



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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## PUBLIC WORKS DEPARTMENT

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### MEMORANDUM

TO: Public Works Committee

FROM: Dirk Jablonski, Public Works Director

DATE: November 21, 2006

RE: Trenching Board Operating Manual

The Trenching Board has consolidated several loose documents under which it operates into one revised Operating Manual. The documents include the revised City Ordinance, the By-laws and the existing Operating Manual.

It is requested that Council approve the new Operating Manual for the Rapid City Trenching Board.

Operating Manual

For

Rapid City Trenching Board

May 2006

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Trenching Board Chair

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Trenching Board Vice-Chair

# Rapid City Trenching Board Operating Manual

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## Section 1

# GENERAL MATTERS

## Rapid City Trenching Board Operating Manual

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### **1. GENERAL MATTERS**

#### **1.1. PURPOSE**

- 1.1.1. The purpose of the Board is to protect the public health, safety, and welfare, and to guard against unsafe, unstable, or short-lived product or services related to installation sewer collection systems and water distribution systems and to excavating in the public right-of-way (Rapid City Municipal Code Section 13.10.070).

#### **1.2 AUTHORITY**

- 1.2.1 The authority of the Board is vested by Chapter 13.10 of the Rapid City Municipal Code and other applicable ordinances as may be enacted by the Council
- 1.2.2 The Board's authority is limited to the licensing of trenching contractors and sewer and water contractors as defined in Municipal Code, and does not extend to the establishment or enforcement of the requirements set forth by the City of Rapid City *Standard Specifications for Public Works Construction*. However, the Board may, as it sees fit, recommend changes or additions to the Standard Specifications.

#### **1.3. BOARD MEMBERSHIP**

- 1.3.1 Board Membership requirements are contained in Municipal Code Chapter 13.10.
- 1.3.2. The Board prefers that one Contractor member shall be a sole proprietorship. However, Municipal Code does not specifically make provisions for such preference.
- 1.3.3. The Board prefers that the consulting engineer member practice primarily in the area of municipal engineering for government with an

emphasis in sanitary engineering. However, Municipal Code does not specifically make provisions for such preference.

1.3.4. Solicitation for Members is included in the Bylaws.

1.3.5. Resignation and Replacement is included in the Bylaws.

1.4. **STAFF SUPPORT**

1.4.1. City staff assistance shall be available to the Board. The Public Works Administration staff shall provide the majority of support; however, support from the Water Division, Wastewater Division, Attorney's Office and Growth Management Department will also be available.

## Section 2

### **Municipal Code Section 13.10 – Trenching Contractor's Licenses**

## Section 2

# Municipal Code Section 13.10 – Trenching Contractor's Licenses

### CHAPTER 13.10: TRENCHING CONTRACTOR'S LICENSES

#### Section

- 13.10.010 Definitions.
- 13.10.020 License required.
- 13.10.030 License application.
- 13.10.040 License fees and renewal.
- 13.10.050 Requirements for issuance.
- 13.10.060 Limitations on licenses generally.
- 13.10.070 Rapid City Trenching Board.

#### **13.10.010 Definitions.**

The following words, terms and phrases are defined and shall be interpreted as such throughout this chapter. Terms not defined in this section shall have the meaning customarily assigned to them:

A. **CONTRACTOR.** A licensed sewer and water contractor or licensed trenching contractor as defined in this section.

B. **DIRECTOR.** City of Rapid City Director of Public Works

C. **EMPLOYEE.** A person whose compensation for construction work is reported by the employer on an Internal Revenue Service W-2 form and is also otherwise considered an employee under applicable law.

D. **EXCAVATING.** Any operation in which earth, rock or other material in the ground is moved or otherwise displaced and/or replaced at a depth of twelve inches or greater below the surface by means of tools, equipment or explosives, and includes trenching,



digging, ditching, drilling, tunneling and cable or pipe plowing for the purpose of installing cable, conduit or pipe other than water, sanitary sewer or storm sewer pipe. Excavating shall not include grading or scraping for street construction or reconstruction, drilling or auguring for installation of utility poles, light poles, sign posts, or mailboxes, or tilling of soil for landscaping purposes to a depth of 12 inches or less.

E. **PERSON.** A person or an organization including, but not limited to, a sole proprietorship, partnership, corporation, or limited liability company.

F. **SEWER and WATER CONTRACTOR.** A sole proprietorship, partnership or corporation, who undertakes or offers to undertake sewer and water installations.

G. **SEWER and WATER INSTALLATION.** The new construction, alteration, repair or improvement of water mains and appurtenances, water service lines and appurtenances, water treatment plant piping and equipment; sewer mains and appurtenances, sanitary sewer services, sewer treatment plant piping and equipment; and storm sewers, and the placement of sewer and water pipe into a building sufficient distance to allow connection to the building plumbing. Sewer and water installation does not include the minor adjustment of manhole castings, valve boxes and curb boxes to finish grade for street construction.

H. **SEWER and WATER JOURNEYMAN.** A person other than a contractor, who is engaged as an employee of, or is otherwise working under the direction of, a sewer and water contractor in sewer and water installation, and when present at a job site, has direct supervision over work being performed.

I. **STANDARD SPECIFICATIONS.** City of Rapid City Standard Specifications for Public Works Construction, as adopted by the City.

J. **STATE LICENSE.** Either a sewer and water plumbing installer's license issued by the state of South Dakota in accordance with the provisions of Administrative Rules of South Dakota Chapter 20:53:06, or, a plumber's license issued by the State of South Dakota in accordance with the provisions of SDCL Chapter 36-25.

K. **STORM SEWERS.** All pipes, culverts, catch basins, inlets, detention pond inlet and outlet piping, and storm sewer appurtenances which will become an integral part of the public storm sewer system, whether located in public right-of-way or drainage easements, except parking lot drainage pipes and appurtenances are not considered storm sewers for purposes of this chapter.

L. **TRENCHING CONTRACTOR.** A person who undertakes or offers to undertake excavating in the public right-of-way (streets, alleys, or other public places), for any purpose.

M. **TRENCHING JOURNEYMAN.** A person other than a contractor, who is engaged as an employee of, or is otherwise working under the direction of, a trenching contractor in

excavating work, and when present at a job site, has direct supervision over work being performed.

(Ord. 3382 (part), 1997)

### **13.10.020 License required.**

A. *Sewer and water contractor.* It is unlawful for any person to conduct, carry on or engage in the business of sewer and water installation, or to act in the capacity of a sewer and water contractor, without having first secured a City sewer and water contractor's license.

B. *Sewer and water journeyman.* It is unlawful for any person to act, or to give the appearance of acting as a sewer and water journeyman without having first secured a City sewer and water journeyman's license.

C. *Trenching contractor.* It is unlawful for any person to, in any manner, engage in the business of excavating in the public right-of-way (streets, alleys or other public places), or act or give the appearance of acting as a trenching contractor without having first secured a City trenching contractor's license.

D. *Trenching journeyman.* It is unlawful for any person to act or give the appearance of acting as a trenching journeyman without having first secured a City trenching journeyman's license. A licensed sewer and water journeyman may also act as a trenching journeyman.

(Ord. 3382 (part), 1997)

### **13.10.030 License application.**

A. *Public Works Department to administer provisions.* The Public Works Department shall administer the provisions of this chapter. Before a contractor's or journeyman's license may be issued, the applicant shall be required to complete an application form. The Board shall determine the applicant's eligibility to take the required exam based on the information provided on the application form. The examination shall be given under the direction of the Trenching Board.

B. *Examination and re-examination.* Any applicant who fails to pass the examination may apply for re-examination after 30 days from the date of the previous examination without payment of an additional exam fee. Should any applicant fail to pass a second time, the Trenching Board may refuse to permit a third examination until after the expiration of 6 months. License fees shall not be refunded if an applicant fails to pass the examination. No re-examination will be permitted more than 1 year from the date of the first failed examination without a new application and payment of the full examination fee.

C. *State license required.* Applicants for both sewer and water contractor, and sewer and water journeyman licenses must possess a current state license of a class at least equal to the class of city license for which they have applied. Applicants for trenching contractor, trenching journeyman licenses are not required to possess a state license.

(Ord. 3555, 2000; Ord. 3382 (part), 1997)

#### **13.10.040 License fees and renewal.**

##### **A. *Fee schedule.***

1. Every person making application for a license shall pay to the City Finance Office a nonrefundable fee as follows:

<b><i>Applicant</i></b>	<b><i>Initial Fee</i></b>	<b><i>Renewal Fee</i></b>
Sewer and water contractor	\$200	\$50
Sewer and water journeyman	\$25	\$10
Trenching contractor	\$200	\$50
Trenching contractor (plumber's rider)	\$50	\$50
Trenching journeyman	\$25	\$10

2. The specification book, *City Standard Specifications for Public Works Construction*, shall be included at no charge with the initial contractor license fee only.

B. *License term renewal.* All licenses issued under this chapter shall expire on February 28 of the year following issuance. Any license not renewed within 30 days of February 28 shall be ineligible for renewal. In order to obtain a license after the 30 day grace period the applicant shall be required to complete the application requirements for a new license.

(Ord. 3565, 2000; Ord 3382 (part), 1997)

#### **13.10.050 Requirements for issuance.**

A. *Sewer and water contractor's license.* License may be issued only to a person who makes application therefor, pays the application fee, meets the requirements stated in

this chapter, including passing the required examination, presenting to the City Finance Office a valid current state license, and the following additional requirements:

1. *Liability insurance.* Liability insurance shall be required of every contractor. Every applicant for a sewer and water contractor's license shall present to the City Finance Office for their review, a valid certificate of insurance at the time of application. It shall be the duty of every sewer and water contractor to continually maintain valid liability insurance. The minimum required general aggregate liability shall be \$300,000, with \$50,000 fire damage and \$300,000 each occurrence;

2. *Worker's compensation insurance.* In accordance with South Dakota State Law, proof of worker's compensation insurance shall be provided prior to the issuance of a contractor's license;

3. *Proof of excise tax number.* Applicants for contractor's license shall be required to supply their excise tax number.

B. *Trenching contractor's license.* License may be issued only to a person who makes application therefor, pays the application fee, meets the requirements stated in this chapter, including passing the required examination, and the following additional requirements:

1. *Liability insurance.* Liability insurance shall be required of every contractor. Every applicant for a trenching contractor's license shall present to the City Finance Office for their review, a valid certificate of insurance at the time of application. It shall be the duty of every trenching contractor to continually maintain valid liability insurance. The minimum required general aggregate liability shall be \$300,000, with \$50,000 fire damage and \$300,00 each occurrence;

2. *Worker's compensation insurance.* In accordance with South Dakota state law, proof of worker's compensation insurance shall be provided prior to the issuance of a contractor's license;

3. *Proof of excise tax number.* Applicants for contractor's license shall be required to supply their excise tax number.

C. *Journeyman license.*

1. *Sewer and water journeyman.* License may be issued only to the person who meets the requirements in this chapter, including passing the required examination, and presenting to the Trenching Board a valid current state license.

2. *Trenching journeyman.* License maybe issued only to the person who meets the requirements in this chapter including passing the required examination.

D. *Age at time of application.* Applicants for any license issued under this chapter must have attained at least 18 years of age, at the time of making application therefor.

(Ord. 3945, 2003: Ord. 3382 (part), 1997)

### **13.10.060 Limitations on licenses generally.**

A. For the first 12 months after issuance of any license, the holder of such a license shall be under a probationary status to allow both the City and the Trenching Board to review the performance of the contractor.

B. During the 12-month probationary period, any water and sewer contractor or trenching contractor will be allowed to have one (1) right-to-work permit active at any given time. Any other exception to this policy may be granted only after review by the City Council upon recommendation of the Trenching Board.

C. The probationary status may be extended if the Trenching Board determines that the licensee has not completed enough work to allow for proper evaluation.

D. Each person to whom a sewer and water contractor's license or trenching contractor's license is issued shall designate at least 1 individual employee who must take and pass the contractor's examination. Upon passage of the contractor's examination, the issued license shall be held jointly by the individual who passed the examination and the person to whom a sewer and water contractor's license or trenching contractor's license was issued. If the person designates only 1 individual, and the individual's employment is terminated or ends for any reason, the person holding the contractor's license must designate, within 60 days, another individual to take and pass the contractor's examination. No additional fee or application will be required for said individual. Failure to designate another individual to take and pass the contractor's examination within 60 days will result in automatic expiration of the contractor's license and no additional permits will be issued. Reactivation of the license will occur only upon the completion of a new application, payment of any applicable application fees, and the passage of the contractor's examination by a designated individual.

E. It is unlawful for any person to perform, or allow to be performed, any work for which they are licensed without having a licensed person present at the job site with direct supervision over all aspects of the work at all times when work is being performed. Permitted persons to exercise such supervision include: (1) the contractor, (2) a designated individual who has passed the contractor's examination, or (3) a licensed journeyman who is an employee of the contractor.

F. No person to whom a license is issued shall allow any other person, or non-designated individual, to operate thereunder.

G. A Sewer and Water or Trenching Journeyman license shall be the property of person to whom the license is issued and shall not be transferable.

H. The following are exceptions:

1. Plumbing contractors licensed and permitted under Chapter 15.24 of the Rapid City Municipal Code are not governed by this chapter, except when performing excavation in public right-of-way or performing new construction, alteration, repair or improvement of water or sewer mains and appurtenances. A plumbing contractor may excavate in the public right-of-way for the purposes of installing service lines only, provided he or she has secured a trenching contractor's license and paid an initial fee of \$50 for the license.

2. Private utility companies, or the City, when excavating in the public right-of-way for the purposes of repairing, altering or maintaining their facilities are exempt from the licensing requirements of this chapter. This exemption shall not apply to installation of new facilities or replacement of existing facilities.

(Ord. 3382 (part), 1997)

### **13.10.070 Rapid City Trenching Board.**

There is established the Rapid City Trenching Board. The Board shall consist of 6 members composed of Public Works Director, a registered professional engineer engaged in consulting business within the city, an employee of a nongovernmental utility company other than telecommunications having underground utilities within the city, representatives of 2 licensed contractors, and a representative from the telecommunications industry. Members shall be appointed for 2-year staggered terms by the Mayor subject to confirmation by the Council at its first regular meeting in January. The members of the Board, except for city staff, shall serve without compensation for the service. The Board shall be assisted by city staff as directed by the Director.

A. *Purpose of the Board.* The purpose of the Board is to protect the public health, safety and welfare, and to guard against unsafe, unstable or short-lived products or services related to installation of sewer collection systems and water distribution systems, and to excavating in the public right-of-way. The Board shall also insure new or small volume contractors are able to obtain a license without hardship.

B. *Powers and duties of the Board.*

1. The Board is authorized to adopt the rules and regulations as shall become necessary with the approval of the Council. The Board shall notify all license holders of the proposed rules and regulations within 30 days prior to the delivery of the rules and regulations to the Council.

2. The Board shall hold meetings as necessary for transaction of business; for examination of applicants, to determine the qualifications and fitness of all applicants; and to grant licenses and renewals to applicants who show proper qualifications.

3. The Board shall annually review all licenses issued hereunder and make recommendations to the Council concerning renewal and issuance.

4. The Board may hear appeals from determination of the Public Works Director on interpretation and application of licensing ordinances. All decisions of the Board shall be eligible for final review by the Council.

C. *Violations and penalties.*

1. The Board may revoke any license if the holder thereof is doing work without a permit. The Board may revoke any contractor's license if the Board determines the contractor's work has been consistently substandard, the contractor has violated any applicable statute, ordinance, rule or regulation promulgated by the Board, or the contractor has demonstrated inability or unfitness to perform the work for which he or she has been licensed.

2. Should any applicant or licensee be aggrieved by a decision of the Board, he or she may, within 10 days, provide written notice of his or her intent to appeal the decision to the Council. The Council may affirm, modify or reverse the action of the Trenching Board. All decisions of the Council shall be final.

3. Any person violating this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine, not to exceed \$100, or by imprisonment in the county jail, not to exceed 30 days, or by both fine and imprisonment. Each day shall be deemed to constitute a separate offense.

4. Any licensee subject to investigation by the Board shall cooperate fully with the Board.

(Ord. 3532, 2000: Ord. 3382 (part), 1997)

## Section 3

### JURISDICTIONAL AREA OF THE BOARD



### **3. JURISDICTIONAL AREA OF THE BOARD**

#### **3.1. TRENCHING (Excavating)**

- 3.1.1. Within the corporate limits of the City of Rapid City: All excavating in public right-of-way is required to be performed in accordance with the licensing provisions of Municipal Code Chapter 13.10.
- 3.1.2. Outside the corporate limits of the City of Rapid City: The licensing provisions of Municipal Code Chapter 13.10 do not apply to excavating outside the corporate limits of the City.
- 3.1.3. Excavating is defined in Municipal Code Section 13.10.010 – Definitions.

#### **3.2. SEWER & WATER INSTALLATION**

- 3.2.1. Sewer and water systems owned and operated by the City of Rapid City: All sewer and water installation is required to be performed in accordance with the licensing provisions of Municipal Code Chapter 13.10.
- 3.2.2. Sewer and water systems owned and operated by sanitary districts, homeowners' associations, and similar organizations located within the corporate limits of the City or within the three-mile platting jurisdictional limits of the City: All sewer and water installation for new systems, including extensions to or replacements of existing systems, are required to be performed in accordance with the licensing provisions of Municipal Code Chapter 13.10. However, repairs may be performed by persons satisfying said utility owner's requirements.
- 3.2.3. The Board recommends that the Public Works Department enter into agreements with the various water and sewer utility owners within the City and the three-mile platting area to have the City of Rapid City *Standard Specifications for Public Works Construction* (Standard Specifications) apply in the same manner as the licensing provisions of Municipal Code Chapter 13.10 as described above.

## Section 4

# INDEMNIFICATION OF BOARD MEMBERS

#### **4. INDEMNIFICATION OF BOARD MEMBERS**

- 4.1 Board Members are indemnified per Rapid City Municipal Code Section 2.04.100
- 4.2 See Rapid City Municipal Code Section 2.04.100 below.

##### **2.04.100 Proceedings against–Defense.**

The city shall provide for the defense and pay all judgments in any case or proceeding against any city officer, employee or member of any board, which board has been created by ordinance or statute, unless it is determined by a majority vote of the entire Common Council that the officer, employee or board member was clearly acting outside the scope of their official duties or that the officer, employee or board member acted illegally, maliciously or wantonly.

## **Section 5**

## **BYLAWS**

## **5. BYLAWS**

### **5.1 BOARD MEMBERSHIP**

#### **5.1.1 Solicitation for Members**

- 5.1.1.1 Two months prior to expiration of a member's term, the Chairperson shall call for public solicitation of interest to fill the upcoming vacancy.
- 5.1.1.2 The Chairperson shall prepare a list of persons expressing interest in filling the vacancy and shall present the list to the Board for consideration.
- 5.1.1.3 From the list submitted by the Chairperson, the Board shall recommend persons to the Council for appointment to the Board
- 5.1.1.4 New members shall be seated on the Board at the first meeting in January.

#### **5.1.2 Resignation & Replacement**

- 5.1.2.1 At any regular or special meeting duly called, any one or more members of the Board may be removed for cause upon affirmative vote of two-thirds of the members of the entire Board, and a successor shall be elected in accordance with Section 1.1 of these Bylaws.
- 5.1.2.2 The Board shall have the discretion to recommend to the Council that a member be replaced after having missed three consecutive meetings with unexcused absences.

### **5.2 OFFICERS – TERMS - DUTIES**

#### **5.2.1 Chairperson**

- 5.2.1.1 The Chairperson shall preside at the meetings of the Board. They shall determine the need for and call special meetings of the Board. They may perform such other duties as assigned by the Board.

## 5.2.2 Vice-Chairperson

- 5.2.2.1 The Vice-Chairperson shall, in the absence or disability of the Chairperson, perform the duties and exercise the powers of the Chairperson. They may perform other duties as assigned by the Board.

## 5.2.3 Election of Officers

- 5.2.3.1 A chairperson shall be elected by the Board at the first meeting of each year. The existing chairperson may be considered for a subsequent term. The chairperson shall serve a one-year term.
- 5.2.3.2 City staff are not eligible for chairperson.

## 5.2.4 Vacancies

- 5.2.4.1 Any officer may resign at any time by giving written notice to the Board.
- 5.2.4.2 Vacant office positions shall be filled by elective action of the remaining Board members from among candidates by nomination of Board members.

# 5.3 MEETINGS – REGULAR & SPECIAL

## 5.3.1 Rules

- 5.3.1.1 Board meetings shall be conducted in accordance with *Robert's Rules of Order*.
- 5.3.1.2 The Chairperson shall be a voting member of the Board.

## 5.3.2 Regular Meetings

- 5.3.2.1 Regular meetings shall be held the third Tuesday of the month preceding the first monthly meeting of the Public Works

Committee. In the event of a conflict with holidays or other events, a majority present at a meeting of the Board or the Chairperson may change the date of said meeting.

5.3.2.2 All actions of the Board shall be approved by voice vote, unless a roll call vote is called for by a member of the Board.

5.3.2.3 All meetings or portions thereof at which official action is taken shall be open to the general public, except actions involving discipline of licensed persons for which the meeting may be closed to all but the subject licensed person and their representative and others requested to be present by the Board.

5.3.2.4 The order of business at regular meetings shall be a) roll call of members b) minutes of previous meeting, c) old business, d) new business, e) items of Board members and visitors not on the agenda, and g) adjournment.

### 5.3.3 Special Meetings

5.3.3.1 Special meetings may be called by the Chairperson. It shall be the duty of the Chairperson to call a special meeting when requested to do so by a majority of the members of the Board. Board members shall be notified five (5) days in advance of such special meeting.

### 5.3.4 Quorum

5.3.4.1 The quorum to conduct business shall consist of four (4) members.

## 5.4 GENERAL PROVISIONS

### 5.4.1 Amendment of Bylaws

5.4.1.1 These bylaws may be amended at any regular meeting of the Board.

- 5.4.1.2 Proposed amendments shall be submitted to the Board at least (30) days prior to consideration.
- 5.4.1.3 Approved amendments shall be submitted to the Council for approval.
- 5.4.1.4 Notice of proposed amendments shall be advertised in the Rapid City Journal.

#### 5.4.2 Publication of Meeting Minutes

- 5.4.2.1 Minutes of all Board meetings shall be taken by Public Works staff.
- 5.4.2.2 Approved minutes shall be made available at the Public Works Administration office, 300 Sixth Street; the Water Division office at 1111 Mountain View Road; and the Utility Maintenance office at 609 Steele Avenue.



## Section 6

# OPERATING PROCEDURES

## **6. BOARD OPERATING PROCEDURES**

### **6.1 Adoption of and Revisions to Operating Procedures**

6.1.1 Adoption of and revisions to operating procedures shall be duly noted in the minutes of Board meetings

6.1.2 Operating procedures shall be provided to any person upon request

### **6.2 Operating Procedures Adopted**

6.2.1 EXAMINATION OF APPLICANTS

6.2.2 DISCIPLINE OF LICENSED PERSONS

Rapid City Trenching Board  
Operating Procedures

EXAMINATION OF APPLICANTS

6.2.1

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**1. Contents of Examinations**

- 1.1 Applicants for sewer and water contractors or journeyman licenses shall be examined on the basis of the contents of Chapters 7, 8, 9, 11, 13, 41, 90, 91 of the *Standard Specifications for Public Works Construction*, Chapter 13 of the *Rapid City Municipal Code*, Chapter 2 of the *Utility Construction Code*, and any regulation governing permitting work in City right-of-way;
- 1.2 Applicants for trenching contractors or journeyman licenses shall be examined on the basis of the contents of Chapters 7, 11, 13, 41, 90, and 91 of the *Standard Specifications for Public Works Construction*, Chapter 13 of the *Rapid City Municipal Code*, Chapter 2 of the *Utility Construction Code*, and any regulation governing permitting work in City right-of-way;

**2. Administration of Examinations**

- 2.1 No examination shall be administered until the applicant has paid applicable license fees, and has provided a picture identification and proof of possession of a State license, if applicable;
- 2.2 Applicants shall be administered examinations alone in a closed room without reference materials;
- 2.3 Applicants shall have 90 minutes to complete an examination

**3. Revisions to Examinations**

- 4.1 Revisions to examinations shall not be made without approval by the Board;
- 4.2 Revisions to examinations shall become effective within 30 days of Board approval;
- 4.3 Examinations administered by the Board shall be reviewed at least every 2 years for conformance to current *Standard Specifications for Public Works Construction*, Rapid City licensing and permitting regulations, and industry standards.

## Operating Procedures

### DISCIPLINE OF LICENSED PERSONS

#### 6.2.2

#### 4. Violations

- 1.1 Allowing unlicensed person to conduct sewer and water installation or excavating under license holder's license;
- 1.2 Using False Pretenses to obtain a license;
- 1.3 Aiding or Abetting Unlicensed Person engage in work requiring license;
- 1.4 Willful Noncompliance with City *Standard Specifications*;
- 1.5 Performing work without a permit;
- 1.6 Violation of Stop Work Order;

#### 5. Disciplinary Actions

- 2.1 Informal Notification – 1<sup>st</sup> Offense
- 2.2 Written Notice of Violation – 2<sup>nd</sup> Offense
- 2.3 Show Cause Hearing – 3<sup>rd</sup> Offense
- 2.4 Public Notice of Violation - Depends on Outcome of 2.3

#### 6. Procedures for Show Cause Hearing

- 3.1 Notification to Licensed Person
- 3.2 Conduct of Hearing
  - 3.2.1 Show Cause Hearings shall be conducted by the Public Works Director;
  - 3.2.2 Board members, City Staff, or members of the public may present evidence of violations.
  - 3.2.3 The license holder may submit refuting evidence, admit violation, explain mitigating circumstances, demonstrate compliance, and/or explain any corrective action taken to date;
- 3.3 Final Action
  - 3.3.1 The evidence presented at the Hearing shall be used to determine the final disciplinary action taken;
  - 3.3.2 Within 10 days of the conclusion of the Hearing, the Board notify the license holder of its decision.

#### 7. Penalties

- 4.1 Probationary Period
- 4.2 Monetary Penalties
  - 4.2.1 The Board may recommend that City levy monetary penalties up to the maximum amount permitted by State law, which amount may not exceed \$100 per violation per day
- 4.3 Revocation of License
- 4.4 Legal Remedies
- 4.5 Appeals of Disciplinary Actions
  - 4.5.1 Any license holder subjected to disciplinary action by the Board may, within 30 days of said action, appeal the Board's action to the Council by requesting to have their appeal placed on the agenda of the next regularly scheduled Council meeting.