

**BUILDING AND CONSTRUCTION ORDINANCE**  
**Meade County Ordinance No. 34** <sup>3</sup>

**AN ORDINANCE OF MEADE COUNTY, SOUTH FOR BUILDING AND  
CONSTRUCTION WITHIN THE UNINCORPORATED BOUNDARIES OF MEADE  
COUNTY, SOUTH DAKOTA**

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**ARTICLE 1. ADOPTION, AUTHORITY, PURPOSE AND JURISDICTION**

**Section 1.01 Building Standards, Plan Review, References Used and Permits**

The International Building Code, 2015 edition, including Appendix C and Appendix I and the 2015 and International Residential Code, as published by the International Code Council Inc., and Meade County approved amendments and additions thereto as provided will be inherent of this ordinance as the building standards and will be used by Meade County as references to the applicable requirements of this ordinance South Dakota Codified Laws Chapter 11-10-5, 11-10-9 and Administrative Rules 61:15:01:14 and 61:15:01:17 for plan review and inspections of 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 2015 edition of the International Building and International Residential Codes and amendments thereto shall be the references used for any building permit issued after the effective date of this ordinance. A printed copy of such code and additions and amendments thereto is on file with the Meade County Equalization and Planning Department along with the current version of the Handbook for South Dakota Building Officials and Design Professionals, South Dakota State Board of Technical Professionals).

1. **Scope:** The following regulations shall be known as the Building and Construction Ordinance of Meade County, South Dakota hereinafter referred to as "this ordinance." The provisions of this ordinance 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. **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.

- D. **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.
3. Enforcement agency. The Planning Department shall be the enforcement agency and the official in charge thereof shall be known as the Equalization and Planning Director or his/her assignees.
  4. Building Inspector. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Director of Equalization and Planning or designate has 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 or inspector, the commission (Meade County elected Commissioners), or employee charged with the enforcement of this ordinance, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this ordinance 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 this ordinance or other pertinent laws or ordinances implemented through the enforcement 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 ordinance 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 enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this ordinance or any permits or certificates issued under this ordinance.
  6. Permits Required. Except as specified in Section 2.01, no building or structure regulated by this code ordinance 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 ordinance shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this ordinance 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. 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 requirements referred to in this ordinance.

- 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 and/or windows and doors the same size.
  - 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 (not permanently anchored)
8. The building official or assignee 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 the county assessors cost program/manual.

For Mobile Homes placed in a mobile home park without a permanent foundation a building permit application fee only applies.

Mobile Homes placed on property (other than a park), a building permit shall be required.

Mobile home moving permit is required each time a structure is moved within the unincorporated boundaries of Meade County through the Treasures department.

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 the County assessors cost manual.  
All fees to be set by resolution of the Commission
4. Return Building Inspections for corrective action; cost to be determined by resolution of the Commission
5. **Demolition Permit Fees-** cost to be determined by resolution of the Commission, for commercial structures, residential and agricultural structures have no fees for demolition. Fire Departments are exempt from demolition permit fees.
6. Contractors and homeowners 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.
7. 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 with Article 4, Section 4.01. Residential Structures on agricultural property are not exempt from fees.
8. Stormwater fee will be in accordance with Meade County's Stormwater and Water Quality Ordinance No. 52.

### **Section 1.03 Building or Construction Inspections**

1. Building inspections: are required for each major phase of construction including a foundation inspection (footings & walls), 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 this ordinance. 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 fee. Fee to be determined by resolution of the Commission.
  - 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.
  - C. Building inspections for rough carpentry/framing will only be performed after the State Electrical and Plumbing Inspectors have completed their "rough-in" inspections.
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. Before a final inspection is performed by Meade County, the State Electrical and Plumbing Inspectors must have first completed their inspection before the final inspection is initiated by Meade County.

B. 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 an 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 are 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 Meade County Building Official, 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 this ordinance.
2. All structures shall conform to Meade County Flood Damage Prevention 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.

- A. Minimum floor elevations must be established 1' 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.
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, (including Individual Wastewater Systems). Applicants for building permits must have a set of plans approved by the Meade County Building Official and a written cost of construction estimate available for review a minimum of 48 hours before the building permit is to be issued.
4. Contractors or subcontractors must provide a copy of the concrete delivery tickets when requested by the building inspector 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 the edge of any Right-of-Way 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.
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, (measured from the edge of eave to edge of eave).
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 SDDENR.
12. Building Permits will be issued for only one residential dwelling unit per each platted lot, accept in a case of a variance approved it in accordance with Ordinance No. 20. Multiple residential dwelling permits will be allowed in a subdivision designed for that specific purpose.
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 ICF's (insulated concrete forms) used for foundation walls, 4,000 psi concrete must be used or 3,500 psi concrete with a super-plasticizer additive.

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. Vertical "L" wall reinforcement steel for wall connections must be wet set.

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 with a minimum of a ½ inch carriage bolt.

h) The minimum spacing for concrete wall reinforcement steel must be, horizontal and vertical spacing 24 inches on center minimum for up to a 6 foot wall, 18 inches vertical and 18 inches horizontal on center minimum for walls from 6 feet to 10 feet in height, walls greater than 10 feet must be engineered by a South Dakota Registered 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 (frost depth) 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 shall be placed in accordance with Ordinance No. 20. The building official shall approve sidewalk locations, public sidewalks that run along a street or road must be located 3.0 feet from the back of the curb to the nearest edge of the sidewalk (where feasible). 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) An Erosion Control Plan is required per Meade County Stormwater and Water Quality Ordinance No. 52.

**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.....115 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

## **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.

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 state licensed electricians and state licensed plumbers are exempt for the licensing requirement.

### **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 fee shall be set by resolution of the Commission. Licenses that are expired more than 30 days require that a new initial license be issued according to the fee set by resolution of the Commission.
5. Contractors and subcontractors must have and provide proof of insurance (General Liability Insurance with \$500,000.00 coverage at a minimum), a state issued Excise Tax Number and Workman's Comp Insurance at the time the license application is submitted.
6. Private (non-utility) and public utility contractors and subcontractors that perform work in any Public Right-of-Way must obtain permission from the Meade County Highway Department before work begins.

### **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 which shall be set by resolution by the Commission. The initial license is valid for two years. The annual renewal fee shall be also set by resolution by the Commission, 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 Article 4, Section 4.01 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 Commission with the recommendation of the Building Official 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 Commission to revoke any contractor's license if it is determined by the Meade County Building Official that the

contractor's work product has been consistently substandard by consistently violating this ordinance 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 shall 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 Meade County Commission 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 Commission.
- c. Disagreement of any decision made by the Commission may be appealed within 45 days by requesting another hearing before the Commission.

6. Disagreement of any decision made by a Meade County Building Inspector can be appealed to the Director of Equalization & Planning first, and then the Meade County Commission if the issue is not resolved.

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 without 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 which shall be set by resolution of the Commission 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 set by resolution of the Commission plus two (2) times the actual permit fee for a Building Permit for commercial type structures. The payment of the administrative fee shall not relieve such person from the other fees below.

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

- a. Enforcement for not obtaining a residential building permit will be based on a set of fines set by resolution of the commission. Fines will be based on estimated

construction costs for a building permit with the cost breakdowns as follows; \$1,000.00 to \$25,000.00, \$25,001.00 to \$75,000.00, \$75,001.00 to \$120,000.00, \$120,000.00 to \$170,000.00 and \$170,001.00 and above. This rule applies to agricultural properties as well as non-agricultural properties including commercial and properties with an "exempt" status.

- b. Building permit costs will be based on a written cost estimate with supporting documentation, (invoices or estimated cost of materials, labor, etc.) or the assessors construction costs program/manual.

#### **Section 4.02 Additional Inspections**

1. The penalty for required Building Inspections that were not scheduled by the builder of the structure shall be set by resolution of the Commission 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 Commission, 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 Commission;
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 issued under authority of this ordinance shall be enforced as a criminal proceeding before a magistrate court.
6. 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 Meade County Commission 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 Commission. The suspension on permits or construction activities may be lifted by the Commission upon satisfactory approval that the reasons which led to the suspension have been remedied.

## **ARTICLE 5. VARIANCES**

### **Section 5.01 Variance Procedure**

1. The Meade County Planning Board 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 Commission 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 Commission 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 Commission 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 Commission 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 Commission; 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 Commission in the analysis of the proposed variance.

2. Applications for variance shall be considered by the Commission 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 finally approved by the Commission.

3. The applicant must pay a variance fee which shall be set by resolution of the Commission at the time the application is submitted to the Equalization & Planning Department.

### **Section 5.03 Requirements for granting Variance**

The Commission 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 Equalization & Planning Department**

For each application for a Variance, the property owner will submit an application with the Equalization and Planning Department.

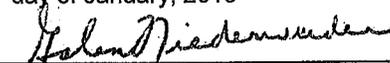
**ARTICLE 6. SEVERABILITY AND SEPARABILITY**

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 27<sup>th</sup> day of January, 2016

Dated at Sturgis, South Dakota, this 27<sup>th</sup> day of January, 2016

Chairperson Galen Niederwerder   
Meade County Commissioner (Chair)

Attested:   
Lisa Schieffer, Meade County Auditor

<p>First Reading: April 1<sup>st</sup>, 2008 Second Reading: April 7<sup>th</sup>, 2008 Adopted: April 7<sup>th</sup>, 2008 Published: Effective date:</p> <p><b>Revision</b> First Reading: February 3, 2010 First Reading: February 3, 2010 Second Reading: March 3, 2010 Adopted: March 3, 2010 Published: March 10 &amp; 17, 2010 Effective Date: April 6<sup>th</sup>, 2010</p>	<p><b>Revision</b> First Reading: September 8, 2010 Second Reading: October 6, 2010 Adopted: October 6, 2010 Published: October 13 &amp; 20, 2010 Effective Date: November 9, 2010</p> <p><b>Revision</b> First Reading: December 9<sup>th</sup>, 2015 Second Reading: January 27<sup>th</sup>, 2016 Adopted: January 27<sup>th</sup>, 2016 Published: February 10<sup>th</sup> &amp; 17<sup>th</sup>, 2016 Effective Date: March 8<sup>th</sup>, 2016</p>
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**MEADE COUNTY AMENDMENTS TO 2015 INTERNATIONAL BUILDING AND  
RESIDENTIAL CODE (Appendix A)  
Referenced in Ordinance No. 34 Building Code and Construction**

**2015 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 2015 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**

**Monolithic (thickened edge) Foundation**

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.

FIG. MC-F1

Typical Monolithic Slab

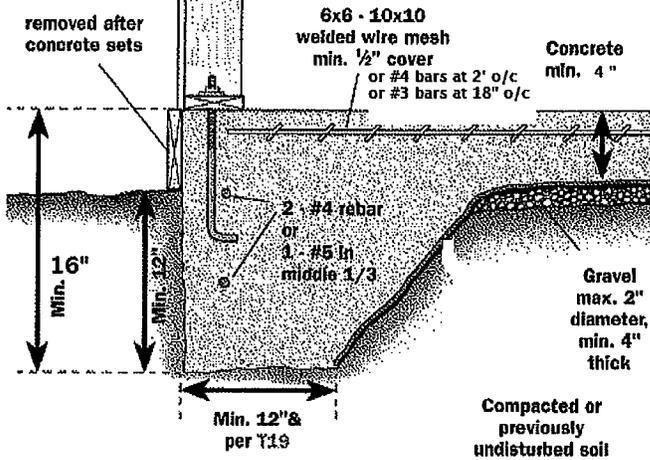


FIG. MC-F2

Monolithic Slab if structure is greater than 1000 square feet.

