

## **Title 15**

### **BUILDINGS AND CONSTRUCTION**

#### **Chapters:**

- 15.04 International Building Code Adopted**
- 15.08 Abatement of Dangerous Buildings (Amended)**
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## Chapter 15.04

### INTERNATIONAL BUILDING CODE ADOPTED

#### Sections:

- 15.04.010 International Building Code adoption.**
- 15.04.020 Conflict**
- 15.04.030 Building Official**
- 15.04.040 Amendments**
- 15.04.050 Constitutionality**

#### **15.04.010 International Building Code adoption.**

The 2006 Edition of the International Building Code, including Appendix C and Appendix I as published by the International Code Council Inc. and amendments and additions thereto as provided in this chapter are hereby adopted as the Building Code by the city for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures in the city providing for the issuance of permits and collection of fees therefore. The whole thereof has been adopted except such portions as may be deleted, modified or amended as hereinafter set out or later adopted. The Finance Officer shall keep and maintain a master copy of said code, including all future deletions, modifications and amendments which may be adopted. The minimum building standards in the 2006 edition of the International Building Code and amendments thereto shall be applied to any building permit issued after June 30, 2009.

A printed copy of such code and additions and amendments thereto is on file with the city clerk.

#### **15.04.020 Conflict.**

In the event of any conflict between the provisions of the code adopted by this article and applicable provisions of this Code of Ordinances, state law or city ordinance, rule or regulation, the provisions of this Code of Ordinances, state law or city ordinance, rule or regulation shall prevail and be controlling.

#### **15.04.030 Building Official.**

The building 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 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 provided by any immunities and defenses provided by other applicable state and federal laws.

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, 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.

#### **15.04.040 Amendments.**

##### **15.04.041**

In the “2006 International Building Code,” Section 3 of Sub-Section 1025 – Emergency Escape and Rescue be amended to read as follows:

1025.3 Maximum height from floor. Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 48 inches (1220 mm) measured from the floor.

(Amended 2005)

##### **15.04.042**

In the “2006 International Building Code,” Section 1.4 of Sub-Section 406 – Separation shall be amended to read as follows:

406.1.4 Separation. Separations shall comply with the following:

1. The private garage shall be separated from the dwelling unit and its attic area by means of a minimum of 5/8 – inch (15.9 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8 – inch Type X gypsum board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors, or solid or honeycomb core steel doors not less than 1 3/8 inches (35.9 mm) thick, or doors in compliance with Section 715.3.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

2. Ducts in a private garage and ducts penetrating the walls or ceilings separating the dwelling unit from the garage shall be constructed of a minimum 0.019 – inch (0.48

mm) sheet steel and shall have no openings into the garage.

3. A separation is not required between a Group R-3 and U carport provided the carport is entirely open on two or more sides and there are not enclosed areas above.

(Amended 2005)

##### **15.04.043 Porches and terraces in front yards.**

An open, unenclosed porch may project into a required front yard for a distance not exceeding ten (10) feet. Balconies and paved terraces may project into a required front yard for a distance not exceeding six feet. An enclosed vestibule containing not more than forty (40) square feet may project into a required front yard for a distance not to exceed four (4) feet. (Amended 2008)

##### **15.04.044 General Construction Requirements**

Section R302.1 Exterior Walls - Exception 2 is amended to read: Detached garages accessory to a dwelling are not required to provide wall protection when the building area does not exceed 1000 square feet and the exterior wall is located not less than 3 feet from the property line. Roof eave projections shall extend not less than 12 inches to a property line.

Section R310.1 Emergency Escape and Rescue Required – is amended to by adding the following sentence to the section: In basements, the sill height of an emergency escape and rescue opening may be measured from an elevated landing, provided the landing is not less than 36 inches in width and not less than 20 inches out from the exterior wall, and not more than 24 inches in height. The elevated landing and its supporting structure shall be permanently affixed to the wall and

floor below the openable emergency escape and rescue window.

Section R404.1 Concrete and Masonry Foundation Walls – Paragraph 2 is amended to read: Floor joists and blocking shall be connected to the sill plate at the top of the wall with three 8d nails toe nailed to the sill or girder.

Paragraph 3 is amended to read: Sills plates shall be bolted to the foundation or foundation wall with not less than ½ inch nominal diameter steel bolts embedded at least 7 inches into the concrete or masonry and spaced not more than 4 feet apart. There shall be a minimum of two bolts per piece with one bolt located within 12 inches of each end of each piece. A properly sized nut and washer shall be tightened on each bolt to the plate.

Paragraph 5 is deleted.

Section 903.4.2 Alarms – is amended to read: Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Approved audible visual alarms to alert the occupants of the building shall be installed throughout the building in accordance with NFPA 72 and as required by the authority having jurisdiction. Where a fire alarm system is installed, activation of the automatic sprinkler system shall activate the buildings fire alarm system.

Section R907.3 Re-covering Versus Replacement – Paragraph 4 is deleted.

Table R301.2 (1) Climatic And Geographic Design Criteria – is amended by inserting the following climate and geographical design criteria. The following Table shall be applicable to the General Design Requirements of the 2006 IRC and 2006 IBC.

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Weathering (concrete masonry)	Frost Line Depth	Termite Damage
35	90	A	Severe	42 inches	Slight
Decay Damage	Winter Design Temp	Ice Shield Required	Flood Hazard NFIP Adopted	Air Freezing Index	Mean Annual Temperature
Slight	- 7 F	Yes	1979	2000	48.3 F

Table R403.1 Minimum Width of Concrete or Masonry Footings – all tables shall be replaced with the following:

**Spread Footings – Single Story Light Frame Construction Only**

Number of Floors Supported By Foundation	Width of Footings (inches)	Thickness of Footings (inches)	Minimum Depth of Foundation Below Natural Surface of Ground or Finish Grade (inches)
1	16	8	42
2	16	8	42
3	20	12	42

- Notes:
- a) Foundations may support a roof in addition to the stipulated number of floors.
  - b) Foundations supporting only roofs shall be as required for supporting one floor.
  - c) The ground under the floor is permitted to be excavated to the footings top elevation.
  - d) All footings shall have at least two (2) #4 reinforcement bars parallel with footings.

**Trench Footings – Single Story Light Frame Construction Only**

Number of Floors Supported By Foundation	Minimum Width of Footings (inches)	Minimum Depth of Foundation Below Natural Surface of Ground or Finish Grade (inches)	Minimum Vertical Reinforcement	Minimum Horizontal Reinforcement
1	8	42	#4 at 48" o.c.	#4 top and bottom

- Notes:
- a) Foundations may support a roof in addition to the stipulated number of floors.
  - b) Soil bearing pressure shall be a minimum of 2000 psi.
  - c) Structural spans shall not exceed 16 feet.

Table 1805.4.2 Floors supporting walls of Light Frame Construction – is amended by adding the following table.

Monolithic Slab Footings – Group U (Utility) Type Structures Only

Maximum Building Area	Minimum Width of Footings (inches)	Minimum Depth of Footing (inches)	Minimum Horizontal Reinforcement	Minimum Floor Thickness (inches)
1000 Sq. Ft.	12	12	#4 top and bottom	3.5

- Note:
- a) Footings or foundation shall extend a minimum 6 inches above the finished grade.
  - b) Footings shall support not more than 16 inches of masonry block or concrete.
  - c) Monolithic Slab Footings are not permitted when any portion of the footing is to be located less than six feet to a Group R - Residential Occupancy Use.

**15.04.050 Constitutionality.**

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provisions or part thereof not adjudged invalid or unconstitutional.

(Ord. 386 § 308, 2002) (Amended)

## Chapter 15.08

### ABATEMENT OF DANGEROUS BUILDINGS

#### Sections:

- 15.08.010 Adoption of the 2009 International Property Maintenance Code.**  
(Amended August, 2013)
- 15.08.20 Violations--Penalty.**  
(Amended August, 2013)

**15.08.10 Adoption of the 2009 International Property Maintenance Code.**

The 2009 edition of the International Property Maintenance Code is hereby adopted in its entirety by reference in this chapter. (Ord. 387 § 1, 2002) (Amended August, 2013)

**15.08.020 Violations--Penalty.**

A. It shall be a violation of this chapter for any person within the city limits or for any person within the planning and zoning jurisdiction of the city to violate any provision of this chapter.

B. Any person convicted of violating any section of this chapter shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00). (Ord. 387 §§ 2, 3, 2002) (Amended August, 2013)

## Chapter 15.12

### FLOOD DAMAGE PREVENTION

#### Sections:

- 15.12.010 Findings of fact.
- 15.12.020 Statement of purpose.
- 15.12.030 Methods of reducing flood losses.
- 15.12.040 Definitions.
- 15.12.050 Lands to which this ordinance applies.
- 15.12.060 Basis for establishing the areas of special flood hazard.
- 15.12.070 Compliance--Required.
- 15.12.080 Abrogation and greater restrictions.
- 15.12.090 Interpretation.
- 15.12.100 Warning and disclaimer of liability.
- 15.12.110 Establishment of development permit.
- 15.12.120 Designation of city finance officer as administrator.
- 15.12.130 Duties and responsibilities of city finance officer.
- 15.12.140 Variance procedure.
- 15.12.150 Provisions for flood hazard reduction--  
-General standards.
- 15.12.160 Provisions for flood hazard reduction--  
-Specific standards.
- 15.12.170 Floodways.

#### 15.12.010 Findings of fact.

A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and govern-

mental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 348 § 1.2, 2001)

#### 15.12.020 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 348 § 1.3, 2001)

#### **15.12.030 Methods of reducing flood losses.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 348 § 1.4, 2001)

#### **15.12.040 Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Appeal" means a request for a review of the city finance officer interpretation of any provisions of this chapter or a request for a variance.

"Area of special flood hazard" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Existing manufactured home park or subdivision" means a manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) are completed before the effective date of the ordinance codified in this chapter.

"Expansion to existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters; and/or
- The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency has deline-

ated both the areas of special food hazards and the risk premium zones.

"Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"New construction" means structures for which the start of construction commenced on or after the effective date of the original ordinance, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site

grading or the pouring of concrete pads) is completed on or after the effective date of these floodplain management regulations

"Recreational vehicle" means a vehicle, which is: (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building or manufactured home that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its original condition before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (Ord. 348 § 2, 2001)

**15.12.050 Lands to which this ordinance applies.**

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city. (Ord. 348 § 3.1, 2001)

**15.12.060 Basis for establishing the areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the city of North Sioux City, Union County, South Dakota dated February 23, 2001" with an accompanying Flood Insurance Rate Map (FIRM), is adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and FIRM are on file at City Hall, 301 Military Road, North Sioux City, SD. (Ord. 348 § 3.2, 2001)

**15.12.070 Compliance--Required.**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. (Ord. 348 § 3.3, 2001)

**15.12.080 Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 348 § 3.4, 2001)

**15.12.090 Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 348 § 3.5, 2001)

**15.12.100 Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 348 § 3.6, 2001)

**15.12.110 Establishment of development permit.**

A. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.12.060.

B. Application for a development permit shall be made on forms furnished by the city finance officer and may include, but not be limited to:

Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

C. Where base flood elevations are utilized, all new construction, substantial improvements and other development must comply with requirements of Section 15.12.130(B). (Ord. 348 § 4.1, 2001)

**15.12.120 Designation of city finance officer as administrator.**

The city finance officer is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 348 § 4.2, 2001)

**15.12.130 Duties and responsibilities of city finance officer.**

Duties of the city finance officer shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;

2. Review all development permits to determine that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required;

3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 15.12.170(A) are met.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.12.060, the city finance officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source. Where base flood elevation data are utilized, all new construction, substantial improvements, or other development in Zone A are administered in accordance with subsection C of this section and Section 15.12.160.

C. Information to be Obtained and Maintained.

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

2. For all new or substantially improved floodproofed structures:

a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed,

b. Maintain the floodproofing certifications required in this chapter.

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses.

1. Notify adjacent communities and the South Dakota Department of Environment and Natural Resources prior to an alteration or relocation of watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.12.140. (Ord. 348 § 4.3, 2001)

**15.12.140 Variance procedure.**

A. Appeal Board.

1. The city common council, as established by the city council, shall hear and de-

cide appeals and request for variances from the requirements of this chapter.

2. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the city finance officer in the enforcement or administration of this chapter.

3. Those aggrieved by the decision of the city council, or any taxpayer, may appeal such decisions to the Circuit Court as provided in SDCL 11-4-25.

4. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location, where applicable;

f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

g. The compatibility of the proposed use with the existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

5. Upon consideration of the factors of subsection (A)(4) of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

6. The city finance officer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

#### B. Conditions for Variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection (A)(4)(a) through (k) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

3. Variances shall not be issued within any designated floodway if any increase in

flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in subsection (A)(4) of this section or conflict with existing local laws or ordinances.

6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

7. As a condition of the granting of a variance the applicant shall be required to:

a. Submit certification from a South Dakota registered engineer or South Dakota registered architect that the structure for which the variance is sought meets any and all technical specifications of the Federal Emergency Management S114 then in effect;

b. Require that all drawings submitted by the applicant pursuant to this chapter are certified by a South Dakota registered engineer or a South Dakota registered architect;

c. Supply to the city as-built plans and drawings for the structure on which the

variance is requested in form satisfactory to the city engineer. All plans required herein shall be certified by a South Dakota registered engineer or a South Dakota registered architect and shall be submitted to the city within two weeks of the substantial completion of construction work on the structure;

d. Supply to the city landscape and site plans showing elevations for the real property on which the structure is located in form satisfactory to the city engineer. All plans required herein shall be certified by a South Dakota registered engineer or a South Dakota registered architect and shall be submitted to the city within two weeks of the substantial completion of the construction work on the structure;

e. Cause a notice to be recorded with the register of deeds in and for Union County, South Dakota, showing:

i. The legal description of the property for which the variance requested is located, and

ii. A statement that the property is located in a flood plain;

f. Consent to the installation of a permanent placard within the structure identifying the property as being located on a flood plain and containing such other information deemed necessary by the city planning commission;

g. Consent to a bi-annual inspection of the city to determine whether or not the property complies with FEMA guidelines in existence at the time of the inspection; and

h. Consent to comply within ninety (90) days of written notice directives of the city at property owner's expense necessary to comply with FEMA guidelines. (Ord. 348 § 4.4, 2001)

#### **15.12.150 Provisions for flood hazard reduction--General standards.**

In all areas of special flood hazard, the following standards are required:

##### **A. Anchoring.**

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side;

b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four additional ties per side;

c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

d. Any additions to the manufactured home be similarly anchored.

##### **B. Construction Materials and Methods.**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five acres (whichever is less). (Ord. 348 § 5.1, 2001)

**15.12.160 Provisions for flood hazard reduction--Specific standards.**

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 15.12.060 or 15.12.130(B), the following provisions are required:

A. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in Section 15.12.140(C)(2).

C. Openings in Enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this re-

quirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

2. The bottom of all openings shall be no higher than one foot above grade;

3. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

**D. Manufactured Homes.**

1. Manufactured homes shall be anchored in accordance with Section 15.12.150(A)(2).

2. All manufactured homes or those to be substantially improved shall conform to the following requirements:

a. Require that manufactured homes that are placed or substantially improved on a site: (i) outside of a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement;

b. Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in subsection (D)(2)(a) of this section

be elevated so that either: (i) the lowest floor of the manufactured home is at or above the base flood elevation; or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

E. Recreational vehicles: require that recreational vehicles either: (i) be on the site for fewer than one hundred eighty (180) consecutive days; (ii) be fully licensed and ready for highway use; or (iii) meet the permit requirements and elevation and anchoring requirements for manufactured homes. (Ord. 348 § 5.2, 2001)

**15.12.170 Floodways.**

Located within areas of special flood hazard established in Section 15.12.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;

B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 15.12.150 through 15.12.170;

C. Prohibit the placement of any mobile-home, except in an existing mobile home subdivision. (Ord. 348 § 5.3, 2001)

## Chapter 15.16

### BUILDING NUMBERING

#### Sections:

- 15.16.010** Generally.
- 15.16.020** Base lines.
- 15.16.030** Significance of the hundred in any number.
- 15.16.040** Odd and even numbers.
- 15.16.050** Responsibilities.
- 15.16.060** City auditor authorized to assign numbers.

#### **15.16.010** Generally.

Buildings and building sites in the city, shall be numbered in accordance with the rules and regulations set forth in this chapter. (Prior code § 2.0201)

#### **15.16.020** Base lines.

The principal base lines for numbers of buildings and building sites on streets running east and west shall be River Drive, and the principal line for numbers on streets running north and south shall be as follows: Avondale addition shall use Parkside Avenue; original town shall use Wallace Street; Airport Addition shall use North Main Street. (Prior code § 2.0202)

#### **15.16.030** Significance of the hundred in any number.

The hundred in any number assigned to any building or building site shall indicate approximately the number of blocks the building or building site is from one of the principal base lines indicated in the previous paragraph. There will be exceptions to this general rule, but in every case in which the number is large, the building or building site is distant from the

base line and any building or building site whose number is small is close to the base line. (Prior code § 2.0203)

#### **15.16.040** Odd and even numbers.

Building and building sites shall be so numbered that: (a) only even numbers shall appear on the north and west sides of streets; (b) odd numbers shall appear on the south and east sides of streets. (Prior code § 2.0204)

#### **15.16.050** Responsibilities.

The city shall be responsible for placing of and maintaining of street markers, but the owner of said buildings and building sites shall be responsible for securing and placing of house numbers. (Prior code § 2.0205)

#### **15.16.060** City auditor authorized to assign numbers.

The city auditor shall be authorized to assign numbers to all buildings and building sites within the limits of the city in accordance with the regulations set forth in Section 15.16.040. All ordinances or parts of ordinances that are in conflict with this chapter are repealed. (Prior code § 2.0206)

## Chapter 15.20

### DRIVEWAY CONSTRUCTION

#### Sections:

**15.20.010 Driveway specification.**

**15.20.020 Adopted specifications.**

**15.20.030 Violations--Penalty.**

#### **15.20.010 Driveway specification.**

Any construction involving new residential structures shall include a driveway which conforms to the specification which may be adopted by the city from time to time. Such specifications shall be listed as a condition of any residential structures.

Any construction or replacement of any existing driveway shall conform to specifications as adopted by the city. (Prior code § 6.0501)

#### **15.20.020 Adopted specifications.**

Any specifications adopted pursuant to this chapter shall be by resolution and shall be on file with the city finance officer for public inspection. (Prior code § 6.0502)

#### **15.20.030 Violations--Penalty.**

Any person convicted of violating any section of this chapter shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). (Prior code § 6.0503)

## Chapter 15.24

### INTERNATIONAL RESIDENTIAL CODE

#### Sections:

- 15.24.010 Adoption**
- 15.24.020 Conflict**
- 15.24.030 Building Official**
- 15.24.040 Amendments**
- 15.24.050 Constitutionality.**

#### **Section 15.24.010 Adoption**

The International Residential Code, 2006 edition—including Appendix E, Appendix G, and Appendix H—as published by the International Code Council Inc. as amended is hereby adopted as the residential building code by the city for regulating the design, construction, quality of materials, erection, installation, alteration, movement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and townhouses not more than three stories in height with a separate means of egress and their accessory structures, and provides for the issuance of permits and collection of fees therefore. The whole thereof has been adopted except such portions as may be deleted, modified or amended as hereinafter set out or later adopted. The Finance Officer shall keep and maintain a master copy of said code, including all future deletions, modifications and amendments which may be adopted. The minimum building standards in the 2006 edition of the International Residential Code and amendments thereto shall be applied to any building permit issued after June 30, 2009.

The code shall be filed with the city clerk.

#### **15.24.020 Conflict.**

In the event of any conflict between the provisions of the code adopted by this article and applicable provisions of this Code of Ordinances, state law or city ordinance, rule or regulation, the provisions of this Code of Ordinances, state law or city ordinance, rule or regulation shall prevail and be controlling.

#### **15.24.030 Building Official.**

The building 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 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 provided by any immunities and defenses provided by other applicable state and federal laws.

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, 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.

#### **15.24.040 Amendments.**

##### **15.24.041**

In the “2006 International Residential Code,” Section 2 of Sub-Section R309.2 Separation required be amended to read as follows:

R309.2 Separation required. The garage shall be separated from the residence and its attic area by not less than 5/8 – inch (15.9mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8 – inch (15.9mm) Type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8 – inch (15.9 mm) gypsum board or equivalent.  
(Amended 2005)

##### **15.24.042**

In the “2006 International Residential Code,” Section 1 of Sub-Section R310 – Emergency Escape and Rescue Openings be amended to read as follows:

R310.1 Emergency escape and rescue required. Basements with habitable space and every sleeping room shall have at least one openable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 48 inches (1220 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is pro-

vided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section 310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2  
(Amended 2005)

##### **15.24.050 Constitutionality.**

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provisions or part thereof not adjudged invalid or unconstitutional.  
(Ord. 386 § 308, 2002) (Amended)

## Chapter 15.28

### Uniform Plumbing Code

#### Sections:

- 15.28.010 Adoption**
- 15.28.020 Conflict**
- 15.28.030 Building Official**
- 15.28.040 Amendments**

#### **15.28.010 Adoption.**

The Uniform Plumbing Code 2003 edition, including Appendix A-Recommended Rules for Sizing the Water Supply System; Appendix B-Explanatory Notes on Combination Waste and Vent Systems; Appendix D-Sizing Stormwater Drainage Systems; Appendix E-Manufactured/Mobile Home Parks and Recreational Vehicle Parks; Appendix G-Graywater Systems for Single Family Dwellings; Appendix H-Recommended Procedures for Design, Construction and Installation of Commercial Grease Interceptors; Appendix I-Installation Standards; Appendix J-Reclaimed Water Systems for Non-Residential Buildings; and Appendix K-Private Sewage Disposal Systems, published by the International Association of Plumbing and Mechanical Officials and amendments and additions thereto as provided in this chapter, are hereby adopted by the city for regulating and controlling design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of any plumbing and providing for the performance of inspections and collection of fees therefore. The whole thereof has been adopted except such portions as may be deleted, modified or amended as hereinafter set out or later adopted. The Finance Officer shall keep and maintain a master copy of said

code, including all future deletions, modifications and amendments which may be adopted. The minimum plumbing standards referenced in the 2003 edition of the Uniform Plumbing Code shall be applied to any permit issued after January 7, 2005.

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

#### **15.28.020 Conflict.**

In the event of any conflict between the provisions of the code adopted by this article and applicable provisions of this Code of Ordinances, state law or city ordinance, rule or regulation, the provisions of this Code of Ordinances, state law or city ordinance, rule or regulation shall prevail and be controlling.

#### **15.28.030 Building Official.**

The building 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 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 provided by any immunities and defenses provided by other applicable state and federal laws.

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 prop-

erty caused by defects, nor shall the city, 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.

**15.28.040 Amendments.**

## Chapter 15.30

### Mobile/Manufactured Homes Located Outside Mobile/Manufactured Home Park District

#### Section:

#### 15.30.010 Rules and Regulations

#### 15.30.020 Violations - Penalty

#### 15.30.010 Rules and Regulations

All mobile homes and manufactured homes located outside designated "mobile/manufactured home park districts" (R-4) must meet the requirements below:

- A. The pitch of the main roof shall not be less than one foot of rise for each four feet of horizontal run.
- B. The minimum width of the main body of the manufactured home as assembled on the site shall not be less than 20 feet, as measured across the narrowest portion.
- C. A wood or masonry foundation shall form a complete enclosure under the exterior walls. A minimum of seven (7) square feet per manufactured home space of wind resistant structure area shall be provided and installed according to Article 11-80 of Chapter 11 Building Guidelines for Manufactured Housing Installation.
- D. The use of corrugated sheet metal for the exterior walls and skirting is prohibited.
- E. The manufactured or mobile home shall meet or exceed the federal HUD Manufactured Home Construction and Safety Standards.
- F. Each manufactured or mobile home shall be properly secured to the ground with either a permanent foundation extending no less than 4 feet below grade, or with tie downs installed as recommended by the manufacturer, but in no event more than 12 feet apart

along the perimeter of the structure. Such tie downs shall extend down no less than 4 feet below grade.

G. Each manufactured or mobile home must abide by all other zoning standards established within the applicable zoning district.

#### 15.30.020 Violations - Penalty

Whenever the City building inspector determines that there has been a violation of the above requirements, the City will give immediate notice of such alleged violation to the occupant. Failure to remedy the violation within ten (10) days shall be a violation punishable by a fine of up to Five Hundred Dollars (\$500.00) beginning on the eleventh day. Each successive day of failure to comply shall constitute a separate violation subject to a fine of up to Five Hundred Dollars (\$500.00).

(Adopted July 2005)

## Chapter 15.32

### International Mechanical Code

#### Section:

- 15.32.010 Adoption**
- 15.32.020 Conflict**
- 15.32.030 Building Official**
- 15.32.040 Amendments**
- 15.32.050 Constitutionality.**

#### **15.32.010 Adoption.**

The International Mechanical Code, 2003 edition—including Appendix A, as amended, are hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of heating, ventilation, cooling, refrigeration, incinerators, or other miscellaneous heat producing appliances in the city, and for providing for performance of inspections and collection of fees therefore. The whole thereof has been adopted except such portions as may be deleted, modified or amended as hereinafter set out or later adopted. The Finance Officer shall keep and maintain a master copy of said code, including all future deletions, modifications and amendments which may be adopted. The minimum mechanical standards referenced in the International Mechanical Code shall be applied to any permit issued after January 7, 2005.

A printed copy of such code and additions and amendments thereto is on file with the city clerk.

#### **15.32.020 Conflict.**

In the event of any conflict between the provisions of the code adopted by this article and applicable provisions of this Code of Or-

dinances, state law or city ordinance, rule or regulation, the provisions of this Code of Ordinances, state law or city ordinance, rule or regulation shall prevail and be controlling.

#### **15.32.030 Building Official.**

The building 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 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 provided by any immunities and defenses provided by other applicable state and federal laws.

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, 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.

#### **15.32.040 Amendments.**

#### **15.32.050 Constitutionality.**

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any

section, provisions or part thereof not ad-  
judged invalid or unconstitutional.

(Ord. 386 § 308, 2002) (Amended)

## Chapter 15.36

### International Property Maintenance Code

**Section:**

- 15.36.010 Adoption**
- 15.36.020 Conflict**
- 15.36.030 Building Official**
- 15.36.040 Amendments**
- 15.36.050 Constitutionality.**

**15.36.010 Adoption.**

The International Property Maintenance Code, 2003 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 and controlling the use and occupancy and maintenance of all buildings or 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 whole thereof has been adopted except such portions as may be deleted, modified or amended as hereinafter set out or later adopted. The Finance Officer shall keep and maintain a master copy of said code, including all future deletions, modifications and amendments which may be adopted. The minimum requirements and standards of the 2003 International Property Maintenance Code will become effective after January 7, 2005.

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

**15.36.020 Conflict.**

In the event of any conflict between the provisions of the code adopted by this article and applicable provisions of this Code of Ordinances, state law or city ordinance, rule or regulation, the provisions of this Code of Ordinances, state law or city ordinance, rule or regulation shall prevail and be controlling.

**15.36.030 Building Official.**

The building 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 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 provided by any immunities and defenses provided by other applicable state and federal laws.

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, 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.

**15.36.40 Amendments.**

**15.36.050 Constitutionality.**

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provisions or part thereof not adjudged invalid or unconstitutional.

(Ord. 386 § 308, 2002) (Amended)