



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

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## Community Planning & Development Services

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### MEMORANDUM

TO: Chairman and Members of the Legal & Finance Committee

FROM: Brett Limbaugh, Director

DATE: October 2, 2013

RE: No. 5959 - An Ordinance to Amend Chapter 15.04 of the Rapid City Municipal Code Concerning Administrative Provisions for Buildings and Construction.

On January 7, 2013 the City Council approved thirteen separate ordinances regarding the Building Code regulations. One of the ordinances titled Chapter 15.04 Administration consolidated the administrative requirements for all building code chapters into a single chapter. The administrative section was primarily a consolidation of the existing building code regulations, however three substantive changes were approved including:

1. The consolidation of the Residential Contractors Board, Electrical Contractors Board, Gas Board, Mechanical Contractors Board, Plumbing Contractors Board, and Sign Contractors Board into a single Building Board of Appeals.
2. The reclassification of Building contractors licenses into three categories including Commercial Contractors (Class A license), Residential Contractors (Class B license) and all trade and specialty contractor licenses (Class C licenses). Commercial contractors were not required to be licensed in the previous building code.
3. A requirement that a licensed construction supervisor was to be available on the job site for inspections and to manage the subcontractors.

Once approved, the City received several concerns regarding the additional requirements. Among those concerns were:



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1. Was the consolidated Building Board of Appeals membership and authority adequate to be able to provide a thorough examination of appeals to the building codes?
2. Would residential contractors be able to pull building permits for commercial buildings?
3. Would the contractor who pulled the building permit be required to be on-site to supervise all phases of the construction?

In order to examine these questions and prepare revisions to the code the Mayor appointed a committee including residential and commercial contractors representatives. In addition, the City Council approved an extension of the deadline for obtaining a Commercial Contractors license to 12/31/2013. The committee appointed by the Mayor to review and revise the Building Code administrative chapter included the following members:

- Bill Freytag - Chairman
- John Roberts – City Council
- Stephen Burgess and Bob Conway - Commercial contractors representatives,
- Jeff Lage and Jeff Mehlhaff – Black Hills Home Builders representatives
- Brett Limbaugh, Brad Solon, Carla Cushman – City Staff support.

The committee met several times and prepared a revised ordinance that was then forwarded to the new Building Board of Appeals for review. The Building Board of Appeals revised the ordinance and is now forwarding the ordinance to the Legal and Finance Committee for review. Listed below are the benchmarks for the ordinance:

- The Mayor's committee met on 3/20, 3/26, 4/3, and 4/24 to prepare draft revisions.
- The draft was presented to BHHB and to General Contractors in May for input.
- The Committee met on 6/12 to revise the draft.
- The revised draft was reviewed by BHHB and commercial contractors again in July;
- There were no further revisions requested by the BHHB or commercial contractors and the revised draft was forwarded to the City Building Board of Appeals.
- The Building Board of Appeals reviewed the revised draft on 8/13 and requested further revisions.
- On 8/26 the Building Board of Appeals reviewed the revised ordinance and has forwarded a recommendation of approval to the Legal and Finance Committee.

Listed below are the major revisions to the code designed to address the concerns brought forth by the residential and commercial contractors:

### **Revisions to the Building Board of Appeals**

15.04.110.

- The limitation on terms for Building Board members was removed. Board members would not be limited to two consecutive terms.
- If a Board position is vacated then Alternates are automatically promoted to the regular Board position and the Mayor would select a new Alternate.
- Board members who miss more than 3 consecutive meetings without an excused absence are automatically removed from the Board in accordance with bylaws to be adopted by the Board.
- The Building Board members agreed on a schedule to stagger the initial terms of Board Members and Alternates.

#### 15.04.130

- Appeals are to be presented to the Board within 22 days from the date of denial by the Building Official. If a hearing is not conducted or continued within the 22 day time frame, the applicant will be deemed to have won approval of the appeal with an exception for issues of health and safety as determined by the Building Official.
- The Building Board decision has been revised to provide for an appeal to City Council.

#### **Revisions to the Contractors Licensing Requirements**

#### 15.04.140

- The section clarified the three types of licenses available including Class A for commercial contractors, Class B for residential contractors (limited to single and two-family unit structures), and Class C for building trades and specialties such as roofing and signs.
- The term “license holder” has been substituted for “construction supervisor” throughout the ordinance.
- Added an exemption to allow some individuals to obtain a Class A commercial license without testing or past certification. Existing residential contractors may be able to obtain a Class A license with proof that they obtained three commercial permits within the last 36 months. The Building Official may, at his discretion, waive the requirement for three building permits in thirty-six months. This one time exemption would be available for 90 days following the effective date of the ordinance.
- A restriction regarding a waiting period of 30 days before a person could re-test if they failed to pass a license examination has been removed.
- Removed a sentence that stated that any subcontractor working for a licensed contractor needed to be licensed. The intent was of the original language was to clarify that specific trade contractors such as electrical, plumbing, and mechanical subcontractors need to be licensed.

#### **Revisions to the Requirements for Contractor Supervision**

- Removed the paragraph 15.04.140 S.

“If the particular license requires a construction supervisor, the construction supervisor must be on the jobsite for the purposes of personally overseeing and directing the work. The construction supervisor must be available to employees supervised and to City inspectors, and the construction supervisor is able to and does determine that all work performed is in compliance with this code and all city ordinances, rules, regulations, and state law.”

Both the Committee and Building Board of Appeals included some minor modifications or clarifications in the ordinance that are shown in the revised ordinance. These revisions are minor and more for clarification and have not been summarized within this memorandum.

**Recommendation:** The Building Board of Appeals recommends that the Legal and Finance Committee forward a recommendation of approval to the City Council.