



CITY OF RAPID CITY

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August 21, 2014

VIA E-MAIL AND U.S. MAIL

George Nelson
2640 Jackson Blvd.
Rapid City, SD 57702

Dear George:

I have placed your client's appeal on the Legal and Finance meeting on August 27, 2014 at 12:30 p.m. as "Appeal of Building Board of Appeals' Suspension of James S. Steele Construction Company's Contractor's License." As I represented in my letter from earlier this week, only appeals of licensing issues may be submitted to Council, pursuant to R.C.M.C. 15.04.130.G.

You have inquired as to the specific code sections which your client was found to have violated at its November 2013 meeting. I have compiled the following based upon the Board's minutes and the recording of the Board's meeting. These are available at www.rcgov.org/Growth-Management/bi_building-board-of-appeals-minutes.html.

Failure to remove flashing

The Board found that there was a code violation because the flashing was not replaced at the time of installation.

The City has adopted the 2009 International Residential Code in R.C.M.C. Chapter 15.13. Section R907.3 of the IRC provides that "New roof coverings shall not be installed without first removing all existing layers of roof coverings where any of the following conditions exist: [. . .] 2. Where the existing roof covering is wood shake[.]" Section 907.5 of the IRC provides that "[e]xisting vent flashing, metal edgings, drain outlets, collars and metal counterflashings shall not be reinstalled where rusted, damaged or deteriorated."



Failure to remove felt

The Board found that your client violated the code by failing to remove the felt prior to re-shingling.

The City has adopted the 2009 International Residential Code in R.C.M.C. Chapter 15.13. Section R907.3 of the IRC provides that “New roof coverings shall not be installed without first removing all existing layers of roof coverings where any of the following conditions exist: [. . .] 2. Where the existing roof covering is wood shake[.]” As the recording and the minutes reflect, the Board explicitly referenced this section of the IRC in its discussion and its motion.

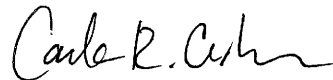
Overdriven nails

The Board found that, due to the extent of the overdriven nails, the shingles were not installed according to City code. Your client agreed during the meeting that there were some overdriven nails.

The City has adopted the 2009 International Residential Code in R.C.M.C. Chapter 15.13. R905.1 of the IRC states that “Roof coverings shall be applied in accordance with the applicable provisions of this section and the manufacturer’s installation instructions.” R903.1 provides that “Roof assemblies shall be designed and installed in accordance with this code and the approve manufacturer’s installation instructions.” In its lengthy discussion about this issue, the Board specifically referenced the fact that the City code required that the shingles be installed per manufacturer’s instructions.

If there is any other way I can be of assistance, please feel free to give me a call at any time.

Sincerely,



Carla R. Cushman
Assistant City Attorney