

CHAPTER 11 - CONSTRUCTION AND SPECIAL CODES

ARTICLE 7 - PROPERTY MAINTENANCE CODE

SECTIONS:

Sections 11-7-101 to 199, inclusive. Property maintenance code - general provisions.

Section 11-7-101. Adoption of International Property Maintenance Code.

Sections 11-7-102 to 199, inclusive. Reserved.

Sections 11-7-101 to 199, inclusive. Property maintenance code - general provisions.

Section 11-7-101 Adoption of International Property Maintenance Code.

An ordinance of the City of Pierre adopting the 2021 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Pierre; providing for the issuance of permits and collection of fees therefore; repealing Ordinance No. 1878 of the City of Pierre and all other ordinances and parts of ordinances in conflict therewith.

The City Commission of the City of Pierre does ordain as follows:

Section 1. That a certain document, a copy of which is on file in the office of the Building Official of the City of Pierre, being marked and designated as the *International Property Maintenance Code*, 2021 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Pierre, in the State of South Dakota for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Pierre are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

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

[A]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 Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, Uniform Plumbing Code*, and NFPA 70. Nothing in this code shall be construed to cancel, modify, or set aside any provision of Chapter 12, Article 13, Flood Hazard Areas, of the Revised Ordinances of the City of Pierre.

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

[A]103.2 Appointment. The Community Resource Officer and the *building official* acting as the *code official* shall enforce the provisions of this code.

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

[A]105.7 Liability. The *code official*, member of the building code 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 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]105.7.1 Legal defense. Any suit or criminal complaint 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 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 *building 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.

111.10 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.

If corrective action is not taken within the agreed time frame, the city may, without further notice to the property owner, take corrective action upon the affected property up to and including demolition of structures.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *Uniform Plumbing Code*, *International Residential Code*, *International Zoning Code*, or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

Exception: When used within this code, the terms unsafe and dangerous shall have only the meanings ascribed to them in this code and shall not have the meanings ascribed to them by the International Existing Building Code.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of twelve (12) inches. 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 of violation, they shall be subject to prosecution in accordance with Section 108.3 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.

302.4.1 Duty to correct. The occupant, person in charge, leaseholder, or owner of any lot or parcel of land in the city shall keep such lot, to include any abutting city right-of-way except as provided herein, free of such nuisance vegetation by cutting, spraying, or removal, as may be appropriate.

302.4.2 Correction by city. If the occupant, person in charge, leaseholder, or owner of any lot or parcel of land fails to correct any such vegetation nuisance as required, the Community Resource Officer or *code official* shall cause such vegetation to be cut, sprayed, or removed, and for such purpose the person allowed to do the work shall be allowed to enter upon any lot or parcel of land.

No person shall intentionally interfere or attempt to interfere with the cutting, spraying, or removal of such vegetation.

302.10 Shipping and storage containers. Shipping and storage containers shall not be permanent in residential zoning districts and placement of containers in all zoning districts shall conform to applicable ordinances. Non-compliant containers shall be removed or altered to comply with ordinance.

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 minimum 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.

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. Kitchen sinks, lavatories, laundry facilities, bathtubs, and showers shall be supplied with hot or tempered and cold running water in accordance with the *Uniform Plumbing Code*.

[P] 505.5.1 Abandonment of systems. Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the *owner* ceases use of the system, the system shall be abandoned in accordance with Section 1502.5 of the *Uniform Plumbing Code*.

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* based on the winter outdoor design temperature for the locality. Cooking appliances shall not be used, nor shall portable unvented fuel-burning or cord and plug-connected electric space heaters be used as a means to provide required heating. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from October 1 to April 30 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms*, and *toilet rooms*.

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

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 3 to maintain a minimum temperature of 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.

Section 3. That the part of Ordinance No. 1878, of the City of Pierre, identified as Section 1, entitled Adoption of International Property Maintenance 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 Property Maintenance 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.

Source: Ord. No. 1427, 1998; Ord. No. 1511, 2002; Ord. No. 1567, 2005; Ord. No. 1626, 2008; Ord. No. 1703, 2012; Ord. No. 1763, 2016; Ord. No. 1764, 2016; Ord. No. 1826, 2021; Ord. No. 1878, 2025.

Sections 11-7-102 to 199, inclusive. Reserved.