

CHAPTER 11 - CONSTRUCTION AND SPECIAL CODES

ARTICLE 3 – UNIFORM FIRE CODE AND PERMITS

SECTIONS:

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Sections 11-3-101 to 199, inclusive. International Fire Code and permits - general provisions.

Section 11-3-101 Adoption of International Fire Code.

Section 1. There is hereby adopted that certain fire code known as the *International Fire Code, 2021 Edition*, Chapters 1 through 80 and Appendix D, the whole thereof except such portions as have been deleted, modified or amended and as so deleted, modified or amended and filed in the finance office,

for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. All other sections of the *International Fire Code* as published shall remain the same.

Section 2. The following sections are hereby revised:

[A]101.1 Title. These regulations shall be known as the *Fire Code* of the City of Pierre, hereinafter referred to as “this code.”

[A]101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. The following appendix is adopted: Appendix D, Sections D101 through D105.

[A]103.1 Creation of agency. The Fire Department is hereby created and the official in charge thereof shall be known as the *fire code official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

[A]103.2 Appointment. Not adopted by the City of Pierre.

[A]103.3 Deputies. Not adopted by the City of Pierre.

[A]104.7 Liability. The *fire code official*, member of the building code board of appeals, officer 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 civilly or criminally 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 by reason of an act or omission in the discharge of official duties.

This code shall not be construed to relieve 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 city, or its officers and employees, be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

[A]104.7.1 Legal defense. Any suit or criminal complaint instituted against any 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 any immunities and defenses provided by other applicable state and federal law and defended by legal representatives of the jurisdiction until the final termination of the proceedings. The *fire 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 of the department of fire prevention, 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.

105.1.2 Types of permits. Not adopted by the City of Pierre.

105.5 Required operational permits. Not adopted by the City of Pierre.

[A]105.6 Required construction permits. The *building official* is authorized to issue construction permits for work as set forth in Sections 105.6.1 through 105.6.24.

[A]111.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a building code board of appeals. The building code board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *fire code official*.

111.5 Building code board of appeals application. Application to the building code board of appeals shall be made in writing to the *fire code official* within thirty (30) days after the decision of the *fire code official* was served.

[A]112.4 Violation penalties. Deleted in its entirety and replaced with the following: Violations of the *International Fire Code* shall be subject to enforcement under the provisions of Section 11-3-103 of this Ordinance.

312.2 Posts. Guard posts shall comply with all of the following requirements:

1. Constructed of steel not less than 4 inches (102 mm) in diameter and concrete filled.
2. Spaced not more than 4 feet (1219 mm) between posts on center.
3. Set not less than 4 feet (1,219 mm) deep in a concrete footing of not less than a 15-inch (381 mm) diameter.
4. Set with the top of the posts not less than 3 feet (914 mm) above ground.
5. Located not less than 3 feet (914 mm) from the protected object.

315.2 Permit required. Not adopted by the City of Pierre.

903.2.6 Group I. An *automatic sprinkler system* shall be provided throughout buildings with a Group I *fire area*.

Exceptions:

1. An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 is required in Group I-1, Condition 1 or 2 facilities.
2. An *automatic sprinkler system* is not required where Group I-4 day care facilities are at the *level of exit discharge* and where every room where care is provided has not fewer than one exterior exit door.
3. In buildings where Group I-4 day care is provided on levels other than the *level of exit discharge*, an *automatic sprinkler system* in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors between the level of care and the *level of exit discharge*, and all floors below the *level of exit discharge* other than areas classified as an open parking garage.

903.2.8 Group R. An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R *fire area*.

Exception: Group R-3, one- and two-family dwellings.

903.3.1.1.1 Exempt locations. Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an *approved* automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. A room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. A room or space where sprinklers are considered undesirable because of the nature of the contents, where *approved* by the fire code official. Such rooms shall be separated from the remainder of the building by fire barrier walls and horizontal assemblies having a fire-resistance rating of not less than two hours.
3. Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a *fire-resistance rating* of not less than 2 hours.
4. Rooms or areas that are of noncombustible construction with wholly noncombustible contents.
5. Fire service access elevator machine rooms and machinery spaces.
6. Machine rooms, machinery spaces, control rooms and control spaces associated with occupant evacuation elevators designed in accordance with Section 3008 of the *International Building Code*.

904.13.2 System interconnection. The actuation of the fire suppression system shall automatically shut down the fuel and electrical power supply to the cooking equipment and all electrical receptacles located beneath the hood. The fuel and electrical supply reset shall be manual.

907.2.2 Group B. A manual fire alarm system, which activates the occupant notification system in accordance with Section 907.5, shall be installed in Group B occupancies where one of the following conditions exists:

1. The combined Group B *occupant load* of all floors is 500 or more.
2. The Group B *occupant load* is more than 100 persons above or below the lowest *level of exit discharge*.
3. The *fire area* contains an *ambulatory care facility*.
4. The group B has more than two occupied levels.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. Where *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

Exceptions:

1. A manual fire alarm system shall not be required in Group E occupancies with an *occupant load* of 50 or less.
2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with *occupant loads* of 100 or less, provided that activation of the manual fire alarm system initiates an *approved* occupant notification signal in accordance with Section 907.5.
3. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:
 - 3.1 Interior *corridors* are protected by smoke detector
 - 3.2 Auditoriums, cafeterias, gymnasiums and similar areas are protected by *heat detectors* or other *approved* detection devices.
 - 3.3 Shops and laboratories involving dusts or vapors are protected by *heat detectors* or other *approved* detection devices.
 - 3.4 Manual activation is provided from a normally occupied location.
4. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:
 - 4.1 The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1.
 - 4.3 The emergency voice/alarm communication system will activate on sprinkler waterflow.
 - 4.3 Manual activation is provided from a normally occupied location.

Rooms used for sleeping or napping purposes within a day care use of a Group E occupancy shall be provided with smoke alarms that comply with Section 907.2.11.2.

907.2.6.2 Group I-2. An automatic smoke detection system shall be installed in *corridors* in Group I-2, Condition 1 facilities and spaces permitted to be open to the corridors by Section 407.2. The system shall be activated in accordance with Section 907.4. Group I-2, Condition 2 occupancies shall be equipped with an automatic smoke detection system as required in Section 407.

Exceptions:

1. Corridor smoke detection is not required in *smoke compartments* that contain sleeping units where such units are provided with smoke detectors that comply with UL 268. Such detectors shall provide a visual display on the corridor side of each sleeping unit and shall provide an audible and visual alarm at the care providers' station attending each unit. Smoke detectors installed as part of an intelligent or addressable fire alarm system capable of annunciation of room origin at a constantly attended location shall be acceptable.
2. Corridor smoke detection is not required in *smoke compartments* that contain sleeping units where sleeping unit doors are equipped with automatic door-closing devices with integral smoke detectors on the unit sides installed in accordance with their listing, provided that the integral detectors perform the required alerting function.

907.2.8.2 Automatic smoke detection system. An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be installed throughout all interior *corridors* serving *sleeping units* and at the top of each stairwell.

Exception: An automatic smoke detection system is not required in buildings that do not have interior *corridors* serving *sleeping units* and where each *sleeping unit* has a *means of egress* door opening directly to an *exit* or to an exterior *exit access* that leads directly to an *exit*.

907.2.9 Group R-2. Fire alarm systems and smoke alarms shall be installed in Group R-2 occupancies as required in Sections 907.2.9.1 through 907.2.9.4.

907.2.9.4 Smoke detectors. In R-2 occupancies, system smoke detection shall be provided in each enclosed stairway and all exit corridors.

907.2.13.1.2 Duct smoke detection. Duct smoke detectors complying with Section 907.3.1 shall be located as follows:

1. In the main return air and exhaust air plenum of each air-conditioning system having a capacity greater than 2,000 cubic feet per minute (cfm) (0.94 m³/s). Such detectors shall be located in a serviceable area downstream of the last duct inlet.
2. At each connection to a vertical duct or riser serving two or more stories from a return air duct or plenum of an air-conditioning system. In Group R-1 and R-2 occupancies, a smoke detector is allowed to be used in each return air riser carrying not more than 5,000 cfm (2.4 m³/s) and serving not more than 10 air-inlet openings.
3. Duct smoke detectors installed more than 10 feet above a finished floor, above a ceiling, or on a rooftop shall be installed with remote test/indicators in an approved location below and in proximity to the unit served.

912.2.1 Visible location. Fire department connections shall be located on the street side of buildings or facing approved fire apparatus access roads, fully visible and recognizable from the street, fire apparatus access road or nearest point of fire department vehicle access or as otherwise *approved* by the *fire code official*. A weather-rated horn/strobe connected to the fire detection or sprinkler system shall be located not lower than 8 feet above the fire department connection and within 10 feet horizontally of the connection. The weather-rated horn/strobe must be visible from the fire lane or street.

915.2.1 Dwelling units. Carbon monoxide detection shall be installed in dwelling units outside each separate sleeping area in the immediate vicinity of bedrooms. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, carbon monoxide detection shall be installed within the bedroom. At least one carbon monoxide detector or alarm shall be installed on each floor level.

1010.1.6 Thresholds. Thresholds at doorways shall not exceed $\frac{3}{4}$ inch (19.1 mm) in height above the finished floor or landing for sliding doors serving *dwelling units* or $\frac{1}{2}$ inch (12.7 mm) above the finished floor or landing for other doors. Raised thresholds and floor level changes greater than $\frac{1}{4}$ inch (6.4 mm) at doorways shall be beveled with a slope not greater than one unit vertical in two units horizontal (50-percent slope).

Exceptions:

1. In occupancy Group R-2 or R-3, threshold heights for sliding and side-hinged exterior doors shall be permitted to be up to 8 inches (203 mm) in height if all of the following apply:
 - 1.1 The door is not part of the required *means of egress*.
 - 1.2 The door is not part of an *accessible route* as required by Chapter 11 of the *International Building Code*.
 - 1.3 The door is not part of an *Accessible unit, Type A unit* or *Type B unit*.
2. In *Type B units*, where Exception 5 to Section 1010.1.4 permits a 4-inch (102 mm) elevation change at the door, the threshold height on the exterior side of the door shall not exceed 4³/₄ inches (120 mm) in height above the exterior deck, patio or balcony for sliding doors or 4¹/₂ inches (114 mm) above the exterior deck, patio or balcony for other doors.

1011.5.2 Riser height and tread depth. *Stair* riser heights shall be 7 inches (178 mm) maximum and 4 inches (102 mm) minimum. The riser height shall be measured vertically between the *nosings* of adjacent treads or between the *stairway* landing and the adjacent tread. Rectangular tread depths shall be 11 inches (279 mm) minimum measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's *nosing*. *Winder* treads shall have a minimum tread depth of 11 inches (279 mm) between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline and a minimum tread depth of 10 inches (254 mm) within the clear width of the stair.

Exceptions:

1. *Spiral stairways* in accordance with Section 1011.10.
2. *Stairways* connecting stepped *aisles* to cross *aisles* or concourses shall be permitted to use the riser/tread dimension in Section 1030.14.2.
3. In Group R-3 occupancies; within *dwelling units* in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual *dwelling units* in Group R-2 occupancies; the maximum riser height shall be 8 inches (203 mm); the minimum tread depth shall be 10 inches (254 mm); the minimum *winder* tread depth at the walkline shall be 10 inches (254 mm); and the minimum *winder* tread depth shall be 6 inches (152 mm). A *nosing* projection not less than ³/₄ inch (19.1 mm) but not more than 1¹/₄ inches (32 mm) shall be provided on *stairways* with solid risers where the tread depth is less than 11 inches (279 mm).
4. See Section 503.1 of the *International Existing Building Code* for the replacement of existing *stairways*.
5. In Group I-3 facilities, *stairways* providing access to guard towers, observation stations and control rooms, not more than 250 square feet (23 m²) in area, shall be permitted to have a maximum riser height of 8 inches (203 mm) and a minimum tread depth of 9 inches (229 mm).

[BE] 1031.3.1 Minimum size. *Emergency escape and rescue openings* shall have a minimum net clear opening of 5.7 square feet (0.53 m²).

3103.2 Approval required. *Tents and membrane structures* having an area in excess of 1,000 square feet (93 m²) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the *fire code official*.

Exceptions:

1. *Tents* used exclusively for recreational camping purposes.
2. *Tents* open on all sides that comply with all of the following:
 - 2.1. Individual *tents* having a maximum size of 1,000 square feet (93 m²).
 - 2.2. The aggregate area of multiple *tents* placed side by side without a fire break clearance of 12 feet (3658 mm), not exceeding 1,000 square feet (93 m²) total.
 - 2.3. A minimum clearance of 12 feet (3658 mm) to all structures and other *tents*.

3105.2 Approval. Temporary special event structures in excess of 1,000 square feet (93 m²) shall not be erected, operated or maintained for any purpose without first obtaining approval and a permit from the *fire code official* and the building official.

Appendix D - Fire Apparatus Access Roads

Section D106 Multiple family residential development. Not adopted by the City of Pierre.

Section D107 One- or two-family residential development. Not adopted by the City of Pierre.

Additional deletions, modifications and amendments may from time to time be made by the City Commission and shall be effective upon their adoption and filing with the finance officer. The finance officer shall keep and maintain a master copy of said code, including all future deletions, modifications or amendments which may be adopted by the City Commission as herein provided, and the same shall be available and subject to public inspection at all reasonable times.

Source: R.O. Pierre, 1957, 6.0101, Rev. of Ord., 1990; Ord. No. 1348, 1994; Ord. No. 1512, 2002; Ord. No. 1623, 2008; Ord. No. 1705, 2012, Ord. No. 1822, 2021

Statutory reference: SDCL 9-19-7, codes incorporated by reference.

Section 11-3-102 Enforcement of International Fire Code by the building official and/or fire chief - modifications - appeals.

The *International Fire Code* adopted pursuant to Section 11-3-101 shall be enforced by the building official or the fire chief.

The building official or fire chief shall have power to modify any of the provisions of said code upon application in writing by the owner or lessee of any premises, or his duly authorized agent, whenever there are practical difficulties in the manner of carrying out the strict letter of the code;

provided however, that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the fire chief thereon shall be entered upon the records of the fire department and a signed copy shall be furnished the applicant.

Whenever the building official or fire chief shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of said code do not apply or that the true intent and meaning of said code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the city commission within thirty days from the date of the decision appealed from.

Source: R.O. Pierre, 1957, 6.0102; 6.0106; and, 6.0107; Ord. No. 1348, 1994; Ord. No. 1623, 2008;

Section 11-3-103 Unlawful to violate provisions of International Fire Code- penalties.

Any person who shall violate any of the provisions of the *International Fire Code* hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the commission or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than thirty days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Source: R.O. Pierre, 1957, 6.0108; Ord. No. 1348, 1994; Ord. No. 1623, 2008;

Section 11-3-104 Fire lanes required.

Except as hereinafter provided, every building in the City of Pierre shall be accessible to fire department apparatus by way of access roadways with all-weather driving surface of not less than 20 feet of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum of 13 feet 6 inches of vertical clearance. Provided, however, this shall not apply when there are not more than two Group R, Division 3 or M Occupancies as defined in the Building Code.

Source: Ord. No. 1170, 1986, Rev. of Ord., 1990, Ord. No. 1348, 1994.

Section 11-3-105 No parking in fire lanes.

The required width of access roadways as herein provided shall not be obstructed in any manner, including parking of vehicles. "NO PARKING FIRE LANE" signs or other appropriate notice prohibiting obstructions shall be required and maintained.

Source: Ord. No. 1170, 1986, Rev. of Ord., 1990, Ord. No. 1348, 1994.

Section 11-3-106 Fire protection systems required.

The access roadways shall be within 150 feet of all portions of the exterior walls of the first story of any building. Where the access roadway cannot be provided, approved fire protection system or systems shall be provided as required and approved by the fire chief.

Source: Ord. No. 1170, 1986, Rev. of Ord., 1990, Ord. No. 1994.

Section 11-3-107 Modification.

Where fire protection systems required by the building official or fire chief are provided, the above required clearance may be modified.

Source: Ord. No. 1170, 1986, Rev. of Ord., 1990; Ord. No. 1348, 1994.

Section 11-3-108 Authority to increase widths of fire lane.

The fire chief shall have the authority to require an increase in the minimum access widths where such width is not adequate for fire or rescue operations.

Source: Ord. No. 1170, 1986, Rev. of Ord., 1990, Ord. No. 1348, 1994.

Section 11-3-109 Open Burning.

It is unlawful for any person to burn any garbage, refuse, leaves, wood, pallets, shingles, cardboard, paper or similar material within the city. Any person conducting open burning outside of recreational fires shall first request authorization from the fire chief. Recreational fires are permitted under the following conditions.

Section 11-3-110 Recreational fire discontinuance.

A recreational fire that is offensive or objectionable because of smoke or odor emissions, or when

atmospheric conditions or local circumstances such as high wind and drought conditions make such fires hazardous shall be prohibited. If a law enforcement or fire department officer determine that the fire is not in compliance with this article, or the smoke is offensive to nearby neighbors or the burning is determined to constitute a hazardous condition. Those officers are authorized to order that a recreational fire be immediately extinguished and discontinued.

Section 11-3-111 Recreational fire pit and outdoor fireplace.

A fire pit and fireplace includes either a below ground pit or a permanent or portable device intended to contain and control outdoor wood fires. The fuel load capacity of the fire pit container cannot exceed three feet in diameter and two feet in height.

Section 11-3-112 Recreational fire pit and outdoor fireplace location.

It is recommended that fire pits and outdoor fireplaces be located a minimum of 10 feet away from any structures or combustibles, such as houses, garages, sheds, and decks when possible. All fire pits and fire places must be located a minimum of 10 feet away from neighboring property lines unless approval is granted by the adjoining property owner.

Section 11-3-113 Recreational fire pit and fireplace extinguishing equipment.

A portable fire extinguisher or other approved extinguishing equipment, such as a garden hose, sand, or dirt must be readily available to extinguish a fire pit and fireplace fire. Fire pit and fireplace fires must be constantly attended and supervised until the fire has been completely extinguished.

Section 3. That the part of Ordinance No. 1878, of the City of Pierre, identified as Section 1, entitled Adoption of the International Fire Code, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the Finance Officer is hereby ordered and directed to cause this ordinance to be published.

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect twenty (20) days from and after the date of its adoption and publication.

Sections 11-3-114 to 199, inclusive. Reserved.

Source: Ord. No. 1170, 1986, Rev. of Ord., 1990, Ord. No. 1348, 1994; Ord. No. 1786, 2018; Ord. No. 1800, 2019; Ord. No. 1878, 2025.