

# CHAPTER 12: BUILDING AND SIGNS

## DEMOLITION, VACATION OR REPAIR OF SUBSTANDARD BUILDINGS

**Section 12-101.** Dangerous Buildings Defined. All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings":

- (1) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (2) Those which, exclusive of the foundation/ show thirty-three (33) percent or more damage or deterioration of the supporting member or members, or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- (3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Town of Tabor.
- (5) Those which have become or are so dilapidated, decayed, unsafe, insanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- (6) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings that live or may live therein.
- (7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.
- (8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- (9) Those which because of their condition are unsafe, insanitary, or dangerous to the health, morals, safety or general welfare of the people of this town.
- (10) Those buildings existing in violation of any provision of the Building Code of this town, or any provision of the fire prevention code, or other ordinances of this town.

**Section 12-102.** Standards for Repair, Vacation or Demolition. The following standards shall be followed in ordering repair, vacation, or demolition:

- (1) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance it shall be ordered repaired.
- (2) If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or: general welfare of its occupants it shall be ordered to be vacated.

(3) In any case where a "dangerous building" is 50 percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this ordinance it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of the town or statute of the state of South Dakota, it shall be demolished.

**Section 12-103.** Dangerous Buildings—Nuisances. All "dangerous buildings" within the terms of Section 12-101 of this ordinance are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

**Section 12-104.** Violations—Penalty for Disregarding Notices or Orders. The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate, or demolish said building given by any person authorized by this ordinance to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Two Hundred Dollars (\$200) for each offense and a further sum of Ten Dollars (\$10) for each and every day such failure to comply continues beyond the date fixed for compliance.

The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair said building in accordance with any notice given as provided for in this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Two Hundred Dollars (\$200) for each offense and a further sum of Ten Dollars (\$10) for each and every day such failure to comply continues beyond the date fixed for compliance.

Any person removing the notice provided for hereinabove shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding Two Hundred Dollars (\$200) for each offense.

**Section 12-105.** Duties of the Town Attorney. The town attorney shall:

- (1) Prosecute, all persons failing to comply with the terms of the notices provided for herein and the order provided for herein.
- (2) Appear at all hearings in regard to "dangerous buildings".
- (3) Bring suit to collect all municipal liens, assessments, or costs incurred in repairing or causing to be vacated or demolished "dangerous buildings".
- (4) Take such other legal action as is necessary to carry out the terms and provisions of this ordinance.

**Section 12-106.** Where Owner Absent from the Town. In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the town all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of Bon Homme to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service.

**Section 12-107.** Duties of Fire Department. The employees of the Fire Department shall make a report in writing to the Building Inspector of all buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this ordinance. Such reports must be delivered to the Building Inspector within 24 hours of the discovery of such buildings by any employee of the Fire Department.

**Section 12-108.** Duties of Police Department. All employees of the Police Department shall make a report in writing to the Building Inspector of any buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this ordinance. Such reports must be delivered to the Building Inspector within 24 hours of the discovery of such buildings by any employee of the Police Department.

**Section 12-109.** New Structures and Additions Specifically Classified for Tax Purpose and Adopting a Formula for Reduced Taxation of New Structures and Additions.

(1) All new industrial, commercial and non-residential agricultural structures, or additions to existing structures, which new structures or additions have a true and full value of \$30,000 or more added to real property, are specifically classified for the purpose of taxation.

All real property qualifying under this section not completed before April 1, 1985, as determined by the county assessor of Bon Homme County, South Dakota, shall be classified in the manner prescribed in this section.

(2) Such structures as described in the above and foregoing section of this ordinance shall, following construction, be valued for taxation purposes in the usual manner; provided, however, the following formula shall be used in municipal geographic limits of the Town of Tabor to obtain the assessed value to be used for tax purposes:

(a) For the first tax year following construction, not more than twenty-five (25) percent of the usual assessed value shall be used for tax purposes on such property;

(b) For the second tax year following construction, not more than fifty (50) percent of the usual assessed value shall be used for tax purposes on such property;

(c) For the third, fourth and fifth tax years following construction, not more than seventy-five (75) percent of the usual assessed value shall be used for tax purposes on such property;

(d) Thereafter, such property shall be assessed at the same percentage as is all other property for tax purposes.

(3) This ordinance is adopted pursuant to and in accordance with SDCL §§10-6-35.1, 10-6-35.2 and 10-6-35.4.

(4) This ordinance shall be effective within the territorial municipality as aforesaid of the Town of Tabor, Bon Homme County, South Dakota, in that the Bon Homme County Board of Commissioners have not adopted any formula pursuant to SDCL 10-6-35.

## **FIRE LIMITS**

**Section 12-201.** Fire Limits.

(1) Extent of Fire Limits. All that portion of the Town of Tabor, South Dakota, described as follows, to-wit: The west half of Blocks Five (5) and Six (6) and the east half of Blocks Seven (7) and Eight (8) in said Town of Tabor is hereby constituted and declared to be within the fire limits of the Town of Tabor, South Dakota.

(2) Construction of buildings. Only buildings for business purposes shall be built fronting on Lidice Street of said blocks, and such auxiliary buildings in the rear of such business buildings as

may be used in connection therewith can be constructed in said area above described, and all such buildings must be such as are known as fire proof buildings. That no building shall be deemed fire proof unless the outer walls thereof are made of brick, stone, or mortar, or of a metal framework, and the roof is of fire proof construction, and no frame veneered or iron covered building shall be erected within said limits.

When any wooden building or buildings not of fire proof material, heretofore erected within the fire limits of this town, shall have been damaged fifty percent of the value by fire or otherwise, the same shall not be repaired or reconstructed, but must, if rebuilt at all, be replaced by a fire proof building.

(2a) Historical buildings, moving them within the fire limits established herein. That the Town Board of Trustees may permit on proper application the moving onto and the maintenance and improvement of a structure not conforming to the fire code provided that the said property is a historical building more than 80 years of age, and, in the opinion of the Town Board of Trustees, constitutes a fitting memorial to the Czechoslovakian heritage of the Town of Tabor, and provided further that said building shall be placed on property designated by the Town Board of Trustees owned by a non-profit organization qualifying under Internal Revenue Code Section 501(c)(3).

(3) Construction and reconstruction of buildings. That when any wooden building or a building not constructed of fire proof materials, within the fire limits hereinbefore prescribed and established, shall have been damaged by fire or otherwise fifty percent of its value such structure shall be torn down and removed, or removed beyond the fire limits as herein established. That such damage may be ascertained, the Board of Trustees shall appoint three disinterested persons residing within the Town of Tabor, one of whom shall preferably be a mason or carpenter, and the other two preferably reputable businessmen, who shall constitute a Board of Appraisers.

When such board is appointed and called up to act under the provisions of this ordinance, they shall make a personal examination of the structure and the damages thereto and shall make a detailed report to the Board of Trustees and must state therein the percent of damages to such structure, and whether in their judgment it would be advisable to permit the same to be repaired which report when prepared and signed must be filed with the Town Clerk to be passed upon by the Board of Trustees.

That if such report shall be against the repairing of such building and such report be approved by the Board of Trustees, such structure so condemned shall be immediately torn down and removed or removed without the limits of the fire district herein defined.

The Board of Trustees shall constitute and is hereby declared to be a building committee and shall keep a record book of all building permits issued together with the statement upon which said permits are based. No building within said fire limits shall be repaired or built without first getting a permit from the building committee and an approval thereof and such application for permit shall give a description, size of each building, of the kind of materials that it is to be constructed and also a showing that it conforms to the safety of the lives and health of the people. The board or building committee will also investigate as to the size and strength of the foundation and the walls of the building so that it conforms to the proper strength and safety to, the public as well as to the occupants thereof and shall grant a permit only if the above provisions are fully complied with.

(4) Penalty for violation. No person, firm or corporation shall erect, build or cause to be erected within said fire limits other than a fire proof building, and any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of committing a nuisance; and on conviction thereof, shall be fined in any sum not less than Twenty-five Dollars and not to exceed One Hundred

Dollars; and any building or any addition to any building hereinafter erected or established within the fire limits of this town, contrary to the provisions of this chapter, shall be removed at the cost of the person, firm or corporation so erecting the same.

It shall further be the duty of the town marshal, when any building is found to be in the course of erection or establishment by removal or otherwise, within the fire limits of said town, contrary to the provisions hereof, to notify the owner or the agent of the owner, or the persons engaged in the building or establishing by removal or otherwise of any such building or addition to any building to desist from the prosecution of such work and to abate and remove the same at once; and if such person, or persons shall for the space of three days fail to abate and remove the same, or refuse to comply with such notice, he or they shall on conviction thereof be fined as provided herein, and shall be subject to a like penalty for each and every day such building is permitted to remain after such notice. It is hereby made the duty of the town marshal in case such person or persons refuse to comply with the notice herein to enter upon the premises and remove and abate such building or addition, and the owner or owners of such building or addition is liable for and shall pay all costs and expense incurred in abating and removing such building, and such town marshal shall in the name of the Town of Tabor bring an action against such person or persons to recover the costs and expenses of such abatement and removal and all material or so much as may be necessary found on such premises for the purposes of such building may be held as security and sold under execution to satisfy any judgment that may be obtained in such action for such costs and expenses.

(5) That this ordinance shall take effect and be in full force and effect from and after the publication and passage of said ordinance as by law provided.

## **FIRE DEPARTMENT**

### **Section 12-301. Volunteer Fire Department.**

(1) The fire department of this town shall consist of a chief, assistant chief, and other officers and members of such fire companies and hook and ladder companies as the Board of Trustees may from time to time direct and authorize. There being now a regularly organized volunteer fire department in this town, such fire department and its organizations is hereby approved and ratified and recognized as the volunteer fire department of this town.

(2) The fire department shall elect, and have the exclusive power of removal of its own officers; and it shall make its own by-laws and govern its own affairs, subject to the ultimate control of the Board of Trustees; provided, however, that the title to all fire houses, fire equipment and apparatus installed by the town shall vest in the town.

(3) The whole department shall be under the command of the chief, who shall have the general charge of the fire houses and apparatus and see that the same are always kept in good order and ready for use; but he shall not incur at any time any expenditure exceeding ten dollars without the consent and approval of the Board of Trustees. He shall make returns to the board as it may direct of all the officers and members of the companies belonging to the department with the date of admission of such as have become members since his last report.

(4) No fire apparatus shall, without the consent of the chief be taken from its proper place, nor shall it be applied to private use.

(5) No person shall open or tamper with any of the public hydrants or take any water there from, except public watering places, unless for the purpose of extinguishing fires or washing fire apparatus, or in connection with the maintenance and operation of the waterworks system by the engineer in charge of the waterworks system or other duly authorized person.

(6) No person shall trespass upon any of the property or premises used in connection with the waterworks system and the fire department of this town, or tamper with any of the apparatus used in connection therewith.

(7) It shall be the duty of the town marshal to report immediately to every fire when the alarm is given, to preserve order, prescribe limits within which those not engaged in the extinguishing the fire shall not come, and to protect property from theft.

(8) Any person violating any of the provisions of sections four, five and six of this chapter shall upon conviction thereof be fined in any sum not exceeding \$50.

## **BUILDING PERMITS AND FEES FOR CERTAIN BUILDING CONSTRUCTION AND/OR IMPROVEMENTS**

**Section 12-401.** Building permit- When required. A building permit shall be required for each construction, remodeling, improvement or the like:

(1) Involving and exterior change of dimensions of an existing structure, such as an addition, deck, attached garage, or the like, regardless of cost of improvement;

(2) Any new home, building or other structure construction including detached garage, storage shed, or the like, regardless of cost of improvement; (3) The moving in and relocation of any home, building or other structure onto a new foundation or location, regardless of cost of improvement; and

(4) Involving repair, remodeling or maintenance (even though no new improvement is involved) of a cost anticipated to be in excess of one thousand dollars (\$1,000.00), including material and labor; and if the labor is anticipated to be done by the owner, family, friends, or otherwise gratis, the labor shall have an assigned cost or value equal to that if the project had been hired done.

**Section 12-402.** Building permit application.

Prior to the commencement of construction that might require the issuance of a building permit under the requirements of this chapter, the person desiring the construction, or his or her primary contractor, shall submit an application to the zoning administrator for such zoning/building permit. The application shall be on a form provided by the zoning administrator, and the applicant shall provide all information required on the form and any other information required by the zoning administrator. In the event of a dispute over responsibility for the application and/or accuracy thereof, the property owner(s) on which the construction is proposed shall be finally responsible for the same.

**Section 12-403.** Building permit fees.

A fee for each building permit shall be paid to the municipal finance officer at the time of submission of the application, according to the fee schedule from time to time adopted by the city council. Where work for which such permit is required is started prior to obtaining the permit, the fee may be doubled, unless such doubling is, for good cause, waived by the city council; but the payment of such double fee shall not relieve any persons from fully complying with all requirements of law in the execution of the work nor from any

other penalties, nor shall any person be deemed entitled to continue with any work without obtaining the necessary permit therefore.

**Section 12-404.** Zoning; setback, building compliance.

The city council shall employ or appoint a person or persons, either employed by the city or as (an) independent contractor(s), the function of which shall be to oversee that construction within the city or within the zoning jurisdiction of the city meets all zoning laws and regulations including setback requirements and all building code laws and regulations. The municipal finance officer, as the zoning administrator may serve as the zoning compliance person, with another person or persons to be employed or appointed as building inspector.

**Section 12-405.** Setback investigation.

Following submission of the zoning/building permit application, and upon a determination that the construction and use would meet the appropriate zoning classification, the city's building inspector shall arrange with the property owner(s) or contractor to make an onsite inspection of the premises to verify the appropriate setback requirements and compliance therewith. Once the setback has been approved the owner(s) or contractor shall make no deviations from the same without further approval from the city's building inspector. If the construction is of such a nature that a physical inspection of the premises is not necessary (reshingling, interior remodeling, residing, etc. such that the setbacks will not be changed or altered), the city may, if it chooses, waive the on-site inspection.

**Section 12-406.** Property boundaries.

For any onsite setback inspection, the property owner(s) or contractor shall attempt to locate the property line(s) and boundary areas necessary for the city building inspector to make his or her appropriate determination. In addition, the building inspector shall use the means and maps of the city reasonably at his or her disposal to make a reasonable effort to locate the same. If the property line/boundary areas are not located following reasonable means and inspection, the city building inspector or the city council, may require that property owner(s) or contractor, at the owner's or contractor's expense, to hire or retain a registered land surveyor or engineer to do a survey of the property or to otherwise locate the property line(s) or boundary areas. Once the boundaries are found and setback compliance has been obtained, the property owner(s) and contractor may proceed with construction.

## PROPERTY MAINTENANCE CODE

### Section 12-501. Property Maintenance Code.

#### 12.01.01 Adopted

The Tabor Town Board hereby adopts Chapters 1 through 8 the International Property Maintenance Code, 2018 Edition, including Appendix A, as published by the International Code Council, Inc. as the Property Maintenance Code of the City 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 City and to provide for a just, equitable and practical 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 2018 international property maintenance code will become effective on July 6th, 2020. A copy of this code shall be kept on file in the office of the building official.

The following sections and subsections of the property maintenance code adopted in this ordinance shall be amended, added, or deleted as follows. All other sections or subsections of the 2018 international property maintenance code shall remain as originally published

**101.1 Title.** These regulations shall be known as the Property Maintenance Code of the Town of Tabor, 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 continual 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. Repairs, alterations, additions to, and change of occupancy in existing buildings shall comply with this ordinance and with any other applicable city ordinances or regulations.

**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 Existing Building Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, and the Plumbing and Electrical Codes adopted by the State of South Dakota. Nothing in this code shall be construed to cancel, modify or set aside any provision of the zoning ordinance of the Town of Tabor, South Dakota.

**103.1 Creation of enforcement agency.** Building services is hereby created and the official in charge thereof shall be known as the Building Official.

**103.2 Appointment.** Not adopted by the City.

**103.3 Deputies.** Not adopted by the City.

**103.4 Liability.** The Building Official, members of the board of appeals, or employees 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 are hereby relieved from all personal liability for any damage occurring 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 this city until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in inaction, suit, or proceeding that is instituted in pursuance of the provision of this code.

**103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be adopted by resolution by the council and kept in file in the office of the city finance officer.

**107.7 Extension of time agreement.** If the Building Official determines that an extension of time will not create or perpetrate a situation imminently dangerous to life or property, the Building 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.

**111.1 Application for appeal.** Any person directly affected by a decision of the Building Official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 10 days after 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 shall have no authority relative to the interpretation of the ministrative provisions of this code nor shall the board be empowered to waive requirements of this code.

**111.2 Designation of Board of Appeals.** 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, the Council hereby assumes the responsibilities of the Board of Appeals for this code. All decisions in findings of the board shall be final and shall be rendered in written to the appellant with a duplicate copy to the Building Official.

**111.2.1 Alternate members.** Not adopted by the City.

**111.2.2 Chairman.** Not adopted by the City.

**111.2.3 Disqualification of member.** Not adopted by the City.

**111.2.4 Secretary.** Not adopted by the City.

**111.2.5 Compensation of members.** Not adopted by the City.

**111.3 Notice of meeting.** Not adopted by the City.

**111.4 Submission of appeals.** All appeals must be submitted in writing to the Building Official within ten days of the order, decision, or determination of the Building Official that is being appealed. Once the appeal is received by the Building Official, he shall place the appeal on the Council's next regular meeting agenda that is more than seven days (inclusive) from the date of the receipt of the appeal.

**111.4.1 Appeal hearings.** All hearings before the board shall be open to the public. The appellant, the appellant representative, the Building Official, any member of the City's staff, or any person whose interests are affected shall be given an opportunity to be heard.

**111.4.1 Procedure.** Not adopted by the City.

**111.5 Postponed hearing.** Not adopted by the City.

**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 deemed in violation of this Ordinance and subject to the penalties prescribed by this Ordinance.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, and the Plumbing and Electrical Codes of the State of South Dakota, 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 tall grasses in excess of 8" in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds or tall grasses after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the City or contractor hired by the City shall be authorized to enter upon the property in violation and cut and destroy the weeds or tall grasses growing thereon, and the cost of such removal shall be paid by the owner or agent responsible for the property.

**303.2 Enclosures.** Private swimming pools, hot tubs, and spas containing water more than 18 inches in depth shall be completely surrounded by a fence or barrier at least 42 inches in height above the finished ground measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. The latch release mechanism shall be located on the pool side of the gate. 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, 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.

**304.18 Building security.** Doors, windows or hatchways for dwelling units, room units, or housekeeping units shall be provided with devices designed to provide security for the occupants and property within and shall comply with Section 702.3.

**305.1 General.** The interior of restructure and equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

**404.4.1 Room area.** Every living room shall contain at least 120 square feet in every bedroom shall contain a minimum of 70 square feet. Bedrooms 100 square feet or less are allowed two occupants and every bedroom occupied by more than two persons shall contain a minimum of fifty additional square feet floor area for each occupant thereof.

**502.5 Public toilet facilities.** Public toilet facilities shall be maintained in a safe, sanitary, and working condition in accordance with the current codes adopted by the State of South Dakota for plumbing. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

**505.1 General.** Every sink, laboratory, 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, laboratories, laundry facilities, bathtubs, and showers shall be supplied with hot or tempered and cold running water in accordance with the current codes adopted by the State of South Dakota for plumbing.

**602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used, nor shall portable unvented fuel burning space heaters be used, as a means to provide required heating.

**Exception:** In areas where the average monthly temperature is above 30°F, a minimum temperature of 65°F 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 of September 1 to April 30 to maintain a minimum temperature of 68°F 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 a minimum temperature of 65°F shall be maintained.

**602.4 Occupiable work spaces.** Indoor occupiable workspaces shall be supplied with heat during the period of September 1 to April 30 to maintain a temperature of not less than 65°F 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.