



## 2025 South Dakota Legislature

# Senate Bill 98

Introduced by: **Senator Reed**

1 **An Act to update references in certain statutes to the 2024 standard building codes.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 11-10-5 be AMENDED:**

4 **11-10-5.** If the governing body of any local unit of government adopts any  
 5 ordinance prescribing standards for construction, alteration, movement, enlargement,  
 6 replacement, repair, equipment, use and occupancy, location, removal, and demolition of  
 7 any building other than a residential structure as defined in § 11-10-12, the ordinance  
 8 ~~shall~~ must comply with the ~~2021~~ 2024 edition of the International Building Code, as  
 9 published by the International Code Council, Incorporated. The governing body may  
 10 amend, modify, or delete any portion of the International Building Code before enacting  
 11 ~~such an~~ the ordinance. Additional deletions, modifications, and amendments to the  
 12 municipal ordinance may be made by the governing body and are effective upon their  
 13 adoption and filing with the municipal finance officer. Additional deletions, modifications,  
 14 and amendments to the county ordinance may be made by the governing body<sup>7</sup> and are  
 15 effective upon their adoption and filing with the county auditor.

16 ~~No~~ An ordinance may not apply to mobile or manufactured homes, as defined in  
 17 chapter 32-7A, ~~that~~ which are constructed in compliance with the applicable prevailing  
 18 standards of the United States Department of Housing and Urban Development at the  
 19 time of construction. ~~No~~ An ordinance may not require that any fire sprinkler be installed  
 20 in a single family dwelling. ~~No~~ An ordinance may not apply to any specialty resort or  
 21 vacation home establishment, as defined in chapter 34-18, that is constructed in  
 22 compliance with the requirements of Group R-3 of the ~~2021~~ 2024 edition of the  
 23 International Building Code.

24 **Section 2. That § 11-10-6 be AMENDED:**

1           **11-10-6.** The design standard for construction, alteration, movement,  
 2 enlargement, replacement, repair, equipment, use and occupancy, location, removal, and  
 3 demolition of any building commenced after July 1, ~~2021~~ 2025, within the boundaries of  
 4 any local unit of government that has not adopted an ordinance prescribing ~~such the~~  
 5 standards pursuant to § 11-10-5 ~~shall~~ must be based on the ~~2021~~ 2024 edition of the  
 6 International Building Code, as published by the International Code Council, Incorporated.  
 7 Each local unit of government may adopt an ordinance allowing local administration and  
 8 enforcement of the design standard.

9           The provisions of this section do not apply to any residential structure as defined  
 10 in § 11-10-12, mobile or manufactured home, or farmstead and any accessory structure  
 11 or building thereto.

12           For purposes of this section ~~the term, "farmstead,"~~ means a farm or ranch,  
 13 including any structure or building located on the land.

14           The provisions of this section do not apply to any mobile or manufactured home,  
 15 as defined in chapter 32-7A ~~that, which~~ is used for purposes other than residential ~~that~~  
 16 and is constructed in compliance with the applicable prevailing standards of the United  
 17 States Department of Housing and Urban Development at the time of construction, if the  
 18 structure complies with applicable accessibility standards for the occupancy intended. The  
 19 provisions of this section do not apply to any specialty resort or vacation home  
 20 establishment, as defined in chapter 34-18, that is constructed in compliance with the  
 21 requirements of Group R-3 of the ~~2021~~ 2024 edition of the International Building Code.

22   **Section 3. That § 11-10-11 be AMENDED:**

23           **11-10-11.** If the governing body of any local unit of government adopts any  
 24 ordinance prescribing standards for maintenance of existing structures and premises, the  
 25 ordinance ~~shall~~ must comply with the ~~2021~~ 2024 edition of the International Property  
 26 Maintenance Code, as published by the International Code Council, Incorporated. The  
 27 governing body may amend, modify, or delete any portion of the International Property  
 28 Maintenance Code before enacting ~~such an~~ the ordinance. Additional deletions,  
 29 modifications, and amendments to the municipal ordinance may be made by the governing  
 30 body and are effective upon their adoption and filing with the municipal finance officer.  
 31 Additional deletions, modifications, and amendments to the county ordinance may be  
 32 made by the governing body, and are effective upon their adoption and filing with the  
 33 county auditor. ~~However, no~~ An ordinance may not impose standards that conflict with  
 34 the applicable prevailing standards of the United States Department of Housing and Urban

1 Development at the time of construction for manufactured homes as defined in chapter  
2 32-7A.

3 **Section 4. That § 11-10-12 be AMENDED:**

4 **11-10-12.** The governing body of a municipality may enact requirements for  
5 construction, alteration, movement, enlargement, replacement, repair, equipment, use  
6 and occupancy, location, removal, and demolition of a residential structure by adopting  
7 the ~~2021~~ 2024 edition of the International Residential Code, as published by the  
8 International Code Council, Incorporated. The governing body may, at any time, amend  
9 any provision of the International Residential Code.

10 The governing body may not require the installation of a sprinkler system in a  
11 residential structure or impose any requirements that are more stringent than the  
12 requirements in the ~~2021~~ 2024 edition of the International Residential Code.

13 For purposes of this section, ~~the term, residential structure,~~ "residential structure"  
14 means a detached one-family or two-family dwelling, and townhouses not more than three  
15 stories in height, ~~with a separate means of egress, and their accessory structures~~ any  
16 accessory structure of the dwelling or townhouse.