

ORDINANCE # 5701

AN ORDINANCE AMENDING TITLE 15, CHAPTER 15.24 OF THE RAPID CITY MUNICIPAL CODE BY ADOPTING THE 2009 UNIFORM PLUMBING CODE AND ADDING AMENDMENTS THERETO.

WHEREAS, the State of South Dakota has given municipalities the general police power to promote the health, safety, morals, and general welfare of the community; and

WHEREAS, the State of South Dakota has given municipalities the power to regulate buildings and construction; and

WHEREAS, the South Dakota Plumbing Commission adopted the 2009 Uniform Plumbing Code with amendments for all plumbing in the State of South Dakota; and

WHEREAS, the State Plumbing Code became effective July 1, 2010; and

WHEREAS, the Rapid City Plumbing Board reviewed the 2009 Uniform Plumbing Code as amended by the South Dakota Plumbing Commission; and

WHEREAS, the Rapid City Plumbing Board held two public hearings on the proposed 2009 Uniform Plumbing Code as amended; and

WHEREAS, the Rapid City Plumbing board recommends the adoption of the 2009 Uniform Plumbing Code with amendments.

NOW, THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 15.24 of the Rapid City Municipal Code be and is hereby amended to read as follows:

15.24.010 Adoption.

There is adopted by the city the ~~2003~~ 2009 *Uniform Plumbing Code*, as adopted by the South Dakota State Plumbing Commission. A copy of the same is on file in the office of the City Finance Officer.

15.24.020 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. **PLUMBER.** Any person other than a plumbing contractor who, as his or her principal occupation, is engaged as an employee of, or otherwise working under, the direction of a plumbing contractor in the installation of plumbing, and who is lawfully qualified and registered as a plumber pursuant to the provisions of this chapter.

B. ***PLUMBER'S APPRENTICE.*** Any person other than a plumber or plumbing contractor who is engaged in working as an employee of a plumbing contractor under the immediate and personal supervision of either a plumbing contractor or plumber in learning and assisting in the installation of plumbing.

C. ***PLUMBING CONTRACTOR.*** Any person qualified and skilled in the planning, superintending and the practical installation of plumbing, and otherwise qualified and registered to contract for plumbing installations and conduct the business of plumbing, and familiar with the laws, rules and regulations governing the same.

D. ***WATER SOFTENING CONTRACTOR.*** A person who may engage in the trade or business of installing water softening equipment and apparatus and of maintaining and servicing the same, including the operation, adjustment, repair, removal and renovation of same; provided that no other plumbing activity or work be performed.

15.24.030 Department having jurisdiction.

Unless otherwise provided for by law, the office of the administrative authority shall be a part of the building inspection department.

15.24.040 Plumbing Inspector–Office created– Appointment–Compensation.

There is created for the city the Office of Plumbing Inspector, who shall be appointed by the Mayor and approved by the Common Council and whose salary shall be set by resolution.

15.24.050 ~~Plumbing Inspector–Qualifications.~~

The Plumbing Inspector shall be under the administrative supervision of the Building Official and the Director of ~~Public Works~~ Growth Management. Any person hired as Plumbing Inspector shall have experience as a plumber or equivalent thereto as determined by the ~~Common Council of the city~~ Director of Growth Management. ~~In case of the Plumbing Inspector's absence, 1 of the Board members may be selected to make inspections, unless there is another person in the office of the Building Official or Plumbing Inspector, who has experience as a plumber or the equivalent thereof.~~

15.24.060 Plumbing Board–Established– Members–Appointment–Terms.

There is established the Rapid City Plumbing Board. Such Board shall consist of 2 contractors licensed by the city; 1 plumber licensed by the city; 1 consumer or representative from a plumbing wholesale business; and ~~the Rapid City Plumbing Inspector~~ one City inspector. ~~The Building Inspection Division Manager shall serve at the Board meetings in the absence of the Plumbing Inspector.~~ The members of such Board shall be appointed annually by the Mayor and confirmed by the City Common Council at its first regular meeting the month of May or as soon thereafter as may be. The members of the Board, except the Plumbing Inspector, shall serve without compensation for the service. The first 3 members appointed to the Plumbing

Board shall serve for a term of 1 year, and the remaining 2 appointments shall serve for a term of 2 years; thereafter, all Board members shall be appointed for term of 2 years.

15.24.070 Plumbing Board–Rules and regulations.

The Rapid City ~~p~~Plumbing ~~b~~Board is authorized to adopt such rules and regulations as shall become necessary with the approval of the ~~common City~~ ~~e~~Council. The Rapid City ~~p~~Plumbing ~~b~~Board shall notify all license-holding plumbing contractors of the proposed rules and regulations 30 days prior to the delivery of the rules and regulations to the ~~common City~~ ~~e~~Council.

15.24.080 Plumbing Board–Meetings–Purpose.

The Board shall hold meetings as necessary for review of applicants as heretofore provided for in this chapter and for transaction of other plumbing related business; to review applicants as to guarantee that they are fully licensed by the State of South Dakota and thus meet the licensing requirements of the City of Rapid City; and to grant licenses as applied for and renewals thereof to those applicants who shall show proper qualifications. The review of applicants shall be for the class of license applied for and their ability to properly carry on the work authorized under the license applied for in such manner as to safeguard and preserve the public health, safety, and general welfare, and in compliance with the regulations and ordinances governing such work.

15.24.085 Appeals.

A. The Plumbing Board shall preside over and hear appeals and complaints filed with it and concerning plumbing code and licensure related issues. The Board shall render its opinion on any such complaint or appeal. However, if the appellant does not agree with the Board's decision, the State Plumbing Commission shall maintain the final determination as to any such applications, complaint, or appeal.

B. Any appeal or complaint stemming from a determination made by the City of Rapid City Inspector may be taken to the Board upon written notice served upon the Building Official. Such notice must be served within thirty calendar days of the decision or action appealed. The Inspector shall give notice to all interested parties, including the relevant department head, and shall convene the Board to hear the appeal within thirty calendar days of the receipt of the notice of appeal, excluding the day of receipt. The Board shall not have the authority to waive and requirements of federal, state, or local law. The Board may make such inquiries as it deems expedient.

15.24.090 Permits–Application–Fees.

A. Every applicant for a permit to install, add to, alter, relocate or replace a plumbing or drainage system or part thereof, shall state in writing on the application form provided for that

purpose, the character of work proposed to be done and the amount and kind in connection therewith, together with such information pertinent thereto as may be required.

B. The applicant shall pay for each permit issued at the time of issuance, a fee in accordance with the schedule referred to in § 15.24.100 and at the rate provided for each classification shown therein.

C. Any person who shall commence any plumbing work for which a permit is required by this code without first having obtained a permit therefore shall, if subsequently permitted to obtain a permit pay double the permit fee fixed by this section for the work; provided, however, that, this provision shall not apply to emergency work when it shall be proved to the satisfaction of the administrative authority that the work was urgently necessary and that it was not practical to obtain a permit therefore before the commencement of the work. In all such cases a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining the permit, a double fee as herein provided shall be charged.

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~~ the currently adopted Building Code as adopted by the eCity, except that the minimum fee shall be changed to \$37.00 for a valuation of \$1.00 to \$1,600.

15.24.110 Permits–Expiration by limitation.

Every permit issued by the administrative authority under the provisions of this chapter shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within ~~60~~ one hundred eighty days from the date of issuance of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of ~~60~~ one hundred eighty days. Before the work may be recommenced a new permit shall be first obtained to do so.

15.24.120 License–Required–Plumbing Contractors.

It is unlawful for any person to conduct, carry on or engage in the business of plumbing or act in the capacity of a plumbing contractor, without first having had issued to him or her a valid plumbing contractor's license by the eCity fFinance oOfficer.

15.24.130 License–Required–Plumbers.

It is unlawful for any person to labor at the trade of plumbing in the capacity of a plumber without first having had issued to him or her a valid plumber's license by the eCity's fFinance oOfficer.

15.24.135 License – Required – Plumbers

It is unlawful for any person to labor at the trade of plumbing in the capacity of a plumbing apprentice without first having had issued to him or her a valid plumbing apprentice license by the City Finance Officer.

15.24.140 License–Required–Water softening contractors.

It is unlawful for any person to engage in the business or trade of installing water softening equipment or act in the capacity of a water softening contractor without first having had issued to him or her a valid water softening contractor's license by the ~~e~~City ~~f~~Finance ~~o~~fficer.

15.24.150 License–Fees.

Every person applying for a license shall pay to the ~~e~~City's Finance Officer the following fees:

	Initial Fee	Renewal Fee
Plumbing contractor	\$200	\$50
Plumber	\$25	\$25
Plumber's apprentice	\$10	\$10
Water softening contractor	\$200	\$50

15.24.160 License–Issuance–Generally.

All licenses shall be issued by the City Finance Officer in accordance with this chapter and of Chapter 5.04 of this code.

15.24.170 License–Issuance–Determination– Required findings–Review.

Before the license is issued to an applicant, the Rapid City Plumbing Board shall have evidence that the applicant has complied with the statutes of the state regulating plumbing commission. Should any licensee, or applicant for license under this chapter be aggrieved by the action of the Rapid City Plumbing Board, he or she may, within 10 days, apply to the ~~Common~~ City Council for a review of the action. Upon the review the ~~Common~~ City Council may affirm, modify or reverse the action of the Plumbing Board and may order for good cause the issuance of a license. Application for license shall be made on forms provided by the ~~plumbing inspector~~ Rapid City Finance Office.

15.24.190 License–Issuance–Plumber's license.

A plumber's license shall be issued to every person who makes application for the license, pays the required fee and holds a current South Dakota Plumbing license.

15.24.200 License–Issuance–Water softening contractor.

A water softening contractor's license shall be issued to every person who makes application for the certificate, pays the required fee and holds a current South Dakota Water Softening Contractors license.

15.24.210 License–Renewal.

Every license issued pursuant to this chapter shall remain in force and effect until February 28 of the succeeding year unless canceled or revoked prior to such time. Upon renewal, a copy of the current South Dakota Plumbing license for the applicant must be attached to the renewal application.

15.24.220 Violations–Penalty.

A. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed ~~one~~ five hundred dollars, or by imprisonment in the ~~city~~ County jail for not to exceed 30 days, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this chapter occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

B. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorizes is lawful.

C. The issuance or granting of a permit or approval of plans shall not prevent the administrative authority from thereafter requiring the correction of errors in the plans and specifications or from preventing construction operations being carried on thereunder when in violation of this chapter or of any other ordinance or from revoking any certificate of approval when issued in error.

15.24.235 NSPC Chapter 6, Section 6.1, Interceptors–General–Amended.

NSPC, Chapter 6, Section 6.1, Subsection 6.1.1 is hereby amended by adding paragraph a, to read as follows:

6.1 INTERCEPTORS - GENERAL 6.1.1 When Required

Interceptors (including grease, oil, and sand interceptors, etc.) shall be provided when, in the opinion of the Administrative Authority, they are necessary for the proper handling of liquid wastes containing grease, flammable wastes, sand, solids, and other ingredients harmful to the building drainage system, the public sewer or sewage treatment plant or process.

a. Grease Interceptors. The Director of Public Works, or his or her designee, (Industrial Pretreatment Personnel) is responsible to determine if a grease interceptor is necessary in Rapid City. The City ~~Plumbing~~ Inspector will approve design, sizing, and installation. All kitchen drainage receiving grease shall pass through the interceptor. The interceptor shall be easily accessible for cleaning and inspection. The responsibility of cleaning and maintaining the interceptor in an efficient operating condition shall be the owner and/or lessee's responsibility. Single family dwelling units are exempt from the grease interceptor requirements. Existing interior replacements may be allowed when proper sizing and installation procedures can be accomplished. When, in the judgement of the Administrative Authority, it would be impractical or unnecessary to install a full-size grease interceptor outside the building, due to the nature or relative size of a food establishment, the installation of an inline grease trap may be approved. Expense shall not be considered sufficient reason to waive the requirements for full-size grease interceptors.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)