

ARTICLE IV.

Formatted: Centered, Indent: Left: 0 pt, First line: 0 pt

EXISTING BUILDING CODE

Section 11-51. Adopted.

The International Existing Building Code, 2006 edition, including Appendix A, Referenced Standards, and Resource A, Guidelines on Fire Ratings of Archaic Materials and Assemblies, as published by the International Code Council Inc., and amendments and additions thereto as provided in this article are hereby adopted as the Existing Building Code by the city as an alternate for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings, as herein provided and provides for the issuance of permits and the collection of fees therefore. The alternate minimum building standards in the 2006 edition of the International Existing Building Code and amendments thereto shall be applied to any building permit issued after May 31, 2007.

A printed copy as amended is on file with the city clerk.

Section 11-52. Amendments, additions, and deletions to the 2006 International Existing Building Code.

The following sections and subsections of the existing building code adopted in this article shall be amended, added, or deleted as follows. All other sections or subsections of the 2006 International Existing Building Code shall remain the same.

101.1 Title. These regulations shall be known as the *Existing Building Code* of the City of Sioux Falls, hereinafter referred to as “this code.”

Deleted: [NAMEOFJURISDICTION]

103.1 Enforcement agency. Building Services is hereby created, and the official in charge thereof shall be known as the building official.

Deleted: Creation of enforcement

Deleted: The Department of Building Safety

103.2 Appointment. Deleted.

Deleted: code

Deleted: The building official shall be appointed by the chief appointing authority of the jurisdiction.

104.8 Liability. The code official, member of the board of appeals, 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 any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city’s insurance pool and immunities and defenses provided by other applicable state and federal laws. The code official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

Deleted: shall be defended by legal representative of the jurisdiction until the final termination of the proceedings

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

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

105.1 Required. Any owner or authorized agent who intends to repair, add to, alter, relocate, demolish, or change the occupancy of a building or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit. The building official may exempt permits for minor work.

107.1 General. The code official is authorized to issue a permit for temporary uses. Such permits shall be limited as to time of service but shall not be permitted for more than 365 days. Extensions beyond 365 days are not allowed. Structures used as a temporary business office shall be provided with an accessible route that meets accessibility requirements of this code.

Deleted: 105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the code official is authorized to issue an annual permit upon application therefore to any person, firm, or corporation regularly employing one or more qualified trade persons in the building, structure, or on the premises owned or operated by the applicant for the permit.¶

107.3 Temporary power. The code official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in the Electrical Code.

¶
105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The code official shall have access to such records at all times, or such records shall be filed with the code official as designated

108.7 Delinquent accounts. The city may refuse to issue permits or conduct inspections for any person or business whose account is delinquent.

Deleted: 180

109.3.1 Footing or foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. If an inspection is required for concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready-mixed in accordance with ASTM C 94, the concrete need not be on the job.

Deleted: The code official is authorized to grant extensions for demonstrated cause.

Deleted: ICC

Deleted: F

110.1 Altered area use and occupancy classification change. No building undergoing a change in occupancy shall be used or occupied, and no change in the existing occupancy classification of a building or portion thereof shall be made until the code official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Deleted: No altered area of a building and no relocated

Formatted: Font: (Default) Times New Roman, Not Bold

110.2 Certificate issued. After the code official inspects the building and finds no violations of the provisions of this code or other laws that are enforced by Building Services, the code official shall issue a certificate of occupancy that shall contain the following:

Deleted: the Department of

Deleted: Safety

1. The building permit number.
2. The address of the structure.

3. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

Deleted: 3.
Deleted: The name and address of the owner.¶
4.

4. The name of the code official.

Deleted: A description of that portion of the structure for which the certificate is issued.¶

5. The edition of the code under which the permit was issued.

Deleted: 5.

6. The use and occupancy in accordance with the provisions of the *International Building Code*.

Deleted: 6.

Deleted: 7.

Deleted: 8.

7. The type of construction as defined in the *International Building Code*.

Deleted: 9.

8. The design occupant load in assembly occupancies only.

Deleted: 10.

9. If fire protection systems are provided, whether the fire protection systems are required.

Deleted: and any impact the alteration has on the design occupant load of the area not within the scope of the work.

10. Any special stipulations and conditions of the building permit.

Deleted: ¶

Deleted: 11.

Formatted: Indent: Left: 36 pt, Hanging: 36 pt, Tabs: 72 pt, Left

Deleted: 12.

Deleted: code

112.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the building official, the assistant director of building services, and the fire code official relative to the application and interpretation of this code and the fire code, to review all prospective changes to the respective codes and to submit recommendations to the responsible official and the city council, to approve permits for house moves and to examine applicants for licensing and to investigate matters brought to the board there shall be and is hereby created a board of appeals. Members shall be appointed by the mayor with the advice and consent of the city council and shall hold office for three-year terms. The board shall adopt rules of procedure for conducting its business and shall render all decisions in writing to the appellant with a duplicate copy to the Building Services department.

Deleted: The board of appeals

Deleted: shall be appointed by the governing body

Deleted: at its pleasure

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority relative to the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

113.3 Prosecution of violation. If the notice of violation is not complied with promptly, the code official is authorized to request the legal counsel of the jurisdiction to deem the violation as a strict liability offense and institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful

Formatted: Font: (Default) Times New Roman, Not Highlight

Formatted: Font: (Default) Times New Roman

occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

SECTION R202-DEFINITIONS. Add the following definition.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

[ICC EC] 302.6 Electrical. Additions, alterations, renovations, or repairs to electrical installations shall conform to the *Electrical Code* without requiring the existing installation to comply with all of the requirements of this code. Additions, alterations, or repairs shall not cause an existing installation to become unsafe, hazardous, or overloaded.

Deleted: ICC

Minor additions, alterations, renovations and repairs to existing installations shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous, and is approved.

[P] 302.9 Plumbing. Additions, alterations, renovations, or repairs to plumbing installations shall conform to the *Plumbing Code* without requiring the existing installation to comply with all of the requirements of this code. Additions, alterations, or repairs shall not cause an existing installation to become unsafe, hazardous, or overloaded.

Deleted: International

Minor additions, alterations, renovations, and repairs to existing installations shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous, and is approved.

[ICC EC] 305.6 Electrical. It shall be unlawful to make a change in the occupancy of a structure that will subject the structure to the special provisions of the *Electrical Code* applicable to the new occupancy without approval. The code official shall certify that the structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety, or welfare.

Deleted: ICC

[P] 305.9 Plumbing. It shall be unlawful to make a change in the occupancy of a structure that will subject the structure to the special provisions of the *Plumbing Code* applicable to the new occupancy without approval. The code official shall certify that the structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

Deleted: International

507.1 Material. Existing electrical wiring and equipment undergoing repair shall be allowed to be repaired or replaced with like material. Minor additions, alterations, and repairs to existing electrical systems or equipment may be installed in accordance with the law in effect at the time the original installation was made, when approved by the electrical inspector.

Deleted: ¶

Formatted: Font: (Default) Times New Roman

507.1.4 Groups B and I-2 receptacles. Non-“hospital grade” receptacles in areas used for patient care locations of Group B, medical offices, and Group I-2 shall be replaced with “hospital grade” receptacles, as required by NFPA 99 and Article 517 of NFPA 70.

Deleted: bed

507.1.6 New electrical service entrances in existing single-family and multiple-family dwellings. When adding a new service entrance with increased amperage, the existing electrical system shall, at a minimum, comply with the following:

Formatted: Font: Bold, Not Italic

Formatted: Font: Bold, Not Italic

- (1) *Kitchens.* Each kitchen shall have a minimum of one 20 ampere circuit serving a countertop receptacle, and a grounded receptacle serving a refrigerator.
- (2) *Overcurrent device location.* Each occupant shall have access to his branch circuit overcurrent devices, without going outdoors or through another occupancy.
- (3) *Habitable areas.* All habitable areas, other than closets, kitchens, basements, garages, hallways, laundry areas, utility areas, storage areas, and bathrooms shall have a minimum of two duplex receptacle outlets, or one duplex receptacle outlet and one ceiling or wall-type lighting outlet. Each habitable room shall have a receptacle spaced not more than 12 feet on center around the perimeter of the habitable room.
- (4) *Minimum lighting outlets.* At least one lighting fixture shall be provided in every habitable room, bathroom, hallway, stairway, attached garage, and detached garage with electrical power, in utility rooms and basements where such spaces are used for storage or contain equipment requiring service, and to illuminate outdoor entrances and exits. Each habitable room, hallway, basement, electrical panel location, egress entrance door, attached garage and detached garage provided with power shall have at least one ceiling or wall lighting fixture and a wall switch and/or switch receptacles located at the point of entrance to the room.
- (5) *Ground fault circuit interrupters.* Ground fault circuit interrupter protection shall be provided for all receptacles in bathrooms, above kitchen counters, attached and detached garages provided with power, at readily accessible receptacles within six feet of sinks, unfinished basements, and at outdoor locations. The exceptions of the National Electrical Code 210.8(A) 3 and 5 shall apply.
- (6) Each unfinished basement, separate kitchen counter location 12 inches or wider, bathroom adjacent to a basin, attached garage, or detached garage with power shall have at least one receptacle to serve these areas.
- (7) *Laundries.* Each laundry shall be provided with at least one separate 20 ampere circuit.
- (8) *Heat sources.* Any heat source shall be provided with a separate circuit.

Formatted: Indent: Left: 36 pt, Tabs: Not at 0.05 pt + 36 pt

Formatted: Font: Italic

(9) Exposed wiring methods. All exposed wiring methods shall be installed in accordance with the applicable National Electrical Code article.

509.1 Materials. Plumbing materials and supplies shall not be used for repairs that are prohibited in the Plumbing Code.

Deleted: *International*

602.3 Materials and methods. All new work shall comply with materials and methods requirements in the Electrical Code, International Building Code, International Energy Conservation Code, International Mechanical Code, and Plumbing Code, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

Deleted: ICC

Deleted: *International*

[M] 602.3.2 International Mechanical Code. The following sections of the International Code shall constitute the mechanical materials and methods requirements for Level 1 alterations.

1. All of Chapter 3, entitled “General Regulations,” except Sections 303.7 and 306.
2. All of Chapter 5, entitled “Chimneys and Vents.”
3. All of Chapter 6, entitled “Specific Appliances.”

[R] 602.3.3 International Residential Code. The following sections of Part V—Mechanical of the International Residential Code shall constitute the residential mechanical and fuel gas materials and methods requirements for Level 1 alterations.

Formatted: Font: (Default) Times New Roman, Italic

Formatted: Font: (Default) Times New Roman, Not Bold

1. All of Chapter 13, entitled “General Mechanical System Requirements,” except Section M1305.
2. All of Chapter 18, entitled “Chimneys and Vents.”
3. All of Sections G2431 through G2453 governing the appliances and equipment specifically identified therein.

Formatted: Indent: Left: 36 pt, Tabs: Not at 0.05 pt + 36 pt

704.2.2 Groups A, B, E, F-1, H, I, M, R-1, R-2, R-4, S-1, and S-2. In buildings with occupancies in Groups A, B, E, F-1, H, I, M, R-1, R-2, R-4, S-1, and S-2, work areas that include exits or corridors shared by more than one tenant or that serve an occupant load greater than 30 shall be provided with automatic sprinkler protection where all of the following conditions occur:

1. The work area is required to be provided with automatic sprinkler protection in accordance with the *International Building Code* as applicable to new construction.
2. The work area exceeds 50 percent of the floor area.

3. The building has sufficient municipal water supply for design of a fire sprinkler system without installation of a new fire pump.

Deleted: available to the floor

Exception: Work areas in Group R occupancies three stories or less in height.

704.2.3 Windowless stories. Work located in a windowless story, as determined in accordance with the *International Building Code*, shall be sprinklered where the work area is required to be sprinklered under the provisions of the *International Building Code* for newly constructed buildings and the building has a sufficient municipal water supply without installation of a new fire pump.

Deleted: available to the floor

Deleted: ¶

704.2.4 Other required suppression systems. In buildings and areas listed in Table 903.2.13 of the *International Building Code*, work areas that include exits or corridors shared by more than one tenant or serving an occupant load greater than 30 shall be provided with sprinkler protection under the following conditions:

1. The work area is required to be provided with automatic sprinkler protection in accordance with the *International Building Code* applicable to new construction.
2. The building has sufficient municipal water supply for design of a fire sprinkler system without installation of a new fire pump.

Deleted: available to the floor

705.3.1.2.1 Fire escape access and details. Fire escapes shall comply with all of the following requirements:

1. Occupants shall have unobstructed access to the fire escape without having to pass through a room subject to locking.
2. Access to a new fire escape shall be through a door, except that windows shall be permitted to provide access from single dwelling units or sleeping units in Group R-1, R-2, and I-1 occupancies or to provide access from spaces having a maximum occupant load of 10 in other occupancy classifications. Windows providing access to a fire escape shall comply with the following:

2.1. The window shall have minimum net clear opening of 5.0 square feet.

2.2. The minimum net clear opening height shall be 24 inches and the net clear opening width shall be 20 inches.

Formatted: Indent: Left: 72 pt

2.3. The bottom of the clear opening shall not be greater than 48 inches above the floor.

2.4. The operation of the window shall comply with the operational constraints of the building and residential code.

3. Newly constructed fire escapes shall be permitted only where exterior stairs cannot be utilized because of lot lines limiting the stair size or because of the sidewalks, alleys, or roads at grade level.

4. Openings within 10 feet (3,048 mm) of fire escape stairs shall be protected by fire assemblies having minimum 3/4-hour fire-resistance ratings.

Exception: Opening protection shall not be required in buildings equipped throughout with an approved automatic sprinkler system.

5. In all buildings of Group E occupancy, up to and including the 12th grade, buildings of Group I occupancy, rooming houses, and child care centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

708.1 New installations. All newly installed electrical equipment and wiring relating to work done in any work area shall comply with the materials and methods requirements of Chapter 5.

Exception: Electrical equipment and wiring in newly installed partitions and ceilings shall comply with all applicable requirements of the *Electrical Code*.

Deleted: ICC

708.3.4 Ground fault circuit interruption. Newly installed receptacle outlets shall be provided with ground fault circuit interruption as required by the *Electrical Code*.

Deleted: ICC

708.3.7 Clearance for equipment. Clearance for electrical service equipment shall be provided in accordance with the *Electrical Code*.

Deleted: ICC

710.1 Minimum fixtures. Where the occupant load of the story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the *Plumbing Code* based on the increased occupant load.

Deleted: International

908.1 Special occupancies. Where the occupancy of an existing building or part of an existing building is changed to one of the following special occupancies as described in the *Electrical Code*, the electrical wiring and equipment of the building or portion thereof that contains the proposed occupancy shall comply with the applicable requirements of the *Electrical Code* whether or not a change of occupancy group is involved:

Deleted: ICC

Deleted: ICC

1. Hazardous locations.
2. Commercial garages, repair, and storage.
3. Aircraft hangars.
4. Gasoline dispensing and service stations.
5. Bulk storage plants.
6. Spray application, dipping, and coating processes.
7. Health care facilities.
8. Places of assembly.
9. Theaters, audience areas of motion picture and television studios, and similar locations.
10. Motion picture and television studios and similar locations.

11. Motion picture projectors.
12. Agricultural buildings.

908.2 Unsafe conditions. Where the occupancy of an existing building or part of an existing building is changed, all unsafe conditions shall be corrected without requiring that all parts of the electrical system be brought up to the current edition of the *Electrical Code*.

Deleted: ICC

908.3 Service upgrade. Where the occupancy of an existing building or part of an existing building is changed, electrical service shall be upgraded to meet the requirements of the *Electrical Code* for the new occupancy.

Deleted: ICC

908.4 Number of electrical outlets. Where the occupancy of an existing building or part of an existing building is changed, the number of electrical outlets shall comply with the *Electrical Code* for the new occupancy.

Deleted: ICC

910.1 Increased demand. Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to increased or different plumbing fixture requirements or to increased water supply requirements in accordance with the *Plumbing Code*, the new occupancy shall comply with the intent of the respective *Plumbing Code* provisions.

Deleted: International

Deleted: International

910.2 Food-handling occupancies. If the new occupancy is a food-handling establishment, all existing sanitary waste lines above the food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas and shall be protected in accordance with the *Plumbing Code*.

Deleted: International

910.3 Interceptor required. If the new occupancy will produce grease or oil-laden wastes, interceptors shall be provided as required in the *Plumbing Code*.

Deleted: International

910.5 Group I-2. If the occupancy group is changed to Group I-2, the plumbing system shall comply with the applicable requirements of the *Plumbing Code*.

Deleted: International

**TABLE 912.4
MEANS OF EGRESS HAZARD CATEGORIES**

Relative Hazard	Occupancy Classification
1 (Highest Hazard)	H, <u>I</u>
2	<u>R-1, R-2, R-4, R-3</u>
3	A, E, <u>M</u>
4	B, F-1, <u>S-1</u>
5 (Lowest Hazard)	F-2, S-2, U

Deleted: I-2, I-3, I-4

Deleted: I-1

Deleted: R-1, R-2, R-4

Deleted: R-3

**TABLE 912.5
HEIGHTS AND AREAS HAZARD CATEGORIES**

Relative Hazard	Occupancy Classification
1 (Highest Hazard)	<u>H, I</u>
2	<u>R-1, R-2, R-3, R-4</u>
3	<u>A-1, A-2, A-3, A-4</u>
4	<u>E, F-1, S-1, M</u>
<u>5 (Lowest Hazard)</u>	<u>B, F-2, S-2, A-5, R-3, U</u>

Deleted: A-1, A-2, A-3, A-4,

Deleted: I,

Deleted: E, F-1, S-1, M

Deleted: (Lowest Hazard)

Deleted: B, F-2, S-2, A-5, R-3, U

912.4.1 Means of egress for change to higher hazard category. When a change of occupancy classification is made to a higher hazard category (lower number) as shown in Table 912.4, the means of egress shall comply with the requirements of Chapter 10 of the *International Building Code*.

Exceptions:

1. Stairways shall be enclosed in compliance with the applicable provisions of Section 803.1.
2. Existing stairways including handrails and guards complying with the requirements of Chapter 8 shall be permitted for continued use subject to approval of the code official.
3. Any stairway replacing an existing stairway within a space where the pitch or slope cannot be reduced because of existing construction shall not be required to comply with the maximum riser height and minimum tread depth requirements.
4. Existing corridor walls constructed of wood lath and plaster in good condition or 1/2-inch-thick (12.7 mm) gypsum wallboard shall be permitted.
5. Existing corridor doorways, transoms, and other corridor openings shall comply with the requirements in Sections 705.5.1, 705.5.2, and 705.5.3.
6. Existing dead-end corridors shall comply with the requirements in Section 705.6.
7. An existing operable window with clear opening area no less than 4 square feet (0.38 m²) and with minimum opening height and width of 22 inches (559 mm) and 20 inches (508 mm), respectively, provided the operable window has a sill height of not more than 48 inches (1,220 mm) above the floor, shall be accepted as an emergency escape and rescue opening.

Formatted: Font: (Default) Times New Roman, Not Highlight

Formatted: Font: (Default) Times New Roman, Not Highlight

Formatted: Font: (Default) Times New Roman, Not Highlight

Formatted: Font: (Default) Times New Roman, Not Highlight

912.6.2 Exterior wall rating for change of occupancy classification to an equal or lesser hazard category. When a change of occupancy classification is made to an equal or lesser hazard category as shown in Table 912.6, existing exterior walls, including openings, shall be accepted.

Exception. Where a property line is platted creating a Group R-3, multifamily dwelling (town house), the walls separating the dwelling units shall be constructed to provide a continuous fire separation using construction materials consistent with the existing wall or complying with the requirements for a new structure. The fire-resistive elements are not required to be continuous between concealed floor spaces, although there shall be provided a draft stop, located above and in line with the dwelling unit separation walls.

Formatted: Font: (Default) Times New Roman, Not Bold

1301.2 Applicability. Structures existing prior to March 11, 1968, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 12. The provisions of Sections 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

[B] 1401.5 Facilities required. Sanitary facilities shall be provided during construction or demolition activities in accordance with the Plumbing Code.

Deleted: *International*