

**ORDINANCE NO. 5157**

**AN ORDINANCE REQUIRING THAT SIDEWALKS FOR SUBDIVISIONS BE CONSTRUCTED AT THE TIME A BUILDING PERMIT IS OBTAINED BY AMENDING SECTION 16.16.090 OF THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, Chapter 16.16 of the Rapid City Municipal Code (RCMC) requires that subdivider's install and construct certain improvements prior to final plat approval or release of the bond or other security which guarantees completion of the required improvements; and

WHEREAS, per Section 16.16.090 of the RCMC, one of the improvements that subdivider's are required to install are sidewalks; and

WHEREAS, the installation of sidewalks on a parcel of land prior to construction can result in the sidewalk being damaged during the construction process; and

WHEREAS, replacing damaged sidewalks after construction is inefficient and increases the expense to the subdivider and ultimately to the people that purchase that property; and

WHEREAS, the Common Council finds that it is sensible to develop a process that allows for certain sidewalks to be installed after construction; and

WHEREAS, the Common Council finds that it is in the best interests of the City of Rapid City to shift the responsibility for installing certain sidewalks from the subdivider to the person obtaining a building permit by amending Section 16.16.090 of the RCMC.

NOW THEREFORE, be it ordained by the City of Rapid City that Section 16.16.090 of the RCMC be amended to read as follows:

**16.16.090 Sidewalks.**

Sidewalks shall be constructed on both sides of all public or private streets in conformity with the design standards set forth in the Street Design Criteria Manual, standard specifications and Title 12 of this code unless an exception or variance has been granted. The responsibility for constructing sidewalks shall be divided as follows:

- A. The subdivider/developer will be responsible for constructing all corner ramps and all sidewalks on lots which no building permit is anticipated (drainage lots, utility lots or other common lots). The subdivider/developer will be required to have the above sidewalks installed within two years from the date the final plat has been approved.

B. All other sidewalks will be installed at the time a building permit for the lot is obtained. If at the time of final inspection, a sidewalk which conforms to City specifications has not been installed, no certificate of occupancy will be issued. If a person or entity holding a residential contractor license builds a house or other building on a parcel and does not comply with this section more than one time in a year the City shall require that they post a bond or other form of surety to guarantee the completion of sidewalks on all other projects on which they are working. If they fail to post a bond or other suitable surety then City Building Official or their designee may order that work be stopped until such time as the sidewalk is installed or the surety has been posted. Any person or entity that is required to post surety pursuant to this paragraph, may, after having corrected the problems which resulted in them being required to post surety, request that the City Council consider their subsequent actions and remove the requirement that they post surety on future projects. If a majority of the City Council votes to remove the requirement they post surety then the person/entity will no longer be required to post surety unless there is a subsequent violation.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)

First Reading:  
Second Reading:  
Published:  
Effective: