

TITLE 9 - PLANNING AND ZONING
[MUNICIPAL PLANNING AND ZONING SDCL 11-4]
[COMPREHENSIVE CITY PLANNING SDCL 11-6]

- Chapter 9.01 - General
- Chapter 9.02 - Planning Commission
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CHAPTER 9.01 - GENERAL

- 9.0101 Ordinances Saved from Repeal. Nothing in this chapter shall be construed to repeal or otherwise affect in any manner:
- A. Any zoning ordinance of the City or amendment thereto.
 - B. Any subdivision ordinance of the City or amendment thereto.
 - C. Any ordinance dedicating, accepting or vacating any plat or subdivision in the City or any part thereof.

CHAPTER 9.02 - PLANNING COMMISSION

- 9.0201 Creation of Planning Commission. There is hereby created a City Planning Commission for the City.
- 9.0202 Membership, Terms and Compensation. The Planning Commission shall consist of five members appointed by the Mayor, subject to the approval of the City Council. The appointment of each member shall be for terms of two years. The compensation of the Planning Commission shall be fixed by resolution by the City Council.
- (Amended: Ordinance No. 543, 04-14-14)*
- 9.02021 Membership Qualification. All members of the City Planning Commission shall reside within the City of Lennox or a three mile radius thereof.
- (Amended: Ordinance No. 567, 05-09-16)*
- 9.0203 Organization. The Planning Commission shall elect a Chairman from among its members for a term of one year with eligibility for re-election, and shall also elect a Vice-Chairman and Secretary in a manner prescribed by the rule of the members. The Planning Commission shall hold at least one regular meeting each month and shall adopt rules for transaction of its business and keep a record of its resolutions, transactions, findings and determinations which shall be a public record.

The Planning Commission may appoint such employees as it may deem necessary for its work, and may also contract with planners, engineers, architects and other consultants for such services as it may require, provided, however, that such appointments and contracts shall be approved by the City Council.

9.0204 Territorial Extent of Powers. The Planning Commission may exercise the comprehensive planning and zoning powers granted in SDCL 11-4 and 11-6, and acts amendatory thereof, not only within the corporate limits of the City, but also within an area of up to three miles of the corporate limits as provided by law.

9.0205 Preparation of Comprehensive Plan. For the purpose of making a comprehensive plan for the development of the City, the Planning Commission shall make or cause to be made careful and comprehensive studies of present conditions and future growth of the City, including any land outside the City which bears relation to the comprehensive plan. The comprehensive plan shall be made with the general purpose of guiding and accomplishing a coordinated and harmonious development of the City and its environs.

After such comprehensive plan has been adopted according to law, no substantial amendment or modification thereof shall be made, without such proposed change first being referred to the Planning Commission for its recommendations.

9.0206 Zoning Regulations. It shall be a duty of the Planning Commission to recommend the boundaries of zoning districts and appropriate regulations to be enforced therein, in accordance with the comprehensive plan. All applications and proposals for changes in or amendments to the zoning regulations shall first be submitted to the Planning Commission for its recommendations.

9.0207 Subdivision Plats and Regulations. All plans, plats, or re-plats of subdivisions or resubdivisions of land within the jurisdiction of this ordinance shall first be submitted to the Planning Commission for its recommendation before approval by the City Council.

The Planning Commission shall prepare and recommend to the City Council regulations governing the subdivision of land within its jurisdiction. No amendments or changes thereto shall be made without recommendation by the Planning Commission.

9.0208 Powers and Duties. The Planning Commission, its members and employees, shall have all powers as may be necessary to enable it to fulfill and perform its functions, and to carry out all the purposes and powers provided in SDCL 11-4 and 11-6, and acts amendatory thereof.

9.0209 Vacancies. Any vacancy in the membership of the Planning Commission shall be filled for the unexpired term by the Mayor in the same manner as for appointment.

9.0210 Removal for Cause. The Mayor, with the confirmation of the City Council, shall after public hearing have authority to remove any member of the Planning Commission for cause, which cause shall be stated in writing and made a part of the record of such hearing.

CHAPTER 9.03 - BUILDING CODE

9.0301 Adopted. The International Building Code, 2009 edition, including Appendix C and Appendix I as published by the International Code Council Inc., and amendments and

additions thereto as provided in this article are hereby adopted as the Building Code by the City of Lennox 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 of Lennox providing for the issuance of permits and collection of fees therefore. The minimum building standards in the 2009 edition of the International Building Code and amendments thereto shall be applied to any building permit issued after April 13, 2011.

A printed copy as amended is on file with the Lennox Finance Officer.

9.0302 Modifications by the City of Lennox to the 2009 International Building Code. The following sections and subsections of the 2009 International Building Code adopted in this article shall be amended, added, or not adopted by the City as follows. All other sections or subsections of the 2009 International Building Code as published shall remain the same.

101.1 Title. These regulations shall be known as the *Building Code* of the City of Lennox, hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code 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.

Exception:

1. Detached one- and two-family *dwelling*s and multiple single-family *dwelling*s (*townhouses*) not more than three *stories* above *grade plane* in height with a separate *means of egress* and their accessory structures shall comply with the *International Residential Code*.
2. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the *International Existing Building Code* as an alternate to Chapter 34, Existing Structures

101.4.3 Plumbing. The provisions of the Adopted Plumbing Code of the South Dakota Plumbing Commission 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 medical gas system.

101.4.7 Electrical. The provisions of the Adopted Electrical Code of the South Dakota Electrical Commission shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

103.1 Enforcement agency. The Building Inspections Team is hereby created and the official in charge thereof shall be known as the *building official*.

103.2 Appointment. The *building official* shall be appointed by the Mayor with the majority vote of the City Council.

104.8 Liability. The *building official*, member of the board of adjustments 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 performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the City's insurance pool and any immunities and defenses provided by other applicable state and federal law and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

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.

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*. The building official may exempt permits for minor work.

A building permit shall be issued for an owner occupied one- or two-family dwelling, including townhouses and accessory buildings, only to the owner or representative.

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

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet (18.6 m²). A placement permit is required by the Zoning Ordinance.
2. Fences not over 6 feet (1,829 mm) high. A fence permit is required by the Zoning Ordinance.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom grade elevation to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids or adjacent to public right-of way.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
7. Temporary motion picture, television, and theater stage sets and scenery.
8. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches (457 mm) deep.

9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
10. Swings and other playground equipment accessory to detached one- and two-family *dwelling*s.
11. Window *awnings* supported by an *exterior wall* that do not project more than 54 inches (1,372 mm) from the *exterior wall* and do not require additional support of Groups R-3 and U occupancies.
12. Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1,753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new

work and a *permit* from the South Dakota plumbing Commission shall be obtained and inspection made as provided in the applicable code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

107.1 General. Submittal documents consisting of one complete set of hard copy plans with an additional hard copy site submittal and an electronic submittal in PDF format along with other *construction documents* such as a statement of *special inspections*, geotechnical report, and other data shall be submitted with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

107.3.1 Approval of construction documents. When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as “Reviewed for Code Compliance.” One set of *construction documents* so reviewed shall be retained by the *building official*. The site submittal set shall be returned to the applicant, shall be kept at the site of work, and shall be open to inspection by the *building official* or a duly authorized representative.

108.1 General. The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 365 days. Extensions beyond 365 days are not allowed.

Temporary structures shall be provided with an accessible route that meets accessibility requirements of this code.

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems, or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee schedules for the issuance of a building permit shall be set by resolution by the City Council.

109.7 Delinquent accounts. The City may refuse to issue permits or conduct inspections for any person or business whose account is delinquent.

110.3.1 Footing and foundation inspection. Footing inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. If an inspection is required for concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

111.2 Certificate issued. After the *building official* inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
4. The name of the *building official*.
5. The edition of the code under which the *permit* was issued.
6. The use and occupancy in accordance with the provisions of Chapter 3.
7. The type of construction as defined in Chapter 6.
8. The design *occupant load in assembly occupancies*.
9. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
10. Any special stipulations and conditions of the building *permit*.

113.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this code and the fire code, to review all prospective changes to the respective codes and to submit recommendations to the responsible official and the City Council, to review requests for house moves, and to examine applicants for licensing and to investigate matters brought before the board of adjustments.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good, or better form of construction is proposed. The board shall have no authority relative to the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

113.3 Qualifications. Not adopted by the City of Lennox.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to deem the violation as a strict liability offense and institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

SECTION R202-DEFINITIONS. Add the following definition.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.

305.2 Day care. The use of a building or structure, or portion thereof, for educational, supervision, or *personal care services* for more than 12 children older than 2 1/2 years of age shall be classified as a Group E occupancy.

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24-hour basis for more than 12 children 2 1/2 years of age or less shall be classified as Group I-4.

Exception: A child day care facility that provides care for more than 5 but no more than 100 children 2 1/2 years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms, and each of these child care rooms has an *exit* door directly to the exterior shall be classified as Group E.

310.1 Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code* in accordance with Section 101.2. Residential occupancies shall include the following:

R-1 Residential occupancies containing *sleeping units* where the occupants are primarily transient in nature, including:

Boarding houses (transient)

Hotels (transient)

Motels (transient)

Congregate living facilities (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

R-2 Residential occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

Apartment houses

Boarding houses (nontransient)

Convents

Dormitories

Fraternities and sororities

Hotels (nontransient)

Live/work units

Monasteries

Motels (nontransient)

Vacation timeshare properties

Congregate living facilities with 16 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, or I, including:

Buildings that do not contain more than two *dwelling units*.

Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.

Child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.

Congregate living facilities with 16 or fewer persons.

Adult care and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code*.

R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than 5 but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code or shall comply with the *International Residential Code* provided the building is protected by an *automatic sprinkler system* installed in accordance with Section 903.2.8.

403.2.1.1 Type of construction. The following reductions in the minimum *fire-resistance rating* of the building elements in Table 601 shall be permitted as follows:

1. For buildings not greater than 420 feet (128 m) in *building height*, the *fire-resistance rating* of the building elements in Type IA construction shall be permitted to be reduced to the minimum *fire-resistance ratings* for the building elements in Type IB.

Exception: The required *fire-resistance rating* of columns supporting floors shall not be permitted to be reduced.

2. In other than Group F-1, M, and S-1 occupancies, the *fire-resistance rating* of the building elements in Type IB construction shall be permitted to be reduced to the *fire-resistance ratings* in Type IIA.

Exception: The required *fire-resistance rating* of columns supporting floors shall not be permitted to be reduced.

3. The *building height* and *building area* limitations of a building containing building elements with reduced *fire-resistance ratings* shall be permitted to be the same as the building without such reductions.

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 1/2-inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8-inch (15.9 mm) 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 (34.9 mm) thick, or doors in compliance with Section 715.4.3. 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.

[F] 501.2 Address identification. New and existing buildings shall be provided with *approved* address numbers or letters. Each character shall be a minimum 4 inches (102 mm) high and a minimum of 0.5 inch (12.7 mm) wide. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. Where access is by means of a private road and the building address cannot be viewed from the *public way*, a monument, pole, or other *approved* sign or means shall be used to identify the structure.

Multi-building campus/complex developments addressed on private or public streets shall be provided with signage at the entrance to the campus/complex indicative of the address ranges within.

507.5.1 Property lines. Portions of an unlimited area building may be divided by platted property lines without requiring the construction of party walls if the whole building has:

1. Permanent open space on all sides as required by Sections 507.2, 507.3, 507.4, or 507.5; and
2. Proper legal agreements are submitted and approved by the building official and are recorded with the deed for each of the separate properties. These recorded agreements shall require that the buildings, as divided by property lines, be in conformance with the applicable provisions of the building and fire codes, as if the buildings were a single building on a single piece of property. In addition, the agreement must state that no individual building or property owner may modify any portion of the building in any way that would not be in compliance with the building and fire codes.

715.4.8 Door closing. *Fire doors* shall be self- or automatic-closing in accordance with this section.

Exceptions:

1. *Fire doors* located in common walls separating *sleeping units* in Group R-1 shall be permitted without automatic- or self-closing devices.
2. The elevator car doors and the associated hoistway enclosure doors at the floor level designated for recall in accordance with Section 3003.2 shall be permitted to remain open during Phase I emergency recall operation.
3. Interior doors located in exit enclosures, smokeproof enclosures, and exit passageways in Group R and I-1 occupancies shall be automatic closing fire door assemblies in accordance with NFPA 80 and controlled in accordance with NFPA 72.

716.5.3 Shaft enclosures. Shaft enclosures that are permitted to be penetrated by ducts and air transfer openings shall be protected with *approved* fire and smoke *dampers* installed in accordance with their listing.

Exceptions:

1. *Fire dampers* are not required at penetrations of shafts where:
 - 1.1. Steel exhaust subducts are extended at least 22 inches (559 mm) vertically in exhaust shafts, provided there is a continuous airflow upward to the outside; or
 - 1.2. Penetrations are tested in accordance with ASTM E 119 or UL 263 as part of the fire-resistance-rated assembly; or

- 1.3. Ducts are used as part of an *approved* smoke control system designed and installed in accordance with Section 909 and where the *fire damper* will interfere with the operation of the smoke control system; or
 - 1.4. The penetrations are in parking garage exhaust or supply shafts that are separated from other building shafts by not less than 2-hour fire-resistance-rated construction.
2. In Group B and R occupancies equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1, *smoke dampers* are not required at penetrations of shafts where:
 - 2.1. Kitchen, clothes dryer, bathroom, and toilet room exhaust openings are installed with steel exhaust subducts having a minimum wall thickness of 0.187-inch (0.4712 mm) (No. 26 gage);
 - 2.2. The subducts extend at least 22 inches (559 mm) vertically; and
 - 2.3. An exhaust fan is installed at the upper terminus of the shaft that is powered continuously in accordance with the provisions of Section 909.11, so as to maintain a continuous upward airflow to the outside.
 3. *Smoke dampers* are not required at penetration of exhaust or supply shafts in parking garages that are separated from other building shafts by not less than 2-hour fire-resistance-rated construction.
 4. *Smoke dampers* are not required at penetrations of shafts where ducts are used as part of an *approved* mechanical smoke control system designed in accordance with Section 909 and where the *smoke damper* will interfere with the operation of the smoke control system.
 5. *Fire dampers* and *combination fire/smoke dampers* are not required in kitchen and clothes dryer exhaust systems located at the point of entry into the shaft when installed in accordance with the *International Mechanical Code*.

SECTION 902 DEFINITIONS

902.1 Definitions. The following words and terms are being added in addition to the defined terms already incorporated by reference in Section 11-17 of this code. The following words and terms shall, for the purposes of this chapter, and as used elsewhere in this code, have the meanings shown herein.

[F] FIRE AREA. The aggregate floor area enclosed and bounded by fire walls, *fire barriers*, *exterior walls*, or *horizontal assemblies* of a building.

[F] 903.2.6 Group I. An *automatic sprinkler system* installed in accordance with Section 903.3.1.1 shall be provided throughout buildings with a Group I *fire area*.

[F] 903.2.7 Group M. An *automatic sprinkler system* shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M *fire area* exceeds 12,000 square feet (1,115 m²).
2. A Group M *fire area* is located more than three stories above *grade plane*.

3. The combined area of all Group M *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2,230 m²).
4. A Group M *fire area* exceeding 5,000 square feet and is used for the display and sale of upholstered furniture.

[F] 903.2.8 Group R. An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R-1 *fire area* and a Group R-4 fire area. An automatic fire-extinguishing system shall be provided throughout all buildings with a Group R-2 fire area more than two stories in height, including basements, or having more than 16 dwelling units.

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

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents when *approved* by the fire code official. Such rooms shall be separated from the remainder of the building by fire barrier walls and horizontal assemblies having a fire-resistance rating of not less than 2 hours.
3. Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a *fire-resistance rating* of not less than 2 hours.
4. Rooms or areas that are of noncombustible construction with wholly noncombustible contents.

[F] 904.11 Commercial cooking systems. The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems of the type and arrangement protected. Systems shall be installed to include cooking surfaces, deep-fat fryers, griddles, upright broilers, char broilers, range tops, broasters, and grills. Protection shall also be provided for the enclosed plenum space within the hood above the filters and exhaust ducts serving the hood.

Exception: The requirement for protection does not include steam kettles and steam tables or equipment, which as used do not create grease-laden vapors.

Preengineered automatic dry- and wet-chemical extinguishing systems shall be tested in accordance with UL 300 and *listed* and *labeled* for the intended application. Other types of automatic fire-extinguishing systems shall be *listed* and *labeled* for specific use as protection for commercial cooking operations. The system shall be installed in accordance with this code, its listing, and the manufacturer's installation instructions. Automatic fire-extinguishing systems of the following types shall be installed in accordance with the referenced standard indicated, as follows:

1. Carbon dioxide extinguishing systems, NFPA 12.
2. *Automatic sprinkler systems*, NFPA 13.
3. Foam-water sprinkler system or foam-water spray systems, NFPA 16.

4. Dry-chemical extinguishing systems, NFPA 17.
5. Wet-chemical extinguishing systems, NFPA 17A.

Exception: Factory-built commercial cooking recirculating systems that are tested in accordance with UL 710B and *listed, labeled*, and installed in accordance with Section 304.1 of the *International Mechanical Code*.

[F] 904.11.2 System interconnection. The actuation of the fire suppression system shall automatically shut down the fuel and/or electrical power supply to the cooking equipment and all electrical receptacles located beneath the hood. The fuel and electrical supply reset shall be manual.

[F] 907.2.1.1 System initiation in Group A occupancies with an occupant load of 1,000 or more. Activation of the fire alarm in Group A occupancies with an *occupant load* of 1,000 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with Section 907.5.2.2.

Exception:

1. Group A-3 occupancies used for religious worship.
2. Where *approved*, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed 3 minutes, for the sole purpose of allowing a live voice announcement from an *approved, constantly attended location*.

[F] 907.2.2 Group B. A manual fire alarm system shall be installed in Group B occupancies where one of the following conditions exists:

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

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

[F] 907.2.6.2 Group I-2. An automatic smoke detection system shall be installed in *corridors* in nursing homes (both intermediate care and skilled nursing facilities), detoxification facilities, and spaces permitted to be open to the *corridors* by Section 407.2. The system shall be activated in accordance with Section 907.5. Hospitals shall be equipped with smoke detection as required in Section 407.

Exception: *Corridor* smoke detection is not required in smoke compartments that contain patient sleeping units where such units are provided with smoke detectors that comply with UL 268. Such detectors shall provide a visual display on the *corridor* side of each patient *sleeping unit* and shall provide an audible and visual alarm at the nursing station attending each unit. Smoke detectors installed as part of an intelligent or addressable fire alarm system capable of annunciation of room origin at a constantly attended location shall be acceptable.

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

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

[F] 907.2.8.4 Heat detectors. Heat detectors shall be installed in each attic subdivision and in all common areas such as recreation rooms, laundry rooms, furnace rooms, and similar areas.

Exception: Heat detection is not required in areas protected by an automatic fire-extinguishing system installed in accordance with 903.3.1.1 or 903.3.1.2.

[F] 907.2.9 Group R-2. Fire alarm systems and smoke alarms shall be installed in Group R-2 occupancies as required in Sections 907.2.9.1 through 907.9.4.

[F] 907.2.9.1 Manual fire alarm system. A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies where:

1. Any *dwelling unit* or *sleeping unit* is located three or more *stories* above the lowest *level of exit discharge*; or
2. Any *dwelling unit* or *sleeping unit* is located more than one *story* below the highest *level of exit discharge* of *exits* serving the *dwelling unit* or *sleeping unit*; or
3. The building contains more than 16 *dwelling units* or *sleeping units*; or
4. The building contains four or more *dwelling units* or *sleeping units* above the *level of exit discharge*.

Exceptions:

1. A fire alarm system is not required in buildings not more than two *stories* in height where all *dwelling units* or *sleeping units* and contiguous *attic* and *crawl* spaces are separated from each other and public or common areas by at least 1-hour *fire partitions* and each *dwelling unit* or *sleeping unit* has an *exit* directly to a *public way*, *exit court*, or *yard*.
2. Manual fire alarm boxes are not required where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2 and the occupant notification appliances will automatically activate throughout the notification zones upon a sprinkler water flow.
3. A fire alarm system is not required in buildings that do not have interior *corridors* serving *dwelling units* and are protected by an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that *dwelling units* either have a *means of egress* door opening directly to an exterior *exit access* that leads directly to the *exits* or are served by open-ended *corridors* designed in accordance with Section 1026.6, Exception 4.

907.2.9.3 Smoke detectors. System smoke detection shall be provided in each stairway and all exit corridors.

907.2.9.4 Heat detectors. Heat detectors shall be installed in each living unit, attic subdivision, any attached garages, and in all common areas such as recreation rooms, laundry rooms, furnace rooms, and similar areas. Living unit heat detectors shall consist of, at minimum, one 135-degree, fixed-rate-of-rise type detector, centrally located within each living unit.

Exception: Heat detection is not required in areas protected by an automatic fire-extinguishing system installed in accordance with 903.3.1.1 or 903.3.1.2.

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

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

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

1008.1.7 Thresholds. Thresholds at doorways shall not exceed 3/4 inch (19.1 mm) in height for sliding doors serving dwelling units or 1/2 inch (12.7 mm) for other doors. Raised thresholds and floor level changes greater than 1/4 inch (6.4 mm) at doorways shall be beveled with a slope not greater than one unit vertical in two units horizontal (50 percent slope).

Exception: The threshold height shall be limited to 8 inches (203 mm) where the occupancy is Group R-2 or R-3; the door is an exterior door that is not a component of the required *means of egress*; the door, other than an exterior storm or screen door, does not swing over the landing or step; and the doorway is not on an *accessible route* as required by Chapter 11 and is not part of an *Accessible unit, Type A unit or Type B unit*.

1009.4.2 Riser height and tread depth. *Stair* riser heights shall be 7 inches (178 mm) maximum and 4 inches (102 mm) minimum. The riser height shall be measured vertically between the leading edges of adjacent treads. Rectangular tread depths shall be 11 inches (279 mm) minimum measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. *Winder* treads shall have a minimum tread depth of 11 inches (279 mm) measured between

the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline and a minimum tread depth of 10 inches (254 mm) within the clear width of the *stair*.

Exceptions:

1. *Alternating tread devices* in accordance with Section 1009.10.
2. Ship ladders in accordance with Section 1009.11.
3. *Spiral stairways* in accordance with Section 1009.9.
4. *Aisle stairs* in assembly seating areas where the *stair* pitch or slope is set, for sightline reasons, by the slope of the adjacent seating area in accordance with Section 1028.11.2.
5. In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies, the maximum riser height shall be 8 inches (203 mm); the minimum tread depth shall be 10 inches (254 mm); the minimum *winder* tread depth at the walkline shall be 10 inches (254 mm), and the minimum *winder* tread depth shall be 6 inches (152 mm). A *nosing* not less than 3/4 inch (19.1 mm) but not more than 1 1/4 inches (32 mm) shall be provided on *stairways* with solid risers where the tread depth is less than 11 inches (279 mm).
6. See Section 3404.1 or the *International Existing Building Code* for the replacement of existing *stairways*.
7. In Group I-3 facilities, *stairways* providing access to guard towers, observation stations, and control rooms, not more than 250 square feet (23 m²) in area, shall be permitted to have a maximum riser height of 8 inches (203 mm) and a minimum tread depth of 9 inches (229 mm).

1009.10 Alternating tread devices. *Alternating tread devices* are limited to an element of a *means of egress* in buildings of Groups F, H, and S from a mezzanine not more than 250 square feet (23 m²) in area and which serves not more than five occupants; in buildings of Group I-3 from a guard tower, observation station or control room not more than 250 square feet (23 m²) in area; and for access to unoccupied roofs, mechanical rooms, penthouses, and equipment platforms.

1009.11 Ship ladders. Ship ladders are permitted to be used as a component of a *means of egress* to and from control rooms or elevated facility observation stations not more than 250 square feet (23 m²) with not more than five occupants for access to unoccupied roofs, mechanical rooms, penthouses, and equipment platforms.

Exception: Equipment and appliances on roofs or elevated structures are allowed to have ladders in accordance with the mechanical code.

Ship ladders shall have a minimum tread depth of 5 inches (127 mm). The tread shall be projected such that the total of the tread depth plus the *nosing* projection is no less than 8 1/2 inches (216 mm).

The maximum riser height shall be 9 1/2 inches (241 mm). *Handrails* shall be provided on both sides of ship ladders. The minimum clear width at and below the *handrails* shall be 20 inches (508 mm).

1009.13 Stairway to roof. In buildings four or more stories above *grade plane*, one *stairway* shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in 12 units horizontal (33 percent slope). In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by an *alternating tread device* or a ships ladder.

1013.3 Opening limitations. Required *guards* shall not have openings which allow passage of a sphere 5 inches (127 mm) in diameter from the walking surface to the required *guard* height.

Exceptions:

1. The triangular openings at the open sides of a *stair*, formed by the riser, tread, and bottom rail shall not allow passage of a sphere 6 inches (152 mm) in diameter.
2. At elevated walking surfaces for access to and use of electrical, mechanical, or plumbing systems or equipment, *guards* shall not have openings which allow passage of a sphere 21 inches (533 mm) in diameter.
3. In areas that are not open to the public within occupancies in Group I-3, F, H, M, or S, and for *alternating tread devices* and ship ladders, *guards* shall not have openings which allow passage of a sphere 21 inches (533 mm) in diameter.
4. In assembly seating areas, *guards* at the end of *aisles* where they terminate at a fascia of boxes, balconies, and galleries shall not have openings which allow passage of a sphere 5 inches in diameter (127 mm) up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1,067 mm) above the adjacent walking surfaces, *guards* shall not have openings which allow passage of a sphere 8 inches (203 mm) in diameter.
5. Within individual dwelling units and sleeping units in Group R-2 and R-3 occupancies, *guards* on the open sides of *stairs* shall not have openings which allow passage of a sphere 5 inches (127 mm) in diameter.

1015.2.1 Two exits or exit access doorways. Where two *exits* or *exit access doorways* are required from any portion of the *exit access*, the exit access including the *exit* doors or *exit access doorways* shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between the exit access including the *exit* doors or *exit access doorways*. Interlocking or *scissor stairs* shall be counted as one *exit stairway*.

Exceptions:

1. Where *exit enclosures* are provided as a portion of the required *exit* and are interconnected by a 1-hour fire-resistance-rated *corridor* conforming to the requirements of Section 1018, the required *exit* separation shall be measured along the shortest direct line of travel within the *corridor*.
2. Where a building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2, the separation distance of the *exit* doors or *exit access doorways* shall not be less than one-third of the length of the maximum overall diagonal dimension of the area served.

1015.2.2 Three or more exits or exit access doorways. Where access to three or more *exits* is required, at least two means of the exit access including two *exit doors* or *exit access doorways* shall be arranged in accordance with the provisions of Section 1015.2.1

**TABLE 1018.1
CORRIDOR FIRE-RESISTANCE RATING**

OCCUPANCY	OCCUPANT LOAD SERVED BY CORRIDOR	REQUIRED FIRE-RESISTANCE RATING (hours)	
		Without sprinkler system	With sprinkler system ^c
H-1, H-2, H-3	All	Not Permitted	1
H-4, H-5	Greater than 30	Not Permitted	1
A, B, E, F, M, S, U	Greater than 30	1	0
R	Greater than 10	1	0.5
I-2 ^a , I-4	All	Not Permitted	0
I-1, I-3	All	Not Permitted	1 ^b

- a. For requirements for occupancies in Group I-2, see Sections 407.2 and 407.3.
- b. For a reduction in the fire-resistance rating for occupancies in Group I-3, see Section 408.8.
- c. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 where allowed.

1018.4 Dead ends. Where more than one *exit* or *exit access doorway* is required, the *exit access* shall be arranged such that there are no dead ends in *corridors* more than 20 feet (6,096 mm) in length.

Exceptions:

1. In occupancies in Group I-3 of Occupancy Condition 2, 3, or 4 (see Section 308.4), the dead end in a *corridor* shall not exceed 50 feet (15,240 mm).
2. In occupancies in Groups B, E, F, M, R-1, R-2, R-4, S, and U, where the building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1, the length of the dead-end *corridors* shall not exceed 50 feet (15,240 mm).
3. A dead-end *corridor* shall not be limited in length where the length of the dead-end *corridor* is less than 2.5 times the least width of the dead-end *corridor*.

**TABLE 1021.2
STORIES WITH ONE EXIT**

STORY	OCCUPANCY	MAXIMUM OCCUPANTS (OR DWELLING UNITS) PER FLOOR AND TRAVEL DISTANCE
First story or basement	A, B ^d , E ^c , F ^d , M, U, S ^d	49 occupants and 75 feet travel distance
	H-2, H-3	3 occupants and 25 feet travel distance
	H-4, H-5, I, R	10 occupants and 75 feet travel distance
	S ^a	29 occupants and 100 feet travel distance
Second story	B ^b , F, M, S ^a	29 occupants and 75 feet travel distance
	R-2	4 dwelling units and 50 foot travel distance

For SI: 1 foot = 304.8 mm.

- a. For the required number of exits for parking structures, see Section 1021.1.2.
- b. For the required number of exits for air traffic control towers, see Section 412.3.
- c. Not adopted by the City of Lennox.
- d. Group B, F, and S occupancies in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 shall have a maximum travel distance of 100 feet.
- e. Day care occupancies shall have a maximum occupant load of 10.

1022.7 Discharge identification. A stairway in an exit enclosure shall not continue below its level of exit discharge unless an approved barrier or a directional exit sign is provided at the level of exit discharge to prevent persons from unintentionally continuing into levels below. Directional exit signs shall be provided as specified in Section 1011.

1024.1 General. Approved luminous egress path markings delineating the exit path shall be provided in buildings of Groups A, B, E, I, M, and R-1 having occupied floors located more than 420 feet (128 m) above the lowest level of fire department vehicle access in accordance with Sections 1024.1 through 1024.5.

Exceptions:

1. Luminous egress path markings shall not be required on the level of exit discharge in lobbies that serve as part of the exit path in accordance with Section 1027.1, Exception 1.
2. Luminous egress path markings shall not be required in areas of open parking garages that serve as part of the exit path in accordance with Section 1027.1, Exception 3.

1029.1 General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in Group R and I-1 occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, emergency escape and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way.

Exceptions:

1. The *emergency escape and rescue opening* is permitted to open onto a balcony within an *atrium* in accordance with the requirements of Section 404, provided the balcony provides access to an *exit* and the dwelling unit or sleeping unit has a *means of egress* that is not open to the *atrium*.
2. Basements with a ceiling height of less than 80 inches (2,032 mm) shall not be required to have emergency escape and rescue windows.
3. *High-rise buildings* in accordance with Section 403.
4. *Emergency escape and rescue openings* are not required from basements or sleeping rooms that have an *exit* door or *exit access* door that opens directly into a *public way* or to a *yard, court*, or exterior *exit* balcony that opens to a *public way*.
5. Basements without *habitable spaces* and having no more than 200 square feet (18.6 m²) in floor area shall not be required to have emergency escape windows.

1029.2 Minimum size. *Emergency escape and rescue openings* shall have a minimum net clear opening of 5.0 square feet (0.46 m²).

1029.3 Maximum height from floor. *Emergency escape and rescue openings* shall have the bottom of the clear opening not greater than 48 inches (1,219 mm) measured from the floor.

1029.5.2 Ladders or steps. Window wells with a vertical depth of more than 48 inches (1,219 mm) shall be equipped with an *approved* permanently affixed ladder or steps. Ladders or rungs shall have an inside width of at least 12 inches (305 mm), shall project at least 3 inches (76 mm) from the wall, and shall be spaced not more than 18 inches (457 mm) on center (o.c.) vertically for the full height of the window well. The ladder or steps shall not encroach into the required dimensions of the window well by more than 6 inches (152 mm). The ladder or steps shall not be obstructed by the *emergency escape and rescue opening*. Ladders or steps required by this section are exempt from the *stairway* requirements of Section 1009.

1104.4 Multilevel buildings and facilities. At least one *accessible route* shall connect each *accessible* level, including *mezzanines*, in multilevel buildings and facilities.

Exceptions:

1. An *accessible route* from an accessible level is not required in facilities that are less than three stories in height or have less than 3,000 square feet (278.7 square meters) per story. This exception shall not apply to:
 - 1.1. Multiple tenant facilities of Group M occupancies containing five or more tenant spaces;
 - 1.2. Levels containing offices of health care providers (Group B or I); or
 - 1.3. Passenger transportation facilities and airports (Group A-3 or B).
2. Levels that do not contain *accessible* elements or other spaces as determined by Section 1107 or 1108 are not required to be served by an *accessible route* from an *accessible* level.

3. In air traffic control towers, an *accessible route* is not required to serve the cab and the floor immediately below the cab.
4. Where a two-story building or facility has one *story* with an *occupant load* of five or fewer persons that does not contain *public use* space, that *story* shall not be required to be connected by an *accessible route* to the *story* above or below.
5. Vertical access to elevated employee work stations within a courtroom is not required at the time of initial construction, provided a *ramp*, lift, or elevator complying with ICC A117.1 can be installed without requiring reconfiguration or extension of the courtroom or extension of the electrical system.

1106.8 Signage. Accessible parking spaces and access aisles are required to be identified by signs. Signs shall be located at the head of accessible parking stalls and access aisles. The bottom of the lowest signs shall be located at least 60 inches above the pavement.

As referenced below, standard and van accessible parking space signs shall state, "RESERVED PARKING," and include the International Symbol of Accessibility, and supplemental signage must additionally state, "STATE PERMIT OR LICENSE REQUIRED. \$100 MINIMUM FINE AND CLASS 2 MISDEMEANOR FOR VIOLATORS." A van accessible parking space must have additional signage stating, "VAN ACCESSIBLE." A van accessible access aisle must be provided with signage including the International Symbol of Accessibility which states, "WHEELCHAIR ACCESS AISLE. ABSOLUTELY NO PARKING."



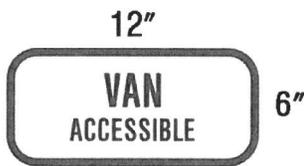
PRIMARY
SIGN

COLOR: Legend and border are GREEN on a White background - White symbol on a Blue background.

HEIGHT: When placing a single sign with no supplementary plaques (i.e., access aisle sign or incorporated sign), bottom edge of sign must be a minimum of 5 ft. from ground. If supplementary plaques are used, bottom edge of lowest sign must be a minimum of 5 ft. from ground.

SIZE: Primary sign is 12" x 18". Van Accessible sign is 12" x 6". State Permit sign is 12" x 9".

Supplementary messages may be incorporated on the primary signs; this requires sign size of 12" x 31".



SUPPLEMENTARY
PLAQUE
(IF NEEDED)



SUPPLEMENTARY
PLAQUE



ACCESS AISLE
SIGN

COLOR: Legend and border are RED on a White background - White symbol on a Blue background.

1106.9 Access aisles and markings. Each access which is part of an accessible route shall extend the full length of the parking space it serves. The aisle must have diagonally striped markings spaced every 4 feet

(1,219 mm). Boundaries of the access aisle must be marked. The end may be a squared or curved shape. Two parking spaces may share an access aisle.

Access aisles shall be placed on a level surface with a slope not to exceed 1:48

Where an access aisle is located immediately adjacent to a sidewalk that provides the closest accessible route, the sidewalk must be provided with a curb ramp access to serve the access aisle.

1206.3.3 Court drainage. The bottom of every *court* shall be properly graded and drained to a public sewer or other approved disposal system complying with the Approved Code of the South Dakota Plumbing Commission.

1404.2.1 Weather-resistive sheathing papers. House wraps or weather-resistive sheathing papers consisting of spun bonded olefin sheets of high density polyethylene fibers are required to be installed on the exterior side of the sheathing material underneath the exterior covering.

1405.13.2 Window sills. In Occupancy Groups R-2 and R-3, one- and two-family and multiple-family dwellings, where the opening of the sill portion of an operable window is located more than 72 inches (1,829 mm) above the finished grade or other surface below, the lowest part of the clear opening of the window shall be at a height not less than 18 inches (457 mm) above the finished floor surface of the room in which the window is located. Glazing between the floor and a height of 18 inches (457 mm) shall be fixed or have openings through which a 5-inch (127 mm) diameter sphere cannot pass.

Exception: Openings that are provided with window guards that comply with ASTM F 2006 or F 2090.

[P] 1503.4 Roof drainage. Design and installation of roof drainage systems shall comply with Section 1503 and shall be sized and discharge in accordance with the approved code of the South Dakota Plumbing Commission. Unless roofs are sloped to drain over roof edges, roof drains or scuppers shall be installed at each low point of the roof.

Roofs shall be sloped a minimum of 1 unit vertical in 48 units horizontal (2% slope) for drainage unless designed for water accumulation in accordance with Section 1611.2 Ponding Instability.

Roof drainage water from a building shall not be allowed to flow over public property.

1601.1 Scope. The provisions of this chapter shall govern the structural design of buildings, structures, and portions thereof regulated by this code.

It shall not be the responsibility of the building official to determine engineering requirements of this code. Exclusive of Conventional Light-Frame Wood Construction provisions referenced in Section 2308, the method to resist loads as referenced in this chapter is the responsibility of a structural engineer or other qualified design professional.

1612.3 Establishment of flood hazard areas. To establish *flood hazard areas*, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for Lincoln County, South Dakota and Incorporated Areas," dated April 2, 2008, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by

reference and declared to be part of this section. If there is a conflict between the provisions of this code and the City's floodplain management ordinance, the provisions of the floodplain management ordinance shall prevail.

1703.1 Approved agency. An *approved agency* or the design professional of record shall provide all information as necessary for the *building official* to determine that the agency meets the applicable requirements.

1704.1 General. Where application is made for construction as described in this section, the owner or the *registered design professional in responsible charge* acting as the owner's agent shall employ one or more *approved agencies* to perform inspections during construction on the types of work listed under Section 1704. These inspections are in addition to the inspections identified in Section 110.

The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the *building official*, for the inspection of the particular type of construction or operation requiring *special inspection*. The *registered design professional in responsible charge* and engineers of record involved in the design of the project are permitted to act as the *approved agency* and their personnel are permitted to act as the special inspector for the work designed by them, provided those personnel meet the qualification requirements of this section to the satisfaction of the *building official*. The special inspector shall provide written documentation to the building official demonstrating his or her competence and relevant experience or training. Experience or training shall be considered relevant when the documented experience or training is related in complexity to the same type of *special inspection* activities for projects of similar complexity and material qualities. These qualifications are in addition to qualifications specified in other sections of this code.

Exceptions:

1. *Special inspections* are not required for work of a minor nature or as warranted by conditions in the jurisdiction as *approved* by the *building official*.
2. *Special inspections* are not required for building components, unless the design involves the practice of professional engineering or architecture as defined by applicable state statutes and regulations governing the professional registration and certification of engineers or architects.
3. Unless otherwise required by the building official, special inspections are not required for Group U occupancies that are accessory to a residential occupancy including, but not limited to, those listed in Section 312.1.
4. The frequency and amount of special inspections shall be as determined by the design professional of record. The continuous and periodic inspections referenced in Tables 1704.3, 1704.4, 1704.5.1, 1704.5.3, 1704.7, 1704.8, and 1704.9 shall be considered as a guideline.

1704.4 Concrete construction. The *special inspections* and verifications for concrete construction shall be as required by this section and Table 1704.4.

Exception: *Special inspections* shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above *grade plane* that are fully supported on earth or rock.
2. Continuous concrete footings and foundation walls supporting walls of buildings three stories or less above *grade plane* that are fully supported on earth or rock where:

- 2.1. The footings and foundations support walls of light-frame construction;
- 2.2. The footings are designed in accordance with Table 1809.7; or
- 2.3. The structural design of the footing and foundations are based on a specified compressive strength, $f' c$, no greater than 3,000 pounds per square inch (psi) (20.6 MPa), regardless of the compressive strength specified in the *construction documents* or used in the footing construction.
3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 MPa).
4. Concrete foundation walls constructed in accordance with Table 1807.1.6.2.
5. Concrete patios, driveways, and sidewalks on grade.

1704.14 Exterior insulation and finish systems (EIFS). Not adopted by the City of Lennox.

Section 1717. Prefabricated construction.

1717.1. General.

1717.1.1 Purpose. The purpose of this section is to regulate materials and establish methods of safe construction where any structure or portion thereof is wholly or partially prefabricated.

1717.1.2 Scope. Unless otherwise specifically stated in this section, all prefabricated construction and materials used therein shall conform to all the requirements of this code.

1717.1.3 Definitions.

Prefabricated assembly is a structural unit, the integral parts of which have been built or assembled prior to incorporation in the building.

Prefabricated structures are structures, the parts of which are fabricated and assembled in a central assembly point where on-site building, electrical, plumbing, and mechanical rough-in inspections occur at the assembly location.

1717.2 Tests of materials. Every approval of a material not specifically mentioned in this code shall incorporate as a proviso the kind and number of nationally recognized tests to be made during prefabrication.

1717.3 Tests of assemblies. The building official or designee may require special tests to be made on assemblies to determine their durability and weather resistance.

1717.4 Connections. Every device used to connect prefabricated assemblies shall be designed as required by this code and shall be capable of developing the strength of the members connected, except in the case of members forming part of a structural frame as specified in Chapter 16. Connections shall be capable of withstanding uplift forces as specified in this code and in Chapter 16.

1717.5 Pipes and conduits. In structural design, due allowance shall be made for any material to be removed for the installation of pipes, conduit, and other equipment.

1717.6 Permits, materials, plans, fees, certificate, and inspections.

1717.6.1 Materials. Materials and the assembly thereof shall be inspected to determine compliance with this code. Every material shall be graded, marked, or labeled as required elsewhere in this code.

1717.6.2 Plans. One complete set of plans and specifications shall be submitted to the City of Lennox for approval prior to issuing a building permit for a prefabricated structure. Plans shall be of sufficient detail and clarity to indicate compliance with all applicable codes (electrical, plumbing, building, mechanical, and zoning).

1717.6.3. Permits and fees. The fee for a building permit shall be set by resolution by the City Council.

1717.6.4 Certificate. A certificate of approval shall be furnished with every prefabricated assembly and prefabricated structure, except where the assembly is readily accessible to inspection at the site. The certificate of approval shall certify that the assembly in question has been inspected and meets all the requirements of this code. When mechanical equipment is installed so that it cannot be inspected at the site, the certificate of approval shall certify that such equipment complies with the laws applying thereto.

1717.6.5 Certifying agency. To be acceptable under this code, every certificate of approval shall be made by the approved agency.

1717.6.6 Field erection. The building official shall inspect placement of prefabricated assemblies at the building site to determine compliance with this code. Final inspections are to be made after the installation and finishing work has been completed and the building is ready for occupancy.

1717.6.7 Continuous inspection. If continuous inspection is required for certain materials where construction takes place on the site, it shall also be required where the same materials are used in prefabricated construction.

Exception: Continuous inspection will not be required during prefabrication if the approved agency certifies to the construction and furnishes evidence of compliance.

1717.6.8 Moving permits. A moving permit shall be obtained for each prefabricated structure being moved within the City in accordance with Section 3404 Moved Buildings.

1804.7 Grading permits required. No person shall excavate or grade without first obtaining a permit from the City. If a building permit is not obtained, a separate grading permit must be obtained from the City for each site and may cover both excavations and fills.

Exceptions:

1. A separate grading permit is not required from the City where a site plan for a new building, structure, or addition is submitted for plan review where an excavation below finished grade for basements, footings, and foundations of a building, retaining wall, or other structure is authorized by a valid building permit.

2. A fill of less than 1 foot in depth and placed on natural terrain with a slope flatter than one unit vertical to five units horizontal (20 percent slope), or less than 3 feet (914 mm) in depth not intended to support structures, which does not exceed 300 cubic yards (153 m³) on any one lot and does not obstruct a drainage course.
3. Excavation, removal, or stockpiling of rock, sand, dirt, clay, or other like material, as may be required by the state, county, or city authorities in connection with the construction or maintenance of roads and highways. This shall not exempt work for street construction when such work is performed by private developers. When the private developer has obtained a permit to perform site grading, a second permit will not be required for street grading.
4. When approved by the City, grading in an isolated, self-contained area if there is no danger to public or private property.
5. Cemetery graves.
6. Refuse disposal sites controlled by other regulations.
7. Excavations for wells, tunnels, or utilities.
8. Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
9. Exploratory excavations under the direction of soils engineers or engineering geologists.
10. An excavation that 1) is less than 2 feet (610 mm) in depth or 2) does not create a cut slope of less than 5 feet (1,524 mm) in height and steeper than one unit vertical in one and one-half units horizontal (66.7 percent slope).

Exemptions from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

1804.7.1 Grading permit requirements. Grading shall be performed in accordance with a grading plan approved by the City. Submitted plans shall indicate existing elevations, proposed elevations, method of erosion control, and shall include the legal description.

1806.2 Presumptive load-bearing values. The load-bearing values used in design for supporting soils near the surface shall not exceed the values specified in Table 1806.2 unless data to substantiate the use of higher values are submitted and *approved*. Where the *building official* has reason to doubt the classification, strength, or compressibility of the soil, the requirements of Section 1803.5.2 shall be satisfied.

Presumptive load-bearing values shall apply to materials with similar physical characteristics and dispositions. Where a presumed soil bearing capacity is in excess of 3,000 psf (471 kPa/m), data to substantiate the use of the presumed higher value must be submitted from a soils engineer for approval from the building official. Mud, organic silt, organic clays, peat, or unprepared fill shall not be assumed to have a presumptive load-bearing capacity unless data to substantiate the use of such a value are submitted.

Exception: A presumptive load-bearing capacity shall be permitted to be used where the *building official* deems the load-bearing capacity of mud, organic silt, or unprepared fill is adequate for the support of lightweight or temporary structures.

1809.5 Frost protection. Except where otherwise protected from frost, foundations and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extending below the frost line of the locality;
2. Constructing in accordance with ASCE 32; or
3. Erecting on solid rock.

Exception: Freestanding buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to *Occupancy Category I* in accordance with Section 1604.5;
2. Area of 1,500 square feet (138 m²) or less for light-frame construction or 400 square feet (37 m²) or less for other than light-frame construction; and
3. Eave height of 10 feet (3,048 mm) or less.

Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

2308.9.3 Bracing. Braced wall lines shall consist of braced wall panels that meet the requirements for location, type, and amount of bracing as shown in Figure 2308.9.3, specified in Table 2308.9.3(1) and are in line or offset from each other by not more than 4 feet (1,219 mm) except for offsets not more than 200 square feet. Braced wall panels shall start not more than 12 1/2 feet (3,810 mm) from each end of a braced wall line. Braced wall panels shall be clearly indicated on the plans. Construction of braced wall panels shall be by one of the following methods:

1. Nominal 1-inch by 4-inch (25 mm by 102 mm) continuous diagonal braces let into top and bottom plates and intervening studs, placed at an angle not more than 60 degrees (1.0 rad) or less than 45 degrees (0.79 rad) from the horizontal and attached to the framing in conformance with Table 2304.9.1.
2. Wood boards of 5/8 inch (15.9 mm) net minimum thickness applied diagonally on studs spaced not over 24 inches (610 mm) o.c.
3. Wood structural panel sheathing with a thickness not less than 3/8 inch (9.5 mm) for 16-inch (406 mm) or 24-inch (610 mm) stud spacing in accordance with Tables 2308.9.3(2) and 2308.9.3(3).
4. Fiberboard sheathing panels not less than 1/2 inch (12.7 mm) thick applied vertically or horizontally on studs spaced not over 16 inches (406 mm) o.c. where installed with fasteners in accordance with Section 2306.6 and Table 2306.6.

5. Gypsum board [sheathing 1/2-inch-thick (12.7 mm) by 4 feet-wide (1219 mm) wallboard or veneer base] on studs spaced not over 24 inches (610 mm) o.c. and nailed at 7 inches (178 mm) o.c. with nails as required by Table 2306.7.
6. Particleboard wall sheathing panels where installed in accordance with Table 2308.9.3(4).
7. Portland cement plaster on studs spaced 16 inches (406 mm) o.c. installed in accordance with Section 2510.
8. Hardboard panel siding where installed in accordance with Section 2303.1.6 and Table 2308.9.3(5).

For cripple wall bracing, see Section 2308.9.4.1. For Methods 2, 3, 4, 6, 7, and 8, each panel must be at least 48 inches (1,219 mm) in length, covering three stud spaces where studs are spaced 16 inches (406 mm) apart, and covering two stud spaces where studs are spaced 24 inches (610 mm) apart.

For Method 5, each panel must be at least 96 inches (2,438 mm) in length where applied to one face of a panel and 48 inches (1,219 mm) where applied to both faces. All vertical joints of panel sheathing shall occur over studs and adjacent panel joints shall be nailed to common framing members. Horizontal joints shall occur over blocking or other framing equal in size to the studding except where waived by the installation requirements for the specific sheathing materials. Sole plates shall be nailed to the floor framing and top plates shall be connected to the framing above in accordance with Section 2308.3.2. Where joists are perpendicular to braced wall lines above, blocking shall be provided under and in line with the braced wall panels.

2707.1 Scope. All Electrical regulations within the City of Lennox will be governed by the South Dakota Electrical Commission. This can include but is not limited to inspections, permits, requirements, plan reviews, or any other function determined necessary by the City of Lennox. An agreement between the City of Lennox and the South Dakota Electrical Commission may be enacted in order to allow for a change in permitting, inspection, and other powers.

[F] **2702.1 Installation.** Not adopted by the City of Lennox.

[F] **2702.1.1 Stationary generators.** Not adopted by the City of Lennox.

[F] **2702.2 Where required.** Not adopted by the City of Lennox.

[F] **2702.2.1 Group A occupancies.** Not adopted by the City of Lennox.

[F] **2702.2.2 Smoke control systems.** Not adopted by the City of Lennox.

[F] **2702.2.3 Exit signs.** Not adopted by the City of Lennox.

[F] **2702.2.4 Means of egress illumination.** Not adopted by the City of Lennox.

[F] **2702.2.5 Accessible means of egress elevators.** Not adopted by the City of Lennox.

[F] **2702.2.6 Accessible means of egress platform lifts.** Not adopted by the City of Lennox.

[F] **2702.2.7 Horizontal sliding doors.** Not adopted by the City of Lennox.

[F] **2702.2.8 Semiconductor fabrication facilities.** Not adopted by the City of Lennox.

- [F] **2702.2.9 Membrane Structures.** Not adopted by the City of Lennox.
- [F] **2702.2.10 Hazardous materials.** Not adopted by the City of Lennox.
- [F] **2702.2.11 Highly toxic and toxic materials.** Not adopted by the City of Lennox.
- [F] **2702.2.12 Organic peroxides.** Not adopted by the City of Lennox.
- [F] **2702.2.13 Pyrophoric materials.** Not adopted by the City of Lennox.
- [F] **2702.2.14 Covered mall buildings.** Not adopted by the City of Lennox.
- [F] **2702.2.15 High-rise buildings.** Not adopted by the City of Lennox.
- [F] **2702.2.16 Underground buildings.** Not adopted by the City of Lennox.
- [F] **2702.2.17 Group I-3 occupancies.** Not adopted by the City of Lennox.
- [F] **2702.2.18 Airport traffic control towers.** Not adopted by the City of Lennox.
- [F] **2702.2.19 Elevators.** Not adopted by the City of Lennox.
- [F] **2702.2.20 Smokeproof enclosures.** Not adopted by the City of Lennox.
- [F] **2702.3 Maintenance.** Not adopted by the City of Lennox.

[P] **2901.1 Scope.** All Plumbing regulations within the City of Lennox will be governed by the South Dakota Plumbing Commission. This can include but is not limited to inspections, permits, requirements, plan reviews, or any other function determined necessary by the City of Lennox. An agreement between the City of Lennox and the South Dakota Plumbing Commission may be enacted in order to allow for a change in permitting, inspection, and other powers.

- [P] **2902.1 Minimum Plumbing Facilities.** Not adopted by the City of Lennox.
- [P] **2902.1.1 Fixture calculations.** Not adopted by the City of Lennox.
- [P] **2902.1.2 Family or assisted use toilet and bath fixtures.** Not adopted by the City of Lennox.
- [P] **2902.2 Separate facilities.** Not adopted by the City of Lennox.
- [P] **2902.3 Required public toilet facilities.** Not adopted by the City of Lennox.
- [P] **2901.3.1 Access.** Not adopted by the City of Lennox.
- [P] **2902.3.2 Location of toilet facilities in occupancies other than covered mall buildings.** Not adopted by the City of Lennox.
- [P] **2902.3.3 Location of toilet facilities in covered mall buildings.** Not adopted by the City of Lennox.
- [P] **2901.3.4 Pay facilities.** Not adopted by the City of Lennox.

[P] **2902.4 Signage.** Not adopted by the City of Lennox.

[P] **2902.4.1 Directional signage.** Not adopted by the City of Lennox.

[P] **2903.1 Water closet compartment.** Not adopted by the City of Lennox.

[P] **2903.2 Urinal partitions.** Not adopted by the City of Lennox.

[P] **2903.3 Interior Finish.** Not adopted by the City of Lennox.

3109.1 General. Swimming pools shall comply with the requirements of this section and other applicable sections of this code. These requirements shall be applicable to all new swimming pools hereafter constructed and shall apply to all existing pools which have a depth of 18 inches or more of water. No person in possession of land within the City, either as an owner, purchaser, lessee, tenant, or a licensee, upon which is situated a swimming pool having a depth of 18 inches or more shall fail to provide and maintain such a fence or wall as herein provided.

3109.2 Definition. The following word and term shall, for the purposes of this section and as used elsewhere in this code, have the meaning shown herein.

SWIMMING POOLS. Any structure intended for swimming, recreational bathing, or wading that contains water over 18 inches (457 mm) deep. This includes in-ground, above-ground, and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

3109.4.1 Barrier height and clearances. The top of the barrier shall be at least 42 inches (1,066 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

3109.4.1.2 Solid barrier surfaces. Not adopted by the City of Lennox.

3109.4.1.3 Closely spaced horizontal members. Not adopted by the City of Lennox.

3109.4.1.4 Widely spaced horizontal members. Not adopted by the City of Lennox.

3109.4.1.5 Chain-link dimensions. Not adopted by the City of Lennox.

3109.4.1.6 Diagonal members. Not adopted by the City of Lennox.

3109.4.1.8 Dwelling wall as a barrier. Not adopted by the City of Lennox.

3109.4.4 Modifications. Modification in individual cases, upon a showing of good cause with respect to height, nature, or location of a fence, wall, gates, or latches, or the necessity thereof, may be made by the building official, provided the protection as sought hereunder is not reduced thereby. The building official may grant permission for other protective devices or structures to be used as long as the degree of protection afforded by this substitute device or structure is not less than the protection afforded by the wall, fence, gate, and latch described herein. A reasonable period within which to comply with the

requirements of this section for existing swimming pools shall be allowed, which period shall not exceed 90 days after notification by the building official.

3303.1 Construction documents. No person shall demolish or wreck a building or structure without first obtaining a razing permit. Permit fees shall be paid in accordance with Item 5 of Table 3-C. *Construction documents* and a schedule for demolition must be submitted when required by the *building official*. Where such information is required, no work shall be done until such *construction documents* or schedule, or both, are *approved*. The applicant shall secure insurance covering any possible liability that could incur during demolition.

3303.6 Utility connections. Service utility connections shall be discontinued and capped in accordance with the *approved* rules and the requirements of the applicable governing authority.

Before a razing permit can be issued, the applicant must furnish approval from the City that applicable permits have been secured to assure that all utilities will be properly disconnected and inspected as per City's specifications. The applicant shall be responsible for notifying other utilities of such anticipated demolition.

3401.3 Compliance. Alterations, repairs, additions, and changes of occupancy to existing structures shall comply with the provisions for alterations, repairs, additions, and changes of occupancy in the *Fire Code, Fuel Gas Code, Mechanical Code, Plumbing Code, Property Maintenance Code, Residential Code, and NFPA 70*.

3410.1 Conformance. Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

Exceptions:

1. Mobile homes used as a dwelling and located in a mobile home park operated under a valid license.
2. Mobile homes used as a dwelling and located in a manufactured housing park.
3. Structures used as a temporary office or shelter on a construction or development site when approved by the building official.
4. Structures used as a temporary business office for a period not to exceed one year when approved by the building official and provided it meets the applicable accessibility requirements of this code.
5. Mobile homes/manufactured homes used as a sales office at a location where such homes are offered for sale provided it meets the applicable accessibility requirements of this code.

3410.2 Definitions. For the purpose of this section, the following words and phrases mean:

1. *Building mover.* Any person, firm, partnership, corporation, or association who engages in the business or work of moving a building across public property within the City.
2. *Building moving.* The moving of any house, building, structure, or any part or parts thereof, except structures or parts of structures less than 12 feet wide and 13.5 feet high when loaded, from one location to another when moving requires traveling upon, across, along, or over any street, avenue,

highway, thoroughfare, alley, sidewalk, or other public ground in the City. This term does not apply to manufactured or modular structures or assemblies which do not exceed 15 feet in height and 16.6 feet in width including all nonstructural appendages, or a length of 80.6 feet including all nonstructural appendages.

3. *Agency.* The planning and building services department, police department, city maintenance department, and City Engineer.

3410.8 Permits required. No person shall engage in building moving unless and until he has obtained a building moving permit, which will not be issued to anyone except a person licensed as the building mover. Such permit shall be obtained not less than 48 hours prior to the move.

3410.9 Prerequisites to a permit. No permit to move a building shall be issued as hereunder provided until the following conditions have been satisfied.

- A. A building permit is required to place a one- or two-family dwelling in a residential zoning district on the property described on the application if located in the City. Before a City building permit can be issued for a one- or two-family dwelling to be moved in a residential zoning district, the applicant shall post the property. A hearing before the building board of appeals will be required prior to the issuance of the building permit upon request from the public. A hearing will be initiated and scheduled at the request of the public within the time period of posting the signs per Item 1 below. The request shall be in writing on forms provided by building services.

Before any action can be taken by the board, the applicant shall:

1. Post the property where the dwelling is to be moved for a continuous period of not less than five working days with signs furnished by the building official. At least two signs shall be posted. The applicant shall submit a written oath that the signs were properly posted.
 2. Submit one certified copy of the restrictions and covenants of the property where the dwelling is proposed to be moved. Those portions applicable to the dwelling shall be highlighted. If the property contains no restrictions or covenants, a statement to that fact shall be submitted.
 3. Submit a proposed site plan containing the legal description where the dwelling is proposed to be moved.
 4. Submit the inspection report from the building inspector.
 5. Submit original clear photographs of the front, rear, and side elevations of the dwelling to be moved.
- C. Any person filing an application for a moving permit shall file with the City a liability insurance policy issued by the insurance company authorized to do business in this state and approved as to form by the City Attorney in the following amounts: \$250,000.00 per person, \$500,000.00 per accident, \$500,000.00 property damage.
 - D. When required by the building official, satisfactory evidence from a licensed pest control company that all nuisance pests have been exterminated from the structure.
 - E. Approval of the route and time of move by the City Maintenance Supervisor.

F. Approval from the planning and building services department concerning the moving of any building or structure in the historic district.

3410.10 Permit application. The application shall contain the date or dates of the moving of the building, house, or structure, a detailed statement setting forth the proposed route to be followed, the name of the person in charge of the move, the location of the premises to which the structure or building is to be moved, and an agreement that the applicant will immediately report any damage done by the moving operation to any public property and will indemnify and hold the City harmless from any claims or damages for injuries to persons or property resulting from the moving of the building or structure.

3410.12 Denial. If the applicant fails to agree or comply with the conditions as set forth herein or, in the judgment of the building official, the building or structure is in such a state of disrepair that it would not be safe to move the building or, if in the judgment of the City Maintenance Supervisor, the proposed move would result in an undue hazard to public traffic or undue damage to streets, sidewalks, trees, or other public property, the permit will be denied and reasons therefor endorsed upon the application.

3410.13 Restrictions on moving through streets. All moving of the building once started shall continue until completed, and no building shall be parked along the route unless deemed an emergency and approved by the City Maintenance Supervisor. The City Maintenance Supervisor may require police escorts, temporary removal of traffic devices, or may restrict or specify the day and hours during which the moving operation must be accomplished.

3410.14 Posting. Two moving placards must be posted on a visible location of opposite ends of the building being moved during the entire move, and the person moving the building must carry a signed duplicate of the permit.

3410.15 Escorts. Movers shall provide a front and rear escort for all movements.

3410.16 Flags. Red and orange flags, 12 inches by 12 inches, must be fastened to the rear corners of the moving structure.

3410.17 Notice to public service companies, cable TV operations, and the City of Lennox. Before moving any building, the building shall make arrangements with the police department and City Maintenance Supervisor 48 hours prior to the move if a police escort is required. The mover shall also give 48 hours notice to all City departments, public service operations, and cable TV operators whose wires, traffic control devices, or other appliances which affect the moving of such building of the time when the move is to take place and request and arrange for the passage of such building. Such building mover shall pay to the City and said corporation and operators the reasonable cost and expense of the work required to be done.

3410.18 Tampering with private property. The mover during all moves shall obey all laws pertaining to tampering with private property and vehicles on the street. Tampering with any wires or facilities belonging to private or public service companies is prohibited.

3410.19 Reporting damage. The building mover shall immediately report any damage done by the moving operation to any street, sidewalk, curb, utility equipment, tree sign, or other public or private property to the City Maintenance Supervisor.

3412.2 Applicability. Structures existing prior to March 11, 1968, in which there is work involving additions, alterations, or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through

3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S, and U. These provisions shall not apply to buildings with occupancies in Group H or I.

CHAPTER 9.04 - RESIDENTIAL CODE

9.0401 Adopted. The International Residential Code, 2009 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 of Lennox 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 town houses 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 the collection of fees therefore. The minimum building standards in the 2009 edition of the International Residential Code and amendments thereto shall be applied to any building permit issued after April 13, 2011.

A printed copy as amended is on file with the Lennox Finance Officer.

9.0402 Modifications by the City of Lennox to the 2009 International Residential Code. The following sections and subsections of the 2009 International Residential Code adopted in this article shall be amended, added, or not adopted by the City as follows. All other sections or subsections of the 2009 International Residential Code as published shall remain the same.

R101.1 Title. These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of the City of Lennox, and shall be cited as such and will be referred to herein as “this code.”

R101.2 Scope. The provisions of the *International Residential Code for One- and Two-family Dwellings* shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and town houses not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures*.

Exceptions:

1. Live/work units complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be built as one- and two-family *dwellings* or town houses. Fire suppression required by Section 419.5 of the *International Building Code* when constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section 903.3.1.3 of the *International Building Code*.

R103.1 Enforcement agency. The Building Inspections Team is hereby created and the official in charge thereof shall be known as the *building official*.

R103.2 Appointment. The *building official* shall be appointed by the Mayor with the majority vote of the City Council.

R104.8 Liability. The *building official*, member of the board of adjustments, 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 performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the City's insurance pool and any immunities and defenses provided by other applicable state and federal law. The *building official* or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

This code 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 code enforcement agency or the City be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*. The building official may exempt permits for minor work.

Exclusive of a homeowner, no person or firm shall be issued a building permit for residential building defined as owner-occupied one- and two-family dwellings, including accessory garages, until that person or firm has been issued a residential contractor's license required by this Chapter.

R105.2 Work exempt from permit. *Permits* shall not be required for the following. Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*.

Building:

1. One-story detached *accessory structures* used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²).
2. Fences not over 6 feet (1,829 mm) high.
3. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the grade elevation to the top of the wall, unless supporting a surcharge or adjacent to public right-of-way.
4. Water tanks supported directly upon *grade* if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
6. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
7. Swings and other playground equipment.
8. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.

9. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above *grade* at any point, are not attached to a *dwelling* and do not serve the exit door required by Section R311.4.

Electrical:

1. *Listed* cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, *appliances*, apparatus, or *equipment* operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical *equipment* to *approved* permanently installed receptacles.

Gas:

1. Portable heating, cooking, or clothes drying *appliances*.
2. Replacement of any minor part that does not alter approval of *equipment* or make such *equipment* unsafe.
3. Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating *appliances*.
2. Portable ventilation *appliances*.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling *equipment* regulated by this code.
5. Replacement of any minor part that does not alter approval of *equipment* or make such *equipment* unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

R106.1 Submittal documents. Submittal documents consisting of *construction documents* and other data shall be submitted with each application for a *permit*. The *construction documents* shall be prepared by a registered *design professional* where required by the statutes of the *jurisdiction* in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a registered *design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a registered *design professional* if it is found that the nature of the work applied for is such that reviewing of *construction documents* is not necessary to obtain compliance with this code.

R106.1.4 Energy efficiency. Construction documents for detached one- and two-family dwellings and townhomes shall be provided with the intended R-value for the ceilings, walls, floors, basement walls (if finished), slab perimeter R-value and depth, and crawl space walls.

R106.1.5 Foundation reinforcement. Construction for detached one- and two-family dwellings and town houses shall be provided with the intended reinforcement of foundation walls referenced in Tables R404.1.1(2), R404.1.1(3), and R404.1.1(4) for reinforced masonry foundation walls, Tables R404.1.2(2), R404.1.2(3), R404.1.2(4), and R404.1.1(8) for flat concrete foundation walls, and Tables 404.1.2(5), R404.1.2(5), and R404.1.2(6) for waffle-grid basement walls, and Table R404.1.2(7) for screed-grid basement walls where the foundation wall exceeds the provisions for plain masonry and concrete foundation walls.

R106.3.1 Approval of construction documents. When the *building official* issues a *permit*, the *construction documents* shall be submitted and reviewed. One set of *construction documents* so reviewed shall be retained by the *building official*.

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the City or State. The fee schedule for the City of Lennox shall be set by resolution by the City Council.

R108.6 Work commencing before permit issuance. Any person who commences work requiring a *permit* on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required *permit* fees. Legal and/or civil proceedings may also be commenced.

R108.7 Delinquent accounts. The administrative authority may refuse to issue permits or conduct inspections for any person or business whose account is delinquent.

R109.1.1 Footing inspection. Inspection of the footings shall be made after poles or piers are set or trenches or *basement* areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The footing inspection shall include

excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or *equipment* and special requirements for wood foundations.

R109.1.3 Floodplain inspections. For construction in areas prone to flooding as established by Appendix D, the Floodplain Management Ordinance upon placement of the lowest floor, including *basement*, and prior to further vertical construction, the floodplain administrator shall require submission of documentation, prepared and sealed by a registered *design professional*, of the elevation of the lowest floor, including *basement*, required in Appendix D, the Floodplain Management Ordinance.

R110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the *building official* has issued a certificate of occupancy therefor as provided herein and final inspections have been obtained from the electrical, mechanical, plumbing, and building inspection divisions of building services. An inspection placard shall be posted on the electrical panel, which is signed after final inspections have occurred by the electrical inspector, mechanical inspector, and plumbing inspector for new one- and two-family dwelling units and multiple single-family dwellings (town houses). Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the City shall not be valid.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2.
2. Accessory buildings or structures.

R110.6 Placards. Placards or inspection record tags placed on the job by the inspectors to indicate approval of the work inspected shall not be removed, except when authorized by the building official.

R112.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this code, to review all proposed changes to the respective codes and to submit recommendations to the responsible official and the City Council, to review requests for house moves, and to examine applicants for licensing and to investigate matters brought before the board, shall go in front of the board of adjustments. The *building official* shall be an ex officio member of said board but shall have no vote on any matter before the board.

The board in exercising its authority over house moving may deny the building request, or may require additional stipulations to be placed on the building permit to address the protection of the property values and neighborhood compatibility.

R112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority relative to the interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

R113.3 Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice, the *building official* is authorized to request the legal counsel of the *jurisdiction* to deem the violation as a strict liability offense and institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful

occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

Section R202. Definitions. Add the following definition.

Strict liability offense. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**Table R301.2(1)
Climatic and Geographic Design Criteria**

1. Ground Snow Load (Footnote l).....	40 psf contour
2. Wind Speed (Footnote e).....	90 mph
3. Topographic Effects (Footnote k).....	no
4. Seismic Design Category (Footnotes f and g).....	A
5. Weathering (Footnote a).....	Severe
6. Frost Line Depth (Footnote b).....	42 inches (1,067 mm)
7. Termite Damage (Footnote c).....	Slight to Moderate
8. Winter Design Temperature.....	-11 Degrees Fahrenheit
9. Ice Barrier Underlayment Requirement (Footnote i)	yes
10. Flood Hazards (Footnote g) Lennox entered the regular phase of the National Flood Insurance Program on June 8, 1998.	
11. Air Freezing Index (Footnote i)	3000
12. Mean Annual Temperature	46 Degrees Fahrenheit

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., “negligible,” “moderate,” or “severe”) for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216, or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2 percent values for winter from Appendix D of the *Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

- g. To establish flood hazard areas, the City has adopted a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineered report entitled “The Flood Insurance Study for Lincoln County, South Dakota and Incorporated Areas” dated April 2, 2008, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section. If there is a conflict between the provisions of this code and the City’s floodplain management ordinance, the provisions of the floodplain management ordinance shall prevail.
- h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1, and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with “YES.” Otherwise, the jurisdiction shall fill in this part of the table with “NO.”
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table “Air Freezing Index- USA Method (Base 32°)” at www.ncdc.noaa.gov/fpsf.html.
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table “Air Freezing Index-USA Method (Base 32°F)” at www.ncdc.noaa.gov/fpsf.html.
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with “YES.” Otherwise, the jurisdiction shall indicate “NO” in this part of the table.
- l. On roof systems that are not engineered, conventionally framed 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 than 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.

Table R301.5
Minimum Uniformly Distributed Live Loads
(in pounds per square foot)

USE	LIVE LOAD
Attics without storage ^{b.}	10
Attics with limited storage ^{b. g.}	20
Habitable attics and attics served with fixed stairs	30
Balconies (exterior) and decks ^{c.}	40
Fire escapes	40
Guardrails and handrails ^{d.}	200 ⁱ
Guardrails in-fill components ^{f.}	50 ⁱ
Passenger vehicle garages ^{a.}	50 ^a
Rooms	40

For SI: 1 pound per square foot = 0.0479 kPa, 1 square inch = 645 mm², 1 pound = 4.45 N.

- a. Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.
- b. Attics without storage are those where the maximum clear height between joist and rafter is less than 42 inches, or where there are not two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high by 2 feet wide, or greater, located within the plane of the truss. For attics without storage, this live load need not be assumed to act concurrently with any other live load requirements.
- c. Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.
- d. A single concentrated load applied in any direction at any point along the top.
- e. See Section R502.2.2 for decks attached to exterior walls.
- f. Guard in-fill components (all those except the handrail), balusters, and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.
- g. For attics with limited storage and constructed with trusses, this live load need be applied only to those portions of the bottom chord where there are two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high or greater by 2 feet wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member, provided that each of the following criteria is met.

1. The attic area is accessible by a pull-down stairway or framed in accordance with Section R807.1.
2. The truss has a bottom chord pitch less than 2:12.
3. Required insulation depth is less than the bottom chord member depth.

The bottom chords of trusses meeting the above criteria for limited storage shall be designed for the greater of the actual imposed dead load or 10 psf, uniformly distributed over the entire span.

- h. Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.

**Table R302.1
Exterior Walls**

Exterior Wall Element		Minimum Fire-Resistance Rating	Minimum Fire Separation Distance
Walls	(Fire-resistance rated)	hour tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	<5 feet
	(Not fire-resistance rated)	0 hours	>5 feet
Projections	(Fire-resistance rated)	1 hour on the underside	< 3 feet
	(Not fire-resistance rated)	0 hours	> 3 feet
Openings	Not allowed	N/A	< 3 feet
	25% Maximum of Wall Area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R317.3	< 5 feet
		None required	5 feet

N/A = Not Applicable

R310.1 Emergency escape and rescue required. Basements, habitable attics, and every sleeping room shall have at least one operable emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. 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. Emergency escape and rescue openings shall open directly into a public way, or to a *yard* or court that opens to a public way.

Exception: *Basements* used only to house mechanical *equipment* and not exceeding total floor area of 200 square feet (18.58 m²).

R310.1.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.0 square feet (0.465 m²).

R310.2.1 Ladder and steps. Window wells with a vertical depth greater than 48 inches (1,220 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Sections R311.7 and R311.8. Ladders or rungs shall have an inside width of at least 12 inches (305 mm), shall project at least 3 inches (76 mm) from the wall, and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height of the window well.

R311.3.1 Floor elevations at the required egress doors. Landings or floors at the required egress door shall not be more than 1 1/2 inches (38 mm) lower than the top of the threshold.

Exception: The exterior landing or floor shall not be more than 8 inches (202 mm) below the top of the threshold provided the door does not swing over the landing or floor.

When exterior landings or floors serving the required egress door are not at *grade*, they shall be provided with access to *grade* by means of a ramp in accordance with Section R311.8 or a stairway in accordance with Section R311.7.

R311.3.2 Floor elevations for other exterior doors. Doors other than the required egress door shall be provided with landings or floors not more than 8 inches (202 mm) below the top of the threshold.

Exception: A landing is not required where a stairway of two or fewer risers is located on the exterior side of the door, provided the door does not swing over the stairway.

R311.7.4.1 Riser height. The maximum riser height shall be 8 inches (202 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R311.7.4.3 Profile. The radius of curvature at the nosing shall be no greater than 9/16 inch (14 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosings shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped under the tread above from the underside of the nosing above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted.

Exception: A nosing is not required where the tread depth is a minimum of 11 inches (279 mm).

R311.7.7.2 Continuity. Handrails for stairways shall extend for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1 1/2 inch (38 mm) between the wall and the handrails.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at the turn.
2. The use of a volute, turnout, starting easing, or starting newel shall be allowed over the lowest tread.

R311.7.7.3 Grip-size. All required handrails shall be of one of the following types or provide equivalent graspability.

1. Type I. Handrails with a circular cross section shall have an outside diameter of at least 1 1/4 inches (32 mm) and not greater than 2 inches (51 mm). If the handrail is not circular, it shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6 1/4 inches (160 mm) with a maximum cross section of dimension of 2 1/4 inches (57 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).
2. Type II. Handrails with a perimeter greater than 6 1/4 inches (160 mm) shall have a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of 3/4 inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8 mm) within 7/8 inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least 3/8 inch (10 mm) to a level that is not less than 1 3/4 inches (45 mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be 1 1/4 inches (32 mm) to a maximum of 2 3/4 inches (70 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

Exception: Exterior stairs are allowed to have a horizontal 2X member to form a 1 1/2-inch graspable dimension in lieu of the above-referenced perimeter dimensions.

R312.3 Opening limitations. Required *guards* shall not have openings from the walking surface to the required *guard* height which allow passage of a sphere 5 inches (127 mm) in diameter.

Exception: The triangular openings at the open side of a stair, formed by the riser, tread, and bottom rail of a *guard*, shall not allow passage of a sphere 6 inches (153 mm) in diameter.

R313.1 Townhouse automatic fire sprinkler systems. Not adopted by the City of Lennox.

R313.1.1 Design and installation. Not adopted by the City of Lennox.

R313.2 One- and two-family dwellings automatic fire systems. Not adopted by the City of Lennox.

R313.2.1 Design and installation. Not adopted by the City of Lennox.

R314.3 Location. Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional *story* of the *dwelling*, including *basements* and habitable attics but not including crawl spaces and uninhabitable *attics*. In *dwellings* or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full *story* below the upper level.
4. Where the ceiling height of a room is open to the hallway serving a bedroom exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room.

Exception. Hallways less than 4 feet (1,220 mm) in length are allowed to omit the smoke detector within the hallway adjacent to the bedrooms.

When more than one smoke alarm is required to be installed within an individual *dwelling* unit, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit.

R314.3.1 Alterations, repairs, and additions. When *alterations*, repairs, or *additions* requiring a *permit* occur with a valuation in excess of \$1,000, or when one or more sleeping rooms are added or created in existing *dwellings*, the individual *dwelling unit* shall be equipped with smoke alarms located as required for new *dwellings*.

Exceptions:

1. Work involving the exterior surfaces of *dwellings*, such as the replacement of roofing or siding, or the *addition* or replacement of windows or doors, or the *addition* of a porch or deck, are exempt from the requirements of this section.
2. Installation, *alteration*, or repairs of plumbing or mechanical systems are exempt from the requirements of this section.

R315.2 Where required in existing dwellings. Not adopted by the City of Lennox.

R317.1 Location required. Protection of wood and wood based products from decay shall be provided in the following locations by the use of naturally durable wood or wood that is preservative-treated in accordance with AWPA U1 for the species, product, preservative, and end use. Preservatives shall be listed in Section 4 of AWPA U1.

1. Wood joists or the bottom of a wood structural floor when closer than 18 inches (457 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground in crawl spaces or unexcavated area located within the periphery of the building foundation.
2. All wood framing members that rest on concrete or masonry exterior foundation walls and are less than 6 inches (152 mm) from the exposed ground.
3. Sills and sleepers supporting bearing walls on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.
4. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 1/2 inch (12.7 mm) on tops, sides, and ends.
5. Wood siding, sheathing, and wall framing on the exterior of a building having a clearance of less than 6 inches (152 mm) from the ground or less than 2 inches (51 mm) measured vertically from concrete steps, porch slabs, patio slabs, and similar horizontal surfaces exposed to the weather.
6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.

7. Wood furring strips or other wood framing members attached directly to the interior of exterior masonry walls or concrete walls below *grade* except where an *approved* vapor retarder is applied between the wall and the furring strips or framing members.

R319.1 Address numbers. New and existing buildings shall have *approved* address numbers, building numbers, or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Multi-building campus/complex developments addressed on private or public streets shall be provided with signage at the entrance to the campus/complex indicative of the address ranges within.

R401.3 Drainage. Surface drainage shall be diverted to a storm sewer conveyance or other *approved* point of collection that does not create a hazard. *Lots* shall be graded to drain surface water away from foundation walls. The *grade* shall fall a minimum of 6 inches (152 mm) within the first 10 feet (3,048 mm).

Exceptions:

1. Where *lot lines*, walls, slopes, or other physical barriers prohibit 6 inches (152 mm) of fall within 10 feet (3,048 mm), the final grade shall slope away from the foundation at a minimum slope of 2 percent and the water shall be directed to drains or swales to ensure drainage away from the structure. Swales shall be sloped a minimum of 1 percent.
2. Impervious surfaces within 10 feet (3,048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building.

R403.1.4.1 Frost protection. Except where otherwise protected from frost, foundation walls, piers, and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extended below the frost line specified in Table R301.2.(1);
2. Constructing in accordance with Section R403.3;
3. Constructing in accordance with ASCE 32; or
4. Erected on solid rock.

Exceptions:

1. Protection of freestanding *accessory structures* with an area of 1,500 square feet (139 m²) or less, of light-frame construction, with an eave height of 10 feet (3,048 mm) or less shall not be required.
2. Protection of freestanding *accessory structures* with an area of 400 square feet (37 m²) or less, of other than light-frame construction, with an eave height of 10 feet (3,048 mm) or less shall not be required.

- Decks not supported by a dwelling need not be provided with footings that extend below the frost line.

Footings shall not bear on frozen soil unless the frozen condition is permanent.

R404.4 Retaining walls. Retaining walls that are not laterally supported at the top and that retain in excess of 48 inches (1,220 mm) of unbalanced fill shall be designed to ensure stability against overturning, sliding, excessive foundation pressure, and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning.

R502.3.1 Sleeping areas and attic joists. Table R502.3.1(1) shall be used to determine the maximum allowable span of floor joists that support sleeping areas and *attics* that are accessed by means of a fixed stairway in accordance with Section R311.7, provided that the design live load does not exceed 40 pounds per square foot (1.92 kPa) and the design dead load does not exceed 20 pounds per square foot (0.96 kPa). The allowable span of ceiling joists that support *attics* used for limited storage or no storage shall be determined in accordance with Section R802.4.

TABLE R602.3(1) FASTENER SCHEDULE FOR STRUCTURAL MEMBERS; Row 5

Description of Building Elements	Number and Type of Spacing of Fastener a, b, c, d	Spacing of
Top or sole plate to stud, end nail	2-12d (3½" x 0.135)	--

R602.10.1.4 Braced wall panel location. *Braced wall panels* shall be located in accordance with Figure R602.10.1.4(1). *Braced wall panels* shall be located not more than 25 feet (7,620 mm) on center and shall be permitted to begin no more than 12.5 feet (3,810 mm) from the end of a *braced wall line* in accordance with Section R602.10.1 and Figure R602.10.1.4(2). The total combined distance from each end of a *braced wall line* to the outermost *braced wall panel* or panels in the line shall not exceed 12.5 feet (3,810 mm). *Braced wall panels* may be offset out-of-plane up to 4 feet (1,219 mm) from the designated *braced wall line* provided that the total out-to-out offset of *braced wall panels* in a *braced wall line* is not more than 8 feet (2,438 mm) in accordance with Figures R602.10.1.4(3) and R602.10.1.4(4). All *braced wall panels* within a *braced wall line* shall be permitted to be offset from the designated *braced wall line*.

Exception: The offsets out-of-plane may exceed 4 feet (1,219 mm) and the out-to-out offset dimension may exceed 8 feet (2,438 mm) if the area of the offset is less than 200 square feet.

R612.2 Window sills. In *dwelling* units, where the opening of an operable window is located more than 72 inches (1,829 mm) above the finished *grade* or surface below, the lowest part of the clear opening of the window shall be a minimum of 18 inches (457 mm) above the finished floor of the room in which the window is located. Operable sections of windows shall not permit openings that allow passage of a 4-inch (102 mm) diameter sphere where such openings are located within 18 inches (457 mm) of the finished floor.

Exceptions:

- Windows whose openings will not allow a 4-inch diameter (102 mm) sphere to pass through the opening when the opening is in its largest opened position.

2. Openings that are provided with window fall prevention devices that comply with Section R612.3.
3. Openings that are provided with fall prevention devices that comply with ASTM F 2090.
4. Windows that are provided with opening limiting devices that comply with Section R612.4.

R703.2.1 Weather-resistive sheathing papers. House wraps or weather-resistive sheathing papers consisting of spun bonded olefin sheets of high density polyethylene fibers are required to be installed on the exterior side of the sheathing material directly underneath the exterior veneer.

R907.3 Recovering versus replacement. New roof coverings shall not be installed without first removing all existing layers of roof coverings where any of the following conditions exist:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is wood shake, slate, clay, cement, or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.

Exceptions:

1. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.
2. Installation of metal panel, metal shingle, and concrete and clay tile roof coverings over existing wood shake roofs shall be permitted when the application is in accordance with Section R907.4.
3. The application of new protective coating over existing spray polyurethane foam roofing systems shall be permitted without tear-off of existing roof coverings.

**TABLE N1102.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a**

Climate Zone	Fenestration		Glazed Fenestration SHGC	Ceiling R-Value ^l	Wood	Mass	Floor R-Value	Basement ^c Wall R-Value	Slab ^d R-Value and Depth	Crawl
	U-Factor [Btu/hr-ft ² -degrees F]	Skylight ^b U-Factor			Frame Wall R-Value	Wall R-Value ^k				Wall R-Value
6A	0.35	0.60	NR	49	20 or 13 + 5 ^h	15/19	30 ^g	10/13	10, 42 inches	10/13

- a. *R*-values are minimums. *U*-factors and solar heat gain coefficient (SHGC) are maximums. R-19 batts compressed in to nominal 2 X 6 framing cavity such that the *R*-value is reduced by R-1 or more shall be marked with the compressed batt *R*-value in addition to the full thickness *R*-value.
- b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- c. The first *R*-value applies to continuous insulation which is allowed to be applied at the time of finishing the basement, the second to framing cavity insulation; either insulation meets the requirement.
- d. R-5 shall be added to the required slab edge *R*-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less, in zones 1 through 3 for heated slabs.
- e. There are no SHGC requirements in the Marine Zone.
- f. Basement wall insulation is not required in warm-humid locations as defined by Figure N1101.2 and Table N1101.2.
- g. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- h. “13+5” means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.
- i. For impact-rated fenestration complying with Section R301.2.1.2, the maximum *U*-factor shall be 0.75 in zone 2 and 0.65 in zone 3.
- j. For impact-resistant fenestration complying with Section R301.2.1.2 of the *International Residential Code*, the maximum SHGC shall be 0.40.
- k. The second *R*-value applies when more than half the insulation is on the interior.
- l. The minimum *R*-value for ceilings is further based on a minimum 6-inch (152 mm) heel height to allow the ceiling insulation to extend over the top plate.

M1305.1.4.1 Ground clearance. *Equipment* and *appliances* supported from the ground shall be level and firmly supported on a concrete slab or other *approved* material extending not less than 1 1/2 inches (38 mm) above the adjoining ground. Such support shall be in accordance with the manufacturer’s installation instructions. *Appliances* suspended from the floor shall have a clearance of not less than 6 inches (152 mm) from the ground.

M1403.1 Heat pumps and air conditioners. The minimum unobstructed total area of the outside and return air ducts or openings to a heat pump and/or air conditioners shall be not less than 6 square inches per 1,000 Btu/h (13,208 mm²/kW) output rating or as indicated by the conditions of the listing of the heat pump air conditioner. Electric heat pumps shall conform to UL 1995.

M1403.2 Foundations and supports. Not adopted by the City of Lennox.

M1411.5 Insulation of refrigerant piping. Piping and fittings for refrigerant vapor (suction) lines shall be insulated with insulation having a thermal resistivity of at least R-2 and having external surface permeance not exceeding 0.05 perm [2.87 ng/(s - m² - Pa)] when tested in accordance with ASTM E 96.

M1502.4.4.1 Specified length. The maximum length of the exhaust duct shall be 35 feet (10668 mm) from the connection to the transition duct from the dryer to the outlet terminal. Where fittings are used, the maximum length of the exhaust duct shall be reduced in accordance with Table M1502.4.4.1.

Section M1508. Subslab Soil Exhaust Systems.

M1508.1 General. When a subslab soil exhaust system is provided, the duct shall conform to the requirements of this section.

M1508.2 Materials. Subslab soil exhaust system duct material shall be air duct material listed and labeled to the requirements of UL 181 for Class 0 air ducts, or any of the following piping materials that comply with the *International Plumbing Code* as building sanitary drainage and vent pipe: cast iron; galvanized steel; brass or copper pipe; copper tube of a weight not less than that of copper drainage tube, Type DWV; and plastic piping.

M1508.3 Grade. Exhaust system ducts shall not be trapped and shall have a minimum slope of 1/8 unit vertical in 12 units horizontal (1-percent slope).

M1508.4 Termination. Subslab soil exhaust system ducts shall extend through the roof and terminate at least 6 inches (152 mm) above the roof and at least 10 feet (3,048 mm) from any operable openings or air intake.

**Table M1601.1.1(2)
Gages of Metal Ducts and Plenums Used for Heating or Cooling**

Duct Size	Minimum Thickness Inches and (mm)	Equivalent Galvanized Sheet No.	Minimum Thickness (In.)
Round ducts and enclosed rectangular ducts	0.0157 (0.3950 mm)		
14 inches or less	0.0187 (0.4712 mm)	30	0.0175
>14 to 18 inches	0.0236 (0.6010 mm)	26	0.018
>18 inches and over		24	0.023
Exposed rectangular ducts	0.0157 (0.3950 mm)	28	0.0175
14 inches or Over 14 ² inches	0.0187 (0.4712 mm)	26	0.018

For SI: 1 inch = 25.4 mm.

- a. For duct gages and reinforcement requirements at static pressures of 1/2 inch, 1 inch and 2 inches w.g., SMACNA Duct Construction Standard Tables 2-1:2-2 and 2-3 shall apply.

M1601.2 Factory-made ducts. Factory-made air ducts or duct material shall be *approved* for the use intended, and shall be installed in accordance with the manufacturer's installation instructions. Each

portion of a factory-made air duct system shall bear a listing and label indicating compliance with UL 181 and UL 181A or UL 181B.

Flexible air ducts shall be limited in length to 14 feet. Flexible air connectors are not allowed.

M1601.4.3 Support. Metal ducts shall be supported by 1/2-inch (13 mm) wide 18-gage, 1-inch (25 mm) wide 24 gage, or 1 1/2-inch (39 mm) wide 26 gage metal straps or 12-gage galvanized wire at intervals not exceeding 10 feet (3,048 mm) or other *approved* means. Nonmetallic ducts shall be supported in accordance with the manufacturer's installation instructions

G2407.6 (304.6) Outdoor combustion air. Outdoor *combustion* air shall be provided through opening(s) to the outdoors in accordance with Section G2407.6.1, G2407.6.2, or G2407.6.3. The minimum dimension of air openings shall be not less than 3 inches (76 mm).

Combustion air intake openings located on the exterior of a building shall have the lowest side of such openings located not less than 12 inches (305 mm) vertically from the adjoining grade level.

Combustion air intake opening shall be located a minimum of 3 feet from a gas meter.

G2407.6.3 Alternate combustion air sizing. As an alternate to the above-referenced combustion air openings, the net free area of openings, ducts, or plenums supplying air to an area containing fuel-burning appliances shall be as specified below.

When all air is taken from the outdoors for appliances and the total input of the appliances is less than 300,000 Btu/hr (1,704,000 W/ meters squared K), one outside air duct may be used and shall terminate below the draft hood. An exterior opening may be used in place of a duct provided that it is located at least 1 foot below the draft hood.

**Combustion Air Requirements for Appliances Requiring an Outside Air Opening in
Areas with 5,000 degrees Fahrenheit
(2,777 degrees Celsius) or Greater Heating Days**

Total Input of Appliances Thousands of Btu/hr	Required Free Area of Air Supply Opening or Duct, Square Inches
25 (26.4 KJ/h)	7 (4,516 mm ²)
50 (52.8 KJ/h)	7 (4,516 mm ²)
75 (79.1 KJ/h)	11 (7,097 mm ²)
100 (106 KJ/h)	14 (9,032 mm ²)
125 (132 KJ/h)	18 (11,610 mm ²)
150 (158 KJ/h)	22 (14,190 mm ²)
175 (185 KJ/h)	25 (16,130 mm ²)
200 (211 KJ/h)	29 (18,710 mm ²)
225 (237 KJ/h)	32 (20,650 mm ²)
250 (264 KJ/h)	36 (23,230 mm ²)
275 (290 KJ/h)	40 (25,810 mm ²)
300 (317 KJ/h)	43 (27,740 mm ²)

1. For total inputs that fall between the listing figures, use the next largest listed input.
2. These figures are based on the maximum equivalent duct length of 20 feet (6.1 m). For equivalent duct lengths in excess of 20 feet (6.1 m) to and including a maximum of 50 feet (15.2 m), increase round duct diameter by one size. A square or rectangular duct may be used only where the required duct size is 9 square inches (5,800 mm²) or larger and the smaller dimension must be not less than 3 inches (76.2 mm).

G2427.4.1 Plastic piping. Plastic *piping* used for venting *appliances* listed for use with such venting materials shall be *approved*.

Plastic pipe and fittings used to vent appliances shall be installed in accordance with the pipe manufacturer's installation instructions and the appliance manufacturer's installation instructions. Solvent cement joints between ABS pipe and fittings shall be cleaned. Solvent cement joints between CPVC and PVC pipe and fittings shall be primed. The primer shall be a contrasting color.

Exception: Where compliance with this section would conflict with the appliance manufacturer's installation instructions.

Part VII—Plumbing. Not adopted by the City of Lennox.

Part VIII—Electrical. Not adopted by the City of Lennox.

AG102.1 General. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

BARRIER. A fence, wall, building wall, or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling or a one-family *townhouse* not more than three stories in height.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating, and water-circulating *equipment* are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 18 inches (457 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

AG105.1 Application. The provisions of this chapter shall control the design of barriers for residential swimming pools, spas, and hot tubs. These design controls are intended to provide protection against potential drownings and near drownings by restricting access to swimming pools, spas, and hot tubs.

This requirement shall be applicable to all new swimming pools hereafter constructed, other than indoor pools, and shall apply to all existing pools, which have a depth of 18 inches (457 mm) or more of water. No person in possession of land within the City, either as owner, purchaser, lessee, tenant, or a licensee, upon which is situated a swimming pool having a depth of 18 inches (457 mm) or more shall fail to provide and maintain such barrier as herein provided.

AG105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub, or spa shall be surrounded by a barrier that shall be installed, inspected, and approved prior to filling with water that completely surrounds and obstructs access to the swimming pool, which shall comply with the following:

1. The top of the barrier shall be at least 42 inches (1,067 mm) above *grade* measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
3. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:
 - 3.1. The ladder or steps shall be capable of being secured, locked, or removed to prevent access; or
 - 3.2. The ladder or steps shall be surrounded by a barrier, which meets the requirements of Item 1 above. When the ladder or steps are secured, locked, or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.
4. All gates or door openings through the barrier shall be equipped with self-closing and self-latching devices for keeping the door or gate securely closed at all times when the pool is not in actual use, except that the door of any dwelling that form part of the enclosure need not be so equipped.

AG105.3 Indoor swimming pool. Not adopted by the City of Lennox.

AG105.4 Prohibited Locations. Not adopted by the City of Lennox.

AG105.5 Barrier exceptions. Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AG107, shall be exempt from the provisions of this appendix.

Modifications in individual cases, upon a showing of good cause with respect to height, nature, or location of a fence, wall, gates, or latches, or the necessity thereof, may be made by the building official, provided the protection as sought hereunder is not reduced thereby. The building official may grant

permission for other protective devices or structures to be used as long as the degree of protection afforded by this substitute device or structure is not less than the protection afforded by the wall, fence, gate, and latch described herein. A reasonable period within which to comply with the requirements of this section for existing swimming pools shall be allowed, which period shall not exceed 90 days after notification by the building official.

CHAPTER 9.05 - PROPERTY MAINTENANCE CODE

9.0501 Adopted. The *International Property Maintenance Code*, 2009 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, governing, and controlling the use, occupancy, conditions, and maintenance of all property, buildings, and 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 minimum requirements and standards of the 2009 International Property Maintenance Code will become effective after April 13, 2011.

A printed copy as amended is on file with the City Office.

9.0502 Amendments, additions, and deletions to the 2009 International Property Maintenance Code. The following sections and subsections of the property maintenance code adopted in this article shall be amended, added, or deleted as follows. All other sections or subsections of the 2009 International Property Maintenance Code shall remain the same.

101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of City of Lennox, South Dakota hereinafter referred to as “this code.”

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein and the *International Existing Building Code*.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Residential Code*, *International Existing Building Code*, *International Fuel Gas Code*, *International Mechanical Code*, and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *Zoning Ordinance* of the City of Lennox, South Dakota.

103.2 Appointment. The Building Code Official or his designee is designated as the *code officials* and shall enforce the provisions of this code.

(Amended: Ordinance No. 525, 07-09-12)

103.4 Liability. The *code 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 all personal liability for any damage accruing to

persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection by the City's insurance pool and any immunities and defenses provided by other applicable state and federal laws and be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees. The fees for building permits, activities and services performed by the department in carrying out its responsibilities under this code shall be as established in Tables 1-A, 1-B, and 1-C of Section 11-20 of this code.

In addition, an administrative fee of \$250 may be assessed for the preparation of bids and contracts to correct or abate a violation.

107.7 Extension of time agreement. If the code official determines that an extension of time will not create or perpetuate a situation imminently dangerous to life or property, the code official may grant an extension of time, not to exceed 180 days in which to complete the work listed in the Notice and Order. Any extension shall not extend the time to appeal the Notice and Order. Any extension shall be agreed to in writing in a document containing the following:

1. A reasonable and acceptable schedule, setting forth specific dates to complete corrective action for each violation listed in the Notice and Order.
2. A signature of the responsible party.

110.1 General. The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than 18 months, the *code official* shall order the *owner* to demolish and remove such structure.

111.1 General. Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Property Maintenance Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The Board is additionally charged with the review of all proposed changes to the Property Maintenance Code and to submit recommendations to the responsible official and the city council. The board shall adopt rules of procedure for conducting its business. The board shall have no authority relative to the interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

111.2 Membership of board. The Property Maintenance Board of Appeals shall consist of the members of the Board of Adjustment. The *code official* shall be an ex-officio member but shall have no vote on any matter before the board.

111.2.1 Alternate members. Delete.

111.2.4 Secretary. The Finance Officer shall serve as secretary to the board and shall file a detailed record of all proceedings in his/her office.

(Amended: Ordinance No. 525, 07-09-12)

111.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the Finance Officer.

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to administrative citations through the code enforcement process.

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

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth pursuant to Title 3 of the City of Lennox Municipal Code.

302.8 Motor vehicles. Abandoned and inoperative vehicles shall be regulated by Title 7 of the City of Lennox Municipal Code.

302.9 Defacement of property. Placement of graffiti shall be regulated by Title 3 and Title 5 of the City of Lennox Municipal Code.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 44 inches (1,066 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

304.14 Insect screens. During the period from April 1 to September 30, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than

16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

308.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* pursuant to Title 3 of the City of Lennox Municipal Code.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish* in accordance with Title 3 of the City of Lennox Municipal Code.

308.2.2 Refrigerators. Refrigerators, iceboxes or other similar airtight containers or equipment not in operation shall not be discarded, abandoned or stored on *premises* in accordance with Title 3 of the City of Lennox Municipal Code.

308.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers in accordance with Title 3 of the City of Lennox Municipal Code.

308.3.1 Garbage facilities. Every dwelling shall be supplied with an *approved* leak-proof, covered, outside garbage container in accordance with Title 3 of the City of Lennox Municipal Code.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal in accordance with Title 3 of the City of Lennox Municipal Code.

402.1 Habitable spaces. Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception:

1. Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.
2. The glazed areas need not be provided in rooms where artificial light is provided capable of producing an average illumination of six footcandles (6.46 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.

404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2m²) and every *bedroom* shall contain at least 70 square feet (6.5 m²), and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of area for each occupant.

404.5 Overcrowding. The number of persons occupying a *dwelling unit* shall not create conditions that, in the opinion of the *code official or City Council*, endanger the life, health, safety or welfare of the *occupants*.

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the applicable *South Dakota Plumbing Commission Code*.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from September 1st to April 30th to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1st to April 30th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

CHAPTER 9.06 - FLOOD DAMAGE PREVENTION

9.0601 Statutory Authorization. The Legislature of the State of South Dakota has in SDCL 9-36 and 7-18-14 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Lennox, SD does ordain as follows:

The City of Lennox elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The City of Lennox elects to adopt a Floodprone Zone Map, by reference, to identify areas that are prone to standing water during and after significant rain events. The National Flood Insurance Program, established in the aforesaid act, provides that areas of the City having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. The National Flood Insurance Program was broadened and modified with the passage of the Flood Disaster Protection Act of 1973 and other legislative measures. It was further modified by the National Flood Insurance Reform Act of 1994. The National Flood Insurance Program is administered by the Federal Emergency Management Agency, a component of the U.S. Department of Homeland Security.

9.0602 Finding 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 governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

9.0603 Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and

G. Insure that potential buyers are notified that property is in a flood area.

9.0604 Methods of Reducing Flood Losses. In order to accomplish its purposes, this Ordinance uses the following methods:

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- D. Control filling, grading, dredging and other development which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

9.0605 Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted to give them the meaning they have in common usage and to give this Ordinance its' most reasonable application.

Area of future-conditions flood hazard means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, or VO zone on a city's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood-related erosion hazard is the land within a city which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area; in preparation for publication of the FIRM, Zone E may be further refined.

Area of special flood hazard is the land in the flood plain within a city subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

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

Base Flood Elevation (BFE) – Is the water surface elevation of the one (1) percent annual chance flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building - see structure.

Conditional Letter of Map Revision means FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations, or the Special Flood Hazard Area. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

Development means any man-made 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 or storage of equipment or materials.

Erosion means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

Existing construction means for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for serving 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 before the effective date of the floodplain management regulations adopted by a city.

Existing structures - see existing construction.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for serving the lots on which the

manufacturing 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:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Flood elevation determination means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Insurance Rate Map (FIRM) means any official map of a city, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the city.

Flood Insurance Study or Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood plain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

Floodprone Zone Map means a map, by reference, developed by historical data from the Lincoln County Geographical Information Systems (GIS) database. The map shall be updated at a minimum of every two years, earlier if land is annexed into the City of Lennox. The map shall serve as an instrument to determine a special flood hazard. Land in the map area does not require federal flood insurance.

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - see regulatory floodway.

Floodway encroachment lines mean the lines marking the limits of floodways on Federal, State and local flood plain maps.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic reservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Amendment means an official amendment, by letter, to an effective map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area and are usually issued because a property has been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation.

Letter of Map Revision means FEMA's modification to an effective Flood Insurance Rate Map, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations, or the Special Flood Hazard Area.

Letter of Map Revision Based on Fill means FEMA's modification of the Special Flood Hazard Area shown on the Flood Insurance Rate Map based on the placement of fill outside the existing regulatory floodway.

Levee means a man-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

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 non-elevation design requirements of Sec. 60.3 of the National Flood Insurance Program regulations.

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".

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a city issued by the Agency.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a city's Flood Insurance Rate Map are referenced.

New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a city 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 floodplain management regulations adopted by a city.

Recreational vehicle means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
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.

Regulatory 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 a designated height.

Special flood hazard area: see “area of special flood hazard”.

Special hazard area means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.

Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, additional placement, or other improvement was within 180 days of the permit date. The actual start means either 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, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:

1. A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
2. A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
3. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the city’s floodplain management and building ordinances or laws.

For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it’s before damaged condition would equal or exceed 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 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:

1. 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
2. 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 by a city from the terms of a flood plain management regulation.

Violation means the failure of a structure or other development to be fully compliant with the city’s floor plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in **Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5)** of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

9.0606 General Provisions.

- A. Lands to Which this Ordinance Applies. The Ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Lennox.
- B. 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 Lincoln County, SD and Incorporated Areas," dated April 2, 2008, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM AND FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Ordinance.
- C. Establishment of Development Permit. A Development Permit shall be required to ensure conformance with the provisions of this Ordinance.
- D. Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Ordinance and other applicable regulations.
- E. Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation. In the interpretation and application of this Ordinance, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- G. Warning and Disclaimer or Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

This Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City or any official or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- H. Severability. If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court, the remainder of the Ordinance shall not be affected.

9.0607 Administration.

- A. Designation of the Floodplain Administrator. The City of Lennox Public Works Director is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
- B. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
1. Maintain and hold open for public inspection all records pertaining to the provisions of this Ordinance.
 2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
 3. Review, approve or deny all applications for development permits required by adoption of this Ordinance.
 4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
 6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the South Dakota Office of Emergency Management (OEM), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 8. When base flood elevation data has not been provided in accordance with Section 9.0606(B), the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Section 9.0608.
- C. Permit Procedures. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 9.0608(B)(2);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
5. Maintain a record of all such information in accordance with Section 9.0607(B)(1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
10. The relationship of the proposed use to the comprehensive plan for that area.

D. Variance Procedures.

1. The Lennox City Council shall act as the Appeal Board to hear and render judgment on requests for variances from the requirements of this Ordinance.

2. The Appeal Board shall hear and render judgment on any appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administration shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency and the State Office of Emergency Management upon issuing a variance.
5. 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 the relevant factors in Section 9.0607(C)(2) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
6. Upon consideration of the factors noted above and the intent of this Ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Ordinance (Section 9.0603).
7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
8. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
9. Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon:
 - i. Showing a good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- c. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
10. Variances may be issued by a city for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a. the criteria outlined in Section 9.0607(D)(1)-(9) are met, and
 - b. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

9.0608 Provisions for Flood Hazard Reduction.

- A. General Standards. In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:
 1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 4. All new construction or 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;
 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
 7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Section 9.0606(B), (ii) Section 9.0607(B)(8), or (iii) Section 9.0608(C)(3), the following provisions are required:
1. Residential Construction – new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standards of this Ordinance are satisfied.
 2. Nonresidential Construction – new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
 3. Manufactured Homes – Require that all manufactured homes to be placed within Zone A on a city's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. 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.
- C. Standards for Subdivision Proposals.
1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Sections 9.0602, 9.0603, and 9.0604 of this Ordinance.
 2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements Section 9.0606(C); Section 9.0607(C); and the provisions of Section 9.0608 of this Ordinance.
 3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not

otherwise provided pursuant to Section 9.0606(B) or Section 9.0607(B)(8) of this Ordinance.

4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
 5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- D. Floodways. Floodways located within areas of special flood hazard established in Section 9.0606, are extremely hazardous areas due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
1. Designate a regulatory floodway which will not increase the Base Flood level more than 1 foot.
 2. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the city during the occurrence of the base flood discharge.
 3. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 9.0608 in this Ordinance.
 4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a city may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the city first applies for a conditional FIRM and floodway revision through FEMA.
- E. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations. Violation of the provisions of this Ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be punishable by a fine of \$500.00, by imprisonment not exceeding thirty days, or by both the fine and imprisonment. Each and every day of the continued violation may constitute a separate offense. In addition to any fine and imprisonment for each violation, violators shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Lennox from taking such other lawful action as is necessary to prevent or remedy any violation.

(Amended: Ordinance No. 549, 11- 10-14)

CHAPTER 9.07 - URBAN AND RURAL SERVICE DISTRICTS

9.0701 Service Districts Established. Pursuant to the authority granted in SDCL Ch. 9-21A, the City is hereby divided in area into an urban service district and a rural service district constituting separate taxing districts for the purpose of levying all city ad valorem property taxes, except those levied for the payment of bonds.

9.0702 Rural Service District - Criteria for Lands Included. The rural service district shall include only such platted or unplatted lands as in the judgment of the City Council are rural in character, are used or usable for agriculture, and are not developed for commercial, industrial or urban residential purposes. The rural service district may include lands which are not contiguous to one another.

9.0703 Lands Described--Rural Service District. The rural service district shall consist of those platted or unplatted lands described in Exhibit A, on file with the Lennox Finance Officer's office, entitled "Lands Included in the Rural Service District" and attached to the end of this Chapter and made a part of this Section, all of which lands are rural in character, are used or usable for agriculture, and are not developed for commercial, industrial or urban residential purposes and for these reasons are not benefited to the same degree as other lands by municipal services financed by general taxation.

The rural service district shall also include lands outside the municipality, if annexed into the corporate limits, which are rural in character, are used or usable for agriculture, and are not developed for commercial, industrial or urban residential purposes.

9.0704 Lands Included in Urban Service District. The urban service district shall include all lands within the boundaries of the City which are not included in the rural service district.

9.0705 Agricultural Land Annexed; Limitation on Mill Levy and Assessed Value. The tax levy and assessed value on the agricultural land annexed shall not exceed the average tax levy and average assessed value on unannexed agricultural land in adjoining townships in the county so long as the annexed land remains rural property and is included in the rural service district.

9.0706 Platting or Construction in Rural District. Whenever any parcel of land included within the rural service district:

- A. Is platted in whole or in part;
- B. Is the subject of an application for a permit for the construction of a commercial, industrial or urban residential development or improvement to be situated on such parcel or any part thereof; or
- C. Otherwise fails to meet the criteria as set forth in Section 9.0703 of this Chapter.

The board or officer of the City approving such plat or building permit or having knowledge of the change in circumstances shall report the change to the City Council

which shall make and enter an order transferring such parcel from the rural service district to the urban service district.

9.0707 Filing Ordinance Amendment or Order with County Auditor. The Lennox Finance Officer is hereby directed to file with the Lincoln County Auditor a certified copy of the Ordinance codified in this Chapter, every amendment thereto and every order adopted or entered pursuant to such Ordinance

(Amended: Ordinance No. 528, 08-13-12)

Exhibit A

Lands included in the Rural Service District

NONE