

BUILDING AND CONSTRUCTION ORDINANCE

Meade County Ordinance 34

Revised January 2021

**AN ORDINANCE OF MEADE COUNTY, SOUTH DAKOTA FOR BUILDING AND
CONSTRUCTION WITHIN THE UNINCORPORATED BOUNDARIES OF MEADE COUNTY,
SOUTH DAKOTA**

Table of Contents

Table of Contents

BUILDING AND CONSTRUCTION ORDINANCE	1
Meade County Ordinance 34.....	1
Table of Contents	2
Definitions.....	3
BUILDING AND CONSTRUCTION ORDINANCE	4
Meade County Ordinance 34.....	4
AN ORDINANCE FOR BUILDING AND CONSTRUCTION WITHIN THE UNINCORPORATED BOUNDARIES OF MEADE COUNTY, SOUTH DAKOTA	4
Article I. ADOPTION, AUTHORITY, PURPOSE AND JURISDICTION	4
Section 1.01 Building Standards, Plan Review, References Used and Permits.....	4
Section 1.02 Building Permit and Related Fees	7
Section 1.03 Building or Construction Inspections	8
Article II. BUILDING RESTRICTIONS.....	8
Section 2.01 Construction Restrictions.....	8
Section 2.02 Climatic and Geographical Criteria	13
Section 2.03 Soils and Compaction Control.....	13
Article III. LICENSING.....	14
Section 3.01 Contractor Licensing	14
Section 3.02 License Required.....	14
Section 3.03 License Application	14
Section 3.04 License Application Fees.....	15
Section 3.05 Violations and Penalties	15
Article IV. VIOLATION AND PENALTIES.....	16
Section 4.01 Working Without a Permit.....	16
Section 4.02 Additional Inspections	17
Section 4.03 Penalties.....	17
Article V. VARIANCES	17
Section 5.01 Variance Procedure.....	17
Section 5.02 Application Required.....	18
Section 5.03 Requirements for Granting a Variance	18
Article VI. SEVERABILITY AND SEPARABILITY.....	19
Article VII. EFFECTIVE DATE.....	19

Definitions

BUILDING CODE: Meade County implemented the most current edition of the International Building Code, including Appendix C and Appendix I and the most current edition of the International Residential Code, as published by the International Code Council Inc.

BEAM: A long thick piece of wood, metal, or concrete.

BUILDING PERMIT: A permit issued by the county that is regulated by this ordinance, for a structure or part thereof that shall be erected, constructed, enlarged, altered, repaired, moved, improved, or converted.

COMMISSION: Elected Commissioners (or governing body), that govern Meade County, SD.

CABIN: A dwelling unit built for the purpose of rental or use to guests for any period of time.

EQUALIZATION & PLANNING OFFICE: Meade County Equalization and Planning Director or his/her assignees

EXPANSIVE SOILS: Soil that expands when water is added and shrinks when it dries out. This change in soil volume can cause shifting and cracking in structures. Expansive soils that may swell enough to cause pavement problems are generally clays falling into the AASHTO A-6 or A-7 groups, or classified as CH, MH, or OH by the Unified Classification System, and with a Plasticity Index greater than about 25 by ASTM D4318.

GROUND SNOW LOAD: The ground snow load is the maximum total weight of snow on the ground that is used in the design process of roof trusses.

HEADER: A framing member crossing and supporting the ends of joists, studs, or rafters so as to transfer the weight to parallel joists, studs, or rafters.

ICF: Insulated concrete form is a system of formwork for reinforced concrete usually made with a rigid thermal insulation that stays in place as a permanent interior and exterior substrate for walls, floors, and roofs. The forms are interlocking modular units that are dry stacked (without mortar) and filled with concrete.

IN-LAW SUITE: A residential living unit of 800 square feet or less that is within or attached to a single-family dwelling, a converted garage, or a detached outbuilding, that provides independent living facilities for sleeping, cooking, and sanitation, located on the same parcel of land as the principal dwelling unit.

KIT TYPE CARPORTS: Portable, not permanently anchored, open sided structures that are less than 400 square feet.

MOBILE HOME: A movable or portable unit, designed and constructed to be towed on its own chassis comprised of a frame and wheels, and designed to be connected to utilities for year-round occupancy. Mobile home may be composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is 8 feet or more in width or 40 feet or more in length in the traveling mode, or is 320 or more square feet when erected on a site; built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities. The term includes any structure which has been certified by the secretary of housing and urban development as having complied with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended and in effect on January 1, 1984 (SD Codified Law 32-7A-1)

MODULAR/PREBUILT HOMES: A pre-built structure that is factory produced which is transported to a building site, placed on a permanent foundation and is similar to a stick-built home, meeting all the building codes of a stick-built home and does not have a title.

PLANNING BOARD: The Planning Commissioners who are individuals appointed by the Meade County Commission of Meade County, SD.

RAFTERS: A series of sloped structural members such as wooden beams that extend from the ridge or hip to the wall plate, downslope perimeter, or eave, and that are designed to support the roof deck and its associated loads

UFER GROUND: An electrical earth grounding method that uses a concrete-encased electrode to improve grounding used in construction of concrete foundations.

BUILDING AND CONSTRUCTION ORDINANCE

Meade County Ordinance 34

AN ORDINANCE FOR BUILDING AND CONSTRUCTION WITHIN THE UNINCORPORATED BOUNDARIES OF MEADE COUNTY, SOUTH DAKOTA

Article I. ADOPTION, AUTHORITY, PURPOSE AND JURISDICTION

Section 1.01 Building Standards, Plan Review, References Used and Permits

The most current edition of the International Building Code, including Appendix C and Appendix I and the most current edition of the International Residential Code, as published by the International Code Council Inc., and Meade County approved amendments and additions as provided will be inherent of this ordinance as the building standards used by Meade County.-(South Dakota Codified Laws Chapter 11-10-5, 11-10-9 and Administrative Rules 61:15:01:14 and 61:15:01:17) This ordinance and the aforementioned building codes will be used for plan review, inspections, construction, enlargement, alteration, repair, installation, removal, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the unincorporated area of Meade County, and for issuance of permits and collection of fees therefore. The minimum building standards in the most current edition of the International Building and International Residential Codes and amendments thereto shall be the references used for any building permit issued after the effective date of this ordinance. A printed copy of such code and additions and amendments thereto is on file with the Meade County Equalization and Planning Office along with the current version of the Handbook for South Dakota Building Officials and Design Professionals, South Dakota State Board of Technical Professionals.

1. Scope: The following regulations shall be known as the Building and Construction Ordinance of Meade County, SD hereinafter referred to as "this ordinance." The provisions of this ordinance shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

2. Exceptions:
 - A. Electrical. The term ICC Electrical Code shall mean the ICC Electrical Code as adopted by the State of South Dakota and shall apply to the installation of electrical systems including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto. ICC Electrical Code shall be administered by the State of South Dakota.
 - B. Gas. The term International Fuel Gas Code shall mean the International Fuel Gas Code as adopted by the State of South Dakota and shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. The requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories. The International Fuel Gas Code shall be administered by the State of South Dakota.
 - C. Plumbing. The term ICC Plumbing Code shall mean the ICC Plumbing Code as adopted by the State of South Dakota shall apply to the installation, alteration, repair, and replacement of plumbing systems including equipment, appliances, fixtures, fittings, and appurtenances, and where connected to a water or sewage system and all aspects of a gas system. ICC Plumbing Code shall be administered by the State of South Dakota.
 - D. Fire prevention. The term International Fire Code shall mean the International Fire Code as adopted by the State of South Dakota and shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation. The International Fire Code shall be administered by the State of South Dakota.
3. Enforcement agency. The Equalization & Planning Office shall be the enforcement agency and the official in charge.
4. Chief Building Inspector. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Director of Equalization and Planning or designate has the authority to appoint a Chief Building Inspector, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the appointed authority.
5. Liability. The building official or inspector, the commission, or employee charged with the enforcement of this ordinance, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this ordinance 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 an act or by reason of an act or omission in the discharge of official duties. Any suit brought against the building official, officer or employee because of such act or omission performed by the building official, officer or employee in the lawful discharge of duties and enforcement of any provision of this ordinance or other pertinent laws or ordinances implemented through the enforcement shall be afforded all the protection provided by the County's liability insurance, and any immunities and defenses provided by other applicable state and federal laws.
6. This ordinance shall not be construed to relieve from 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 enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this ordinance or any permits or certificates issued under this ordinance.

7. Permits Required. Except as specified in this section, no building or structure regulated by this ordinance shall be erected, constructed, enlarged, altered, repaired, moved, improved or converted unless a separate permit for each building or structure has first been obtained from the building official or designate. Permits for minor work may be exempted by the building official or designee.

A. Work Exempt from Permit. Exemptions from permit requirements of this ordinance shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this ordinance or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

B. Exemptions

- a) One-story detached portable accessory buildings with no utilities or foundation, less than 200 square feet, used as tool and storage sheds, playhouses, greenhouses, and similar uses.
- b) Fences
- c) Retaining walls
- d) Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below. Concrete patios are not exempt.
- e) Painting, papering, floor covering, cabinets, countertops and similar finish work
- f) Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches (457mm) deep.
- g) Replacement of roofing shingles.
- h) Replacement of exterior siding and/or windows and doors the same size.
- i) Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
- j) Swings and other playground equipment accessories to detached one and two-family dwellings.
- k) Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1,753 mm) in height.
- l) Decks not to exceed 100 square feet.
- m) Kit type carports - cannot be permanently anchored.

8. All accessory type buildings 200 square feet and greater, along with any size accessory building used as a cabin, sleeping quarters, or any other commercial purpose, must be temporarily or permanently anchored in accordance with the current version of the International Residential or International Building Codes.

Accessory buildings used as a cabin, sleeping quarters, or other commercial purposes must contain a hard-wired smoke alarm with battery backup, a fire extinguisher unless used for storage only.

Accessory type buildings meeting these criteria will be required to be permitted, meet setback requirements referred to in this ordinance.

9. The building official or assignee is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to the time of service and said time shall be specified on the permit. (See the current version of the International Building Code).

10. New commercial construction, alterations or building expansions of commercial buildings of 2,400 square feet or greater will require a Professional SD Registered Architect and/or Engineer(s) per this ordinance and/or the current version of the "Handbook for South Dakota Building Officials and Design Professionals, (South Dakota State Board of Technical Professionals), to provide a set of sealed and digital applicable building plans to the county for review. The Building Official may require the applicant of a commercial building project (that is smaller than 2,400 square feet), to also have plans from a Registered Architect and/or Engineer(s) when life safety concerns are not shown on the submitted plans.

Section 1.02 Building Permit and Related Fees

All building permits fees shall be reviewed and set by resolution by the Commission. When necessary, the Commission, by resolution, may adjust or establish new fees or fee structures.

1. Residential Fees: shall be based on estimated building cost of the structure that will be used for residential purposes, including building materials and labor. Such cost estimate shall be based on a signed contractor's bid and/or cost data supported by the Equalization & Planning Office cost program.
2. For Manufactured or Mobile Homes placed in a mobile home park without a permanent foundation, a building permit application fee only applies.
3. For Manufactured or Mobile Homes placed on property other than a mobile home park, a building permit and applicable inspections shall be required.
4. Mobile home moving permit is issued by the Meade County Treasurer's Office and is required each time a structure is moved within the unincorporated boundaries of Meade County.
5. Commercial Fees: shall be based on estimated building cost of the entire project that will be used for commercial, public, or nonprofit purposes, including building materials and labor. Such estimate shall be based on a signed contractor's bid and/or cost data supported by the Equalization Office cost program.
6. Return Building Inspections for corrective action shall be identified by the Equalization & Planning Office
7. Demolition Permit - A permit must be obtained and is exempt from fees.
8. Contractors and homeowners are required to submit one set of building plans, (which include a floor plan, elevation plan, a foundation plan and a site plan) and a detailed typed or written cost estimate, at least 72 business hours in advance for county review before any building permit will be issued for a building or structure. Digital plans are preferred.
9. Buildings constructed on land classified for property tax purposes as agricultural land and which are intended for primarily non-commercial agricultural use require a building permit, but are exempt from all building permit fees, and no inspections will be performed. Ordinance 34 building practices are recommended for all non-commercial agricultural buildings. If no building permit is obtained, a penalty per Article 4, Section 4.01 will be issued. Residential Structures and Commercial Agricultural Structures on agricultural property are not exempt from fees.

Section 1.03 Building or Construction Inspections

1. Building inspections are required for each major phase of construction including a foundation inspection (footings & walls), rough carpentry or framing inspection and a final inspection, if applicable. The building inspector may at any time require additional inspections to ensure a structure is being built in accordance with this ordinance. The building contractor or the homeowner will notify the building inspector in the Equalization & Planning Office a minimum of 48 hours in advance that a building inspection is needed for a completed phase of work. If the building inspector needs to return for the same type of inspection due to poor scheduling or a violation, there will be additional fees.
2. Building inspections will be required for all structures except small accessory buildings and for non-commercial ag-use only agricultural buildings constructed on land classified for property tax purposes as agricultural property.
3. Building inspections for rough carpentry/framing will only be performed after the State Electrical and Plumbing Inspectors have completed their "rough-in" inspections. Electrical and Plumbing permits must be acquired from the State of South Dakota.
4. The final inspection shall be made after all the work required by the building permit including final inspection by the Electrical and Plumbing Commission are completed and prior to the building being occupied. A Certificate of Occupancy will be issued when the final inspection has passed.
5. The building inspector is authorized to issue written permission of temporary occupancy before the completion of the entire work covered by the permit, provided that such portion or portions can be occupied safely. The building inspector shall set a time period during which the temporary occupancy is valid.
6. Asbestos Inspection, (by a South Dakota DENR Licensed Asbestos Inspector), is required per the South Dakota DENR and Meade County when any commercial building is to be demolished. Before Meade County will issue a demolition permit, a copy of a signed South Dakota Notification of Demolition and Renovation Form including a certified mail receipt and a copy of the Asbestos Inspection must be presented. The demolition permit will be dated a minimum of 10 business working days from the date the Notification of Demolition and Renovation Form is mailed.
7. Commercial Building Renovation or Demolition Projects will require a Permit and an Asbestos Inspection may be required, (by a South Dakota DENR Licensed Asbestos Inspector), before any commercial renovation projects commences. When an Asbestos Inspection is required, it must be presented at the time the permit application is submitted. If 260 linear feet or more and/or 35 cubic feet of Regulated Asbestos Material are detected at the facility to be renovated, a copy of the Notification of Demolition and Renovation Form including a certified mail receipt will also be required to be submitted before a Building Permit is issued.

Article II. BUILDING RESTRICTIONS

Section 2.01 Construction Restrictions

1. If construction for any building permit has not begun within 6 months from the date of issuance, the permit shall expire. It shall be cancelled by the Meade County Building

Official, and notice shall be given to the applicant and/or property owner. If the work described in any building permit has not been completed within one year of the date of issuance, said permit shall expire. One 6-month extension to an active permit (prior to the expiration date) may be granted by the Equalization & Planning Office if the project is 80% completed. If there are extenuating circumstances beyond the applicant or property owners' control, such as a verified severe illness, a military deployment, or comparable justification when an extension is needed beyond a 6 month period, the applicant may request an appearance before the Planning Board to present factual evidence. Any approval concerning an extenuating circumstance must be granted by the majority of the Planning Board. If the Planning Board grants the extension for extenuating circumstances, the applicant must pay 50% of the original building permit cost or a Re-Application fee set by Resolution of the Commission, whichever amount is less.

An extenuating circumstance due to an action by a court or government entity that suspends construction of a permitted structure will allow the permit to be placed on hold. The amount of time remaining on the permit will be credited to the permit and will resume when the matter is resolved. (Documentation must be submitted to the Equalization & Planning Office that indicates when mitigation of the matter begins and when it reaches resolution.)

2. All structures shall conform to Meade County Flood Damage Prevention Ordinance 9. All residential dwelling's lowest floor level, including basements, must be at least 1 foot above the base flood elevation. Any construction that is in a designated floodway, floodplain, floodway fringe or a flood area designated by an engineering study must first have an approved Floodplain Development Permit before a building permit will be issued.
3. Minimum floor elevations must be established 1 foot above the 100-year flood plain to prevent damage to buildings and structures. If no Base Flood Elevations are available for proposed medium, modified high or high-density subdivisions, the developer and/or property owner must hire a registered engineer or surveyor at their cost to establish the Base Flood Elevations which must be submitted to Planning for review.
4. No building permit for the construction of any house or business will be issued until there is a Meade County permitted and approved wastewater system capable of handling the potential wastewater flow, (including Individual Wastewater Systems) previously installed. An exception for a delayed installation may be granted for the winter months based on frost penetration.
5. Contractors or subcontractors must provide a copy of the concrete delivery tickets, when requested by the building inspector, indicating the compressive strength of the concrete used in the construction of all foundations, floor slabs, concrete driveways, curb & gutter and sidewalks. During cold weather construction, concrete delivery tickets must also indicate the type of additives added to prevent freezing.
6. The minimum distance between any structure and the edge of any Right-of-Way shall be at least 25 feet.
7. The minimum setback between any structure and the front or rear property line shall be at least 25 feet and side property line shall be at least 8 feet. On a corner lot, the street side minimum setback shall be 25 feet. Commercial property in a commercial subdivision may have a zero setback.
8. For life saving reasons in case of fire, no dwelling shall exceed 40 feet in height.
9. There shall be a minimum of 3 feet between detached buildings, (measured from the edge of eave to edge of eave).

10. All residential dwelling units and applicable commercial structures shall be hooked up or serviced by both approved water and sewer facilities. Such approval shall come from Meade County and/or SDDENR.
11. In-Law Suites
 - A. An In-Law Suite must comply with this ordinance and the current IRC building code requirements for a single-family dwelling. This includes the requirement to connect to an approved water and wastewater system per Meade County Ordinance 33.
 - B. An In-Law Suite may be either integrated into the same building as the primary dwelling, attached to the primary dwelling, or constructed within an outbuilding if the outbuilding was constructed as a residential structure per this ordinance
 - i. If integrated into the same building as the primary dwelling, fire separation walls and ceilings are required between the two units per this ordinance and the current version of IRC.
 - C. The maximum size of an In-Law Suite shall not exceed 800 square feet in area.
 - D. One off-street parking space shall be provided in addition to those required for the primary residence.
 - E. Access for the In-Law Suite shall be restricted to the existing access to the lot from a given road, street, or alley. (No additional or multiple driveways will be permitted.)
 - F. The structure on the lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the principal single-family dwelling unless the property is subdivided in accordance with Meade County Ordinance 20, (subdivision ordinance).
 - G. An In-Law Suite cannot be a recreational vehicle.
 - H. All required setbacks shall be complied with.
 - I. The In-Law Suite may be occupied by family members, household employees, caretakers, or caregivers and may not be used as a short-term rental. Refer to South Dakota Department of Revenue guidelines.
 - J. In-Law Suites are not allowed on properties where HOAs, covenants, or land-use restrictions prohibit an In-Law Suite or multiple residences on the property.
 - K. An In-Law Suite will be considered a non-owner-occupied structure for tax-levy purposes.
12. Building Permits will be issued for only one residential dwelling unit per each platted lot. Exceptions may include an approved variance or an In-Law-Suite and must meet requirements of Ordinance 20.
13. Blowing garbage, litter, debris, building materials or other such rubbish from any construction site will not be allowed. Any loose or blowing debris or rubbish shall be picked up immediately and placed in an appropriate waste container equipped with cover to prevent additional blowing. No debris or rubbish is allowed to accumulate on nearby lands. Failure to keep garbage, litter, debris, building materials, and other such rubbish maintained and cleaned up will result in the suspension of building permit(s) held by the owners of the property, contractors, and/or developers involved, as well as any other fines or penalties brought forth by Planning Official(s). New and used materials must always be anchored or otherwise contained.
14. Temporary (accessory) buildings, decorative fences or other impediments shall not block escape routes, natural water ways or any identified drainage easements.
15. Buildings containing explosive or flammable materials will be marked with appropriate warning signs and/or warning devices.
16. Hazardous Materials/Waste or Radioactive/Explosive Materials stored at any facility within the jurisdictional boundaries of Meade County shall be required to place a special

mailbox container on the outside of the property/perimeter with copies of MSDS (Sheets) for all the materials being stored, for the Fire Department or First Responders. Copies of all MSDS (Sheets) must also be sent to the local Fire Department and Meade County Emergency Management Office.

Additional Construction Requirements:

- A. Heavy equipment used on or near asphalt streets or roads will require protective pads placed on the asphalt surface. Asphalt damaged by contractors working on or near an asphalt road or street surface must be properly repaired by the contractor. Damaged asphalt must be cut 6 inches at any point from the damaged area, cut in symmetrical squares or rectangles only, and must be replaced with SD DOT approved "hot mix". Tack Coat must be used on all saw cut edges and the replacement asphalt mix must be compacted to 95% of maximum density.
- B. Any time a builder or property owner creates a hazard due to the construction of any structure off of a platted road or street, which may require a guardrail and/or retaining wall as determined by the Meade County Building Inspector, Equalization & Planning Office, and/or the Meade County Highway Superintendent. The property owner and/or contractor will be responsible to install the guardrail or retaining wall at no cost to Meade County.
- C. When using ICF's (insulated concrete forms) used for foundation walls, 4,000 psi concrete must be used, or 3,500 psi concrete containing a super-plasticizer additive.
- D. Reinforcement steel placed for footings, floors or other concrete slabs must be placed on "chairs" and cannot be resting on the ground surface and pulled up during the concrete pour. Reinforcement steel requirements for all concrete slab construction shall be a minimum of ½ inch (No.4) reinforcement steel placed 2 foot on center, or 3/8-inch (No. 3) reinforcement steel placed 18 inches on center. Wire mesh (6 inches by 6 inches) may be used if placed straight at a consistent distance from the ground to the placement of the wire mesh. Vertical "L" wall reinforcement steel for wall connections must be wet set.
- E. Meade County Equalization & Planning Office recommends all foundations for structures to be built within the jurisdiction of Meade County be designed by a South Dakota Professional Engineer.
- F. Foundations for additions or garages that will be attached to the principle structure or an existing structure must be the same type as the principle or existing structure. Alternatively, a different type of foundation may be approved if designed by a professional engineer.
- G. Monolithic or Thickened Edge foundations for detached garages or outbuildings when not designed by a South Dakota Professional Engineer, must be installed according to Figure MC-F1 or MC-F2 in Appendix A of this ordinance.
- H. The minimum spacing for concrete wall reinforcement steel must be 18 inches vertical and 18 inches horizontal on center minimum, for walls from 2 feet to 10 feet in height. Walls greater than 10 feet in height must be engineered by a South Dakota Registered Professional Engineer. Design drawings must be provided.
- I. The minimum reinforcement for a standard 8 inch by 16-inch footing is 2 runs of ½ inch (No. 4) reinforcement steel, installed per current IRC and IBC. Reinforcement dowels that tie the footing to the walls must be wet set.

- J. Any reinforcement overlaps must be 18 inches long as a minimum.
- K. New construction requires a ufer ground wire to be attached, via an approved clamp protected by a silicon coating, to the footing reinforcement steel before the concrete is placed (or another type of approved ground, per the SD State Electrical Commission.)
- L. All roof trusses must be engineered in accordance with the standards of this ordinance.
- M. Roof Trusses must be attached to wall structures with hurricane straps except post frame construction – see Section 2.01.N.
- N. Roof Trusses attached to post-frame construction must be adequately bolted to the posts with a minimum of 1 ½ inch carriage bolts, (see the Pole Barn Construction Sketches in Appendix A). Headers for overhead doors that also support a roof truss must be engineered.
- O. Unattended open excavations or structures must be adequately fenced to not create a safety hazard to the general public. An excavation left open for 90 days must be backfilled to the ground surface.
- P. Compaction Requirements must be per this ordinance.
- Q. Pole Barn or Post Frame posts must be placed to a minimum depth of 42 inches (frost depth) or greater, with a minimum of 2 feet depth of concrete around the bottom end of each post with a minimum open hole diameter of 12 inches, or attached to a minimum 18-inch diameter pier, at a minimum of 42 inches in depth, with a bracketed system for post frame construction.
 - a) A 4-inch-thick concrete pad is recommended at the bottom of each post hole below each post.
 - b) One No. 4 rebar must be drilled through the bottom of each post and must protrude a minimum of 4 inches on each side or methods, noted in the Pole Barn Construction sketches in Appendix A, or an engineered bucket system embedded in a 12 inch diameter concrete pier is an accepted option. An Engineered foundation designed by a South Dakota Professional Engineer is also an option for uplift prevention.
 - c) Post Frame buildings constructed in heavy clay (expansive soils) areas must have the post foundation designed by a South Dakota Professional Engineer.
- R. Concrete sidewalks shall be placed in accordance with Ordinance 20. The building official shall approve sidewalk locations. Public sidewalks that run along a street or road must be located 3 feet from the back of the curb to the nearest edge of the sidewalk (where feasible). Sidewalks must conform to the American Disabilities Act.
- S. Pedestrian crosswalks, not less than 10 feet wide, may be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, bus stops and other community facilities.
- T. An Erosion Control Plan is required per Meade County Stormwater and Water Quality Ordinance 52.
- U. Two layers of Ice and water shield are required for re-shingling/re-roofing projects.

V. Mobile home parks must follow the guidelines set forth in Ordinance 20.

Section 2.02 Climatic and Geographical Criteria

1. Ground Snow Load - Residential homes or Commercial Buildings 40 psf (pounds per square foot)
2. Ground Snow Load – Residential (detached) shops (no living space) and Ag Use Building 30 psf (pounds per square foot).
3. Roof slopes with a rise of 3 inches (76.2 mm) or less, to 12 inches (305 mm), shall be designed for a full or unbalanced snow load of not less than 30 pounds per square foot (1.44 kN/square meter) of horizontal projection. Where a roof system is designed to slope less than 1/4 inch (6.35 mm) per 12 inches (305 mm), a surcharge load of not less 5 pounds per square foot (0.24 kN/square meter) in addition to the required live load due to snow, shall be designed for. Roof slopes with over 3 inches (76.2 mm) of rise per 12 inches (305 mm) shall be designed for a full or unbalanced snow load of not less than 25 pounds per square foot (1.2 kN/square meter) of horizontal projection. Potential unbalanced accumulation of snow at valleys, parapets, roof structures, and offsets in roofs of uneven configuration shall be considered.
4. Wind Speed design requirements are a sustained wind speed of 90 mph (miles per hour) and a gust wind speed of 115 mph.
5. Frost Line Depth has been determined to be an average of 42 inches throughout Meade County and will be used as a minimum required design depth for projects covered by this ordinance.

Section 2.03 Soils and Compaction Control

1. Description: Included in this section are the requirements for all compacted fill, including roadway embankments, backfill and road surface material.
2. Materials: This material shall be free from vegetative matter, cinder, ashes, refuse, organic matter, or other unsuitable foreign substance. Frozen material may not be used.
3. Products: Use materials as required to accomplish the results indicated and as specified in each section of the work, per Meade County Ordinance.
4. Execution: On-Site Soils
 - A. The following soil compaction requirements shall be achieved when placing satisfactory/cohesive and/or cohesionless embankment materials in 4 inch to 8 inch layers and compacting by appropriate means to the designated percentage of maximum dry density as determined by modified Proctor Test ASTM 0-698. Road surface materials such as gravel and asphalt must be compacted to 95%. (See Ordinance 10).
5. Compaction Type 95% of Maximum Dry Density (Standard Proctor).
 - A. Trench Backfill
 - B. Footings and Slabs
 - C. Road Surface Material

Expansive Soils

In areas where a foundation is to be constructed with suspected expansive soils, the property owner must have a soil analysis completed along with a report of the recommended corrective action (a copy sent to the county), before the foundation can be inspected and then installed. Soil Test(s) with a Plasticity Index (PI) of 25 or greater must have an accompanying engineering report for corrective action.

Article III. LICENSING

Section 3.01 Contractor Licensing

1. Definitions: "Contracting" or "subcontracting" means the enlargement, alteration, repair improvement, conversion or new construction or demolition of any residential or commercial structure within unincorporated areas of Meade County. Does not include minor repairs completed by handyman workers.
2. "Contractor" or "subcontractor" means a proprietorship, partnership, firm or corporation, who for compensation undertakes or offers to undertake any and all types of contracting, (State Licensed Electricians and Plumbers are exempt from county licensing requirements).
3. The Purpose of this section is to protect the public health, safety, and welfare, and to guard against incompetent or dishonest contractors providing unsafe, unstable or short-lived products or services.

Section 3.02 License Required

1. Required by Meade County: It is unlawful for any person or persons representing or operating under the auspices of a firm or corporation to conduct, carry on or engage in the business of contracting work, or act in the capacity of a contractor without first being issued a valid contractor's license by the Equalization & Planning Office.
2. Exceptions:
 - A. Employees of a company licensed in accordance with this section when they are under the direction and control of that company
 - B. A landlord for work to be done on a property when he is acting as his own building contractor.
 - C. A homeowner / landowner who builds, constructs, alters, repairs, adds to, or demolishes any building or structure or any portion thereof that constitutes the owner's residence or a building or structure thereto that is intended for the owner's personal use.
 - D. Utility contractors that work for public utilities, state licensed electricians, and state licensed plumbers are exempt for the licensing requirement.

Section 3.03 License Application

1. A contractor license shall be issued to every proprietorship, partnership, firm, or corporation who makes application for such license, pays the required application fee, and meets the requirements stated in this section.
2. Contractors, including any subcontractors, must show proof they have been in the business

of contracting for more than ninety days. If the 90-day requirements are not met, a review and interview by the Equalization and Planning Office will be required to determine eligibility before a license may be issued after all license fees are paid.

3. License Use Restricted. No licensed contractor shall allow his name to be used by any other person, directly or indirectly, to obtain a building permit or to perform any type of contracting outside his personal supervision.
4. License Term Renewal. All initial licenses issued under the provisions of this chapter shall expire on second year of issuance, beginning on February 1, 2006. All renewal fees shall be paid on or before the expiration date of the license. The renewal shall be valid for a 1-year or a 2-year period at a fee set by resolution of the Commission. Licenses that are expired more than thirty days require a 2-year license renewal be issued according to the fee set by resolution of the Commission.
5. Contractors and subcontractors must provide proof of insurance (General Liability Insurance with \$500,000.00 coverage at a minimum), a state issued Excise Tax Number and Workman's Comp Insurance, when applicable, at the time the license application is submitted.
6. During term of an active Certificate of Insurance, certificate must be held by the Equalization & Planning Office. If a Certificate of Insurance is not active, Equalization & Planning Officials will place licenses on hold and notify the contractor that until the insurance is current and throughout the timeframe for the completion of permitted construction, the permit is placed on hold.
7. Private (non-utility) and public utility contractors and subcontractors that perform work in any Public Right-of-Way must obtain permission from the Meade County Highway Department before work begins.

Section 3.04 License Application Fees

1. Each person applying for a contractor's license shall pay the Equalization & Planning Office an initial fee which shall be set by resolution. The initial license is valid for 2 years.
2. The annual renewal fee shall be also set by resolution, due on or before the expiration date of the license every 1 or 2 years thereafter.
3. A person may put his contractor's license under inactive status; during that time, he may not work as a contractor within the unincorporated areas of Meade County.

Section 3.05 Violations and Penalties

1. Any person who commences any construction for which a permit is required by this ordinance without first having obtained a permit, shall be assessed a penalty in accordance with Article 4, Section 4.01. This provision shall not apply to emergency work when proved to the satisfaction of the Director of Equalization & Planning Office that such work was urgently necessary and that it was not practical to obtain a permit prior. In all such cases, a permit must be obtained as soon as it is practical to do so.
2. It shall be within the discretion of the Commission, with the recommendation of the Planning Official, to revoke a license of any contractor who has been doing work without a required permit. It shall also be within the discretion of the Commission to revoke any

contractor's license if it is determined by the Planning Official that the contractor's work product has been consistently substandard by violating this ordinance, or that the residential contractor has consistently displayed bad faith in dealing with consumers.

3. Unlicensed contractors or subcontractors working within the unincorporated boundaries of Meade County shall pay double the license fee and then shall be issued a contractor license with a probation period of 1 year only. At that time, their work will be reviewed, and a determination will be made by the Equalization & Planning Office whether a Renewed License will be granted.
4. A licensed contractor who is the subject of an investigation by the Commission and/or Planning Official(s) shall cooperate fully with the investigation. Cooperation includes, but is not limited to:
 - A. Responding fully and promptly to questions raised.
 - B. Providing copies of records in the person's possession relative to the matter under investigation, as requested.
5. Disagreement of any decision made by the Commission may be appealed within 45 days by requesting another hearing before the Commission.
6. Disagreement of any decision made by a Meade County Building Inspector can be appealed to the Equalization & Planning Office, then the Meade County Commission if the issue is not resolved.

Any administrative fee or penalty imposed under the provisions of this Section shall be in addition to any other fee or penalty prescribed by resolution.

Article IV. VIOLATION AND PENALTIES

Section 4.01 Working Without a Permit

1. Any person who starts work without first securing a Building Permit and paying the prescribed fee may be charged according to the resolution.
2. Upon finding such violation, the Equalization & Planning Office shall send written Notice of Violation (NOV) addressing the requirement that a Building Permit (or other required County Permit) is required and must be obtained. Notice will be sent to the owner of the property by certified mail with a return receipt requested. If application for the permit is made within 7 days from the date of receipt of the letter, an administrative fee may be assessed in the amount which shall be set by resolution of the Commission, plus the actual fee for the permit.
3. If application for any required county permit is filed after the deadline of 7 days following receipt of the Notice of Violation (NOV), there may be imposed an administrative fee in the amount set by resolution of the Commission. Commercial permits shall be assessed an administrative fee plus 2 times the actual permit fee. The payment of the administrative fee shall not relieve such person from the other fees below.
4. Enforcement for not obtaining a building permit will be based on a set of fines set by resolution of the Commission. This rule applies to all agricultural properties, non-

agricultural properties including commercial and properties with an “exempt” status.

5. Building permit costs will be based on a written cost estimate with supporting documentation, (invoices or estimated cost of materials, labor, etc.) or the Equalization & Planning Office construction costs program/manual.

Section 4.02 Additional Inspections

1. The penalty for required Building Inspections that were not scheduled by the builder or owner(s) of the structure shall be set by resolution of the Commission, per required inspection. The cost of materials and testing which may be required by Meade County’s building inspector and shall be the responsibility of the builder or owner(s).

Section 4.03 Penalties

1. In addition to other remedies set forth in this ordinance, violation of this ordinance may be punishable by thirty days imprisonment or a five hundred dollar fine, or both; each day in violation may be deemed a separate offense.
2. The provisions of this ordinance shall be administered and enforced by a County Code Enforcement Officer appointed by the Commission, who shall have the power to make inspections of buildings or premises necessary to carry out his duties in enforcement of the ordinance.
3. The County Code Enforcement Officer shall have the power to request deputies approved by the Commission to assist in his duties.
4. The County Code Enforcement Officer, and any deputies appointed, shall have authority to issue an ordinance violation notices which shall specify, in addition to other information at the discretion of such officer, the following:
 - A. the date of violation.
 - B. the nature of violation.
 - C. the date the individual is required to appear in court unless the designated fine is paid prior thereto; and
 - D. the signature, or noted refusal to sign, of the violator.

An ordinance violation notice issued under authority of this ordinance shall be enforced as a criminal proceeding before a magistrate court.

In addition to the penalty set forth above, the Meade County Commission may immediately suspend all permits or construction activities which do not meet the requirements of this ordinance. If a suspension occurs, the reasons for such suspension shall be clearly stated by the Commission. The suspension on permits or construction activities may be lifted by the Commission upon satisfactory approval that the reasons which led to the suspension have been remedied.

Article V. VARIANCES

Section 5.01 Variance Procedure

1. The Meade County Planning Board shall hear requests for variances from the technical requirements of this ordinance. The board shall base its determination on technical

justifications and has the right to recommend to the Commission such conditions to variances as it deems necessary to further the purposes and objectives of this ordinance.

2. In granting variances, modifications, and approvals, the Commission may require such conditions that will, in its judgment, secure substantially the objectives, the standards, or the requirements so varied, modified, or approved. In granting any variance, the Commission may prescribe conditions that it deems necessary or desirable for the public interest. These conditions may include, without being limited to personal, surety, performance, or maintenance bonds, affidavits, covenants, or other legal instruments.
3. In making its findings as required herein, the Commission may take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work near the site, and the probable effect of the requested variance upon living conditions in the vicinity. The Board must deem the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner, and must deem there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his/her property.

Section 5.02 Application Required

1. Applications for any variance shall be submitted in writing by the property owner for consideration to the Planning Board by the required submission date of 2 weeks prior to the Planning Board Meeting for review. The application is then reviewed by the Planning Board during an official planning meeting and if the board has a recommendation of approval the application will be submitted to the Commission for review. Commission has the authority to grant or deny variances with the Planning Board providing recommendations to the Commission.
2. Facts by the petitioner shall be supplemented with maps, plans, photos or other additional data which may aid in the analysis of the proposed variance.
3. At time of variance application prior to the Planning Board meeting, a non-refundable variance fee must be paid to the Equalization and Planning Office. Variance fees are set by resolution of the Commission.
4. If recommended by the Planning Board, all applications for variance shall then be considered by the Commission with a decision to be rendered no later than 45 days after the hearing at which the request for a variance was submitted. All variances must be approved by the Commission.
5. The applicant must pay a variance fee, which shall be set by resolution of the Commission, at the time the application is submitted to the Equalization & Planning Office.

Section 5.03 Requirements for Granting a Variance

1. The Commission shall have the authority to grant a variance. The person claiming the variance has the burden of showing to the reasonable satisfaction of the Commission:
 - A. That the granting of the variance will not be contrary to the public interest.
 - B. That the literal enforcement of the ordinance will result in unnecessary hardship.
 - C. That in granting the variance contrary to the provisions of the ordinance, the spirit of the ordinance will be observed; and

D. That by granting the variance, justice will be done.

Article VI. SEVERABILITY AND SEPARABILITY

Should any Article, Section, Sub-section or Provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

Article VII. EFFECTIVE DATE

Ordinance No. 34 shall take effect and be in force from and after twenty days from the date of completed publication. Adopted this 26th day of January, 2021

Dated at Sturgis, South Dakota, this 26 day of January, 2021

Chairperson Ted Seaman: 
Meade County Commissioner (Chair)

Attested: 
Lisa Schieffer, Meade County Auditor

MEADE COUNTY AMENDMENTS TO MOST CURRENT EDITION OF THE INTERNATIONAL BUILDING AND RESIDENTIAL CODE (Appendix A) Referenced in Ordinance No. 34 Building Code and Construction

Most current edition of the International Building and Residential Code

Appendix E of the International Residential Code

Section AE605

ADD -

AE 605.1.MC1 - Manufactured Homes or Mobile Homes placed in Meade County must set on a foundation per Appendix E of the current version International Residential Code per the manufactures engineered recommendations. If the manufactured recommendations are not available, the U.S. Department of Housing and Urban Development's Permanent Foundation Guide for Manufactured Housing Handbook 4930.0 or the most current version must be followed for foundations. Manufactured Homes and/or Mobile Homes must be tied down in accordance Section AE605 Ties, Materials, and Installation.

AE 605.1.MC2 - Manufactured Housing or Mobile homes set within an airport AICUZ that are not set on a permanent basement foundation, must have sound attenuated under-skirting of ½ inch thickness fiber cement board, plywood or OSB with 10-inch-thick fiberglass, mineral fiber, cellulose or 5½ inch thick closed cell sprayed on foam insulation. Skirting must attach to a concrete foundation strip place around the perimeter of the structure or at a minimum 2x4 inch or 2x6 inch pressure treated wood framing, due to ground contact requirements.

Adopt Appendix G - Flood Resistant Construction of the most current edition International Building Code

Section G103 Powers and Duties

ADD-

G103.9 –MC1 - High Ground Water and Intermittent Flowing Surface Water Special Hazard Areas

Where there is a known or suspected high groundwater table of 8 feet or less; this area shall be considered a High Ground Water Special Hazard Area. Requirements shall be that the building official shall request a soil test hole of not less than 8 inches in diameter to be placed within the subsurface soils to a depth of 8 feet; to be left open for 72 hours to check for possible groundwater intrusion with in soil boring before a building permit is issued; (for normal rainfall seasons). In periods of drought, the soil boring shall be placed an additional 2 feet deeper, being 10 feet in depth. The building official shall check the soil boring for possible groundwater intrusion. If groundwater is present within the soil boring, No Basement will be permitted in this area, only a crawl space will be allowed. In all cases, a 2-foot elevated building pad is required.

In areas that are prone to flooding and have intermittent flowing surface water (sheet flow) across a platted lot or tract, outside of a FEMA designated Special Flood Hazard area, a 2-foot elevated building pad is required. In areas where there is historical evidence or knowledge of flooding or where there is sheet flow of flood waters, no basements will be permitted.

Adopt Appendix J – Grading, International Building Code

Non-Commercial Greenhouses, non-commercial pre-built storage sheds, and Ag use buildings will not require inspections.

Monolithic (thickened edge) Foundation

Section R403 Foundations

ADD-

Section R403.1.1 MC1- All concrete slabs and foundations will meet the minimum concrete reinforcement requirements of the entire section referencing Seismic Design Category Class D for the entire County of Meade. Monolithic slabs shall be installed in accordance with Figure MC-F1 and MC-F2.

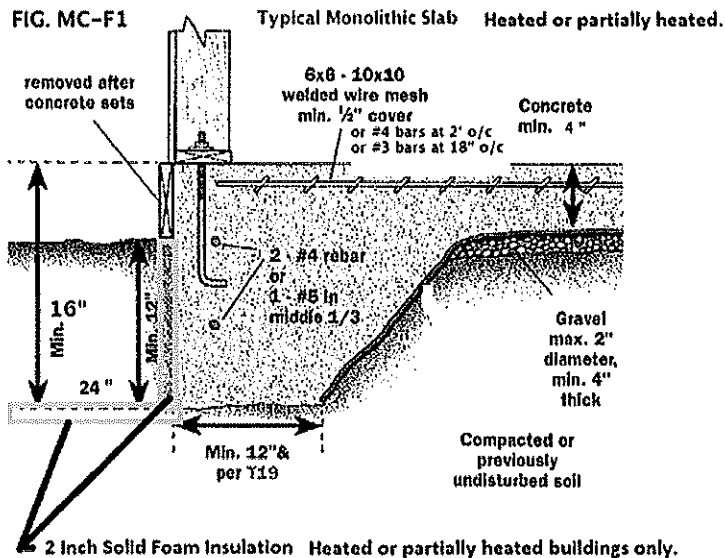
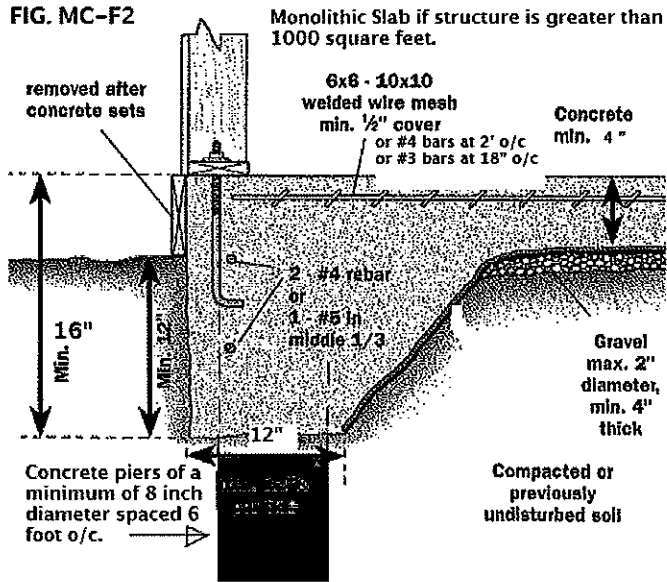


FIG. MC-F2



2017 Revisions

First Reading: October 25th, 2017
Second Reading: November 21st, 2017
Adopted: November 21st, 2017
Published: November 29th & December 6th, 2017
Effective Date: December 26th, 2017

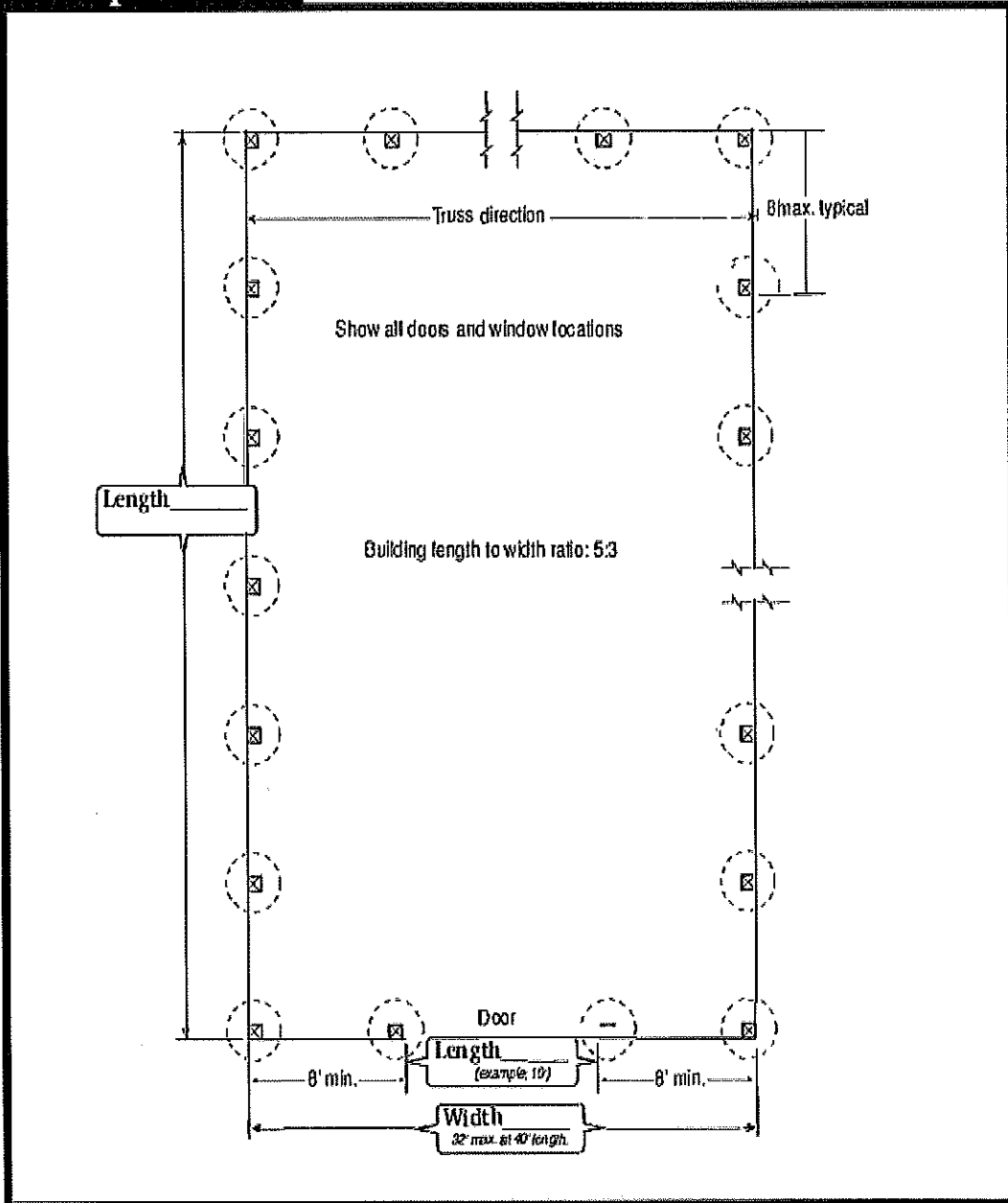
2021 Revisions

First Reading: November 24th, 2020
Second Reading: January 26th, 2021
Adopted: January 26th, 2021
Published: February 3rd, 2021
February 10th, 2021
Effective Date: March 2nd, 2021

Appendix
TYPICAL POST FRAME BUILDING SKETCHES
&
NOISE ATTENUATION CONSTRUCTION
STANDARDS

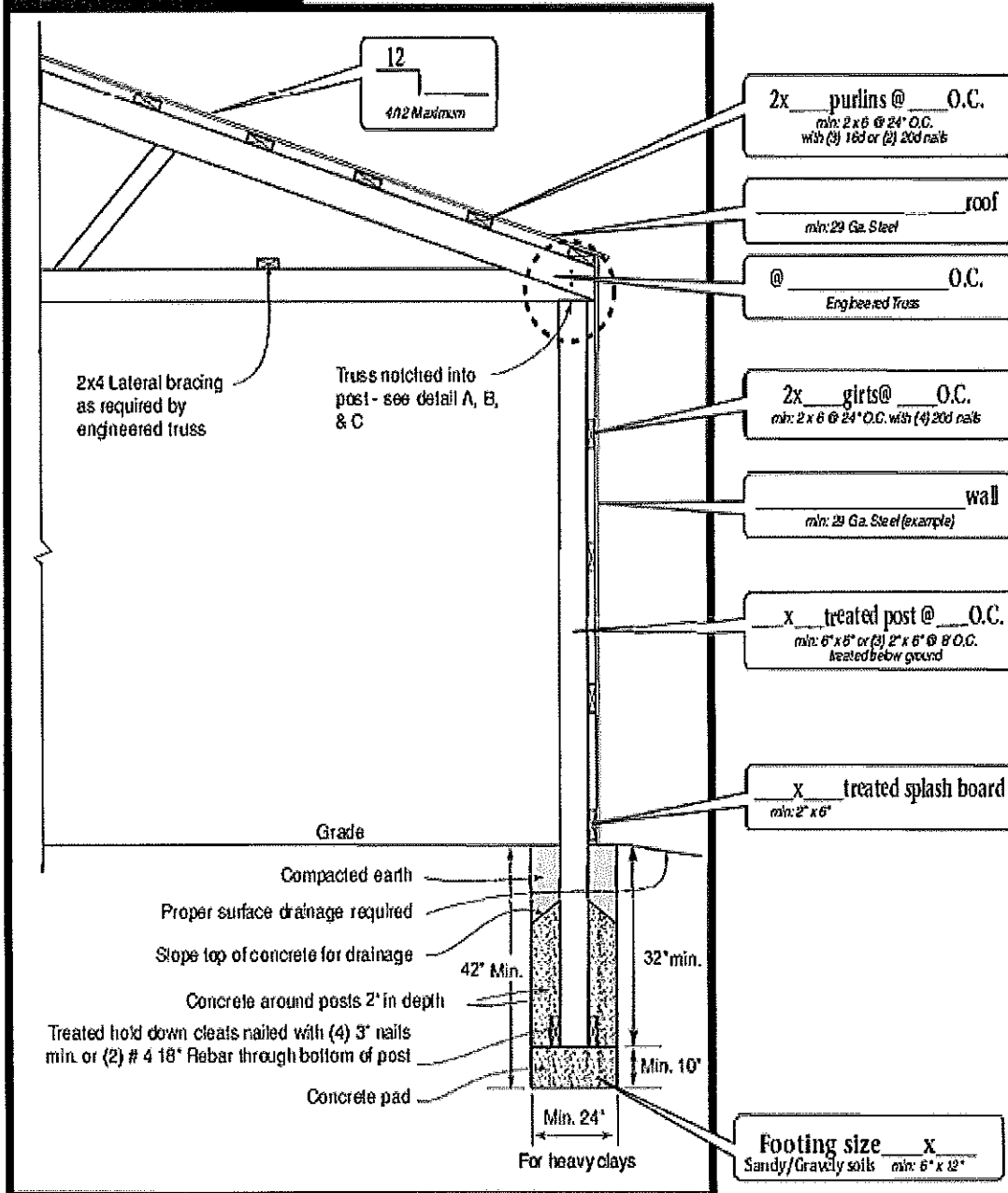
Pole Barn Construction

Floor plan



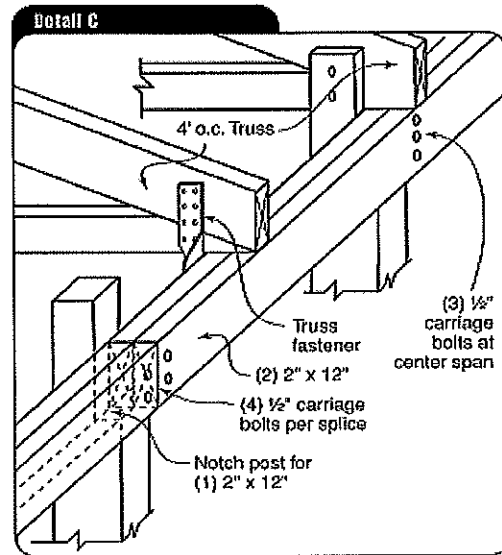
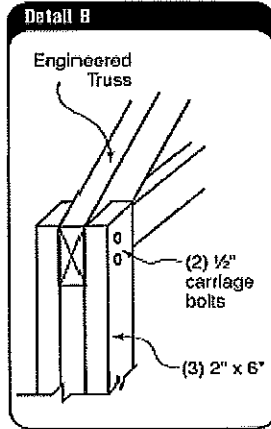
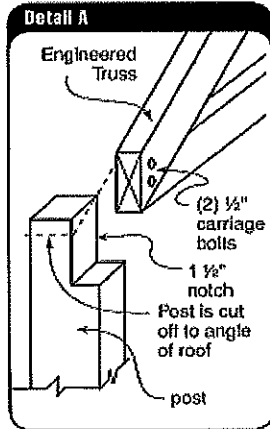
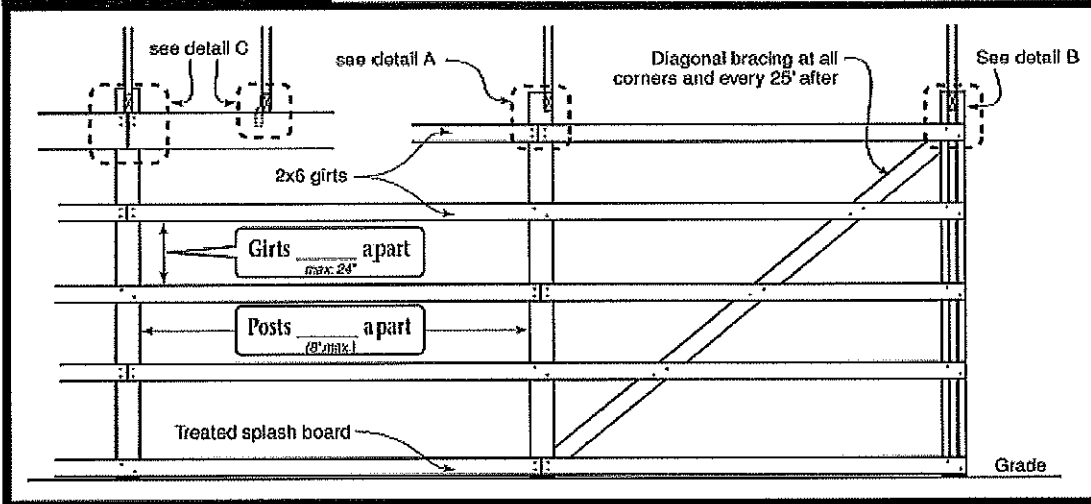
Pole Barn Construction

End Elevation



Pole Barn Construction

Side Elevation



SOUND ATTENUATION CONSTRUCTION REQUIREMENTS FOR AICUZ ZONE AROUND ELLSWORTH AFB

ELEMENT	<65 dB	65-69 dB	70-74 dB	75-79 dB	80 and greater dB
Attic insulation	at least 6"	at least 8", R19	at least 12", R30	at least 16", R36	at least 20", R40
Doors	prime only	prime only	prime & storm with 4" airspace	prime & storm with 3' vestibule	2 prime with 3' vestibule
Door STC minimum	23	28	33	38	43
Elevated Floor insulation thickness	at least 6"	at least 8"	at least 10"	at least 12"	at least 14"
Exterior walls	2x4	2x4	2x6	2x6 plus resilient channels	2x6 staggered studs
Exterior wall STC	34	39	44	49	54
Fireplaces, wood stoves	acoustical dampers	acoustical dampers	acoustical dampers & 1/4" glass doors	not allowed	not allowed
Interior door STC minimum	N/A	23	29	34	39
Roof-ceiling STC minimum	34	39	44	49	54
Skylights	1 pane at least 3/16" thick	2 panes at least 1/4" thick	2 panes at least 1/4" thick	not allowed	not allowed
Skylight STC minimum	23	28	33	N/A	N/A
Sliding door glass thickness	1/8"	3/16"	3/16"	not allowed	not allowed
Vented appliances and dryers	N/A	in non-habitable spaces	in mechanical room/closets with prime door	in mechanical room/closets with prime door	in mechanical room/closets with prime door
Windows	single pane	single-pane	double-pane with at least 3/4" air space	double pane & 3/4" air space	double pane & 3/4" air space
Window glass minimum thickness	1/8"	1/8"	3/16"	3/16" & 1/4"	1/4"
Window STC minimum	23	26	33	38	43