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ORDINANCE NO. **73-26**

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2024 *INTERNATIONAL SWIMMING POOL AND SPA CODE* AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Section 150.401 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 150.401 ADOPTED.

(a) *The International Swimming Pool and Spa Code*, 2024 edition, as published by the International Code Council Inc., and amendments and additions thereto as provided in this subchapter, are hereby adopted as the swimming pool and spa code by the city for regulating and governing the design, construction, alteration, repair, and maintenance of swimming pools, spas, hot tubs, and aquatic facilities, as herein provided and provides for the issuance of permits and the collection of fees therefor.

(b) The adoption of the *International Swimming Pool and Spa Code*, 2024 edition, will become effective July 1, 2026. The minimum building standards in the 2024 edition of the *International Swimming Pool and Spa Code* and amendments thereto shall be applied to any building permit issued after June 30, 2026.

(c) The city shall publish this ordinance, without attachments, after its passage. The attachments are on file and available for inspection at the office of the city clerk.

Section 2. That Section 150.402 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 150.402 AMENDMENTS, ADDITIONS, AND DELETIONS TO THE 2024 INTERNATIONAL SWIMMING POOL AND SPA CODE.

The following sections and subsections of the swimming pool and spa code adopted in this subchapter shall be amended, added, or deleted as follows. All other sections or subsections of the 2024 *International Swimming Pool and Spa Code* shall remain the same.

[A] 101.1 Title. These regulations shall be known as the swimming pool and spa code of the city of Sioux Falls, hereinafter referred to as “this code.”

[A] 102.7.1 Application of the International Codes. Where the *International Residential Code* is referenced in this code, the provisions of the *International Residential Code* shall apply to related systems in detached one- and two-family dwellings and town houses not more than three stories in height. Other related systems shall comply with the applicable *International Code*, *National Electric Code*, *Uniform Plumbing Code*, or referenced standard.

[A] 103.1 Creation of agency. Building services is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be in the implementation, administration, and enforcement of the provisions of this code.

[A] 103.2 Appointment. Not adopted by the city.

[A] 104.8 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 civilly or criminally 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.

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.

[A] 104.8.1 Legal defenses. Any suit or criminal complaint 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 immunities and defenses provided by other applicable state and federal laws and shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The code 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.

[A] 104.10 Alternative materials, design, and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any design or material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design, or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method, or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, durability, and safety.

[A] 104.12.4 Construction documents. The registered design professional shall submit to the code official one complete set of signed and sealed construction documents in an electronic submittal in PDF format for the alternative engineered design.

[A] 104.12.5 Design approval. Where the code official determines that the alternative engineered design conforms to the intent of this code, the system shall be approved. If the alternative engineered design is not approved, the code official shall notify the registered design professional, stating the reasons why the alternative was not approved.

[A] 105.4.1 Approved construction documents. When the code official issues the permit where construction documents are required, the construction documents shall be retained by the building official and be considered as approved. Such approved construction documents shall not be changed, modified, or altered without authorization from the code official. Work shall be done in accordance with the approved construction documents.

The code official shall have the authority to issue a permit for the construction of a part of a system before the entire construction documents for the whole system have been submitted or approved, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire system will be granted.

[A] 106.1 Construction documents. Construction documents, engineering calculations, diagrams, and other such data shall be submitted electronically in PDF format with each application for a permit. The code official shall require construction documents, computations, and specifications to be prepared and designed by a registered design professional where required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work conforms to the provisions of this code.

[A] 106.2 Retention of construction documents. One set of approved construction documents shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

[A] 108.2 Schedule of permit fees. The fees for work shall be as indicated in Table No. 1-A Residential Building Permit Fees or Table No. 1-B as indicated in Section [A] 109.2 of the adopted *International Building Code* § 150.015.

[A] 108.4 Work commencing before permit issuance. Any person who commences any work on a mechanical system before obtaining the necessary permits shall be subject to a fee as established by the code official that shall be in addition to the required permit fees. Administrative citations and legal and/or civil proceedings may also be commenced.

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

[A] 111.1 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 examine applicants for licensing, and to investigate matters brought before the board, there shall be and is hereby created a board of appeals and examiners. The building official shall be an ex officio member of said board but shall not have a vote on any matter before the board. Members shall be appointed by the mayor with the consent of the city council and shall hold office for a term of three years. The board shall adopt rules of procedure for conducting its business and shall render decisions and findings in writing to the appellant with a duplicate copy to the building official.

[A] 112.1 Membership of board. Not adopted by the city.

[A] 113.3 Prosecution of violation. If the notice of violation is not complied with promptly, the code official shall 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 pool or spa in violation of the provisions of this code or of the order or direction made pursuant thereto.

[A] 113.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair a pool or spa in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an ordinance violation and be subject to administrative citations through the code enforcement process.

Section 202 Definitions. Add the following definitions:

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.

302.1 Electrical. Electrical requirements for aquatic facilities shall be in accordance with NFPA 70, as applicable in accordance with Section 102.7.1.

Exception: Internal wiring for portable residential spas and portable residential exercise spas.

302.2 Water service and drainage. Piping and fittings used for water service, makeup, and drainage piping for pools and spas shall comply with the *Uniform Plumbing Code*. Fittings shall be approved for installation with the piping installed.

302.5 Backflow protection. Water supplies for pools and spas shall be protected against backflow in accordance with the *Uniform Plumbing Code*, as applicable in accordance with Section 102.7.1.

302.6 Wastewater discharge. Where wastewater from pools or spas, such as backwash water from filters and water from deck drains discharge to a building drainage system, the connection shall be through an air gap in accordance with the *Uniform Plumbing Code* as applicable in accordance with Section 102.7.1.

SECTION 303 ENERGY. Not adopted by the city

305.1 General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346, the areas where those spas or hot tubs are located shall not be required to comply with Sections 305.2 through 305.7.

305.2.2 Openings. Openings in the barrier shall not allow passage of a 5-inch-diameter (102 mm) sphere.

305.2.7 Widely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 5 inches (102 mm). Where there are decorative cutouts within vertical members, the interior width of the cutouts shall not exceed 1 3/4 inches (44 mm).

306.9.1 Hose bibbs. Hose bibbs shall be provided for rinsing down the entire deck and shall be installed in accordance with the *Uniform Plumbing Code*, as applicable in accordance with Section 102.7.1, and shall be located not greater than 150 feet (45,720 mm) apart. Water-powered devices, such as water-powered lifts, shall have a dedicated hose bibb water source.

Exception: Residential pools and spas shall not be required to have hose bibbs located at 150-foot (45,720 mm) intervals or have a dedicated hose bibb for water-powered devices.

319.2 Protection of potable water supply. Potable water supply systems shall be designed, installed and maintained so as to prevent contamination from nonpotable liquids, solids or gases being introduced into the potable water supply through cross-connections or other piping connections to the system. Means of protection against backflow in the potable water supply shall be provided through an air gap complying with ASME A112.1.2 or by a backflow prevention assembly in accordance with the *Uniform Plumbing Code*, as applicable in accordance with Section 102.7.1.

410.1 Toilet facilities. Class A and B pools shall be provided with toilet facilities having the required number of plumbing fixtures in accordance with the *International Building Code*.

609.1 General. Dressing and sanitary facilities shall be provided in accordance with the minimum requirements of the *International Building Code* and Sections 609.2 through 609.9.

609.2 Number of fixtures. The minimum number of required water closets, urinals, lavatory, and drinking fountain fixtures shall be provided as required by the *International Building Code*, and the dressing facilities and number of cleansing and rinse showers shall be provided in accordance with Sections 609.2.1, 609.2.2, and 609.3.1.

Date adopted: 09/15/26 .

Christine Erickson, Mayor

ATTEST:
Jermery J. Washington, City Clerk