL BUILDING and
RESIDENTIAL CODE
Referenced in Ordinance No. 34 (Building Code and Construction)**

2006 International Building and Residential Code

Appendix E of the International Residential Code

Section AE605

ADD -

AE 605.1.MC1 - Manufactured Homes or Mobile Homes placed in Meade County must set on a foundation per Appendix E of the 2006 International Residential Code per the manufactures engineered recommendations. If the manufactured recommendations are not available, the U.S. Department of Housing and Urban Development's Permanent Foundation Guide for Manufactured Housing Handbook 4930.0 or the most current version must be followed for foundations. Manufactured Homes and/or Mobile Homes must be tied down in accordance Section AE605 Ties, Materials and Installation.

AE 605.1.MC2 - Manufactured Housing or Mobile homes set within an airport ACUIZ that are not set on a permanent basement foundation, must have sound attenuated under-skirting of ½ inch thickness fiber cement board, plywood or OSB with 10 inch thick fiberglass, mineral fiber, cellulose or 5½ inch thick closed cell sprayed on foam insulation. Skirting must attach to a concrete foundation strip place around the perimeter of the structure or at a minimum 2x4 or 2x6 pressure treated wood framing; due to ground contact requirements.

Adopt Appendix G - Flood Resistant Construction of the 2006 International Building Code

Section G103 Powers and Duties

ADD-

G103.9 –MC1 - High Ground Water Special Hazard Areas

Where there is a known or suspected high groundwater table of 8 feet or less; this area shall be considered a High Ground Water Special Hazard Area. Requirements shall be that the building official shall request a soil boring of not less than 8 inches in diameter to be placed within the subsurface soils to a depth of 8 feet; to be left open for 72 hours to check for possible groundwater intrusion with in soil boring before a building permit is issued; (for normal rainfall seasons). In periods of drought, the soil boring shall be placed an additional 2 feet deeper, being 10 foot in depth. The building official shall check the soil boring for possible groundwater intrusion. If groundwater is present within the soil boring, No Basement will be permitted in this area, only a crawl space will be allowed.

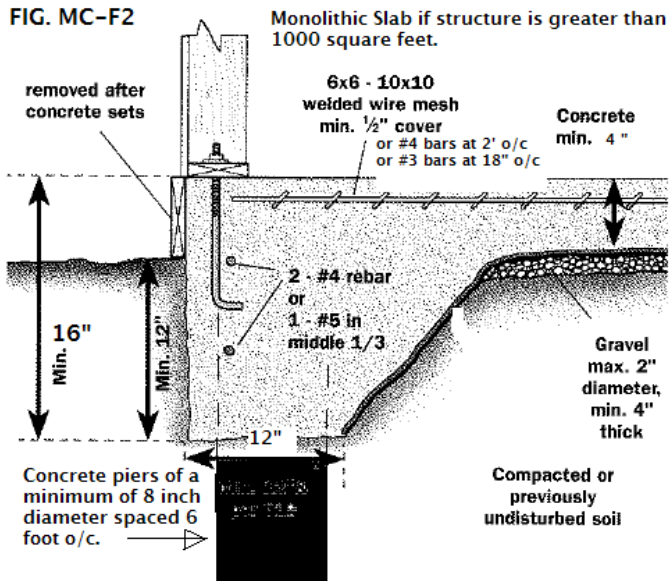
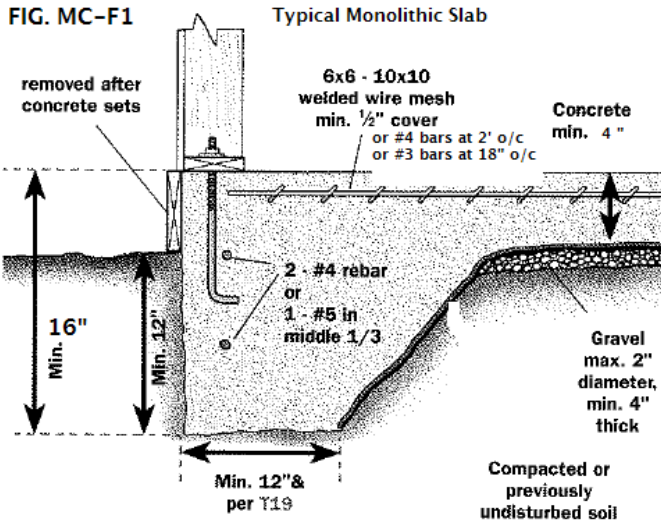
Adopt Appendix J – Grading, International Building Code

International Residential Code

Section R403 Foundations

ADD-

Section R403.1.1 MC1- All concrete slabs and foundations will meet the minimum concrete reinforcement requirements of the entire section referencing Seismic Design Category Class D for the entire County of Meade. Monolithic slabs shall be installed in accordance with Figure MC-F1 and MC-F2.



FAILURE TO OBTAIN A BUILDING PERMIT PER ORDINANCE NO. 34:

Enforcement for not obtaining a building permit: If your estimated construction costs for a building permit are \$1,000.00 to \$25,000.00 the fine would be \$100.00, for \$25,001.00 to \$75,000.00 the fine would be \$200.00, for \$75,001.00 to \$120,000.00 the fine would be \$300.00, for \$120,000.00 to \$170,000.00 the fine would be \$400.00, for \$170,001.00 and above will be a \$500.00. This rule applies to agricultural properties as well as non-agricultural properties including commercial and properties with an "exempt" status.

Building permit costs will be based on a written cost estimate with supporting documentation, (invoices or estimated cost of materials, labor, etc.)

EFFECTIVE DATE

Ordinance No. 34 amendments to the International Residential and Building codes shall take effect and be in force from and after 20 days from the date of completed publication. Adopted the 7th day of July, 2010.

Dated at Sturgis, South Dakota, this 7th day of July, 2010.

Chairman Bob Mallow _____
Meade County Commissioner

Attested: _____
Lisa Schieffer, Meade County Auditor

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| First Reading: June 2, 2010 Second Reading: July 7, 2010 Adopted: July 7, 2010 Published: July 14 & 21, 2010 Effective Date: August 8, 2010 |
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