



CITY OF RAPID CITY

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MEMORANDUM

TO: City Council

FROM: Carla Cushman, Assistant City Attorney *CRC*

DATE: January 9, 2013

RE: Repeal of Development Appeals and Review Board

Ord. No. 5908 on the Legal & Finance agenda for January 16, 2013 repeals Chapter 2.88 of the RCMC that establishes that Development Appeals and Review Board (DARB). As further explained below, the dissolution of DARB is appropriate because the types of decisions which DARB was created to review are now covered by processes found elsewhere in the municipal code.

Chapter 2.88 established DARB to “hear and determine all appeals and complaints filed by applicants relating to determinations made by the city’s Engineering, Building Inspection, and Fire Department on proposed developments within the Council’s jurisdiction. The Board shall also provide advice and recommendations on related issues for Council’s consideration, and shall aid in the review of existing design criteria and have input into new design criteria.” Notably, DARB met twice in 2012, and nine times in 2011. During those meetings, DARB was sitting as the International Property Maintenance Code Board of Appeals, the International Residential Code Board of Appeals, and the International Building Code Board of Appeals. In other words, in the past two years DARB has only reviewed decisions arising out of Title 15 and related to the Building Inspection Department (not the Engineering or Fire Departments). With Council’s adoption of Chapter 15.04 which created the Board of Building Appeals to review decisions of the Building Official within Title 15, this function of DARB will be removed.

As for appeals related to the Fire Department, such appeals go to the Fire Code Board of Appeals established in the International Fire Code as adopted in RCMC 8.24.010. Appeals concerning the Engineering department’s approval or denial of requests for exceptions to engineering requirements are reviewed either by the Public Works committee (if the exception is within Title

12 concerning public infrastructure), or the Common Council (if the exception is within Title 16 related to subdivision improvements).

The functions of DARB as described in 2.88.020 are duplicative to processes found elsewhere within the Code. Accordingly, Ord. No. 5908 repeals Chapter 2.88 that establishes and governs DARB.