

Ordinance No. 5889

**AN ORDINANCE TO PROVIDE FOR STANDARDIZED ADMINISTRATIVE REGULATIONS FOR TITLE 15 BUILDINGS AND CONSTRUCTION BY REPEALING CHAPTER 15.04 NUMBERING OF BUILDINGS AND REPLACING IT WITH A NEW CHAPTER 15.04 ADMINISTRATION OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has established a building and construction code in Title 15 of the Rapid City Municipal Code which regulates buildings and construction within the City's jurisdiction; and

WHEREAS, the City wishes to standardize the administrative procedures of the various codes contained within Title 15 and dictate one administrative procedure for all Title 15; and

WHEREAS, the City wishes to consolidate and simplify the board oversight of Title 15 and eliminate the various boards found currently within Title 15; and

WHEREAS, the City wishes to standardize its procedures and practices with regard to the activities covered by Title 15; and

WHEREAS, the City wishes to standardize the procedure for obtaining building permits for the construction, alteration, demolition, repair, and maintenance of buildings or structures within this jurisdiction; and

WHEREAS, the City wishes to standardize the procedure for licensing construction professionals who are covered by Title 15; and

WHEREAS, the provisions currently found in Chapter 15.04 will be incorporated into the administrative procedures in the newly amended 15.04; and

WHEREAS, the Common Council of Rapid City deems it to be in the City's best interests update the regulations on buildings and construction within the City in the ways described above by adopting Title 15.04 Administration.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Chapter 15.04 is hereby repealed in its entirety.

AND BE IT ALSO ORDAINED by the City of Rapid City, that Chapter 15.04 is hereby adopted to read in its entirety as follows:

**Chapter 15.04 Administration**

Section

15.04.010 Purpose.

15.04.020 Scope of title; conflicting provisions.

- 15.04.030 Authority of Building Official.
- 15.04.040 Right of entry.
- 15.04.050 Stop work orders.
- 15.04.060 Occupancy violations.
- 15.04.070 Certificate of occupancy and certificate of completion.
- 15.04.080 Modification of requirements.
- 15.04.090 Alternate materials, design and methods of construction and equipment.
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- 15.04.220 Permit does not authorize unlawful work.
- 15.04.230 Expiration of permits.
- 15.04.240 Suspension or revocation.
- 15.04.250 Inspections generally.
- 15.04.260 Inspection requests.
- 15.04.270 Approval required.
- 15.03.280 Required inspections.
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- 15.04.300 Violations and penalties.
- 15.04.310 Notice of violation.
- 15.04.320 Penalty
- 15.04.330 Permit fees.
- 15.04.340 City addressing.
- 15.04.350 Nonliability of City and Building Official.
- 15.04.360 Contingent building permits for footings and foundations.
- 15.04.370 Service utilities.

**15.04.010 Purpose.**

A. The purpose of Title 15 is to provide minimum standards for the construction, alteration, moving, demolition, repair, and maintenance of all buildings, structures, and portions thereof.

B. The minimum standards of this title are intended to provide a reasonable level of protection for buildings, structures, and the public and are not intended to guarantee safety to properties, structures or the public. It is not the purpose of this title to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code and the Adopted Construction Codes.

C. The purpose of this chapter is to prescribe the administrative procedures for this code and the Adopted Construction Codes.

**15.04.020 Scope of title; conflicting provisions.**

A. The provisions of this code shall apply to the construction, alteration, moving, demolition, repair, and maintenance of any building or structure within this jurisdiction, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in this title, and hydraulic flood control structures.

B. When, in any specific case, different sections of this code specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

C. In the event of a conflict among different provisions of this code, or a conflict between the provisions of this code and any other city ordinance, the provisions which impose the highest standard shall prevail.

D. In the event of a conflict between the provisions of this code and any state or federal law, the provisions which impose the highest standard shall prevail.

E. The use of the words “Adopted Construction Codes” shall refer to all of the provisions of all of the codes adopted in Title 15 of the RCMC. The use of the words “this code” in this chapter and elsewhere in Title 15 where a different definition is not provided refers to the entirety of Title 15 and the Adopted Construction Codes.

**15.04.030 Authority of Building Official.**

A. Pursuant to § 2.47.030, the Development Services Division of the Community Planning and Development Services Department is responsible for building permit issuance and plans review. The Building Official is hereby created as the official in charge of administering the provisions in Title 15. The Building Official shall be appointed by the Director of the Community Planning and Development Services, to serve at the pleasure of said Director. The Building Official shall have the power to appoint deputy building official(s), related technical officers, inspectors, plan examiners, and other employees, and all such employees shall have powers as delegated by the Building Official.

B. The Building Official and his/her duly authorized administrators shall be authorized and directed to enforce the provisions of this code and the Adopted Construction Codes. The Building Official shall have the power to render interpretations of this title and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code and the Adopted Construction Codes.

**15.04.040 Right of entry.**

A. Upon presentation of the proper credentials, the Building Official or his/her duly authorized representatives may enter at reasonable times any building, structure or premises within the jurisdictional area of the City to perform any duty imposed upon him/her by this code, to enforce the provisions of this code and the Adopted Construction Codes, or when the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous. If such building or premises are unoccupied, the authorized representative shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the authorized representative shall have full recourse to the remedies provided by law to secure entry.

B. When the Building Official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made, to promptly permit entry by the Building Official for the purpose of inspection and examination pursuant to this code.

**15.04.050 Stop work orders.**

A. Whenever any work is being done contrary to the provisions of this code and the Adopted Construction Codes, or contrary to the provisions of other pertinent laws or ordinances, or in a dangerous or unsafe manner, the Building Official or his/her duly authorized representatives may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, the owner of the property involved, or the owner's agent. Any such persons shall immediately stop such work until approved by the Building Official to proceed with the work.

B. Any person who continues to perform work not approved by the Building Official shall be in violation of the stop work order and shall be subject to the general penalty provision of § 1.12.010.

**15.04.060 Occupancy violations.**

Whenever any building or structure or equipment regulated by this title is being used contrary to the provisions of this code or the Adopted Construction Codes, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this code.

**15.04.070 Certificate of occupancy and certificate of completion.**

A. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the Building Official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of any other ordinance.

B. After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws enforced by the Building Official, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.
7. The edition of the relevant code under which the permit was issued.
8. The use and occupancy of the structure.
9. The type of construction completed.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

C. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid.

D. The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that

the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

E. Certificates of occupancy are not required for work exempt from this title.

F. At the Building Official's discretion, a certificate of completion may be issued or required for buildings or structures which do not require a certificate of occupancy.

**15.04.080 Modification of requirements.**

Wherever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building Official shall first find that a special individual reason makes the strict letter of this code impractical, that such modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements.

**15.04.090 Alternate materials, design and methods of construction and equipment.**

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code.

**15.04.100 Tests.**

A. Whenever there is insufficient evidence of compliance with any of the provisions of this code, or evidence that any material or construction or method does not conform to the requirements of this code, the Building Official may require tests as proof of compliance to be made.

B. Test methods shall be as specified by this code, the Adopted Construction Codes, or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the Building Official shall determine test procedures. All tests shall be made by an approved person, agency or firm.

C. Any expenses for tests required under this provision will be paid by the applicant. Any such tests are not at the expense of the City.

**15.04.110 Building Board of Appeals - Creation.**

A. A board is hereby created by the city to be known as the Building Board of Appeals.

B. The Building Board of Appeals shall have oversight over the following codes:

1. International Building Code;
2. International Residential Code;
3. International Property Maintenance Code;
4. International Existing Building Code;
5. National Electrical Code as adopted by the State of South Dakota;
6. Rapid City Gas Code;
7. International Fuel Gas Code;
8. Uniform Plumbing Code as adopted by the State of South Dakota; and
9. International Mechanical Code.

C. Members of the Board shall be appointed by the Mayor and approved by the Common Council for terms of three years. The Board of Building Appeals shall be composed of five members who shall be qualified by experience and training to pass upon technical matters pertaining to building construction and who shall be appointed to the Board from the following groups:

1. One member and one alternate shall be a building contractor;
2. One member and one alternate shall be an electrical contractor;
3. One member and one alternate shall be a plumbing contractor;
4. One member and one alternate shall be a mechanical contractor; and
5. One member and one alternate shall be a registered engineer.

D. No employee of any governmental entity, including the City, may serve as a voting or nonvoting, ex officio member of the Board. Members shall serve until their successors are appointed and qualified. Members may be appointed to not more than two consecutive terms.

E. Continued absences of any member of the Board from regular meetings of the Board shall, at the discretion of the Mayor, render that member liable to immediate removal as a member of the Board.

F. Vacancies occurring in the membership of the board shall be filled for the unexpired term in the manner in which the original appointments are made.

G. Three members of the Board shall constitute a quorum for the transaction of business.

**15.04.120 Building Board of Appeals –Authority.**

The Building Board of Appeals shall have the following powers and authorizations:

A. The Board may adopt and enforce rules and regulations as may be thought proper and necessary for the performance of its work.

B. The Building Board of Appeals shall have the authority to review and, by affirmative vote of a majority of the members present at any public hearing, sustain, reverse, change or modify any decision of the Building Official relating to questions concerning methods of building, use of processes and devices, strength and character of construction, and such other questions of like kind and character as may arise between the Building Official and the individual(s) aggrieved by the decision of the Building Official, except as otherwise provided in this section.

C. The Building Board of Appeals shall have the authority to review decisions of the Building Official concerning modifications to the code and the suitability of alternate materials, design, and methods of construction and equipment concerning all Adopted Construction Codes except the Plumbing Code and the Electrical Code.

1. The Building Board of Appeals is empowered to authorize a modification from the strict application of this code when:
  - a. A special individual reason makes the strict letter of this code impractical (“strict application of this title will result in unnecessary hardship”); and
  - b. Modification is in compliance with the intent and purpose of this code;
  - c. Modification does not lessen any health, accessibility, life and fire safety, or structural requirements;
2. The Building Board of Appeals is empowered to authorize alternate materials, design, and methods of construction when:
  - a. The proposed design is satisfactory and complies with the provisions of this code;
  - b. The material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation; and
  - c. Sufficient evidence or proof has been submitted to substantiate claims related to the application.



D. Appeals of decisions made by the Building Official within the Plumbing Code concerning modifications to the code and the suitability of alternate materials, design, and methods of construction and equipment shall be made to the South Dakota Plumbing Commission. Appeals of decisions made by the Building Official within the Electrical Code concerning modifications to the code and the suitability of alternate materials, design, and methods of construction and equipment shall be made to the South Dakota Electrical Commission.

E. The Board is hereby authorized and empowered to review from time to time all provisions of the building, electrical, mechanical, plumbing, and housing codes adopted by the City; to conduct public hearings thereon, and to recommend to the Common Council modifications, revisions, changes, and new proposals pertaining thereto for their consideration and legislative action.

#### **15.04.130 Building Board of Appeals –Appeals.**

A. Any individual aggrieved by any decision of the Building Official may appeal to the Building Board of Appeals. Such appeal shall be taken within fifteen days from the date of said decision by filing with the Building Official a notice of appeal specifying all grounds for objections and by paying a filing fee established by resolution of the City Council. The individual filing the appeal has the burden of establishing that the decision of the Building Official should be reversed, changed, or modified.

B. The Building Board of Appeals shall fix a reasonable time for the hearing of the appeal, giving public notice in the local newspaper seven days prior to the hearing. The applicant and other persons interested in the case shall be notified as to the time and date of the hearing.

C. The Board shall hear all arguments and review all evidence submitted by the applicant, the Building Official, and any other person(s) interested in the case, and shall render its opinion. The Board shall keep minutes of its proceedings, maintain all documents reviewed or introduced as evidence at meetings, and keep a record of the proceeding on file at Building Services.

D. If an appeal before the Board concerns a particular trade, and if neither the Board member nor the alternate from this particular trade is in attendance at the meeting at which the application is considered, then an applicant can elect to continue the application until the next Board meeting.

E. The Board may affirm, modify or reverse the decision upon which an appeal was filed; may approve or disapprove requests for consideration of alternate materials and methods of construction; and may grant modifications to this code as discussed in this chapter. The Board shall act only upon the concurring vote of a majority of its members present and voting. "Majority" shall mean more than 50 percent of the members present and voting. The decision of the Board shall be final. Every decision of the Building Board of Appeals shall indicate the vote upon the decision and be recorded in the minutes, which shall be kept on file in the office of the Building Official.

F. A decision of the Building Board of Appeals, which in effect may modify the provisions of the applicable code, shall not be considered a precedent for future decisions of the Building Official. The Building Board of Appeals shall act in each individual instance in which the granting of a permit would change the application or provisions of any of the above-designated codes.

G. All decisions of the Board are final.

H. A decision of the Board that concerns the Plumbing Code may be appealed to the South Dakota Plumbing Commission.

I. A decision of the Board that concerns the Electrical Code may be appealed to the South Dakota Electrical Commission.

J. The details of any action granting modifications and use of alternative materials, design, and methods of construction shall be recorded and entered in the files of the permits and inspection division of the Community Planning and Development Department.

#### **15.04.140 Contractor licenses.**

A. It shall be unlawful for any person to engage in any of the trades, business or occupations enumerated below in the City, or in any construction work pursuant to such trades, businesses or occupations in the City, without having first obtained a license from the City for the work authorized by such license.

B. General Building Contractor Licenses are available for the following classes:

1. Class A, for construction of any and all types of structures;
2. Class B, for construction of detached single-family houses, attached single-family houses, and two-family dwellings, as defined by the U.S. Census Bureau; or
3. Class C, for construction of residential remodeling or additions not defined as Class A or B residential structures, for construction of garages, siding, roofing, concrete flatwork, drywall, and similar type work. A complete list of trades and activities that fall within Class C licenses is available on file with the Building Official.

C. The following Trade Licenses are available:

1. Class PC - Plumbing Contractor as provided in Chapter 15.24;
2. Class P – Plumber as provided in Chapter 15.24;
3. Class PA – Plumber’s Apprentice as provided in Chapter 15.24;
4. Class PW – Water Softening Contractor as provided in Chapter 15.24;

5. Class MC - Mechanical Contractor as provided in Chapter 15.26;
6. Class MI - Mechanical Installer as provided in Chapter 15.26;
7. Class MA - Mechanical Apprentice as provided in Chapter 15.26;
8. Class MAS – Appliance Specialist as provided in Chapter 15.26;
9. Class EC – Electrical Contractor as provided in Chapter 15.16;
10. Class EM – Master Electrician as provided in Chapter 15.16;
11. Class EJ – Journeyman Electrician as provided in Chapter 15.16;
12. Class EB – Class B Electrician as provided in Chapter 15.16;
13. Class EA – Apprentice Electrician as provided in Chapter 15.16;
14. Class GC – Gas Fitting Contractor as provided in Chapter 15.20;
15. Class GF – Gas Fitter as provided in Chapter 15.20;
16. Class GA – Gas Fitting Apprentice as provided in Chapter 15.20;
17. Class R - Roofing contractor; and
18. Class S - Sign contractor, defined as a proprietorship, partnership, firm or corporation who, for compensation, undertakes or offers to undertake the enlargement, alteration, repair, improvement, conversion or new construction of a sign for which a sign permit required.

D. Each applicant for every license and registration required by this title shall provide to the Community Planning and Development Services office the following information:

1. A completed application for the particular license desired available at the Community Planning and Development Services office;
2. A copy of the applicant’s South Dakota excise tax license;
3. The applicant’s address and phone number;
4. If available, the name, address, phone number, and email of an agent residing in South Dakota;

5. For firms required to file organizing or incorporating documents with the Secretary of State, proof that it is a validly existing legal entity authorized to transact business in South Dakota;
6. Payment of the application fee as set by resolution of the Common Council; and
7. If applicable, a copy of any equivalent state license.

E. Each applicant for a General Building Contractor License, and each applicant for a Trade License that is a firm and not a natural person, shall designate on the application at least one construction supervisor who shall sit for the required examination, if applicable.

1. If the applicant is a natural person, that person may designate himself or an employee as construction supervisor.
2. If the applicant is a firm, it may designate an officer or employee of the firm as construction supervisor. A firm under this section is defined as a partnership, limited partnership, limited liability partnership, limited liability limited partnership, limited liability company, corporation or other legal entity.
3. An applicant may designate multiple construction supervisors, all of whom, upon successful completion of the examination, shall be listed on the license issued to the contractor.
4. No applicant may designate a construction supervisor who has already been designated as construction supervisor by another licensee, and no person or firm shall hold more than one license.

F. The Building Official shall have the right to require of an applicant proof of ability to perform satisfactorily in the business, trade or occupation for which the license or registration is applied for. Such proof of ability may be required to be evidenced in a fair and impartial manner by approved tests or by certification.

1. Before a General Building Contractor License may be issued, at least one designated construction supervisor shall be required to pass an examination as to his or her qualifications to perform building contracting. The examination shall be given under the direction of the Building Official. Any person who fails an examination shall not be eligible to take another examination until at least thirty (30) days have lapsed from the date of the last examination. Applicants shall pay the examination fee for each exam as set forth by resolution of the Common Council.
2. Before a Trade License may be issued to a firm, at least one designated construction supervisor shall be required to pass an examination as to his or her qualifications to supervise the particular trade. The examination shall be given under the direction of the Building Official. Any person who fails an examination shall not be eligible to take another examination until at least thirty (30) days have lapsed from the date of

the last examination. Applicants shall pay the examination fee for each exam as set forth by resolution of the Common Council.

3. Before a Trade License may be issued to an individual, the applicant may be required to pass an examination as to his or her qualifications to perform the trade. The examination shall be given under the direction of the Building Official. Any person who fails an examination shall not be eligible to take another examination until at least thirty (30) days have lapsed from the date of the last examination. Applicants shall pay the examination fee for each exam as set forth by resolution of the Common Council. In lieu of the examination, the Building Official may accept proof that the applicant possesses a valid current license in the relevant trade issued by any other governmental agency giving an examination, the scope and character of which, in the discretion of the Building Official, is at least equal to those tests given by the City.

G. Every applicant for every license shall present to the Building Official for review a valid certificate of insurance at the time of application. It shall be the duty of every licensee to continually maintain valid liability insurance. The minimum required general aggregate liability shall be \$1,000,000 with \$300,000 fire damage and \$1,000,000 each occurrence.

H. The following exceptions do not require a license:

1. Employees of a General Building Contractor License if they are under the personal supervision of a construction supervisor.
2. A landlord personally performing work on property the landlord owns or manages when the landlord is acting as his or her own contractor, except work which would require a license under Chapters 15.16, 15.20, 15.24, and 15.26. A landlord may not build more than 1 single-family dwelling in a 3-year period without obtaining a contractor's license.
3. A homeowner who builds, constructs, alters, repairs, adds to or demolishes any building or structure or any portion thereof that constitutes the owner's residence or a building or structure accessory thereto that is intended for the owner's personal use. An owner may not build more than one single-family dwelling in a three-year period without obtaining a contractor's license, provided he or she occupies the dwelling a minimum of one year after the final inspection is approved.

I. In accordance with South Dakota state law, proof of worker's compensation insurance shall be verified prior to the issuance of a license.

J. No licensee or landlord shall allow his or her name to be used by any other person directly or indirectly, either to obtain a building permit or to perform work under this code outside his or her personal supervision. Any subcontractor working for a licensed contractor shall also be licensed.

K. It shall be the duty of each General Building Contractor or Trade License that is a firm to immediately notify the Building Official in writing upon the designation of a new construction supervisor or the termination or separation of a designated construction supervisor listed on the contractor's license.

1. Upon the termination or separation of a designated construction supervisor, the General Building Contractor License shall expire ten (10) business days following such separation or termination unless:
  - a. There is another construction supervisor listed on its license;
  - b. The contractor immediately designates another construction supervisor who has passed the examination; or
  - c. The license is extended as provided herein.
2. The contractor may, within ten (10) business days of any such termination or separation, request in writing from the Building Official an extension of its General Building Contractor License, and the Building Official shall grant an extension for a period not to exceed 30 days from the date of termination or separation.
3. No contractor may be issued a new permit during the period where no construction supervisor is listed on its license.

L. Except as provided below, all General Building Contractor Licenses and Trade Licenses issued under the provisions of this chapter are valid for two years. Renewal applications shall be filed sixty days prior to expiration of the license. Licensees failing to renew their applications prior to expiration have a 60-day grace period during which to renew before the license lapses. Licensees who fail to renew their license by the date of expiration or within the 60-day grace period shall be required to reapply for a new license, meeting all requirements of this code including passing an examination and paying all required fees. No renewal license may be issued until the licensee has completed the requirements for continuing education. No partial payment shall be received by the Finance Office for any license or registration fee, and the Finance Office is hereby prohibited from receiving any sum less than the amount required by the terms of the provisions pertaining to the particular contractor license applied for. The amount of the license fee will be determined by resolution of the Common Council.

M. All Plumbing Contractor licenses, Plumber licenses, Plumber's Apprentice licenses, and Water Softening Contractor licenses are valid for one year. Renewal applications shall be filed sixty days prior to expiration of the license. Licensees failing to renew their applications prior to expiration have a 60-day grace period during which to renew before the license lapses. Licensees who fail to renew their license by the date of expiration or within the 60-day grace period shall be required to reapply for a new license, meeting all requirements of this code including passing an examination and paying all required fees. No renewal license may be issued until the licensee has completed the requirements for continuing education. No partial payment shall be received by the Finance Office for any license or registration fee, and the

Finance Office is hereby prohibited from receiving any sum less than the amount required by the terms of the provisions pertaining to the particular contractor license applied for. The amount of the license fee will be determined by resolution of the Common Council.

N. Upon adoption of this chapter, the Building Official will honor existing licenses until they expire, at which time the licensee must comply with all requirements of this chapter prior to obtaining a license. If, when this chapter is adopted, an individual is performing work which did not require a license prior to adoption, but for which this chapter now requires a license, any such individual has 120 days in which to obtain a license before the Building Official will consider that individual to be operating without a license in violation of this chapter.

O. Upon receipt of a license approved by the Building Official, the Finance Officer shall issue a license to the applicant.

P. Proof of continuing education hours must be submitted by the applicant at the time of any license renewal application under this chapter. The continuing education requirement for license renewal of General Building Contractor Licenses and Trade Licenses is as follows:

1. Six hours per license period for General Building Contractor Licenses, Sign Contractors, Roofing Contractors, and licenses issued under the mechanical code found in Chapter 15.26.
2. For licenses pursuant to the electrical code and the plumbing code, per the requirements of the State of South Dakota.

Q. The class topics for continuing education shall include, but are not limited to:

1. Requirements of the building codes;
2. Local amendments to the Rapid City Code;
3. State of South Dakota Amendments; or
4. Requirements for codes for any of the trades such as electrical, plumbing, mechanical, fire alarm, fire sprinkler, fencing, concrete, signs, lawn sprinkler, right-of-way, asbestos, drywall, roofing and excavation.

R. It shall be the duty of every person receiving a license or registration pursuant to this article to exhibit any such license or registration upon request of a law enforcement officer or a duly appointed representative of the City.

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.

T. All subcontractors must be licensed under this section, unless an exception applies. If a subcontractor is not licensed in violation of this section, the subcontractor and any general contractor are subject to sanctions as provided in this code.

U. It shall be within the discretion of the Building Official to suspend, revoke or refuse to issue or renew the license of any person who has been doing work without a permit as required by 15.04.150.

V. It shall be within the discretion of the Building Official to suspend, revoke, or refuse to issue or approve any General Building Contractor or Trade License if the Building Official finds the following:

1. Suspension, revocation or refusal to renew is in the public interest; and
2. Based upon evidence presented, the applicant or licensee:
  - a. Has filed an application for a license which is incomplete in any material respect or contains one or more statements which are false or misleading;
  - b. Has engaged in any fraudulent, deceptive, or dishonest act or practice in the performance of building contracting and/or the trade;
  - c. Has violated any applicable provision of this section, the Adopted Construction Codes, Rapid City Municipal Code, or state regulation or law;
  - d. Fails to maintain the requirements of licensure, including insurance, excise tax license or current phone and address as required by this chapter;
  - e. Fails to provide copies of records in his or her possession related to a matter under review;
  - f. Fails to pay fees in a timely manner;
  - g. Fails to respond to a lawful order or directive of the Building Official or the Building Board of Appeals; or
  - h. Fails to possess a valid state license for the particular trade, if such a license is required by state law.

W. A licensee who is the subject of a review by the Building Official shall cooperate fully with the Building Official. Cooperation includes, but is not limited to:

1. Responding fully and promptly to questions raised by the Building Official;
2. Providing copies of records in the person's possession relative to the matter under review, as requested by the Building Official; and



3. Appearing at conferences or hearings scheduled by the Building Official.

**15.04.150 Building permit required.**

Except as otherwise specified this code, no building or structure or part thereof regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the Building Official.

**15.04.160 Building permit – Exceptions.**

- A. A building permit shall not be required for the following:

1. Building:

- a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet;
- b. Fences not over 6 feet (1829 mm) high;
- c. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge;
- d. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1;
- e. Deck, platforms, walks, and driveways not more than 30 inches above grade and not over any basement or story below;
- f. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- g. Prefabricated swimming pools that are less than 18 inches deep, do not exceed 5,000 gallons (19,000 L) and are installed entirely above ground;
- h. Swings and other playground equipment;
- i. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support;
- j. Replacement of siding and windows except for dwellings and accessory structures located in a designated historic district or if individually listed in National Register of Historic Places per SDCL 1-19-11.1;

- k. Dumpsters;
  - l. Gutters, downspouts, and storm windows;
  - m. Window replacement - where the rough opening is not altered; or
  - n. Structures or work performed on properties of the government of the United States of America, State of South Dakota, and County of Pennington;
2. Mechanical:
- a. Portable heating appliances;
  - b. Portable ventilation appliances and equipment;
  - c. Portable cooling units;
  - d. Steam, hot water or chilled water piping within any heating or cooling equipment or appliances regulated by this title;
  - e. The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe;
  - f. Portable evaporative coolers;
  - g. Self-contained refrigeration systems that contain 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horse power (0.75 kW) or less;
  - h. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid; or
  - i. Water heaters installed in one- and two-family dwellings.
3. Electrical:
- a. Placement of lamps in fixtures already installed by qualified persons in an approved manner, provided only qualified electricians may install or replace lamps in explosion-proof fixtures;
  - b. Connecting or disconnecting equipment to an approved receptacle by a suitable attachment plug;
  - c. Maintenance in labeled equipment or appliances, where the original installation was affected by a qualified electrician, when any such repair or maintenance work is not detrimental to the original wiring or connection;

- d. Installation, alteration or repair of wiring, devices, appliances, or equipment for operation of signals or for transmission of intelligence, where such wiring, devices, appliances, or equipment operate at a voltage not exceeding fifty volts between conductors and which do not include generating or transforming equipment capable of supplying more than fifty watts of energy;
- e. Installation of electric wiring, devices, or equipment to be installed by a public utility in the generation, transmission or sale of electric energy, or for the use of such a utility in the transmission of intelligence;
- f. Work performed under any contract led by the State and supervised and inspected by the State;
- g. Buildings, structures, or premises owned by the State or Federal Government, including, but not limited to, State owned schools;
- h. Existing electrical systems in any building, although a change in use or occupancy has occurred. Such existing electrical system may remain in service only if adequate and suitable for the intended purpose, and in compliance with NFPA 73; or
- i. When the fee for the work is less than \$10, or as provided by resolution of the Common Council.

B. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this title or any other laws or ordinances of the City.

**15.04.170 Building permit application.**

To obtain a permit, the applicant shall first file an application in a format approved by permits and inspections for that purpose. Every such application shall:

- A. Identify and describe the work to be covered by the permit for which application is made;
- B. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work;
- C. Indicate the use or occupancy for which the proposed work is intended;
- D. Be accompanied by plans, diagrams, computations, specifications and other data as required by the Building Official;

E. State the construction valuation of any new building, structure, addition, remodeling or alteration to an existing building;

F. Be signed by the applicant or the applicant's authorized agent; and

G. Give such other data and information as may be required by the Building Official.

#### **15.04.180 Submittal documents.**

A. The Building Official will determine the plans to be submitted with a building permit. The Building Official may require plans in an amount to be determined by the Building Official. Such plans may include specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs or other data, and all documents submitted shall constitute the submittal documents. Individuals or firms performing special inspections and structural observations shall be identified.

B. The Building Official may waive the submission of plans, calculations, construction inspection requirements, and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

C. Any plans, computations, and specifications submitted shall be prepared by an engineer or architect as required by state law, as adopted or amended. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state even if not required by state law. The Building Official shall require construction documents, computations and specifications to be prepared and designed by a licensed design professional when the valuation of construction is \$50,000 or greater.

D. When it is required that documents be prepared by a licensed engineer or architect, the Building Official shall be authorized to require the owner to engage and designate on the building permit application the name of the licensed design professional who shall act as the licensed design professional in responsible charge of the project. If circumstances require, the owner or applicant shall designate a substitute licensed design professional in responsible charge who shall perform the duties required of the original. The Building Official shall be notified in writing by the owner if the licensed design professional in responsible charge is changed or is unable to continue to perform the duties.

E. The licensed design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

F. One set of approved plans shall be retained by the Building Official for a period of 180 days after the issuance of the permit. One set of approved plans shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

#### **15.04.190 Information on plans and specifications.**

A. All plans and drawings required by the Building Official shall be drawn to a scale of not less than one-eighth inch to a foot with the scale identified on the plans and shall be completed in ink or some process that will not fade or obliterate. Plans for fences, retaining walls and accessory buildings shall be on paper not less than 8½ inches by 11 inches in size. Plans for all other work shall be on paper not less than 11 inches by 17 inches in size.

B. Plans, drawings and specifications will also contain the following:

1. An accurate survey of the lot or tract of land to be built upon prepared by a surveyor licensed by the State of South Dakota; and
2. A plot plan drawn to scale showing the lot or tract to be built upon, the size and location of all existing and proposed improvements, and such other information as may be required for enforcement of the city's zoning ordinance. Plats for commercial projects shall also show fire hydrant locations and grade contour lines;
3. All distances and dimensions shall be accurately figured and identified.
4. The name of the owner, the address of the proposed improvement, the name of the architect or engineer with his/her seal and signature as required by state law, and the type of occupancy proposed.
5. The entire mechanical, plumbing and electrical systems shall be shown in detail, including the placement of all fixtures, outlets and ductwork.
6. An orientation, key, or existing plan shall be included when only a portion of the building is being finished or remodeled.
7. Any other information as may be required to perform an accurate plan review.

C. The Building Official may waive any of these requirements when it is determined that the information is not needed for plan review.

D. Plans for buildings more than two stories in height, other than one- and two-family dwellings and their accessory structures, shall indicate how the required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

#### **15.04.200 Special inspectors.**

A. When any special inspection is required by this code or Adopted Construction Codes, the architect or engineer of record shall prepare an inspection program, which shall be submitted with the application for a building permit. The inspection program shall designate the portions of the work that require special inspection and indicate the duties of the special inspectors.

B. The special inspector shall be employed by the owner, the engineer or architect of record, or the agent of the owner. Any cost of special inspectors shall be paid by the applicant and shall not be paid by the City. The person(s) or firm(s) responsible for the special inspections shall be identified prior to the issuance of the building permit and shall be subject to approval by the Building Official.

**15.04.210 Issuance of building permit.**

A. The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other City departments to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code, the Adopted Building Codes, and other pertinent laws and ordinances, and that the required fees have been paid, the Building Official shall issue a permit therefor to the applicant.

B. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

C. When the Building Official issues the permit where plans are required, the Building Official shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Official, and all work regulated by this code and the Approved Building Codes shall be done in accordance with the approved plans.

D. When there are significant changes to the approved plans, new drawings must be submitted and an application for an additional permit shall be made.

E. The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code and the Adopted Construction Codes. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted.

F. The issuance or granting of a permit or approval of plans shall not prevent the Building Official from thereafter requiring the correction of errors in the plans and specifications or from preventing construction operations being carried on there under when in violation of this code, the Adopted Building Codes, or any other ordinance or from revoking any certificate of occupancy or certificate of approval when issued in error.

**15.04.220 Permit does not authorize unlawful work.**

The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code, the Adopted Construction Codes, or any other ordinance of this jurisdiction or of

any state or federal laws. Permits presuming to give authority to violate or cancel the provisions of this code or any other ordinance shall not be valid.

**15.04.230 Expiration of permits.**

A. Every permit issued shall become invalid unless the work authorized by such commercial permit is commenced within 180 days after its issuance, or if the work authorized by such commercial permit is suspended or abandoned for a period of 180 days after the time the work is commenced, except roofing permits, which shall expire 30 days from issuance. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days for commercial permits and 30 days for commercial roofing permits. The extension shall be requested in writing and justifiable cause demonstrated. The time requirements of this section do not operate to change timelines established in any notice and/or order issued by the Building Official or his designee.

B. In order to renew action on an expired permit, the Building Official may charge an additional permit fee. The formula to determine the fee amount will be determined by resolution of the Common Council. Renewal permits shall be valid for a time period not to exceed one year and shall be so marked. No permit may be renewed more than once without approval from the Building Official. After all extensions have expired, the applicant must submit a new application and must comply with the relevant construction code(s) in effect at the time of the new application.

**15.04.240 Suspension or revocation.**

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this title whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code or the Adopted Construction Codes. The Building Official may similarly revoke a permit issued in case of any false statement or misrepresentation of fact in the application or on the construction documents upon which the permit or approval was based.

**15.04.250 Inspections generally.**

A. All construction or work for which a permit is required shall be subject to inspection by the Building Official or designee, and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the Building Official. In addition, certain types of construction shall have special inspection as specified in the Adopted Construction Codes.

B. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code, the Adopted Construction Codes, or other city ordinances. Inspections presuming to give authority to violate or cancel the provisions of this code, the Adopted Construction Codes, or other city ordinances shall not be valid.

C. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

D. A survey of the lot may be required by the Building Official to verify that the structure is located in accordance with the approved plans.

**15.04.260 Inspection requests.**

A. It shall be the permit holder or permit holder's agent to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such a request may be in any form approved by the Building Official.

B. It shall be the duty of the permit holder or contractor who performed the work to provide access to and means for inspection of such work. The approved plans shall be on site at the time of inspection.

**15.04.270 Approval required.**

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate that such portion of the construction is satisfactory and complete, or shall notify the permit holder or an agent of the permit holder if he/she fails to comply with this code or the Adopted Construction Codes. Any portions of the work which do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

**15.03.280 Required inspections.**

A. The Building Official, upon notification, may make the inspections as set forth in this section.

1. **Footing inspection:** To be made after excavations for footings are complete and any required reinforcing steel and form work is in place. Setbacks from property lines, adequate soil conditions, and footing depth, width and location shall be verified.
2. **Ufer Ground inspection:** when the ufer ground is installed and visible.
3. **Framing inspection:** To be made after all framing, fire blocking, bracing and roof coverings are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing and heating inspections are approved. All structural elements shall be inspected, and the vertical reinforcing steel for foundations shall be verified.



4. **Fire caulking inspection:** Fire caulking shall be inspected at the time of the framing inspection at penetrations within concealed spaces.
5. **Firewall inspection:** Firewalls must be completed and inspected at the time of the framing inspection. Firewall penetrations and top-of-wall conditions shall be inspected prior to the placement of any ceilings or other finishes.
6. **Final inspection:** To be made after the building and finish grading is completed and ready for occupancy or use.
7. **Certificate of occupancy or certificate of completion inspection:** To be made prior to occupancy of any new structure or when the use of any structure changes. This inspection may be substituted for the final inspection.
8. **Special inspections:** Special inspections shall be made as required in the Adopted Construction Codes or elsewhere in Title 15.
9. **Other inspections:** In addition to the inspections specified above, the Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of this code and the Adopted Construction Codes, and other laws which are enforced by this jurisdiction.

B. Buildings or structures built without one or more required inspections under this chapter or under the Adopted Construction Codes may be classed as an unsafe building or structure and action taken for unsafe buildings or structures under this code. Buildings or structures wired, plumbed, provided with mechanical equipment, vents, connectors, chimneys without required inspections, as specified by the currently adopted Electrical Code, as locally amended; the currently adopted Plumbing Code, as amended; the currently adopted Mechanical Code, as locally amended, may be classed as an unsafe building or structure and action taken as specified by Section 115 for unsafe buildings or structures of the currently adopted edition of the International Building Code.

#### **15.03.290 Reinspections.**

A. Once an inspection is requested, the installation shall be ready for inspection. When a person requests an inspection but the work is not ready for inspection when the Building Official conducts the inspection, the Building Official may charge a reinspection fee. If a second inspection is needed because the work was not ready for inspection, and if the work is also not ready for the second inspection, the Building Official shall charge a reinspection fee.

B. If the Building Official must make a second or subsequent inspection of the same portion of work in order to grant approval of said work, the Building Official may assess a reinspection fee.

C. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

**15.04.300      Violations and penalties.**

A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this title.

B. If the owner, contractor, lessee, firm, corporation or other individuals(s) responsible for the violation shall fail to make such changes, alterations or repairs within the time set forth in the notice of violation, and no extension of such time has been procured, the Director of Community Planning and Development or his/her duly authorized representatives shall forward such evidence of violations to the Office of the City Attorney for proper legal action.

C. Any person who shall commence any building 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 Building Official 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.

**15.04.310      Notice of violation.**

The Building Official or his/her duly authorized representatives shall, upon substantiated evidence of violation of any provision of this title, issue written notice to the owner, contractor, lessee, firm, corporation or other individual(s) responsible for the violation to correct same. Such corrective work shall start within thirty days and finish within sixty days, or as otherwise determined by the Building Official. Any corrective work related to a roofing permit must be finished within thirty days.

**15.04.320      Penalty**

Any person violating this title shall be subject to the general penalty provision of § 1.12.010. Every such person, persons, firm or corporation shall be deemed guilty of a separate offense for every day on which such violation shall continue.

**15.04.330      Permit fees.**

Fees payable under this chapter pursuant to any permit or license issued, or any inspection, or for any other reason shall be determined by resolution of the Common Council. The Building Official may establish a fee refund policy.

**15.04.340      City addressing.**

A. The following rules apply to numbering buildings and assigning addresses:

1. Buildings on the east side of any street or avenue shall be given even numbers, and buildings on the west side thereof shall be given odd numbers.
2. Buildings on the north side of any street or avenue shall be given even numbers and buildings on the south side shall be given odd numbers.
3. On all streets and avenues running east and west, the numbering shall begin at East Boulevard in the original townsite, at Lincoln Avenue south of the original townsite, and north of East Boulevard the numbering shall begin at the center of Blocks 1, 28 and 29 of the North Rapid Addition. East of this division line, the names of all east and west streets shall be preceded by the word East. The numbering shall be increased at the rate of 100 for each block east or west.
4. On all streets and avenues running north and south beginning in the original townsite, the numbering shall begin at the alley between Chicago and St. Louis Streets. The numbering shall be increased at the rate of 100 for each block and the names of all north and south streets, north of this division line, shall be preceded by the word North. East of the original townsite, St. Louis Street shall be the dividing line for numbering north and south streets. West of West Boulevard the dividing line shall be the south 1/16 line of Sections 32, 33, 34 and 35, etc T2N, R7E.

B. The address grid shall be established by the Community Planning and Development Services department. All city addresses shall whether new or old shall reasonably fall within the proper hundred block, in sequence within the range, and properly designated odd or even. Gaps between numbering shall be provided to accommodate future numbers. Addresses not within the proper hundred block, out of sequence within the range, or improperly designated odd or even shall be declared improper. Improper addresses are subject to change.

C. A copy of the grid map is available at the office of Community Planning and Development Services or GIS.

D. It shall be the duty of the owner or agent having control of any house or building to have the house or building properly numbered as provided for in this chapter, the correct number to be obtained from the Community Planning and Development Services department. In case any house or building is incorrectly numbered, the Building Official may order the owner or agent thereof to correctly number the same and it is unlawful for the owner or agent to refuse to comply with the order. The number of any structure hereafter erected, as determined by the Building Official, shall be indicated on the building permit.

#### **15.04.350 Nonliability of City and Building Official.**

A. The Building Official charged with the enforcement of this chapter, acting in good faith and without malice in the discharge of the duties required by this code or by any other pertinent law or ordinance, shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of

such duties. A suit brought against the Building Official or employee because of such act or omission performed by the Building Official or employee in the enforcement of any provision of this code or other pertinent laws or ordinances implemented through the enforcement of this chapter or enforced by the Building Official shall be defended by the City until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the City.

B. This code and the Adopted Construction Codes shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the Building Official or the City be held as assuming any such liability by reason of the duties assumed or inspections authorized by this code or any permits or certificates issued under this code.

#### **15.04.360 Contingent building permits for footings and foundations.**

A. A building permit may be issued by the Building Official, with the approval of the Director of Community Planning and Development Services and the Director of Public Works, or their respective designees, to allow the construction of footings and foundations only, pending the completion of approval by the city of a rezoning, variance, plat, conditional use permit, planned development permit, code revision or other similar matter, subject to the following:

1. The applicant has provided all information and materials required or requested and has paid all required fees;
2. The Director of Community Planning and Development Services and the Director of Public Works anticipate that within a reasonably short time the necessary approvals will be made;
3. There is no known objection by any affected party; and
4. The applicant and property owner have executed an agreement satisfactory to the Building Official recognizing that construction of footings and foundations are done at the risk of the property owner and agreeing that if the necessary approval is not granted, the property owner at his or her own expense will remove all footings and foundations constructed pursuant to the contingent permit including all necessary restoration of the site, within 120 days of the date of the denial of the required approval.

B. The issuance of contingent permit for the construction of footings and foundations shall be within the discretion of the Building Official. The contingent permit shall only allow the construction of footings and foundations and shall not be construed to imply any assurance on the part of the city that any approval necessary to allow construction of the project will be granted or to imply any liability on the part of the city if the approval is not granted.

#### **15.04.370 Service utilities.**

A. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the Building Official.

B. The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

C. Any public utility franchised or authorized to do business in the City shall refuse and terminate service to any building or structure that:

1. Fails to meet minimum standards as prescribed by this code and the Adopted Construction Codes as currently adopted and amended;
2. Has been declared to constitute a public nuisance by the Common Council;
3. Has been determined to constitute a dangerous or unsafe building as defined by the current building codes as currently adopted and amended;
4. Is occupied or used in violation of the City's zoning ordinances in Title 17 as amended;
5. Has refused to comply with licensing provisions as required by the city;
6. Has wiring installed or being installed in violation of the Electrical Code as currently adopted and amended in Chapter 15.16;
7. Has plumbing not complying with the Plumbing Code as currently adopted and amended in Chapter 15.24;
8. Has appliances, equipment, vents, chimneys, connectors, or supports not in compliance with the Mechanical Code as currently adopted and amended in Chapter 15.26;
9. Has a sign not in compliance with the sign code found in Title 17.

D. Upon determination by the Building Official and/or the Common Council that any of the preceding violations or conditions exist, notice of such violation shall be made to the owner and occupant and if such condition is not corrected within five days the utility company or companies involved will be notified and upon notification will terminate service to the building or structure. The superintendent of water utilities of the city upon notification that such condition has not been corrected will forthwith terminate water service to the structure in question.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: