

Agenda
Plumbing Board of Appeals and Examiners
Engineering Conference Room
May 6th 2008, 7 p.m.

Approval of Minutes of Last Meeting

New Business

1. **Ordinance Review.** The Board will be requested to review a final draft of a mid-code cycle ordinance that is intended to:
 - Eliminate references to the Assistant Director of Building Services, and in turn reference those duties to the Chief Building Services Official.
 - To adjust certain fees to be consistent with the other divisions of Building Services.
 - To increase the time period to obtain a license after passing a test.

Attached is a copy of those provisions affecting the plumbing ordinances for the Board's review.

2. The Board will correct 1 master exam and 13 journeyman exams.

Accessibility. Upon request, accommodations for this hearing will be provided for persons with disabilities. Please contact the Planning and Building Services Department office at 367-8670, 48 hours in advance.

For questions concerning this hearing, please call (605) 367-8670 for assistance.

Chapter 33, Plumbing

Section 55. That Section 102.2.7 of Section 33-2 of Chapter 33, Plumbing, of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Section 102.2.7. Plumbing board of appeal and examiners. There is hereby created a plumbing board of appeals and examiners to hear and decide appeals of orders, decisions, or determinations made by the plumbing official and ~~assistant director of chief~~ building services official relative to the application and interpretation of this code, licensing determinations, and to examine applicants for licensing. It shall consist of a qualified representative of the public works department, a mechanical engineer, two licensed master plumbers, and one licensed journeyman plumber who are qualified by experience and training to pass upon matters pertaining to plumbing design, construction and maintenance, and the public health aspects of plumbing systems and the Uniform Plumbing Code. Members shall be appointed by the mayor with the advice and consent of the council and shall hold office for a term of three years. The board shall adopt rules and procedures for conducting its business. All decisions and findings shall be provided in writing to the appellant with a duplicate copy provided to the building services department.

Reason. The “assistant director of building services” position has been eliminated administratively. This provision eliminates the reference to the position by ordinance and reassigns the duties to the Chief Building Services Official.

Section 56. That Section 103.4.2 of Section 33-2 of Chapter 33, Plumbing, of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Section 103.4.2 Plan Review Fees. When a plan or other data is required to be submitted by SDCL 36-18 or when the building official requires the submittal of plans, computations, or specifications in accordance with Section 103.2.2, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for plumbing work shall be ~~25~~ 45 percent of the building permit fee in Table 1-B in Section 11-20 of the Revised Ordinances of Sioux Falls, South Dakota.

The plan review fees specified in this subsection are separate fees from the permit fees specified in this section and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate shown in Table 1-1.

Reason. This corrects the oversight that a plan submittal for mechanical review purposes is consistent with the building permit plan review fee schedule which is 25% of the building permit fee.

Section 57. That Item (2) Other Inspections and Fees of Table 1-1. Plumbing Permit Fees of Section 33-2 of Chapter 33, Plumbing, of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

(2) Other inspections and fees

- (2.1) Inspection outside normal business hours, per hour (minimum charge--one hour).....~~70.00~~ 42.00
- (2.2) Reinspection fees assessed under the provisions of Section 103.5.6 Reinspections. (minimum charge--one hour)*~~70.00~~ 42.00
- (2.3) Inspection for which no fee is specifically indicated, per hour (minimum charge-one-half hour) may be charged*~~70.00~~ 42.00
- (2.4) Additional plan review required by changes, additions, revisions to approved plans (minimum charge-onehour)*~~70.00~~ 42.00
- (2.5) Appeals. Before any action is taken by the board, the party or parties requesting such hearing shall deposit with the secretary of the Board or his authorized agent, the sum of \$65.00 to cover the approximate cost of the procedure. Under no condition shall such sum or any portion thereof be refunded for failure of said request to be approved.

Reason. The fees charged for after-hour or weekend inspections were increased to \$70 per hour to more closely approximate the cost of providing an after-hour inspection and also to provide an incentive to call inspections during normal business hours for the building and mechanical divisions only. This inserts the same increase into the electrical division for consistency.

Section 58. That Item (5) Other Inspections and Fees of Table 1-1. Plumbing Permit Fees of Section 33-2 of Chapter 33 , Plumbing, of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

- (5) Examination fees per examination ~~65.00~~ 75.00

Reason. This corrects an error to now require the same fee for testing plumbers as for any other trade.

Section 59. That Section 33-11 of Chapter 33, Plumbing, of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Sec. 33-11. Examination.

Before a master plumber and journeyman license shall be issued, the applicant shall be required to submit to and pass an examination as to his qualifications and fitness to install plumbing systems and equipment. Such examination shall be given under the direction of the plumbing board of appeals and examiners. Any applicant who fails to pass the examination shall not be eligible to take another examination until at least 30 days have elapsed from the date of the last examination.

Applications for exams shall be made at least two weeks prior to the examination date.

After passing the examination, applicants shall secure the license within ~~90~~ 30 days after receiving the exam results.

Reason. The time period to obtain a license is proposed to be extended to 90 days from the test date instead of 30 days. On occasion, 30 days was not enough time to obtain such prerequisites for a license such as bonding or insurance.

Section 60. That Section 33-13 of Chapter 33, Plumbing, of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Sec. 33-13. Suspension or revocation of license.

The ~~assistant director of~~ chief building services official may suspend, revoke, or refuse to renew a license of he finds:

- (1) In his discretion that the order is in the public interest; and
- (2) Based upon substantial evidence presented, the applicant or licensee:
 - a. Has violated any applicable provision of this code, city ordinance, rule, regulation, or state law.
 - b. Has engaged in any fraudulent, deceptive, or dishonest act or practice.
 - c. Has filed an application for a license, which is incomplete in any material respect or contains statements, which are false or misleading.
 - d. Fails to file with the ~~assistant director of~~ chief building services official the necessary bonds or certificates or insurance.
 - e. Fails to provide copies of records in the person's possession related to a matter under investigation.
 - f. Fails to pay inspection and permit fees in a timely manner as determined by the ~~assistant director of~~ chief building services official.

- g. Fails to respond to a directive or lawful order of the building official.
- h. Fails to employ a master plumber.

Reason. The “assistant director of building services” position has been eliminated administratively. This provision eliminates the reference to the position by ordinance and reassigns the duties to the Chief Building Services Official.

Section 61. That Section 33-16 of Chapter 33, Plumbing, of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Sec. 33-16. Hearing procedures.

The following rules shall govern the procedures for an administrative hearing on matters concerning license suspension, revocation, or refusal to renew.

- (1) Hearings and administrative appeals need not be conducted according to the technical rules relating to evidence and witnesses.
- (2) Oral evidence shall be taken only on oath or affirmation.
- (3) The chairman of the board or the board recorder shall administer oaths or affirmations to witnesses.
- (4) Any relevant evidence shall be admitted if it is the type of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence after objection in civil actions in courts of competent jurisdiction in this state.
- (5) Irrelevant and unduly repetitious evidence and evidence that lacks trustworthiness shall be excluded.
- (6) The appellant, the major organization unit or agency, and any other party to an appeal shall have these rights among others:
 - a. To call and examine witnesses on any matter relevant to the issue of the hearing;
 - b. To introduce documentary and physical evidence;
 - c. To cross examine opposing witnesses on any matter relevant to the issues of the hearing; and
 - d. To rebut evidence.

- (7) After each appeal hearing, the board or hearing examiner shall perform the following:
- a. Make written findings of fact.
 - b. Based upon such written findings, sustain, remand for further hearing or action, or rescind the complained action or decision. The board may in its discretion waive the payment of any reinstatement or late penalty fee.
- (8) A written report of the decision, including the findings of fact, shall be furnished to the appellant and the ~~assistant director of chief~~ building services official within 15 working days from the date the appeal hearing is closed. The city and the appellant shall bear their own respective costs of the appeal proceeding. The decision of the board shall be final.

Reason. The “assistant director of building services” position has been eliminated administratively. This provision eliminates the reference to the position by ordinance and reassigns the duties to the Chief Building Services Official.