

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

156R0357

## SENATE ENGROSSED NO. **SB 68** - 2/3/2010

Introduced by: Senators Gant and Miles and Representatives Kirkeby and Feickert

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to standards for new  
2 construction.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 11-10-5 be amended to read as follows:

5 11-10-5. If the governing body of any local unit of government adopts any ordinance  
6 prescribing standards for new construction, ~~such~~ the ordinance shall comply with the ~~2006~~ 2009  
7 edition of the International Building Code as published by the International Code Council,  
8 Incorporated. The governing body may amend, modify, or delete any portion of the International  
9 Building Code before enacting such an ordinance. Additional deletions, modifications, and  
10 amendments to the municipal ordinance may, ~~from time to time~~, be made by the governing body  
11 and are effective upon their adoption and filing with the municipal finance officer. Additional  
12 deletions, modifications, and amendments to the county ordinance may, ~~from time to time~~, be  
13 made by the governing body, and are effective upon their adoption and filing with the county  
14 auditor. ~~The~~ No ordinance may ~~not~~ apply to mobile or manufactured homes as defined in  
15 chapter 32-7A which are constructed in compliance with the applicable prevailing standards of



1 the United States Department of Housing and Urban Development at the time of construction.  
2 No ordinance may require that any fire sprinkler be installed in a single family dwelling. No  
3 ordinance may apply to any specialty resort or vacation home establishment as defined in  
4 chapter 34-18 that is constructed in compliance with the requirements of Group R-3 of the 2009  
5 edition of the International Building Code.

6 Section 2. That § 11-10-6 be amended to read as follows:

7 11-10-6. The design standard for any new construction commenced after July 1, 2009,  
8 within the boundaries of any local unit of government that has not adopted an ordinance  
9 prescribing standards for new construction pursuant to § 11-10-5 shall be based on the ~~2006~~  
10 2009 edition of the International Building Code as published by the International Code Council,  
11 Incorporated. Each local unit of government may adopt an ordinance allowing local  
12 administration and enforcement of the design standard. The provisions of this section do not  
13 apply to new construction for any one or two family dwelling, mobile or manufactured home,  
14 townhouse, or farmstead and any accessory structure or building thereto. For purposes of this  
15 section the term, farmstead, means a farm or ranch, including any structure or building located  
16 on the land. The provisions of this section do not apply to any mobile or manufactured home  
17 as defined in chapter 32-7A which is used for purposes other than residential that is constructed  
18 in compliance with the applicable prevailing standards of the United States Department of  
19 Housing and Urban Development at the time of construction if the structure complies with  
20 applicable accessibility standards for the occupancy intended. The provisions of this section do  
21 not apply to any specialty resort or vacation home establishment as defined in chapter 34-18 that  
22 is constructed in compliance with the requirements of Group R-3 of the 2009 edition of the  
23 International Building Code.