

ORDINANCE # 4093

AN ORDINANCE AMENDING ALL REFERENCES TO THE UNIFORM BUILDING CODE OF THE RAPID CITY MUNICIPAL CODE IN CHAPTERS 2, 5, 12, AND 15 .

WHEREAS the City of Rapid City recently adopted a revised building code; and

WHEREAS the City of Rapid City is likely to adopt a different building code in the future; and

WHEREAS certain amendments to the municipal code are necessary to accurately refer to the new building codes.

NOW THEREFORE BE IT ORDAINED by the City of Rapid City that Section 2.88.030 of Chapter 2.88 of the Rapid City Municipal Code be amended to read as follows:

2.88.030 Appeals function.

The development appeals and review board shall preside over and hear appeals and complaints filed with it and concerning determinations by city of Rapid City engineering, building inspection, and fire department. This board shall hear appeals (1) from Engineering, as a first level of appellate review; (2) from the fire department board of appeals, as created and set forth at Section 105 of the 1994 Uniform Fire Code in the current fire code adopted by the City of Rapid City; and (3) from the Building Code board of appeals, as created and set forth at Section 105 of the 1997 Uniform Building Code relevant city staff concerning issues regulated in the current building codes adopted by the City of Rapid City; provided, however, that the development appeals and review board shall have no jurisdiction to hear any issue related to the provision of emergency services, nuisances, noxious weeds, abatements, licensing, central station service or hazardous materials.

The board shall render its opinion on any such complaint or appeal and shall deliver such opinion to the council. However, the council shall maintain the final determination as to any such application, complaint or appeal.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.24.040 of Chapter 5.24 of the Rapid City Municipal Code, be amended to read as follows:

5.24.040 Standards.

- A. Every central station service operated under a permit issued by the city shall comply, in all respects, with National Fire Protection Association Standards 71, 1987 Edition, at all times; provided, however, Section 1-6.2 thereof is deleted. Further, the central monitoring station of each central station service business operated under a permit issued by the city shall be conducted within a secure building, which building or the portion thereof occupied by the central monitoring station shall meet the following standards:
1. Construction of the central monitoring station shall meet all requirements of the Uniform Building Code current building codes adopted by the City of Rapid City;
 2. The minimum requirements for fire protection shall be one-hour fire-resistive construction;
 3. Central monitoring stations located within another building shall be separated from the remainder of the building by a minimum one-hour fire-resistive occupancy separation;
 4. All openings into the central monitoring station portion of the building shall be protected with one-hour fire-rated doors and fire dampers;
 5. Toilet facilities shall be available within the portion of the building occupied by the central monitoring station and in such proximity as to enable the operator to make use thereof while keeping audible contact with the monitoring equipment and able to respond immediately to an alarm;
 6. All openings into the central monitoring station area shall be secured from public access by doors which shall be kept closed and locked at all times. Internal release of the locked door by the operator shall be made only after visual identification by either a fire-rated one-way glass or a television monitor;

7. Heating, air conditioning and ventilation equipment shall be fully useful and operable without the opening of any secured access door;
8. Approved emergency lighting shall be installed to provide adequate lighting for the operations and shall be powered by approved batteries or by an emergency generator.

B. The following exception is made to the requirements of subsection A of this section, to be effective until September 1, 1990, at which time it shall be of no further force or effect:

If a fire alarm system connected to a licensed central station service complies in all respects to all applicable codes with the sole exception that the alarm reporting equipment does not meet the standard established by subsection A of this section, the failure of such alarm reporting equipment to meet such standard shall not be considered to be a violation, provided such equipment was installed and operating before September 1, 1988, that no major modification is made to such alarm system, and the owner of the building or business within which such alarm system is located shall have filed with the fire chief a written statement acknowledging that he is aware that such fire alarm system does not comply with the standards established by subsection A of this section.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 12.44.200 of Chapter 12.44 of the Rapid City Municipal Code, be amended to read as follows:

12.44.200 Water connections.

Each space shall include one water connection with three-quarter inch riser valve and three-quarter inch hose bib. All water installations shall conform to the state plumbing code and ~~Uniform Building Code~~ current building codes adopted by the City of Rapid City, as amended. The trailer court water system shall be adequate to provide fifteen pounds per square inch of pressure at all spaces.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 12.44.210 of Chapter 12.44 of the Rapid City Municipal Code, be amended to read as follows:

12.44.210 Sewer hookups.

A minimum of ten percent of the spaces shall be provided with sewer hookups. Such sewer hookups shall be installed pursuant to the requirements of the state plumbing code and the ~~Uniform Building Code~~ current building codes as adopted by the city.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 12.44.230 of Chapter 12.44 of the Rapid City Municipal Code, be amended to read as follows:

12.44.230 Service buildings.

Each travel park shall be provided with a management office for management of the park and to provide services therefore. Such building office shall be constructed according to ~~Uniform Building Code~~ the current building code requirements adopted by the City of Rapid City. The management office may provide for sale or rental of supplies or for provision of services for satisfaction of daily or frequent needs of campers within the park, including providing groceries, ice, sundries, self-service laundry equipment and the like, but not sale of gasoline to automobiles.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 12.44.240 of Chapter 12.44 of the Rapid City Municipal Code, be amended to read as follows:

12.44.240 Dumping station.

Each park shall include a sanitary dumping station to be so located as not to create a traffic hazard on the main or circulating roads, nor to be a health hazard to the occupants of the park. Such dumping station shall be constructed to meet the minimum requirements of the state plumbing code, ~~Uniform Building Code~~ the current building codes adopted by the City of Rapid City, and other applicable ordinances and regulations, and shall meet the approval of the health department.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.20.070 of Chapter 15.20 of the Rapid City Municipal Code, be amended to read as follows:

15.20.070 Work permits.

- A. Before doing any work to install, alter or extend any gas piping or gas-burning fixture, equipment or apparatus, the person desiring to do such work must obtain a permit from the gas inspector. No permit shall be required for work performed on gas mains, services, meters, regulators or other facilities necessary to the operation of the gas company's system.
- B. The required permit shall be issued only to a licensed and bonded gas fitting or plumbing contractor, or to a property owner who wishes to perform work on his own single family residence, which he occupies. The property owner must do the work personally, and such work shall conform to the same standards and shall be done in the same manner as if done by a licensed gas fitter. All work must have inspection and approval by the gas inspector.
- C. Before any permit request is issued, the person making application therefore shall pay a fee based upon the schedule contained in ~~Table 3-A of the 1991 Uniform Building Code~~ the current building codes as adopted by the city, except that the minimum fee shall be changed to thirty-seven dollars for a valuation of one dollar to one thousand six hundred dollars.
- D. All permits issued under this chapter shall expire and become void twelve months after the date of issuance.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.24.100 of Chapter 15.24 of the Rapid City Municipal Code, be amended to read as follows:

15.24.100 Permits--Fees.

Before any permit request by this chapter shall be issued, the person making application therefore shall pay a fee based upon the schedule contained in ~~Table 3-A of the 1991 Uniform Building Code~~, as adopted by the city, ~~except that the minimum fee shall be changed to thirty-seven dollars for a valuation of one dollar to one thousand six hundred dollars~~ the current building codes as adopted by the City of Rapid City.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.28.010 of Chapter 15.28 of the Rapid City Municipal Code, be amended to read as follows:

15.28.010 Definitions.

"Abandoned sign" means an on-premises or off-premises sign which meets one or more of the following:

1. No longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on or off the premises where such a sign is displayed;
2. The business it advertises has discontinued business in the city of Rapid City;
3. Any sign declared unlawful by the building official;
4. Any sign not properly maintained or which no longer displays a message.

"Advertising message" means that copy on a sign describing products or services being offered.

"Animated sign" means any sign which includes action, motion, noise, dust, blast, or vibration. For purposes of this code, this item does not refer to flashing, electronic message center signs or indexing, all of which are separately defined.

"Awning" means a shelter supported entirely from the exterior wall of a building. (~~See Uniform Building Code~~ the current building codes adopted by the City of Rapid City for construction, projection and clearances).

"Awning sign" means any sign attached to or constructed on an awning.

"Banner" means a sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

"Building face or wall" means all window and wall area of a building in one plane or elevation.

"Building official" means the officer or other designated authority charged with the administration and enforcement of this code, as adopted by the city.

Canopy. See "awning."

"Changeable copy sign (manual)" means a sign on which copy is changed manually in the field. "City" means the city of Rapid City.

"City council" means the city council of Rapid City.

"Copy" means the message on a sign surface either in permanent, temporary or removable form. "County" means Pennington County, South Dakota.

"Directional sign" means any sign which serves solely to designate the location or direction to a place or area.

"Display surface" means the area made available by the sign structure for the purpose of displaying the advertising message.

"Earth tone" means color such as tan or light brown, specifically Martin Senour Homestead Hearth 304-3 or Iowa Paints 8725A Coach House, or an equivalent approved by the building official.

"Electrical sign" means a fixed, stationary, or portable self-contained, electrically illuminated utilization equipment with words or symbols designed to convey a message.

"Electronic message center" means a sign such as an electronically or electrically controlled sign which must provide public service time and temperature information, and may display other public service information or advertising messages.

"Erected" means attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs, but does not include copy changes on any sign.

"Exempt sign" means a sign for which a permit is not required.

"Flag" means a piece of cloth or other similar material, usually rectangular, of distinctive color and design which is used as a symbol, a standard, a signal, or an emblem.

"Flashing sign" means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. See "electronic message center" and "indexing signs."

"Frontage" means the length of the front property line or lines of any premise, which is/are parallel to and along each street right-of-way it borders.

"Ground sign" means a sign erected on a foundation, free-standing frame, mast or pole and not attached to any building.

"Height of sign" means the vertical distance from the top of the sign or sign structure, whichever is greater, to the ground directly below, measured from a point equal distance from the sides or edges of the sign.

"Illuminated sign" means any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.

"Indexing signs" means turning and stopping action of the vertical sections of a multi-face sign capable of showing more than one message in the same area.

"Lawful nonconforming sign" means a sign or sign structure existing at the time of enactment of this code which does not comply with all provisions of this code, but which was legally constructed prior to adoption of this code.

"Lot" means a parcel of land which is or may be occupied by a building, group of buildings, their accessory buildings, signs, or uses customarily incidental thereto, together with such yards or open spaces within the lot lines.

"Maintain" means to allow a sign to exist or remain, or to repair or refurbish a sign in order to prevent decay or deterioration.

"Marquee" means a permanent roofed structure attached to and supported by the building and projecting over public property. See the ~~Uniform Building Code~~ current building codes adopted by the City of Rapid City for projection, construction, clearance, length, thickness and prohibited locations.

"Marquee sign" means any sign attached to or constructed in or on a marquee.

"Message" means a communication through written words, symbols, signals, or pictures.

"On-premises sign" means any sign identifying or advertising a business, person, activity, goods, products or services which are located on the premises where the sign is installed and maintained.

"Off-premises sign" means any sign identifying or advertising a business, person, activity, goods, products or services located off the premises from where the business, person/activity, goods, products, or services are located.
"Original town" means Blocks 71-76, 81-86, 91-96, 101-106 and 111-116 of the original town plat of Rapid City.
"Outline lighting" means an arrangement of incandescent lamps or electric-discharge lighting to outline or call attention to certain features such as the shape of a building or the decoration of a window.

"Owner" means any person(s), agent(s), firm(s) or corporation(s) having a legal or equitable interest in the property or premises.

"Parapet or parapet wall" means that portion of a building wall that rises above the roof level.

"Pedestrian signs" means a sign that advertises to pedestrian traffic as regulated by Section 15.28.210.

"Person" means a person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, or their successors or assigns, or the agent of any of the aforesaid.

"Premises" means a tract of land regarded as the smallest conveyable unit of real estate.

"Projecting signs" means a sign other than a wall sign which is attached to and projects from a building, structure, or building face.

Public Service Information Sign. See "changeable copy sign (manual)."

"Real estate or property for sale, rent or lease sign" means any sign pertaining to the sale, lease or rental of land or buildings.

"Roof line" means the top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

"Roof sign" means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

"Rotating sign" means any sign or portion of a sign which moves in a revolving or similar manner.

"Sign" means any identification, description, illustration or device illuminated or nonilluminated, which is visible from any public place or is located on private property and exposed to the public, and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and sign structures; however, for the purpose of removal, signs shall also include all sign structures.

"Sign area" means the total area or areas of all signs within the outer edges of the sign or advertising message.

"Sign structure" means any structure which supports, has supported, or is capable of supporting a sign, including decorative cover.

"Street" means a public or private thoroughfare which affords the principal means of access to abutting property.

"Structural alteration or structural change" means any change, modification or other alteration whatsoever except changing the advertising message on a sign, painting the sign or changing light bulbs on a sign.

"Temporary sign" means a sign which is not permanently affixed.

"Use" means the specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

"Unlawful sign" means a sign or sign structure which is unlawfully erected or is unlawful for reasons of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment as declared by the building official.

"Wall" means any wall or element of a wall, or any member or group of members which defines the exterior boundaries or courts of a building and which has a slope of sixty degrees or greater with the horizontal plane.

"Wall sign" means a sign painted directly on the surface of a building, fence, awning or marquee; or a sign attached to or erected against the wall of a building, fence, awning or marquee, with the face in a parallel plane to the plane of the building wall.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.28.100 of Chapter 15.28 of the Rapid City Municipal Code, be amended to read as follows:

15.28.100 Fees.

Sign building permit fees for signs regulated by this code shall be regulated by the ~~Uniform Building Code~~ current building code fee tables as adopted by the city. The permit fee for electrical signs or outline lighting shall be identical to the fees established by the State Wiring Bulletin, as adopted by the city.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.28.110 of Chapter 15.28 of the Rapid City Municipal Code, be amended to read as follows:

15.28.110 Inspections.

All signs and sign structures shall be subject to inspection by the building official as required by the ~~Uniform Building Code~~ current building codes adopted by the city.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.28.120 of Chapter 15.28 of the Rapid City Municipal Code, be amended to read as follows:

15.28.120 Construction specifications.

- A. Supports for signs and sign structures shall be built in conformance with the requirements of the ~~Uniform Building Code~~ current building codes as adopted by the city municipal code for wind loads, seismic loads, and other combined loads.
- B. Signs shall be constructed to a minimum standard of quality as specified by the city municipal code for noncombustibility, steel, smoke density, ignition properties, and classification of plastics.
- C. If design drawings and specifications are not provided, the minimum construction standard shall be set by the following tables.
- D. An engineered design shall be provided for all signs in accordance with adopted building codes.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.40.020 of Chapter 15.40 of the Rapid City Municipal Code, be amended to read as follows:

15.40.020 Residential, general agriculture, park forest and public zoning districts.

- A. Fences and walls may be erected or maintained; provided that no fence or wall over four feet in height shall be erected or maintained in any front yard. The exception to this is sound barrier walls and screening fences less than six feet in height located along major streets, the design and materials of such fences shall require council approval, and the petitioner shall send by certified mail to the adjacent property owners written notice of the date of such council meeting. On corner lots, fences shall be permitted in one of the front yards provided the fence does not extend any closer to the public right-of-way than the building line of a principal building which has been permitted within the standard front yard set-back. Fences and walls located along side or rear yards shall not exceed a height of six feet.
- B. Fences or walls may be constructed on top of retaining walls provided that the maximum height requirements for fences and walls set forth in subsection A of this section are met.
- C. Guardrails Required on Retaining Walls. Unless a fence is already present, guardrails shall be constructed on top of retaining walls in accordance with, and if required by, the ~~uniform building code~~ current building codes adopted by the City of Rapid City. Such guardrails shall be limited in height to the applicable maximum height for a fence or wall.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.40.030 of Chapter 15.40 of the Rapid City Municipal Code, be amended to read as follows:

15.40.030 Commercial zoning districts.

- A. Fences and walls may be erected or maintained; provided that no fence or wall over four feet shall be erected or maintained in any front yard. Fences and walls located along side or rear yards shall not exceed a height of eight feet.

- B. Fences or walls may be constructed on top of retaining walls provided that the maximum height requirements for fences and walls set forth in subsection A of this section are met.
- C. Guardrails Required on Retaining Walls. Unless a fence is already present, guardrails shall be constructed on top of retaining walls in accordance with, and if required by, the ~~uniform building code~~ current building codes adopted by the City of Rapid City. Such guardrails shall be limited in height to the applicable maximum height for a fence or wall.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.40.040 of Chapter 15.40 of the Rapid City Municipal Code, be amended to read as follows:

15.40.040 Industrial and mining and earth resources extraction zoning districts.

- A. Fences and walls may be erected in front, side and rear yards. Fences shall not exceed a height of eight feet.
- B. Fences or walls may be constructed on top of retaining walls provided that the maximum height requirements for fences and walls set forth in subsection A of the section are met.
- C. Guardrails Required on Retaining Walls. Unless a fence is already present, guardrails shall be constructed on top of retaining walls in accordance with, and if required by, the ~~uniform building code~~ current building codes adopted by the City of Rapid City. Such guardrails shall be limited in height to the applicable maximum height for a fence or wall.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.44.020 of Chapter 15.44 of the Rapid City Municipal Code, be amended to read as follows:

15.44.020 Chimneys.

- A. No person shall construct, maintain or use any chimney unless the same shall be so constructed, operated or used so that the dust, sparks, cinders, coal, ashes, smoke or fumes therefrom shall not become injurious or dangerous to the health, comfort, or to the property of individuals or the public, nor materially impair the comfort of persons within the city. All such stacks shall be constructed and arranged in such manner and of such material as to be safe from causing fires, and shall be of such height from the ground as not in any manner to cause a violation of this section.
- B. Whenever any such stack or chimney is causing or in danger of causing a violation of this section, the owner or person responsible therefore shall at once cause such stack or chimney to be reconstructed or repaired of proper and safe material or arresting device, or to be raised to such height, or to be arranged within a reasonable time, so that such smokestack or chimney will be in compliance with the provisions of this section.
- C. The city may, when any smokestack or chimney is dangerous to the health or safety of the inhabitants, or injurious to such a degree as to be a nuisance, order the same torn down or extended up or otherwise remedied so that it shall comply with this section.
- D. The building inspector shall report all cases of violations of this section, together with his recommendations thereon.
- E. This section shall be operative within the city and within one mile from the city limits, and procedure under this section shall be that provided in the ~~Uniform Building Code~~ current building codes adopted by this title.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.44.050 of Chapter 15.44 of the Rapid City Municipal Code, be amended to read as follows:

15.44.050 Termination of utility services for code violations.

- A. Any public utility franchised or authorized to do business in the city shall refuse and terminate service to any building or structure that:

1. Fails to meet minimum standards as prescribed by the ~~Uniform Building Code~~ current building codes as currently adopted and amended;
 2. Has been declared to constitute a public nuisance by the common council;
 3. Has been determined to constitute a dangerous or unsafe building as defined by the ~~Uniform Code for the Abatement of Dangerous Buildings~~ current building codes as currently adopted and amended;
 4. Is occupied or used in violation of Rapid City's zoning Ordinance No. 1074 as amended;
 5. Has refused to comply with licensing provisions as required by the city;
 6. Has wiring installed or being installed in violation of the National Electrical Code, as currently adopted and amended;
 7. Has plumbing not complying with the ~~National Standard Plumbing Code~~ current plumbing code as currently adopted and amended;
 8. Has appliances, equipment, vents, chimneys, connectors, or supports not in compliance with the Uniform Mechanical Code as currently adopted and amended;
 9. Has a sign not in compliance with the sign code as adopted by reference in Chapter 15.28 of this code.
- B. Upon determination by the city building inspector and/or the common council that any of the preceding violations or conditions exist, notice of such violation shall be made to the owner and occupant and if such condition is not corrected within five days the utility company or companies involved will be notified and upon notification will terminate service to the building or structure. The superintendent of water utilities of the city upon notification that such condition has not been corrected will forthwith terminate water service to the structure in question.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)