**ORDINANCE NO. 748**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 6 OF THE CITY OF BOX ELDER MUNICIPAL CODE REGARDING REGULATIONS FOR BUILDINGS AND CONSTRUCTION**

**WHEREAS,** The City of Box Elder seeks to enhance the clarity and consistency of its ordinances through periodic review; and

**WHEREAS,** The City of Box Elder has reviewed the entirety of chapter 6 in the municipal code and determined necessary changes are needed to address language; and

**WHEREAS,** The City of Box Elder has determined the addition of 2 appendixes within the International Residential Code are necessary to align with the city's zoning ordinances, specifically addressing sound transmission and tiny houses.

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the City of Box Elder, that the City of Box Elder Municipal Code be amended to read as follows (new language shall be indicated by underscore, and language to be deleted shall be indicated by strike-through):

## Chapter 6. BUILDINGS AND CONSTRUCTION

### *ARTICLE II. ADMINISTRATION AND ENFORCEMENT*

### *DIVISION 6-II-1. GENERALLY*

**Sec. 6-27. Certificate of Occupancy and Certificate of Completion.**

(a) No building or structure or portion thereof, shall be used or occupied, and no change of occupancy or a change of use of a building or structure or portion thereof shall be made until the building inspector has completed a final inspection and all construction and code requirements have been met to the building official's satisfaction, including obtaining the final approved plumbing and electrical inspections. An inspection sticker shall be posted on the electrical panel signed off by the state electrical inspector and an inspection sticker shall be posted and signed off by the state plumbing inspector. 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.

(b) After the building or structure has been inspected, and no violations of the provisions of this Code or other laws enforced by the city are found, the building official and/or designee may issue a certificate of occupancy or certificate of completion that contains the following:
   (1) The building permit number.
   (2) The address of the structure.
   (3) The name and address of the owner.
   (4) A description of that portion of the structure for which the certificate is issued.
   (5) 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 in the Code.
   (6) The name of the building official.

(7) The edition of the relevant code, under which the permit was issued.
(8) The use and occupancy of the structure.
(9) The type of construction completed.
(10)The design occupant load.
(11)If an automatic sprinkler system is provided, or whether the sprinkler system is required.
(12)Any special stipulations and conditions of the building permit.

(c) The building official or his designee is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period, during which the temporary certificate of occupancy is valid.

(d) The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Code.

(e) Certificates of occupancy are not required for work exempt from this chapter.

(f) At the building official's discretion, a certificate of completion may be issued or required for buildings or structures, which do not require a certificate of occupancy.

(Ord. No. 642, § 150.01.070, 2-14-2020)

## *DIVISION 6-II-2. BUILDING BOARD OF APPEALS*

**Sec. 6-59. Appeals Process.**

(a) Any individual aggrieved by any decision of the building official may appeal to the building board of appeals. Such appeal shall be taken within 30 calendar days from the date of said decision by filing with the building official a notice of appeal specifying all grounds for objections. If a hearing is not conducted or continued within the 30-calendar day time frame, the applicant will be deemed to have won approval of the appeal. This appeal process will follow the same process as outlined for Administrative Citation appeals in Chapter 2 to include the payment of any applicable filing fees. Health and safety violations as determined by the building official are not deemed approved until a review hearing has been conducted by the board nullifying the violation. The individual filing the appeal has the burden of establishing that the decision of the building official should be reversed, changed, or modified.

(b) The building board of appeals shall schedule a hearing within 30 calendar days from the date of appeal for the hearing of the appeal, giving the appellant seven days' notice prior to the hearing.

(c) The board shall hear all arguments and review all evidence submitted by the applicant, the building official, and any other person interested in the case and shall render its opinion. The board shall electronically record the hearing, keep minutes of its proceedings, maintain all documents reviewed or introduced as evidence at meetings, and keep a record of the proceeding on file with the city clerk.

(d) If an appeal before the board concerns a particular trade, and if neither the board member nor the alternate from this particular trade is in attendance at the meeting at which the application is considered, then an applicant can elect to continue the application until the next board meeting.

(e) The board may affirm, modify or reverse the decision upon which an appeal was filed; may approve or disapprove requests for consideration of alternate materials and methods of construction; and may grant modifications to this Code as discussed in this chapter. The board shall act only upon the concurring vote of majority of its members present and voting. The term "majority" means more than 50 percent of the members present and voting. The decision of the

board shall be final except that an appeal regarding a determination on a contractor's license may be appealed to the city council. Every decision of the building board of appeals shall indicate the vote upon the decision and be recorded in the minutes, which shall be kept on file in the office of the city clerk.

(f) A decision of the building board of appeals, which in effect may modify the provisions of the applicable code, shall not be considered a precedent for future decisions of the building official. The building board of appeals shall act in each individual instance in which the granting of a permit would change the application or provisions of any of the above-designated codes.

(g) All decisions of the board are final with the exception that an appeal regarding a determination on a contractor's license may be appealed to the city council.

(h) The details of any action granting modifications and use of alternative materials, design, and methods of construction shall be recorded and entered in the files of the permits and inspection division of the planning and zoning department.

(Ord. No. 642, § 150.01.130, 2-14-2020)

### *DIVISION 6-II-2. BUILDING BOARD OF APPEALS*

**Sec. 6-92. Re-Inspections.**

(a) Once an inspection is requested, the installation shall be ready for inspection. When a person requests an inspection, but the work is not ready for inspection when the inspector conducts the inspection, the requesting party may be charged a re-inspection fee. If a second inspection is needed because the work was not ready for inspection, and if the work is also not ready for the second inspection, the requesting party shall be charged a re-inspection fee.

(b) If the inspector must make a second or subsequent inspection of the same portion of work in order to grant approval, fees will be assessed, and no additional inspection of the work will be performed, or certificate of occupancy issued until the required fees have been paid.

(Ord. No. 642, § 150.01.290, 2-14-2020)

**Sec. 6-95. Permit Fees.**

Fees payable under this chapter pursuant to any permit or license issued, or any inspection, or for any other reason can be found in the Master Fee Schedule. The building official may establish a fee refund policy.

(Ord. No. 642, § 150.01.330, apps. A, B, 2-14-2020)

## *ARTICLE III. CONSTRUCTION CODES*

### *DIVISION 6-III-1. GENERALLY*

**Sec 6-119. Pole Barn, Post And Steel Frame Structures.**

(a) The International Building Code (IBC) and International Residential Codes (IRC) are "prescriptive" documents that gives a sense of guidance for engineers, architects and others to design safe buildings. However, prescriptive codes are overly simplistic (one-size-fits-all concept) and mainly address conventional light-frame construction, for which pole or post frame structures are not included. Pole or post frame structures are based on a performance building design using accepted means of complex verification (e.g., engineering analysis or tests) to satisfy prescriptive solutions to the building codes.

(b) Because of the complexity of these structures, all pole, post and steel framed structures shall be designed and stamped by a state licensed design professional.

Exception: Detached residential accessory use structures shall not exceed maximum width 32 feet, maximum length 40 feet maintaining at least a 5:3 length to width ratio. The jurisdictional requirements and barn location do not exceed the pole barn guides 30 psf (snow) live load or 90 MPH design parameters.

(Ord. No. 642, ch. 150.09, 2-14-2020)

## *DIVISION 6-III-2. INTERNATIONAL BUILDING CODE*

**Sec. 6-138. IBC Chapter 1 Deleted In Part and Replaced In Part.**

(a) IBC chapter 1, section 101.4.1 thru 101.4.7, are only to be used as referenced standards and not construed as adopting or enforcing the codes referenced.

(b) IBC chapter 1, section 102.6, existing structures, is hereby amended to read in its entirety as follows: The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code.

(c) IBC chapter 1, section 102.6.2, buildings previously occupied: The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, or as deemed necessary by the building official for the general safety and welfare of the occupants and the public.

(d) The following sections of IBC chapter 1 are hereby deleted and replaced with comparable provisions found in article II of this chapter:

1. Section 103, Department of building safety.
2. Section 105, Permits.
3. Section 110.3.8, Energy efficiency inspections.
4. Section 111, Certificate of occupancy.
5. Section 113, Board of appeals.
6. Section 115, Stop work order.

(Ord. No. 642, § 150.03.020, 2-14-2020)

**Sec. 6-143. IBC Chapter 1, Section 101.4.7, Existing Buildings Added.**

IBC chapter 1, section 101.4.7, Existing buildings, is hereby added to read in its entirety as follows:

101.4.7. Existing buildings. The provisions of the International Existing Building Code shall apply to matters governing the repairs, alteration, change of occupancy, addition to and relocation of existing buildings.

(Ord. No. 642, § 150.03.070, 2-14-2020)

**Sec. 6-159. IBC Chapter 9, Section [F]903.3.1.1.1, Exempt Locations, Amended.**

IBC chapter 9, section [F]903.3.1.1.1, exempt locations, subsection 2, is hereby amended to read as follows:

[F]903.3.1.1.1. Exempt locations.

(a) Any room or space where sprinklers are considered undesirable because of the nature of the contents when approved by the building 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 two hours.

(Ord. No. 642, § 150.03.181, 2-14-2020)

**Sec. 6-163. IBC Chapter 11, Section 1102.1, Design, Deleted.**

IBC chapter 11, section 1101.2, is hereby deleted in its entirety.

(Ord. No. 642, § 150.03.200, 2-14-2020)

**Sec. 6-171. IBC Chapter 15, Section 1507.1.2, Ice Barrier, Amended**

IBC chapter 15, section 1507.5.4, ice barrier, is hereby amended to read in its entirety as follows:

1507.5.4. Ice barrier. Along the eaves, an ice barrier that consists of a self-adhering polymer modified bitumen sheet shall be used in lieu of normal underlayment and extend from the lowest edges of all roof surfaces to a point at least 24 inches (610 mm) inside the exterior wall line of the building. Exception: Detached accessory structures that contain no conditioned floor area.

(Ord. No. 642, § 150.03.250, 2-14-2020)

**Sec. 6-172. IBC Chapter 15, Section 1507.6.4, Ice Barrier, Amended.**

IBC chapter 15, section 1507.6.4, ice barrier, is hereby amended to read in its entirety as follows:

1507.6.4. Ice barrier. Along the eaves an ice barrier that consists of a self-adhering polymer modified bitumen sheet shall be used in lieu of normal underlayment and extend from the lowest edges of all roof surfaces to a point at least 24 inches (610 mm) inside the exterior wall line of the building. Exception: Detached accessory structures that contain no conditioned floor area.

(Ord. No. 642, § 150.03.260, 2-14-2020)

**Sec 6-173. IBC Chapter 15, Section 1507.7.4, Ice Barrier, Amended.**

IBC chapter 15, section 1507.7.4, ice barrier, is hereby amended to read in its entirety as follows:

1507.7.4. Ice barrier. Along the eaves, an ice barrier that consists of a self-adhering polymer-modified bitumen sheet shall extend from the lowest edges of all roof surfaces to a point at least 24 inches (610 mm) inside the exterior wall line of the building. Exception: Detached accessory structures that contain no conditioned floor area.

(Ord. No. 642, § 150.03.270, 2-14-2020)

**Sec 6-174. IBC Chapter 15, Section 1507.8.4, Ice Barrier, Amended.**

IBC chapter 15, section 1507.8.4, ice barrier, is hereby amended to read in its entirety as follows:

1507.8.4. Ice barrier. Along the eaves, an ice barrier that consists of a self-adhering polymer-modified bitumen sheet shall extend from the lowest edges of all roof surfaces to a point at least 24 inches (610 mm) inside the exterior wall line of the building. Exception: Detached accessory structures that contain no conditioned floor area.

(Ord. No. 642, § 150.03.280, 2-14-2020)

**Sec 6-175. IBC Chapter 15, Section 1507.9.4, Ice Barrier, Amended.**

IBC chapter 15, section 1507.9.4, ice barrier, is hereby amended to read in its entirety as follows:

1507.9.4. Ice barrier. Along the eaves, an ice barrier that consists of a self-adhering polymer-modified bitumen sheet shall extend from the lowest edges of all roof surfaces to a point at least 24 inches (610 mm) inside the exterior wall line of the building. Exception: Detached accessory structures that contain no conditioned floor area.

(Ord. No. 642, § 150.03.290, 2-14-2020)

**Sec 6-178. IBC Chapter 16, Section 1604.1, General, Amended.**

IBC chapter 16, section 1604.1, general, is hereby amended to read in its entirety as follows:

1604.1. General. Building, structures, and parts thereof shall be designed and constructed in accordance with strength design, load and resistance factor design, allowable stress design, empirical design, or conventional construction methods, as permitted by applicable material chapters and table 100-B, climatic and geographic design criteria.

Table 100-B. Climatic and Geographic Design Criteria

| Ground Snow Level | Wind Speed (mph) | Seismic Design Category | Subject to Damage From | | | Winter Design Temp | Ice Barrier Underlay Requirement | Flood Hazard | Air Freezing Index | Mean Annual Temp |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Weathering | Frost line depth | Termite | | | | | |
| 42[1] psf | 115[2] | A | Moderate | 42" | None to slight | -7 | Yes | June 2013 | 3000 | 48 |

[1]The ground snow load for the city shall be 42 psf and as per ASCE 705.
[2]Wind loads shall be in accordance with chapters 26 to 30 of ASCE 7-10 and shall be based upon the occupancy category of the building under design. Buildings shall, at a minimum, be designed to occupancy category II having an ultimate wind speed velocity of 115 mph exposure "B."
(Ord. No. 642, § 150.03.310, 2-14-2020)

**Sec 6-195. Table 100-A, Climatic And Geographic Design Criteria, Adopted.**
When a provision in this code refers to a climatic condition or general condition found below, the following table shall be used, to the extent that it applies:

Table 100-A. Climatic and Geographic Design Criteria

| Ground Snow Level | Wind Speed (mph) | Seismic Design Category | Subject to Damage From | | | Winter Design Temp | Ice Barrier Underlay Requirement | Flood Hazard | Air Freezing Index | Mean Annual Temp |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Weathering | Frost line depth | Termite | | | | | |
| 42[1] psf | 115[2] | A | Moderate | 42" | None to slight | -7 | Yes | June 2013 | 3000 | 48 |

[1]The ground snow load for the city shall be 42 psf and as per ASCE 705.
[2]Wind loads shall be in accordance with chapters 26 to 30 of ASCE 7-10 and shall be based upon the occupancy category of the building under design. Buildings shall, at a minimum, be designed to occupancy category II having an ultimate wind speed velocity of 115 mph exposure "B".
[3]Seismic loads shall be in accordance with site class = A.
(Ord. No. 642, § 150.03.580, 2-14-2020)

## *DIVISION 6-III-3. INTERNATIONAL RESIDENTIAL CODE*

**Sec. 6-214. Adoption.**

a) Adoption of a building code for one- and two-family dwellings by the city, as per SDCL 11-10-5, recommended by the International Code Council known as the International Residential Code for One- and Two-Family Dwellings, 2018 Edition, specifically chapters 1—9, 11, and appendices E, H, J, K, and Q thereof. The code is adopted for one- and two-family dwellings only. A copy of same is on file in the office of the city building official.
b) The code contains numerous references to standards that are used to regulate materials and methods of construction. These standards will be utilized as reference, and not specifically

adopted with the code. It will be the responsibility of the contractor, designer or owner to determine the specifics of each standard as related to construction of specific projects.
(Ord. No. 642, § 150.04.010, 2-14-2020)

**Sec 6-225. IRC Chapter 3, Table R301.2(1), Climatic And Geographic Design Criteria, Amended To Add.**
IRC chapter 3, table R301.2(1), climatic and geographic design criteria, is hereby amended by inserting/adding the following information into the table:

Table 100-A. Climatic and Geographic Design Criteria

| Ground Snow Level | Wind Speed (mph) | Seismic Design Category | Subject to Damage From | | | Winter Design Temp | Ice Barrier Underlay Requirement | Flood Hazard | Air Freezing Index | Mean Annual Temp |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Weathering | Frost line depth | Termite | | | | | |
| 42[1] psf | 115[2] | A | Moderate | 42" | None to slight | -7 | Yes | June 2013 | 3000 | 48 |

[1] The ground snow load for the city shall be 42 psf and as per ASCE 705.
[2] Wind loads shall be in accordance with chapters 26 to 30 of ASCE 7-10 and shall be based upon the occupancy category of the building under design. Buildings shall, at a minimum, be designed to occupancy category II having an ultimate wind speed velocity of 115 mph. (Exposure "B".)
[3] Seismic loads shall be in accordance with site class = A.
(Ord. No. 642, § 150.04.100, 2-14-2020)

**Sec 6-257. IRC Chapter 9, Section 1.2, Ice Barriers, Amended.**
IRC chapter 9, section R905.1.2, ice barrier, is hereby amended to read as follows:
R905.1.2. Ice barriers. Ice barrier is required. An ice barrier that consists of a least two layers of underlayment cemented together or of a self-adhering polymer modified bitumen sheet, shall be used in lieu of normal underlayment and extend from the lowest edges of all roof surfaces to a point at least 24 inches (610 mm) inside the exterior wall line of the building.
Exception: Detached accessory structures that contain no conditioned floor area.
(Ord. No. 642, § 150.04.340, 2-14-2020)

**Sec 6-258. IRC Chapter 9, Section R905.2.7.1, Ice Barrier, Amended.**
IRC chapter 9, section R905.2.7.1, ice barrier, is hereby amended to read as follows:
R905.2.7.1. Ice barrier. Ice barrier is required. An ice barrier that consists of a least two layers of underlayment cemented together or of a self-adhering polymer modified bitumen sheet, shall be used in lieu of normal underlayment and extend from the lowest edges of all roof surfaces to a point at least 24 inches (610 mm) inside the exterior wall line of the building.
Exception: Detached accessory structures that contain no conditioned floor area.
(Ord. No. 642, § 150.04.341, 2-14-2020)

**Sec 6-260. IRC Appendix E, Amended.**
AE102.2. *Additions and alterations*. It shall be the responsibility of the owner to ensure additions and alterations made to a manufacture home shall conform to one of the following:

1. Be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5041, et seq.).
2. Be designed and constructed to comply with the applicable provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5041, et seq.).
3. Be designed and constructed in conformance with the code adopted by this jurisdiction. Addition shall be structurally separated from the manufactured home.
Additions shall be structurally separated from the manufactured home and shall comply with the residential code adopted by the city, and electrical and plumbing codes adopted by the state.
Exception: A structural separation need not be provided from the manufactured home when structural calculations are provided by a registered engineer to justify the omission of such separation.

**Sec. 6-263. IRC Appendix K, Sound Transmission.**
IRC appendix K is hereby adopted and amended to read as follows:

**AK101.** ***General.***

**AK101.1 General.** Wall and floor-ceiling assemblies separating dwelling units, including those separating adjacent townhouse units, shall provide airborne sound insulation for walls, and both airborne and impact sound insulation for floor-ceiling assemblies.

***AK102. Airborne Sound.***

**AK102.1** ***General.*** Airborne sound insulation for wall and floor-ceiling assemblies shall meet a sound transmission class (STC) rating of 45 when tested in accordance with ASTM E90. Penetrations or openings in construction assemblies for piping; electrical devices; recessed cabinets; bathtubs; soffits; or heating, ventilating or exhaust ducts shall be sealed, lined, insulated or otherwise treated to maintain the required ratings. Dwelling unit entrance doors, which share a common space, shall be tight fitting to the frame and sill.

**AK102.1.1** ***Masonry.*** The sound transmission class of concrete masonry and clay masonry assemblies shall be calculated in accordance with TMS 0302 or determined through testing in accordance with ASTM E90.

**AK103.** ***Structural-Borne Sound.***

**AK103.1** ***General.*** Floor/ceiling assemblies between dwelling units, or between a dwelling unit and a public or service area within a structure, shall have an impact insulation class (IIC) rating of not less than 45 when tested in accordance with ASTM E492.

**AK104.** ***Referenced Standards.***

| | |
|---|---|
| ASTM E90—09 | Test Method for Laboratory AK102.1 Measurement of Airborne AK102.1.1 Sound Transmission Loss of Building Partitions and Elements |
| ASTM E492—09 | Specification for Laboratory AK103.1 Measurement of Impact Sound Transmission through Floor-ceiling Assemblies Using the Tapping Machine |
| TMS 0302—12 | Standard for Determining AK102.1.1 the Sound Transmission Class Rating for Masonry Walls |

**AK 105.** ***Table of sound dampening guidelines and recommendations.***

| ELEMENT | <65 dB | 65-69 dB | 70-74 dB | 75-79 dB | 80 and greater dB |
|---|---|---|---|---|---|
| Attic insulation | at least 6" | At least 8", R19 | At least 12", R30 | at least 16", R36 | at least 20", R40 |
| Doors | prime only | prime only | prime & storm with 4" airspace | prime & storm with 3' vestibule | 2 prime with 3' vestibule |
| Door STC minimum | 23 | 28 | 33 | 38 | 43 |
| Elevated Floor insulation thickness | at least 6" | at least 8" | at least 10" | at least 12" | at least 14" |
| Exterior walls | 2x4 | 2x4 | 2x6 | 2x6 plus resilient channels | 2x6 staggered studs |
| Exterior wall STC | 34 | 39 | 44 | 49 | 54 |
| Fireplaces, wood stoves | acoustical dampers | acoustical dampers | acoustical dampers & 1/4" glass doors | no allowed | not allowed |
| Interior door STC minimum | N/A | 23 | 29 | 34 | 36 |
| Roof-ceiling STC minimum | 34 | 39 | 44 | 49 | 54 |
| Skylights | 1 pane at least 3/16" thick | 2 panes at least 1/4" thick | 2 panes at least 1/4" thick | not allowed | not allowed |
| Skylight STC minimum | 23 | 28 | 33 | N/A | N/A |
| Sliding door glass thickness | 1/8" | 3/16" | 3/16" | not allowed | not allowed |
| Vented appliances and dryers | N/A | in non-habitable spaces | in mechanical room/closets with prime door | in mechanical room/closets with prime door | in mechanical room/closets with prime door |
| Windows | single pane | single-pane | double-pane with at least 3/4" air space | double pane & 3/4" air space | double pane & 3/4" air space |
| Window glass minimum thickness | 1/8" | 1/8" | 3/16" | 3/16" & 1/4" | 1/4" |
| Window STC minimum | 23 | 26 | 33 | 38 | 43 |

**Sec 6-264. IRC Appendix Q, Tiny Houses**
IRC appendix Q is hereby adopted and amended to read as follows:

**Q101. *General*.**

**AQ101.1. *Scope***. This appendix shall be applicable to tiny houses used as single dwelling units. Tiny houses shall comply with this code except as otherwise stated in this appendix.

**AQ102. *Definitions*.**

**AQ 102.1 *General*.** The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

***Egress roof access window*** means a skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements of Section R310.2.

***Landing platform*** means a landing provided as the top step of a stairway accessing a loft.

***Loft*** means a floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.

***Tiny house*** means a dwelling that is 400 square feet (37 $m^2$) or less in floor area excluding lofts.

**AQ103. *Ceiling Height*.**

**AQ103.1. *Minimum ceiling height*.** Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.
**Exception:** Ceiling heights in lofts are permitted to be less than 6 feet 8 inches (2032 mm).

**AQ104. *Lofts.***

**AQ104.1. *Minimum loft area and dimensions.*** Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ 104.1.1 through AQ104.1.3.

**AQ104.1.1. *Minimum area*.** Lofts shall have a floor area of not less than 35 square feet (3.25 m 2).

**AQ104.1.2. *Minimum dimensions.*** Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

**AQ104.1.3. *Height effect on loft area*.** Portions of a loft with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.
**Exception:** Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50-percent slope), portions of a loft with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

**AQ104.2. *Loft access*.** The access to and primary egress from lofts shall be of any type described in Sections AQ104.2.1 through AQ 104.2.4.

**AQ104.2.1. *Stairways*.** Stairways accessing lofts shall comply with this code or with Sections AQ104.2.1.1 through AQ 104.2.1.5.

**AQ104.2.1.1.** ***Width.*** Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The width below the handrail shall be not less than 20 inches (508 mm).

**AQ104.2.1.2.** ***Headroom.*** The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

**AQ104.2.1.3.** ***Treads and risers.*** Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.
2. The riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

**AQ104.2.1.4.** ***Landing platforms.*** The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the loft. The landing platform shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches (406 to 457 mm) in height measured from the landing platform to the loft floor.

**AQ104.2.1.5.** ***Handrails.*** Handrails shall comply with Section R311.7.8.

**AQ104.2.1.6.** ***Stairway guards.*** Guards at open sides of stairways shall comply with Section R312.1.

**AQ104.2.2.** ***Ladders.*** Ladders accessing lofts shall comply with Sections AQ104.2.1 and AQ104.2.2.

**AQ104.2.2.1.** ***Size and capacity.*** Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200-pound (75 kg) load on any rung. Rung spacing shall be uniform within 3 / 8 inch (9.5 mm).

**AQ104.2.2.2.** ***Incline.*** Ladders shall be installed at 70 to 80 degrees from horizontal.

**AQ104.2.3.** ***Alternating tread devices.*** Alternating tread devices accessing lofts shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

**AQ104.2.4.** ***Ships ladders.*** Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

**AQ104.2.5.** ***Loft Guards.*** Loft guards shall be located along the open side of lofts. Loft guards shall be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

**AQ105.** ***Emergency Escape and Rescue Openings.***

**AQ 105.1.** ***General.*** Tiny houses shall meet the requirements of Section R310 for emergency escape and rescue openings.

**Exception:** Egress roof access windows in lofts used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44

inches (1118 mm) above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.

**PASSED AND APPROVED ON FIRST READING** this 19th day of March, 2024.

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this 2nd day of April, 2024.

Larry Larson, Mayor

**ATTEST:**

Nicole Schneider, Chief Financial Officer, City Administrator

CITY OF BOX ELDER (CORPORATE SEAL) SEAL SOUTH DAKOTA

**ATTESTATION**

I, Chaz Kokesh, the City Clerk of the City of Box Elder, South Dakota, do hereby attest and state the above ordinance was published on May 11 & 18, 2024 in the manner required by law and that all procedures required by the State of South Dakota law were complied with. This ordinance shall become effective on the twentieth day after its publication, that date being: June 6, 2024.

Chaz Kokesh, City Clerk

**CITY OF BOX ELDER ORDINANCE No. 748**
**AMENDING CERTAIN SECTIONS OF CHAPTER 6 OF THE CITY OF BOX ELDER MUNICIPAL CODE REGARDING REGULATIONS FOR BUILDINGS AND CONSTRUCTION**

The City of Box Elder, South Dakota originally adopted portions of the International Building code and the International Residential Code with the passage of Ordinance No. 642 on January 21, 2020. The City of Box Elder, South Dakota further amended their municipal code to modify applicable sections of the City of Box Elder Municipal Code to refine language and add sections related to sound transmission and tiny houses, at their regular City Council meeting on April 2, 2024, with the passage of Ordinance No. 748. The City of Box Elder Municipal Code will be amended to incorporate the adopted ordinance, effective on the 20th day after the 2nd publication of this notice. Ordinance 748 can be found on the city's website at https://www.boxeldersd.us/departments/cityclerk, and following the link for "Municipal Code." Please contact the City Clerk's Office for further information at 605.923.1404.

Published: 5/11/2024 & 5/18/2024
Effective: 6/5/2024