

ARTICLE VI.

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Property Maintenance Code

Sec. 11-75. Adopted.

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The *International Property Maintenance Code*, 2006 edition, published by the International Code Council, as amended, is hereby adopted as the Property Maintenance Code to provide standards to safeguard life or limb, health, property, and public welfare by regulating, governing, and controlling the use, occupancy, conditions, and maintenance of all property, buildings, and structures within this jurisdiction and to provide for a just, equitable, and practicable method whereby buildings or structures, which from any cause endanger the life, limb, morals, property, safety, or welfare of the general public or their occupants, may be repaired, vacated, or demolished. The minimum requirements and standards of the 2006 International Property Maintenance Code will become effective after May 31, 2007. A printed copy as amended is on file with the City Clerk.

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Section 11-76. Amendments, additions, and deletions to the 2006 International Property Maintenance Code.

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The following sections and subsections of the property maintenance code adopted in this article shall be amended, added, or deleted as follows. All other sections or subsections of the 2006 International Property Maintenance Code shall remain the same.

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

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101.3 Intent. The intent of this code is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety, and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition, and relocation of existing buildings. Repairs, alterations, additions to, and change of occupancy in existing buildings shall comply with the International Existing Building Code.

102.3 Application of other codes. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Residential Code*, *International Existing Building Code*, *International Fuel Gas Code*, *International Mechanical Code*, *the Uniform Plumbing Code*, and *the National Electrical Code*. Nothing in this code shall be construed to cancel, modify, or set aside any provision of Appendix B of the Revised Ordinances of the Sioux Falls, SD.

103.2 Code official. The Assistant Director of Building Services is designated as the code official and shall enforce all provisions of this code. **103.4 Liability.** The code official, officer, or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or omission required or permitted in the discharge of official duties.

Deleted: The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.¶

Any suit instituted against any officer or employee because of an act or omission 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 by the City's insurance pool and any immunities and defenses provided by other applicable state and federal laws. The code official or any subordinate shall not be liable for costs in an action, suit, or proceeding that is instituted in pursuance of the provisions of this code; and any officer or employee of the City, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

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103.5 Fees. The fees for building permits, activities, and services performed by the department in carrying out its responsibilities under this code shall be as established in Tables 1-A, 1-B, and 1-C of Section 11-20 of this code.

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In addition, an administrative fee of \$250 may be assessed for the preparation of bids and contracts to correct or abate a violation.

107.6 Extension of time agreement. If the code official determines that an extension of time will not create or perpetuate a situation imminently dangerous to life or property, the code official may grant an extension of time, not to exceed 180 days in which to complete the work listed in the Notice and Order. Any extension shall not extend the time to appeal the Notice and Order. Any extension shall be agreed to in writing in a document containing the following:

1. A reasonable and acceptable schedule, setting forth specific dates to complete corrective action for each violation listed in the Notice and Order.
2. A signature of the responsible party.

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111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Property Maintenance Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice, or order was served. 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 the requirements of this code are adequately satisfied by other means.

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111.2 Membership of Board. The Property Maintenance Board of Appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the City. The code official shall be an ex-officio member but shall have no vote on any matter before the Board. The Board shall be appointed by the mayor with the advice and consent of the council. Members shall serve three-year terms.

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111.2.1 Alternate members. The Mayor with advice and consent from the City Council shall appoint two or more alternate members who shall be called by the Board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership.

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111.2.4 Secretary. The Assistant Director of Building Services shall designate a qualified person to serve as secretary to the Board. The secretary shall file a detailed record of all proceedings in the office of Building Services.

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201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Residential Code*, *International Existing Building Code*, *International Fire Code*, Appendix B of the Revised Ordinances of the Sioux Falls, *Uniform Plumbing Code*, *International Mechanical Code*, and *Fuel Gas Code*, or the *National Electrical Code*, such terms shall have the meanings ascribed to them as in those codes.

Deleted: in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.¶ Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with Section¶ 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by¶ the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.¶

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth pursuant to Article II of Chapter 42 of this code. **302.8 Motor vehicles.** Abandoned and inoperative vehicles shall be regulated by Article III of Chapter 25 of the Revised Ordinances of the City of Sioux Falls.

Deleted: Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, an ... [1]

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302.9 Defacement of property. Placement of graffiti shall be regulated by Section 26-39 of the Revised Ordinances of the City of Sioux Falls.

303.2 Enclosures. Private swimming pools, hot tubs, and spas, containing water more than 18 inches (457 mm) in depth shall be completely surrounded by a fence or barrier at least 42 inches (1,066 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

[F] **304.3 Premises identification.** Buildings shall be numbered in conformance with Article VII of Chapter 38 of the Revised Ordinances of the City of Sioux Falls.

304.14 Insect screens. During the period from April 1 to September 30, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved, tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

307.2 Disposal of rubbish. Rubbish shall be disposed of pursuant to Article II of Chapter 18 of the Revised Ordinances of the City of Sioux Falls. **307.2.1 Rubbish**

storage facilities. Rubbish shall be stored and removed pursuant to Article II of Chapter 18 of the Revised Ordinances of the City of Sioux Falls.

Deleted: The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish

307.2.2 Refrigerators. Refrigerators, iceboxes, or other similar airtight containers not in operation shall be discarded, abandoned, or stored on premises pursuant to Section 26-10 of the Revised Ordinances of the City of Sioux Falls.

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307.3 Disposal of garbage. Garbage shall be disposed pursuant to Article II of Chapter 18 of the Revised Ordinances of the City of Sioux Falls.

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307.3.1 Garbage facilities. Every dwelling shall be supplied with an approved leak-proof, covered, outside garbage container pursuant to Article II of Chapter 18 of the Revised Ordinances of the City of Sioux Falls.

Deleted: Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers

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307.3.2 Containers. Garbage shall be stored pursuant to Article II of Chapter 18 of the Revised Ordinances of the City of Sioux Falls.

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402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room, and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Deleted: one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or

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Exception:

Deleted: The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal

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- 1. Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m2). The exterior glazing area shall be based on the total floor area being served.

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- 2. The glazed areas need not be provided in rooms where artificial light is provided capable of producing an average illumination of six footcandles (6.46 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.

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404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m2) and every bedroom shall contain at least 70 square feet (6.5 m2), and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m2) of area for each occupant.

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404.5 Overcrowding. Delete.

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505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture shall be properly connected to either a public water system or to an approved, private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs, and showers shall be supplied with hot or tempered and cold running water in accordance with the Plumbing Code.

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602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms. ~~Cooking appliances shall not be used to provide space heating to meet the requirements of this section.~~

Deleted: based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*.

Exception: In areas where the average monthly temperature is above 30°F (1°C), a minimum temperature of 65°F (18°C) shall be maintained. **602.3 Heat supply.** Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory, or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof, shall supply heat during the period from September 1 to April 30 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

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Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

Deleted: The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to April 30 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage, and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

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604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *Electrical Code*. Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service having a rating of not less than 60 amperes.

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Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

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No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

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Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate

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of 6 inches (152 mm) from the gatepost

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have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

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Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers