

## CHAPTER 11 - CONSTRUCTION AND SPECIAL CODES

### ARTICLE 8 - FUEL GAS CODE

#### SECTIONS:

Sections 11-8-101 to 199, inclusive. Fuel Gas Code - general provisions.

Section 11-8-101. Adoption of International Fuel Gas Code.

Sections 11-8-102 to 199, inclusive. Reserved.

Section 11-8-201 to 299, inclusive. Mechanical permits and inspections - general provisions.

Section 11-8-201. Officials acting as mechanical inspector - power and duties.

Section 11-8-202. Permit required for mechanical work - application - exemptions.

Section 11-8-203. Fees for inspection of mechanical work.

Section 11-8-204. Duty to notify inspector of completion of work for inspection - inspection performed within two days.

Section 11-8-205 to 299, inclusive. Reserved.

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**Sections 11-8-101 to 199, inclusive. International Fuel Gas Code - general provisions.**

#### **Section 11-8-101 Adoption of International Fuel Gas Code.**

**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 Fuel Gas Code*, 2021 edition as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Pierre, in the State of South Dakota for regulating and governing fuel gas systems and gas-fired appliances 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 Fuel Gas 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:

The following sections and subsections of the *International Fuel Gas Code*, 2021 edition adopted in this article shall be amended, added, or not adopted by the city as follows. All other sections or subsections of the *International Fuel Gas Code* as published shall remain the same.

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

**[A] 101.2 Scope.** This code shall apply to the installation of fuel-gas piping systems, fuel gas appliances, gaseous hydrogen systems, and related accessories in accordance with Sections 101.2.1 through 101.2.5.

**Exceptions:**

1. Detached one- and two-family dwellings and town houses not more than three stories above grade plane in height with separate means of egress and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the *International Residential Code*.
2. Fuel gas systems in existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the *International Existing Building Code*.

**[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.** Not adopted by the City of Pierre.

**[A] 104.8 Liability.** The *building 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 civilly or criminally 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.

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] 104.8.1 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.

**[A] 109.2 Schedule of permit fees.** Where work requires a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the City of Pierre.

**[A] 113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *building 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 *building official*.

**[A] 113.3 Qualifications.** Not adopted by the City of Pierre.

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

**[A] 114.1 Membership of board.** Not adopted by the City of Pierre.

**[A] 115.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the *building 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 occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**[A] 115.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$300.00 dollars or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

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

All references to the *International Plumbing Code* shall refer to the *Uniform Plumbing Code* as adopted and administered by the State of South Dakota Department of Labor.

**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.

**Source:** Ord. No. 1625, 2008; Ord. No. 1701, 2012; Ord. No. 1827, 2021

**Statutory reference:** SDCL 11-10-5

**Sections 11-8-102 to 199, inclusive. Reserved.**

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**Section 11-8-201 to 299, inclusive. Mechanical permits and inspections - general provisions.**

**Section 11-8-201 Officials acting as mechanical inspector – power and duties.**

The city building official or city inspector or such other city employees as may from time to time be designated by the mayor, commission or city administrator, shall act as mechanical inspector for purposes of this chapter and the fuel gas code adopted pursuant to Section 11-8-101. He shall keep and maintain such records and make such reports as may be required by this chapter or directed by the mayor, commission or city administrator, and shall make all such records open to public inspection at all reasonable hours.

All mechanical work in process of construction, alteration, or repair shall be under the supervision of the inspector who is hereby empowered to stop any such work when it is being done contrary to the provisions of this chapter or the mechanical code. He shall insure that all mechanical work conforms to the requirements of this chapter and the plumbing code.

When it shall be necessary to the performance of his work, the inspector shall be authorized to enter any building in the city at any reasonable hour.

**Section 11-8-202 Permit required for mechanical work - application - exceptions.**

When commencing any work, the mechanical contractor or persons doing such work must first file a mechanical permit.

**Section 11-8-203 Fees for inspection of mechanical work.**

There shall be charged for inspection of mechanical work done under this chapter such fees as set forth in Table 106 –A (IFGC) as amended.

**Section 11-8-204 Duty to notify inspector of completion of work for inspection - inspection performed within two days.**

Any mechanical contractor or installer doing work under the provisions of this chapter shall, when work has been prepared for inspection as provided herein, notify the inspector that such inspection is required, giving the location of the premises and the time such work will be ready for inspection.

The inspector shall inspect such work within a period of two work days after notification that such work is ready for inspection.

**Section 3.** That the part of Ordinance No. 1878, of the City of Pierre, identified as Section 1, entitled

Adoption of *International Fuel Gas 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 Fuel Gas 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.

**Section 11-8-205 to 299, inclusive. Reserved**

**Source:** Ord. No. 1596, 2006; Ord. No. 1878, 2025.