CHAPTER IV: BUILDINGS AND CONSTRUCTION

Article

1. **FIRE LIMITS**
2. **BUILDING CODE**
3. **ELECTRICAL CODE**
4. **PLUMBING AND GAS-FITTING CODE**
5. **MOVING BUILDINGS**
6. **DANGEROUS AND UNFIT STRUCTURES**
7. **FENCES**
8. **SWIMMING POOLS**
9. **RESERVED**
10. **MOBILE HOMES AND MOBILE HOME PARKS**
11. **AIR CONDITIONING WASTES**
12. **HOUSE NUMBERING**
13. **SIGNS**

WaKeeney - Buildings and Construction

ARTICLE 1: FIRE LIMITS

Section

4-101 Fire limits established

§ 4-101 FIRE LIMITS ESTABLISHED.

The following shall be and are hereby declared to be the fire limits of the city. The following numbered blocks of the original plat of the city are hereby declared to be and constitute the fire limits of the city:

(a) The west 1/2 and the southeast 1/4 of Block 31;

(b) The east 1/2 and the southwest 1/4 of Block 33;

(c) The east 1/2 of Block 39;

(d) All of Block 40;

(e) All of Block 41; and

(f) All of Block 42.

WaKeeney - Buildings and Construction

ARTICLE 2: BUILDING CODE

Section

4-201 Definitions
4-202 International Building Code incorporated
4-203 Additional provisions
4-204 Building Official; powers; duties
4-205 Building Inspector; appointment
4-206 Same; duties
4-207 Same; powers
4-208 Same; right of entry
4-209 Clarification; modification
4-210 Building permit required; application; approval
4-211 Same; application information required
4-212 Same; plans and specifications
4-213 Same; fees
4-214 Same; posting
4-215 Certificate of approval
4-216 Inspections of building; layout of building; foundations and footings; notice to Inspector
4-217 Request for inspection
4-218 Inspection fee
4-219 Builder or building contractor defined
4-220 Builder's or building contractor's license required; building permits; unlawful acts
4-221 Same; application; granting
4-222 Same; license fees; conditions; renewal; unlawful acts
4-223 Builder's or building contractor's bond required; conditions; approval; rights reserved
4-224 Insurance
4-225 License suspension; revocation; appeal; unlawful acts
4-226 Work by property owners
4-227 Liability
4-228 Severability

§ 4-201 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING OFFICIAL. The Building Inspector or his or her authorized designee.

CORPORATION COUNSEL. The City Attorney of the City of WaKeeney.

MUNICIPALITY. The City of WaKeeney, Kansas.

§ 4-202 INTERNATIONAL BUILDING CODE INCORPORATED.

(a) There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Building Code, 2021 Edition, as recommended by the International Conference of Building Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. One copy of the International Building Code, 2015 Edition, shall be marked or stamped "Official Copy as Incorporated by the Code of the City of WaKeeney", and shall be filed with the City Clerk/Administrator to be open to inspection and available to the public at all reasonable hours of business.

(b) Any person violating any provision of such code shall be punished as provided in § 1-116 of this code.

§ 4-203 ADDITIONAL PROVISIONS.

The following sections of this article are in addition to the provisions of the standard code incorporated by reference in § 4-202.

§ 4-204 BUILDING OFFICIAL; POWERS; DUTIES.

(a) (1) This and other articles of the city relating generally to building and structures shall be administered and enforced by the City Clerk/Administrator.

(2) The City Clerk/Administrator shall act as Chief Building Official and may assume the responsibilities of or with the consent and approval of the governing body appoint a Building Inspector and such other assistants as may be advisable for the issuance of building permits and the inspection of building work.

(b) (1) The City Clerk/Administrator shall prepare such application, permit, inspection and record forms as may be required for the purposes of the article.

(2) The City Clerk/Administrator may make and promulgate the necessary rules and regulations to obtain conformity with this article pertaining to the making of applications for building permits, issuing of building permits and inspecting of buildings and building works.

§ 4-205 BUILDING INSPECTOR; APPOINTMENT.

The City Clerk/Administrator may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of Building Inspector as may be required, subject to the consent and approval of the governing body.

§ 4-206 SAME; DUTIES.

The Building Inspector shall have the following duties:

(a) To enforce all regulations relating to construction, alteration, repair, removal and demolition of building and structures;

(b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;

(c) To examine all buildings in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and

(d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the Building Official without his or her written consent.

§ 4-207 SAME; POWERS.

The Building Inspector shall have the following powers:

(a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this article;

(b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the city; and

(c) May cause any work done in violation of this article to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the building regulations of the city, subject to the right of any builder or owner to appeal to the governing body.

§ 4-208 SAME; RIGHT OF ENTRY.

The Building Inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this article.

§ 4-209 CLARIFICATION; MODIFICATION.

(a) The governing body shall be the final determiner of the scope and meaning of all provisions of the Building Code which may be unclear, ambiguous or requiring interpretation.

(b) The Building Inspector shall have power to modify any of the provisions of the Building Code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the Building Inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the Inspector thereon shall be entered upon the records of the Building Inspector and a signed copy shall be furnished to the applicant.

§ 4-210 BUILDING PERMIT REQUIRED; APPLICATION; APPROVAL.

It shall be unlawful for any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done within the city without a building permit being first obtained therefor from the City Clerk/Administrator, after approval by the Chief Building Official or his or her duly authorized assistant. The application for such permit shall be made and the permit obtained before work is commenced upon any building or structure or the foundation thereof, or before the removal of any building begins.

§ 4-211 SAME; APPLICATION INFORMATION REQUIRED.

(a) (1) A building permit shall be issued upon an application in writing to the office of the City Clerk/Administrator on a form or forms provided for the purpose.

(2) This application shall, among other things, disclose the following:

(A) The name of the owner of the lot or tract of ground;

(B) The location of the building or structure;

(C) The building work proposed;

(D) The outside dimensions of the building by floors and dimensions of the basement (if any);

(E) The class of occupancy;

(F) The class of construction;

(G) The kind of materials to be used for walls, floors, ceilings, roofs and foundations;

(H) The estimated cost of the work;

(I) The date work will commence;

(J) Expected date of completion;

(K) Name and address of contractor or contractors doing the work; and

(L) Such other information as may be pertinent to the issuance of the required permit.

(b) (1) An application for a building permit shall be signed by the owner or his or her duly authorized agent, or a building contractor licensed by the city. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed contractor or contractors doing the work described, or a building permit may be issued to the owner upon his or her application disclosing satisfactory evidence that the proposed work will be performed by the owner, himself or herself and not by a licensed contractor, and likewise subject to the final approval of the Building Inspector for work performed.

(2) If an application for a building permit indicates that it is for commercial or residential roofing services, including construction, installation, renovation, repair, maintenance, alteration or water-proofing, the application shall include the contractor's name, the contractor's place of business within the city (and home office if not a resident), the contractor's state registration number as issued under the State Roofing Registration Act (K.S.A. 50-6,121 et seq.), and shall also be signed by the roofing contractor or contractor's authorized agent; provided, however, that this division (b)(2) shall not apply to:

(A) An actual owner of commercial or residential property who physically performs, or has employees who perform, roofing services on such owner's own dwelling or other structures located on the residential property without the assistance of a registered roofing contractor;

(B) To those persons identified in K.S.A. 50-6,129(a)(1) through (a)(8), and amendments thereto; or

(C) To an "exempt general contractor", as defined in K.S.A. 50-6,122, and amendments thereto.

(3) If the application for a building permit indicates that it involves renovation, repairing or painting of a home or child-occupied facility, including day care centers and schools, built before 1978 and will disturb six square feet of painted interior surfaces or 20 square feet of painted exterior surfaces, the contractor performing the services must furnish proof of state certification as a licensed renovation firm or renovator; provided, however, that this division (b)(3) does not apply to a home owner performing work on an owner-occupied residence. In addition, this division (b)(3) does not apply to any other exception or exemption set forth in the State Department of Health and Environment Renovation, Repair and Painting Rule, as described in K.A.R. 28-72-1:54 and in 40 C.F.R. pt. 745, and amendments thereto.

(c) Upon approval of the completed application, including, if required, the verification of state roofer registration or other state certification, and a determination that a permit should be issued, the Chief Building Official or his or her assistant shall issue a permit to the owner or contractor authorizing the building work covered by the application. If applicable, the permit shall include the roofer registration number or any other certification or license number issued by the state.

(d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the building work authorized by such permit. ***BUILDING WORK COMMENCED*** for the purpose of this section shall mean the beginning of building work other than the preparation of plans or the staking out of the building location or the letting of a building contract.

§ 4-212 SAME; PLANS AND SPECIFICATIONS.

(a) Whenever an application for a building permit is made, the Chief Building Official may, if he or she finds it necessary to determine whether building work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed building as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the Building Official may require the applicant to file complete architectural and engineering plans and specifications for such building, or any part thereof, as may be necessary for the Inspector to determine compliance with this article.

(b) The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any building work for conformity with this article.

§ 4-213 SAME; FEES.

The fee for a building permit shall be $0, however, no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required, is $0. The fee herein shall be paid to the City Clerk/Administrator upon obtaining a building permit and the same shall be credited to the General Operating Fund of the city.

§ 4-214 SAME; POSTING.

A copy of the building permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The Building Inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.

§ 4-215 CERTIFICATE OF APPROVAL.

Upon the completion of any work under a building permit, the Chief Building Official or the Building Inspector or his or her designee is authorized to issue a certificate of approval for the occupancy and use of the building or structure. The certificate shall show the number of inspections made and the orders and corrections required during the course of the work. A copy of such certificate shall be given the owner.

§ 4-216 INSPECTIONS OF BUILDING; LAYOUT OF BUILDING; FOUNDATIONS AND FOOTINGS; NOTICE TO INSPECTOR.

(a) (1) The contractor or builder having a permit for new construction, or additions to existing buildings, shall notify the Chief Building Official or Building Inspector immediately upon the marking or laying out of the site and foundation for such work.

(2) The Official or Inspector shall inspect the layout for conformity with this article and with respect to lot lines, setbacks and location of the proposed buildings to determine conformity with the city zoning regulations.

(3) In case of doubt respecting the required location, the Chief Building Official may require an official survey of the lot lines to determine conformity, at the expense of the permit holder.

(b) Upon completion of the excavation for the building foundation and footings and the construction of the necessary forms thereof and before the foundation and footings are poured or laid, the Official or Inspector shall be notified as in the first case, and it shall be his or her duty to inspect all such work for conformity with laws respecting location of the building foundations and footings.

(c) The Building Inspector shall, during the course of all building, make such other inspections as may be directed by the Chief Building Official to be made during any successive stage of the construction or other work covered by a permit in order to secure compliance with laws pertaining thereto.

§ 4-217 REQUEST FOR INSPECTION.

Upon the completion of any building construction work covered by this article, it shall be the duty of the person doing such work to notify the Building Inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided.

§ 4-218 INSPECTION FEE.

An initial inspection fee of $10.00, and an inspection fee of $10.00 for subsequent inspections required, shall be paid before any building or construction work will be approved or a certificate of approval issued.

§ 4-219 BUILDER OR BUILDING CONTRACTOR DEFINED.

For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

BUILDER or ***BUILDING CONTRACTOR.***

(1) Any person, firm, co-partnership, corporation, association, or any combination thereof, whether a resident or not of the city:

(A) Who or which undertakes with or for another, for a fixed sum, price, fee or any compensation other than wages, to build, construct, alter, repair, add to, wreck or move any building or structure (or any portion thereof), or any sidewalk, driveway entrance or structure in any street, or any advertising sign, panel poster or billboard, or any other structure, in the city, for which a building or construction permit may now or hereafter be required by the laws of the city;

(B) Who or which advertises or represents himself, herself or itself to the public to have the capacity or ability to undertake, or submit a bid or offer to build, construct, alter, repair, add to or wreck, remove, restore or replace any building, structure or construction work or any portion thereof; or

(C) Who or which builds, constructs, alters, adds to or wrecks any buildings or structures either on his or her own or other property for purposes of sale or speculation.

(2) A ***BUILDER*** or ***BUILDING CONTRACTOR*** shall not mean or include:

(A) Any subcontractor, except for a roofing contractor, working under the supervision of a general contractor;

(B) Any plumbers, gasfitters, electricians or other specialized occupation for which special licenses or bonds are required by other city laws;

(C) Any owner or his or her authorized agents or employees making ordinary repairs to his, her or its own building or structure not involving the structural parts of the building for which a permit is not required or on which a contractor, as defined, is not required, employed or engaged to perform;

(D) Any property owner personally performing any improvements, alterations or building construction within or upon his or her own residence and intended for his or her own personal use and permanent occupancy; provided, the owner shall satisfy the Building Official as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal building construction by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city; or

(E) Any person engaged in construction work not involving a total cost of greater than $1,000.00, exclusive of labor.

§ 4-220 BUILDER'S OR BUILDING CONTRACTOR'S LICENSE REQUIRED; BUILDING PERMITS; UNLAWFUL ACTS.

(a) Each builder or building contractor shall, before entering upon any building or construction work subject to regulation by city laws, apply to the City Clerk/Administrator for a builder's or building contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of a builder or building contractor in the city.

(b) No permit for any building or construction work shall be issued for any such work to be performed by a builder or building contractor, as defined, who has not first obtained a license upon making a proper application and payment of the license fee as required.

(c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself or itself under the definition of builder or building contractor herein, or to perform any work as a builder or building contractor or any work under a contract for any work involving the construction, wrecking or moving of any building, without first having obtained a builder's or building contractor's license issued by the city.

§ 4-221 SAME; APPLICATION; GRANTING.

(a) Application for a builder's or building contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in (as general contracting, roofing, siding, masonry, plastering, lathing, excavating, water-proofing, metal work, foundation work, sign hanging, cement work and painting and paper hanging, house wrecking, or moving and the like), the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the builder or building contractor or his or her authorized agent. The applications shall be, by the Chief Building Official, referred to the governing body at its next meeting for action thereon. Such license shall be issued by the City Clerk/Administrator, upon payment of the fees hereinafter provided after approval of the governing body.

(b) If the applicant is in the business of a roofing contractor, as defined by the Kansas Roofing Registration Act (KRRA), K.S.A. 50-6,121 et seq., and amendments thereto, the applicant shall be required to have a valid state registration as required under the KRRA and shall present such certificate to the City Clerk/Administrator when applying for a builder's or building contractor's license. No such license shall be issued until it is verified that the roofing contractor is in good standing pursuant to the KRRA; provided, however, that this division (b) does not apply to an "exempt general contractor" as defined in K.S.A. 50-6,122, and amendments thereto.

§ 4-222 SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

(a) (1) The following license fees shall be paid for the calendar year or major fraction thereof:

(A) General builder or building contractor, who shall qualify to engage in more than one kind of contract work, except house moving, the sum of $0;

(B) Limited builder or building contractor, who shall qualify to engage in not more than one kind of contract work, the sum of $0;

(C) House wreckers or movers, the sum of $0;

(D) Sign hangers and panel posters, the sum of $0; and

(E) Roofing contractor, the sum of $0.

(2) Any license issued on or after July 1 of each year shall be issued upon payment of one-half the annual license fee.

(b) Each such license shall set forth the kind of contract work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in contract work or produce the same on demand of any city officer. All licenses shall be renewable annually as in the case of an original license on or before January 1 of the year for which issued.

(c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts.

§ 4-223 BUILDER'S OR BUILDING CONTRACTOR'S BOND REQUIRED; CONDITIONS; APPROVAL; RIGHTS RESERVED.

(a) Before any license shall be issued to any builder or building contractor required by this article to obtain a license and pay a fee to the city, the builder or building contractor shall secure and file with the City Clerk/Administrator a good and sufficient corporate surety bond, conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents or servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the city, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the state and shall be executed by an agent of the company residing in the county and further conditioned that in the event of cancellation or expiration that the company or agent will give ten days' notice of such fact to the City Clerk/Administrator. Each such bond shall be approved as to form by the City Attorney and approved as to surety by the City Treasurer and the approval thereof shall be endorsed on the bond by the City Attorney and by the Mayor over their signatures.

(b) Each bond shall be dated to run from the first day of any license issued by the city to the principal and may cover a period of not to exceed two years. No bond shall be renewed by an extension certificate but a new bond shall be filed by the principal for each successive period following the renewal thereof. The city reserves the right to furnish the form of all surety bonds as may be required by this article.

§ 4-224 INSURANCE.

In addition to obtaining a corporate surety bond as required by § 4-223, a builder or building contractor must procure and maintain a liability insurance policy in the amount of $100,000 for the death or injury of any one person and $300,000 for the death or injury of any number of persons in any one accident and $50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the state. A builder or building contractor may qualify as to the insurance requirements by filing a certificate with the City Clerk/Administrator executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days' notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.

§ 4-225 LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

(a) (1) The license of any builder or building contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the Chief Building Official upon his or her own motion or upon a complaint of the City Building Inspector.

(2) Notice shall be given in writing to such builder or building contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such builder or building contractor involving any one or more of the following:

(A) Misrepresentation of a material fact by applicant in obtaining a license;

(B) Use of license to obtain a building permit for another;

(C) Failure or neglect to observe conditions of permit authorizing encumbering of streets or sidewalks for safety of public;

(D) Performance of any building or construction work without a permit where one is required by law; or

(E) Willful disregard of any violation of the building and construction laws, or failure to comply with any lawful order of the City Building Inspector.

(b) Any licensee may, within 15 days, appeal in writing to the governing body from any order of the Chief Building Official suspending his or her license for its final decision thereon. The governing body may upon such hearing terminate such suspension within not more than 30 days thereafter, or may revoke such license. If any license shall be revoked, the builder or building contractor shall not be eligible for a new license during a period of six months thereafter. No fee shall be refunded in event of the suspension or revocation of any contractor's license.

(c) It shall be unlawful to engage in the occupation or trade of builder or building contractor during the time any license of such builder or building contractor has been suspended or revoked.

§ 4-226 WORK BY PROPERTY OWNERS.

Nothing herein contained shall prohibit any property owner from personally performing any building or construction work within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the Building Inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal building or construction performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city.

§ 4-227 LIABILITY.

This article shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection authorized herein, by reason of any certificate of inspection issued by it or by reason of any permit or license granted herein.

§ 4-228 SEVERABILITY.

Building Code

If any section of the International Building Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining sections, the section to be completely severable from the remaining provisions which shall continue in full force and effect.

WaKeeney - Buildings and Construction

ARTICLE 3: ELECTRICAL CODE

Section

4-301 Definitions
4-302 Adoption of Electrical Code by reference
4-303 Additional provisions
4-304 Building Official; authority
4-305 Electrical Inspector; appointment
4-306 Same; duties
4-307 Same; powers
4-308 Same; right of entry
4-309 Clarification; modification
4-310 Electrical permit required; application; approval
4-311 Same; application information required
4-312 Same; plans and specifications
4-313 Same; fees
4-314 Same; posting
4-315 Request for inspection
4-316 Inspection; concealment of prior work
4-317 Inspection fee
4-318 Certificate of approval
4-319 Connection to installations
4-320 Reinspection
4-321 Condemnation; appeal
4-322 Interference by unauthorized person
4-323 Electrician or electrical contractors defined
4-324 Electrician’s or electrical contractor’s license required; electrical permits; unlawful acts
4-325 Same; application; granting
4-326 Same; license fees; conditions; renewal; unlawful acts
4-327 Electrician’s or electrical contractor’s bond required; conditions; approval; rights reserved
4-328 Insurance
4-329 License suspension; revocation; appeal; unlawful acts
4-330 Work by property owners
4-331 Approved materials

4-332 Liability
4-333 Severability
4-334 Electrical license requirement

§ 4-301 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVED. Approved by the Chief Building Official, the Electrical Inspector, or his or her designee.

AUTHORIZED PERSON. Any individual, firm or corporation who or which is licensed under the provisions of this article to do the work as permitted under the specified provisions of this article.

CITY. The territory within the corporate limits of this city.

CONDUCTOR. A wire or cable or other form of metal suitable for carrying the electric current or potential.

ELECTRICAL CONSTRUCTION OR INSTALLATION.

(1) Includes all work and materials used in installing, maintaining or extending a system of electrical wiring and all appurtenances, apparatus or equipment used in connection therewith, inside or attached to any building, structure, lot or premises, except industrial plants where full-time maintenance is provided and other agencies providing inspections of installations and facilities.

(2) ***ELECTRICAL CONSTRUCTION*** shall not be held to mean or include any of the following:

(A) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement of receptacles and switches, lighting fixtures, and apparatus where no changes or alterations are made to the wiring;

(B) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or

(C) Any work in industrial establishments where inspections come under the scope of other inspection agencies.

EQUIPMENT. Conductors, materials, fittings, devices, appliances, fixtures, apparatus, motors and the like, used as a part of or in connection with an electrical installation.

INSPECTOR. The Chief Building Official or any individual who has been appointed by the city as Electrical Inspector.

PERSON. A natural person, his or her heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors, assigns or the agent of any of the aforesaid.

SPECIAL PERMISSION. The written consent of the Chief Building Official or the Electrical Inspector.

SPECIAL RULING. A written ruling filed in the office of the Chief Building Official or the Electrical Inspector.

§ 4-302 ADOPTION OF ELECTRICAL CODE BY REFERENCE.

(a) The standard code known as the National Electrical Code of 2020, a publication of the National Fire Protection Association, the same being a standard code for the installation of electrical wiring and apparatus and available in book and pamphlet form is hereby incorporated by reference herein and made a part of this article as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012. One copy shall be marked or stamped "Official Copy as Incorporated by the Code of the City of WaKeeney", and shall be filed with the City Clerk/Administrator to be open to inspection and available to the public at all reasonable hours of business.

(b) Any person violating any provision of such code shall be punished as provided in § 1-116 of this code.

§ 4-303 ADDITIONAL PROVISIONS.

The following sections of this article are in addition to the provisions of the standard code incorporated by reference in § 4-302.

§ 4-304 BUILDING OFFICIAL; AUTHORITY.

The City Clerk/Administrator or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an Electrical Inspector in accordance with § 4-204, which shall apply in a like manner to this article.

§ 4-305 ELECTRICAL INSPECTOR; APPOINTMENT.

The City Clerk/Administrator may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of Electrical Inspector as may be required, subject to the consent and approval of the governing body.

§ 4-306 SAME; DUTIES.

The Electrical Inspector shall have the following duties:

(a) To enforce all regulations relating to electrical construction, alteration, repair or removal;

(b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of electrical construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article, adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;

(c) To examine all buildings requiring electrical construction in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and

(d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the Building Official or Electrical Inspector without his or her written consent.

§ 4-307 SAME; POWERS.

The Electrical Inspector shall have the following powers:

(a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this article;

(b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the city; and

(c) May cause any work done in violation of this article to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the electrical regulations of the city, subject to the right of any installer or owner to appeal to the governing body.

§ 4-308 SAME; RIGHT OF ENTRY.

The Electrical Inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this article.

§ 4-309 CLARIFICATION; MODIFICATION.

(a) The governing body shall be the final determiner of the scope and meaning of all provisions of the Electrical Code which may be unclear, ambiguous or requiring interpretation.

(b) The Electrical Inspector shall have power to modify any of the provisions of the Electrical Code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the Electrical Inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the Inspector thereon shall be entered upon the records of the Electrical Inspector and a signed copy shall be furnished to the applicant.

§ 4-310 ELECTRICAL PERMIT REQUIRED; APPLICATION; APPROVAL.

(a) Except as provided in division (b) below, it shall be unlawful for any person to engage in any electrical construction as defined in § 4-301 within the city without an electrical permit being first obtained therefor from the City Clerk/Administrator, after approval by the Chief Building Official or his or her duly authorized assistant. The application for such permit shall be made and the permit obtained before any electrical construction work is commenced.

(b) No electrical permit shall be required for any of the following:

(1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;

(2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or

(3) Any work in industrial establishments where the issuance of electrical permits comes under the scope of other agencies.

§ 4-311 SAME; APPLICATION INFORMATION REQUIRED.

(a) (1) An electrical permit shall be issued upon an application in writing to the office of City Clerk/Administrator on a form or forms provided for the purpose.

(2) This application shall, among other things, disclose the following:

(A) The name of the owner of the lot or tract of ground;

(B) The location of the building or structure;

(C) The electrical construction work proposed;

(D) The class of occupancy;

(E) The class of electrical construction;

(F) The kind of materials to be used;

(G) The estimated cost of the work;

(H) The date work will commence;

(I) Expected date of completion;

(J) Name and address of electrical contractor or contractors doing the work; and

(K) Such other information as may be pertinent to the issuance of the required permit.

(b) An application for an electrical permit shall be signed by the owner or his or her duly authorized agent, or an electrician or electrical contractor licensed by the city. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed electrician or electrical contractor or contractors doing the work described, or an electrical permit may be issued to the owner upon his or her application disclosing satisfactory evidence that the proposed work will be performed by the owner, himself or herself and not by a licensed electrical contractor, and likewise subject to the final approval of the Electrical Inspector for work performed.

(c) Upon approval of the completed application and a determination that a permit should be issued, the Chief Building Official or his or her assistant shall issue a permit to the owner, electrician or electrical contractor authorizing the electrical construction work covered by the application.

(d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the electrical construction work authorized by such permit. ***ELECTRICAL CONSTRUCTION WORK COMMENCED***, for the purpose of this section, shall mean the beginning of electrical construction work other than the preparation of plans or the letting of an electrical contract.

§ 4-312 SAME; PLANS AND SPECIFICATIONS.

Whenever an application for a electrical permit is made, the Chief Building Official or the Electrical Inspector may, if he or she finds it necessary to determine whether electrical construction work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed electrical construction as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the Building Official may require the applicant to file complete electrical and engineering plans and specifications for such electrical construction, or any part thereof, as may be necessary for the Inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any electrical construction work for conformity with this article.

§ 4-313 SAME; FEES.

The fee for an electrical permit shall be $10.00, however, no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required is under $100.00. The fee herein shall be paid to the City Clerk/Administrator upon obtaining an electrical permit and the same shall be credited to the General Operating Fund of the city.

§ 4-314 SAME; POSTING.

A copy of the electrical permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The Electrical Inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.

§ 4-315 REQUEST FOR INSPECTION.

Upon the completion of any electrical work covered by this article, it shall be the duty of the person doing such work to notify the Electrical Inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided.

§ 4-316 INSPECTION; CONCEALMENT OF PRIOR WORK.

(a) When any electric equipment is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the Building Inspector and such equipment shall not be concealed until it has been inspected, approved or authorized by the Electrical Inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification. On large installations, where the concealment of equipment proceeds continuously, the person, firm or corporation installing the electrical equipment shall give the Electrical Inspector due notice and inspections shall be made periodically during the progress of the work.

(b) The Electrical Inspector shall have the authority to require building contractors to open such work which, in any manner, conceals electrical wiring that has been closed without his or her knowledge or permission, and in no case shall the Inspector issue a certificate of approval until satisfied that the work is in accordance with the provisions of this article. The Inspector shall also have the right to refuse to issue a certificate of approval on any wiring, that is concealed in such manner that it cannot be fully determined that it has been done in accordance with this article.

§ 4-317 INSPECTION FEE.

An initial inspection fee of $10.00, and an inspection fee of $10.00 for subsequent inspections required, shall be paid before any electrical installation will be approved or a certificate of approval issued.

§ 4-318 CERTIFICATE OF APPROVAL.

(a) When the Electrical Inspector finds an electrical construction or installation to be in conformity with the provisions of this article, he or she shall issue to the person, firm or corporation performing the electrical construction work or making the installation, a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the installation and connection to the supply of electricity.

(b) When a certificate of approval is issued authorizing the connection and use of a temporary installation, the certificate shall expire at a time to be stated therein and shall be revocable for cause by the Electrical Inspector.

(c) In no case shall certificates of approval be issued on electrical construction, installations or parts of installations where the work installed does not conform to the requirements of this article.

(d) If, upon inspection, the installation is not found to be fully in conformity with the provisions of this article, the Electrical Inspector shall immediately notify the person, firm or corporation performing the electrical construction work or making the installation of the existing defects.

(e) No certificate of approval shall be issued unless the electric conductor or equipment has been installed in strict conformity with the provisions of this article and unless the electrical construction or installation is made in compliance with nationally approved methods of construction for safety to life and property as herein set forth.

(f) The Electrical Inspector shall be deemed the judge of whether the installation of electric conductors and equipment has been made in accordance with the requirements of this article.

(g) No certificate of approval shall be required for any of the following:

(1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;

(2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or

(3) Any work in industrial establishments where inspections come under the scope of other inspection agencies.

§ 4-319 CONNECTION TO INSTALLATIONS.

It shall be unlawful for any person, firm or corporation to make connection to a supply of electricity to any building or electrical equipment for which an inspection is required, or which has been disconnected by the order of the Electrical Inspector, until a certificate of approval has been issued by the Electrical Inspector authorizing the connection and use of such electric supply. The Electrical Inspector may, at his or her discretion, authorize a temporary connection.

§ 4-320 REINSPECTION.

The Electrical Inspector shall periodically re-inspect existing installations of electrical conductors and equipment. When the installation of any conductors or equipment is found to be in a dangerous or unsafe condition, the person, firm or corporation owning, using or operating the installation shall be notified in writing and shall make the necessary repairs or changes required to place the conductors or equipment in safe condition and have the work completed within the period specified by the Electrical Inspector.

§ 4-321 CONDEMNATION; APPEAL.

(a) If, in the judgment of the Electrical Inspector, after an inspection, any electrical conductors, appliances or equipment in any building are unsafe or dangerous to persons or property, the Inspector shall have the power to cause the wires or appliances to be disconnected from the source of electrical energy supplying these conductors or equipment, and may, at his or her discretion, seal the control switches for the same in an open or disconnected position, whereupon he or she shall give notice to the owner, or his or her agent, or by posting such notice at the site and shall also notify the utilities serving the premises. Thereafter, it shall be unlawful for any person to cause or permit electric current to be supplied to the electrical conductors, appliances or equipment so sealed until they shall have been made safe and the Inspector shall have issued a certificate of approval to that effect.

(b) It shall be the duty of the Electrical Inspector to cause all dead wires, unused poles or electric apparatus on the outside of the buildings or in streets or alleys to be removed at the expense of the owners thereof by giving the owners written notice.

(c) When the Electrical Inspector condemns all or part of any electrical installation, the owner may, within ten days after receiving written notice thereof, file a petition in writing for review of the action of the Building Inspector by the governing body, upon the receipt of which the governing body shall at once proceed to determine the facts, and within ten days from receiving the petition make a decision in accordance with their findings.

§ 4-322 INTERFERENCE BY UNAUTHORIZED PERSON.

It shall be unlawful for any unauthorized person to, in any manner, change or alter electrical conductors or equipment in or on any building. If, in the course of the erection of a building or structure, electrical conductors or equipment are in such position as to interfere with the erection or completion of the structure, notice shall be immediately given the authorized person or firm installing the electrical conductors or equipment, and the needed change shall be made by such authorized person or firm.

§ 4-323 ELECTRICIAN OR ELECTRICAL CONTRACTORS DEFINED.

(a) An ***ELECTRICIAN*** or ***ELECTRICAL CONTRACTOR*** for purposes of this article shall be any person, firm, co-partnership, corporation, association or any combination thereof, whether a resident or not of the city:

(1) Who or which undertakes with or for another, for a fixed sum, price, fee or any other compensation to install, construct, alter, repair, add to or move any electrical installation or performs any electrical construction work in the city, for which an electrical construction permit may now or hereafter be required by the laws of the city;

(2) Who or which advertises or represents himself, herself or itself to the public to have the capacity or ability to undertake, or submit a bid or offer to install, construct, alter, repair, add to, remove, restore or replace any electrical installation or perform any electrical construction work; or

(3) Who or which installs, constructs, alters, adds to or removes any electrical installation or performs any electrical construction work either on his or her own or other property for purposes of sale or speculation.

(b) An ***ELECTRICIAN*** or ***ELECTRICAL CONTRACTOR*** as defined above shall not mean or include:

(1) Any owner or his or her authorized agents or employees making ordinary repairs to his, her or its own building or structure not involving electrical construction and for which a permit is not required or on which an electrician or electrical contractor, as defined, is not required, employed or engaged to perform; or

(2) Any property owner personally performing any improvements, alterations or electrical construction within or upon his or her own residence and intended for his or her own personal use and permanent occupancy; provided, the owner shall satisfy the Electrical Inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal electrical construction by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city.

§ 4-324 ELECTRICIAN'S OR ELECTRICAL CONTRACTOR'S LICENSE REQUIRED; ELECTRICAL PERMITS; UNLAWFUL ACTS.

(a) Each electrician or electrical contractor shall, before entering upon any electrical construction work subject to regulation by city laws, apply to the City Clerk/Administrator for an electrician's or electrical contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of electrician or electrical contractor in the city.

(b) No permit for any electrical construction work shall be issued for any such work to be performed by an electrician or electrical contractor, as defined, who has not first obtained a license upon making a proper application and payment of the license fee as required.

(c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself or itself under the definition of an electrician or electrical contractor herein, or to perform any work as an electrician or electrical contractor or any work under a contract for any work involving electrical construction, without first having obtained an electrician's or electrical contractor's license issued by the city.

§ 4-325 SAME; APPLICATION; GRANTING.

Application for an electrician's or electrical contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in the length of time engaged in such work, and places where work has been performed within the past two years. The application shall be signed by the electrician or electrical contractor or his or her authorized agent. The applications shall be, by the Chief Building Official, referred to the governing body at its next meeting for action thereon. Such license shall be issued by the City Clerk/Administrator, upon payment of the fees hereinafter provided after approval of the governing body.

§ 4-326 SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

(a) (1) The following license fees shall be paid for the calendar year or major fraction thereof:

(A) General electrician or electrical contractor, who shall qualify to engage in more than one kind of electrical construction work, the sum of $50.00; and

(B) Limited electrician or electrical contractor, who shall qualify to engage in not more than one kind of electrical construction work, the sum of $50.00.

(2) Any license issued on or after July 1 of each year shall be issued upon payment of one-half the annual license fee.

(b) Each such license shall set forth the kind of electrical construction work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in contract work or produce the same on demand of any city officer. All licenses shall be renewable annually as in the case of an original license on or before January 1 of the year for which issued.

(c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts.

§ 4-327 ELECTRICIAN'S OR ELECTRICAL CONTRACTOR'S BOND REQUIRED; CONDITIONS; APPROVAL; RIGHTS RESERVED.

(a) Before any license shall be issued to any electrician or electrical contractor required by this article to obtain a license and pay a fee to the city, the electrician or electrical contractor shall secure and file with the City Clerk/Administrator a good and sufficient corporate surety bond in the principal sum of $10,000 conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents or servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the city, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the state and shall be executed by an agent of the company residing in the county and further conditioned that in the event of cancellation or expiration that the company or agent will give ten days' notice of such fact to the City Clerk/Administrator. Each such bond shall be approved as to form by the City Attorney and approved as to surety by the City Treasurer and the approval thereof shall be endorsed on the bond by the City Attorney and by the Mayor over their signatures.

(b) Each bond shall be dated to run from the first day of any license issued by the city to the principal and may cover the period of not to exceed two years. No bond shall be renewed by an extension certificate but a new bond shall be filed by the principal for each successive period following the renewal thereof. The city reserves the right to furnish the form of all surety bonds as may be required by this article.

§ 4-328 INSURANCE.

In addition to obtaining a corporate surety bond as required by § 4-327, an electrician or electrical contractor must procure and maintain a liability insurance policy in the amount of $100,000 for the death or injury of any one person and $300,000 for the death or injury of any number of persons in any one accident and $50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the state. An electrician or electrical contractor may qualify as to the insurance requirements by filing a certificate with the City Clerk/Administrator executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days' notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.

§ 4-329 LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

(a) (1) The license of any electrician or electrical contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the Chief Building Official upon his or her own motion or upon a complaint of the City Electrical Inspector.

(2) Notice shall be given in writing to such electrician or electrical contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such electrician or electrical contractor involving any one or more of the following:

(A) Misrepresentation of a material fact by applicant in obtaining a license;

(B) Use of license to obtain an electrical permit for another;

(C) Failure or neglect to observe conditions of permit authorizing encumbering of streets or sidewalks for safety of public;

(D) Performance of any electrical construction work without a permit where one is required by law; or

(E) Willful disregard of any violation of the electrical construction laws, or failure to comply with any lawful order of the City Electrical Inspector.

(b) Any licensee may, within 15 days, appeal in writing to the governing body from any order of the Chief Building Official suspending his or her license for its final decision thereon. The governing body may upon such hearing terminate such suspension within not more than 30 days thereafter, or may revoke such license. If any license shall be revoked, the electrician or electrical contractor shall not be eligible for a new license during a period of six months thereafter. No fee shall be refunded in event of the suspension or revocation of any electricians or electrical contractor's license.

(c) It shall be unlawful to engage in the occupation or trade of electrician or electrical contractor during the time any license of such electrician or electrical contractor has been suspended or revoked.

§ 4-330 WORK BY PROPERTY OWNERS.

Nothing herein contained shall prohibit any property owner from personally performing any electrical construction or installing electrical wiring or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the Electrical Inspector as to his or her ability to perform such work or install such electrical wiring, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal electrical construction or installation performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city.

§ 4-331 APPROVED MATERIALS.

No electric materials for wiring of appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for wiring appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article.

§ 4-332 LIABILITY.

This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or re-inspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein.

§ 4-333 SEVERABILITY.

If any section of the National Electrical Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the National Electrical Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect.

§ 4-334 ELECTRICAL LICENSE REQUIREMENT.

Any person applying to become a licensed electrician in the City of WaKeeney will be required to show proof of the following prior to taking the electrician license exam:

(a) Minimum three years of experience under a licensed electrician with documented proof of employment and proof of employees electrical license; or

(b) Show proof of satisfactory completion from an accredited vocational or technical schools electrician program.
(Ord. 1383, passed - -)

ARTICLE 4: PLUMBING AND GAS-FITTING CODE

Section

4-401 Definition
4-402 Uniform Plumbing Code incorporated
4-403 Additional provisions
4-404 Building Official; authority
4-405 Plumbing Inspector; appointment
4-406 Same; duties
4-407 Same; powers
4-408 Same; right of entry
4-409 Clarification; modification
4-410 Plumbing permit required; exception
4-411 Same; application information required
4-412 Same; plans and specifications
4-413 Same; fees
4-414 Same; posting
4-415 Request for inspection
4-416 Inspection; concealment of prior work
4-417 Inspection fee
4-418 Certificate of approval
4-419 Connection to gas or water supply
4-420 Condemnation; appeal
4-421 Plumber or plumbing contractor; defined
4-422 Plumber's or plumbing contractor's license required; plumbing permits; unlawful acts
4-423 Same; application; granting
4-424 Same; license fees; conditions; renewal; unlawful acts
4-425 Plumber's or plumbing contractor's bond required; conditions; approval; rights reserved
4-426 Insurance
4-427 License suspension; revocation; appeal; unlawful acts
4-428 Excavations
4-429 Work by property owners
4-430 Approved materials
4-431 Liability
4-432 Severability

§ 4-401 DEFINITION.

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PLUMBING. The installation of gas or water pipes, fixtures, apparatus and the necessary connections either for supplying gas or water to premises or for the removing of liquid and water-borne wastes from premises in the city, or both such purposes, and shall also denote installed fixtures, drainage and vent systems and gas or water distribution systems as the case may be.

§ 4-402 UNIFORM PLUMBING CODE INCORPORATED.

(a) There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the practice of plumbing and gasfitting, including the installation, maintenance, extension and alteration of all pipes, fixtures, appliances and appurtenances in connection with sanitary sewers and public and private water and fuel gas systems, the Uniform Plumbing Code, 2021 Edition, as recommended by the International Association of Plumbing and Mechanical Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012, including any amendments thereto. One copy of the uniform code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of WaKeeney", and shall be filed with the City Clerk/Administrator to be open to inspection and available to the public at all reasonable hours of business.

(b) Any person violating any provisions of such code shall be punished as provided in § 1-116 of this code.

§ 4-403 ADDITIONAL PROVISIONS.

The following sections of this article are in addition to the provisions of the standard code incorporated by reference in § 4-402.

§ 4-404 BUILDING OFFICIAL; AUTHORITY.

The City Clerk/Administrator or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of a Plumbing Inspector in accordance with § 4-204, which apply in a like manner to this article.

§ 4-405 PLUMBING INSPECTOR; APPOINTMENT.

The City Clerk/Administrator may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of Plumbing Inspector as may be required, subject to the consent and approval of the governing body.

§ 4-406 SAME; DUTIES.

The Plumbing Inspector shall have the following duties:

(a) To enforce all regulations relating to plumbing construction, alteration, repair or removal;

(b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;

(c) To examine all buildings in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the plumbing permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and

(d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the Building Official or Plumbing Inspector without his or her written consent.

§ 4-407 SAME; POWERS.

The Plumbing Inspector shall have the following powers:

(a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this article;

(b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the city; and

(c) May cause any work done in violation of this article to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the plumbing regulations of the city, subject to the right of any plumber, plumbing contractor or owner to appeal to the governing body.

§ 4-408 SAME; RIGHT OF ENTRY.

The Plumbing Inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this article.

§ 4-409 CLARIFICATION; MODIFICATION.

(a) The governing body shall be the final determiner of the scope and meaning of all provisions of the Plumbing Code which may be unclear, ambiguous or requiring interpretation.

(b) The Plumbing Inspector shall have power to modify any of the provisions of the Plumbing Code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the Plumbing Inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the Inspector thereon shall be entered upon the records of the Plumbing Inspector and a signed copy shall be furnished to the applicant.

§ 4-410 PLUMBING PERMIT REQUIRED; EXCEPTION.

(a) It shall be unlawful to install, alter or reconstruct any plumbing or plumbing system, as defined by the Plumbing Code and § 4-401, in any building in the city without first making application to and receiving a permit therefor from the City Clerk/Administrator, after approval by the Chief Building Official or his or her authorized assistant. The application for such permit shall be made and the permit obtained before any plumbing work is commenced.

(b) No permit shall be required for making minor repairs of any plumbing including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste or supply pipes, traps or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repair work not involving original installation or reconstruction.

§ 4-411 SAME; APPLICATION INFORMATION REQUIRED.

(a) (1) A plumbing permit shall be issued upon an application in writing to the office of City Clerk/Administrator on a form or forms provided for the purpose.

(2) This application shall, among other things, disclose the following:

(A) The name of the owner of the lot or tract of ground;

(B) The location of the building or structure;

(C) The plumbing work proposed;

(D) The class of occupancy;

(E) The class of construction;

(F) The kind of materials to be used;

(G) The estimated cost of the work;

(H) The date work will commence;

(I) Expected date of completion;

(J) Name and address of plumber, plumbing contractor or contractors doing the work; and

(K) Such other information as may be pertinent to the issuance of the required permit.

(b) An application for a plumbing permit shall be signed by the owner or his or her duly authorized agent, or a plumber or plumbing contractor licensed by the city. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed plumber, plumbing contractor or contractors doing the work described, or a plumbing permit may be issued to the owner upon his or her application disclosing satisfactory evidence that the proposed work will be performed by the owner, himself or herself and not by a licensed plumber or plumbing contractor, and likewise subject to the final approval of the Plumbing Inspector for work performed.

(c) Upon approval of the completed application and a determination that a permit should be issued, the Chief Building Official or his or her assistant shall issue a permit to the owner or contractor authorizing the plumbing work covered by the application.

(d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the plumbing work authorized by such permit. Plumbing work commenced for the purpose of this section shall mean the beginning of plumbing work other than the preparation of plans or the letting of a plumbing contract.

§ 4-412 SAME; PLANS AND SPECIFICATIONS.

Whenever an application for a plumbing permit is made, the Chief Building Official or the Plumbing Inspector may, if he or she finds it necessary to determine whether work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed plumbing construction as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the Chief Building Official or the Plumbing Inspector may require the applicant to file complete architectural and engineering plans and specifications for such building or construction, or any part thereof, as may be necessary for the Inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any plumbing work for conformity with this article.

§ 4-413 SAME; FEES.

The fee for a plumbing permit shall be $10.00, however, no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required is under $100.00. The fee herein shall be paid to the City Clerk/Administrator upon obtaining a plumbing permit and the same shall be credited to the General Operating Fund of the city.

§ 4-414 SAME; POSTING.

A copy of the plumbing permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The Plumbing Inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.

§ 4-415 REQUEST FOR INSPECTION.

Upon the completion of any plumbing work covered by this article, it shall be the duty of the person doing such work to notify the Plumbing Inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided.

§ 4-416 INSPECTION; CONCEALMENT OF PRIOR WORK.

(a) When any plumbing is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the plumbing shall notify the Plumbing Inspector and such equipment shall not be concealed until it has been inspected, approved or authorized by the Plumbing Inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification. On large installations, where the concealment of plumbing proceeds continuously, the person, firm or corporation installing the plumbing shall give the Plumbing Inspector due notice and inspections shall be made periodically during the progress of the work.

(b) The Plumbing Inspector shall have the authority to require owners or contractors to open such work which, in any manner, conceals plumbing that has been closed without his or her knowledge or permission, and in no case shall the Inspector issue a certificate of approval until satisfied that the work is in accordance with the provisions of this article. The Inspector shall also have the right to refuse to issue a certificate of approval on any plumbing, that is concealed in such manner that it cannot be fully determined that it has been done in accordance with this article.

§ 4-417 INSPECTION FEE.

An initial inspection fee of $10.00, and an inspection fee of $10.00 for subsequent inspections required, shall be paid before any plumbing will be approved or a certificate of approval issued.

§ 4-418 CERTIFICATE OF APPROVAL.

(a) When the Plumbing Inspector finds plumbing construction to be in conformity with the provisions of this article, he or she shall issue to the person, firm or corporation performing the plumbing construction, a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the plumbing system and connection to the supply of gas or water, as the case may be.

(b) When a certificate of approval is issued authorizing the connection and use of a temporary gas or water supply, the certificate shall expire at a time to be stated therein and shall be revocable for cause by the Plumbing Inspector.

(c) In no case shall certificates of approval be issued on plumbing or plumbing systems or parts of systems where the work installed does not conform to the requirements of this article.

(d) If, upon inspection, the plumbing or plumbing system is not found to be fully in conformity with the provisions of this article, the Plumbing Inspector shall immediately notify the person, firm or corporation making the installation of the existing defects.

(e) No certificate of approval shall be issued unless the plumbing or plumbing system has been installed in strict conformity with the provisions of this article and unless the plumbing or plumbing system is made in compliance with nationally approved methods of construction for safety to life and property as herein set forth.

(f) The Plumbing Inspector shall be deemed the judge of whether the plumbing or plumbing system has been made in accordance with the requirements of this article.

(g) No certificate of approval shall be required for making minor repairs of any plumbing including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste or supply pipes, traps or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repair work not involving original installation or reconstruction.

§ 4-419 CONNECTION TO GAS OR WATER SUPPLY.

It shall be unlawful for any person, firm or corporation to make connection to a supply of gas or water for which an inspection is required, or which has been disconnected by the order of the Plumbing Inspector, until a certificate of approval has been issued by the Plumbing Inspector authorizing the connection and use of such plumbing or plumbing system. The Plumbing Inspector may, at his or her discretion, authorize a temporary connection.

§ 4-420 CONDEMNATION; APPEAL.

(a) If in the judgment of the Plumbing Inspector, after inspection, the plumbing or plumbing system in any building are unsafe or dangerous to persons or property, the Inspector shall have the power to cause the plumbing or plumbing system to be disconnected from the supply of gas or water and may, at his or her discretion, seal the control valves for the same in a closed or disconnected position, whereupon he or she shall give notice to the owner, or his or her agent, or by posting such notice at the site and shall also notify the utilities serving the premises. Thereafter, it shall be unlawful for any person to cause or permit gas or water to be supplied to the plumbing or plumbing system so sealed until they shall have been made safe and the Inspector shall have issued a certificate of approval to that effect.

(b) When the Plumbing Inspector condemns all or part of any plumbing system, the owner may, within ten days after receiving written notice thereof, file a petition in writing for review of the action of the Plumbing Inspector by the governing body, upon the receipt of which the governing body shall at once proceed to determine the facts, and within ten days from receiving the petition make a decision in accordance with their findings.

§ 4-421 PLUMBER OR PLUMBING CONTRACTOR; DEFINED.

(a) For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PLUMBER or ***PLUMBING CONTRACTOR.***

(A) Any person engaged in the business of installing, altering, maintaining or repairing plumbing, which shall include all materials and plumbing fixtures, water pipes, portable water treatment equipment, traps, drainage and vent piping, and building drains, including their respective points, connections, devices, receptacles and appurtenances located within the property lines of any premises or in any building; and

(B) Any gasfitter or person engaged in the business of installing, altering or repairing fuel gas piping, gas systems or fixtures.

(b) A ***PLUMBER*** or ***PLUMBING CONTRACTOR***, as defined in division (a) above, shall not mean or include the owner of a residence who personally installs plumbing piping or equipment within and upon his or her own residence and intended for his or her own personal use and permanent occupancy; provided, the owner shall satisfy the Plumbing Inspector as to his or her ability to install such piping or equipment, secure a permit, pay required fees, do work in accordance with this article and apply for an inspection and receive approval. Personal installation by an owner under this section shall be himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the city.

§ 4-422 PLUMBER'S OR PLUMBING CONTRACTOR'S LICENSE REQUIRED; PLUMBING PERMITS; UNLAWFUL ACTS.

(a) Each plumber or plumbing contractor shall, before entering upon any plumbing work subject to regulation by city laws, apply to the City Clerk/Administrator for a plumber's or plumbing contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of a plumber or plumbing contractor in the city.

(b) No permit for any plumbing work shall be issued for any such work to be performed by a plumber or plumbing contractor, as defined, who has not first obtained a license upon making a proper application and payment of the license fee as required.

(c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself or itself under the definition of a plumber or plumbing contractor herein, or to perform any work as a plumber or plumbing contractor or any work under a contract for any work involving plumbing construction, without first having obtained a plumber's or plumbing contractor's license issued by the city.

§ 4-423 SAME; APPLICATION; GRANTING.

Application for a plumber's or plumbing contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in, the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the plumber or plumbing contractor or his or her authorized agent. The applications shall be, by the Chief Building Official, referred to the governing body at its next meeting for action thereon. Such license shall be issued by the City Clerk/Administrator, upon payment of the fees hereinafter provided after approval of the governing body.

§ 4-424 SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

(a) (1) The following license fees shall be paid for the calendar year or major fraction thereof:

(A) General plumber or plumbing contractor, who shall qualify to engage in more than one kind of plumbing work, the sum of $50.00; and

(B) Limited plumber or plumbing contractor, who shall qualify to engage in not more than one kind of plumbing work, the sum of $50.00.

(2) Any license issued on or after July 1 of each year shall be issued upon payment of one-half the annual license fee.

(b) Each such license shall set forth the kind of plumbing work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in plumbing work or produce the same on demand of any city officer. All licenses shall be renewable annually as in the case of an original license on or before January 1 of the year for which issued.

(c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts.

§ 4-425 PLUMBER'S OR PLUMBING CONTRACTOR'S BOND REQUIRED; CONDITIONS; APPROVAL; RIGHTS RESERVED.

(a) Before any license shall be issued to any plumber or plumbing contractor required by this article to obtain a license and pay a fee to the city, the plumber or plumbing contractor shall secure and file with the City Clerk/Administrator a good and sufficient corporate surety bond in the principal sum of $10,000 conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents or servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the city, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the state and shall be executed by an agent of the company residing in the county and further conditioned that in the event of cancellation or expiration that the company or agent will give ten days' notice of such fact to the City Clerk/Administrator. Each such bond shall be approved as to form by the City Attorney and approved as to surety by the City Treasurer and the approval thereof shall be endorsed on the bond by the City Attorney and by the Mayor over their signatures.

(b) Each bond shall be dated to run from the first day of any license issued by the city to the principal and may cover the period of not to exceed two years. No bond shall be renewed by an extension certificate but a new bond shall be filed by the principal for each successive period following the renewal thereof. The city reserves the right to furnish the form of all surety bonds as may be required by this article.

§ 4-426 INSURANCE.

In addition to obtaining a corporate surety bond as required by § 4-425, a plumber or plumbing contractor must procure and maintain a liability insurance policy in the amount of $100,000 for the death or injury of any one person and $300,000 for the death or injury of any number of persons in any one accident and $50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the state. A plumber or plumbing contractor may qualify as to the insurance requirements by filing a certificate with the City Clerk/Administrator executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days' notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.

§ 4-427 LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

(a) (1) The license of any plumber or plumbing contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the Chief Building Official upon his or her own motion or upon a complaint of the City Plumbing Inspector.

(2) Notice shall be given in writing to such plumber or plumbing contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such plumber or plumbing contractor involving any one or more of the following:

(A) Misrepresentation of a material fact by applicant in obtaining a license;

(B) Use of license to obtain a plumbing permit for another;

(C) Failure or neglect to observe conditions of a permit authorizing encumbering of streets or sidewalks for safety of public;

(D) Performance of any plumbing work without a permit where one is required by law; or

(E) Willful disregard of any violation of the plumbing laws, or failure to comply with any lawful order of the City Plumbing Inspector.

(b) Any licensee may, within 15 days, appeal in writing to the governing body from any order of the Chief Building Official suspending his or her license for its final decision thereon. The governing body may, upon such hearing, terminate such suspension within not more than 30 days thereafter, or may revoke such license. If any license shall be revoked, the plumber or plumbing contractor shall not be eligible for a new license during a period of six months thereafter. No fee shall be refunded in event of the suspension or revocation of any plumber's or plumbing contractor's license.

(c) It shall be unlawful to engage in the occupation or trade of plumber or plumbing contractor during the time any license of such plumber or plumbing contractor has been suspended or revoked.

§ 4-428 EXCAVATIONS.

When it appears that the laying or repairing of any water or sewer pipes or the making of any connection therewith shall require excavation in any street, alley or public way of the city or the cutting or removal of any pavement, curb or gutter or any sidewalk, during the course of such work, the application for a permit shall so state and describe the location and extent of the excavation, cutting or removal. Before the City Clerk/Administrator shall issue any permit for such work, the applicant shall pay any fee required by this code. All excavations shall be barricaded and guarded as provided by the appropriate sections of this code. Before any such excavation shall be backfilled, new plumbing work therein shall be inspected and the bottom of the excavation holding any sewer, drain or water pipe shall be so filled, leveled and tamped as to properly support the pipe and permit proper drainage when carrying sewage, and the excavation shall be backfilled and all paving, curbing, guttering or sidewalks shall be restored as near as possible to their last condition, subject always to the approval of the Plumbing Inspector or the Superintendent of Streets.

§ 4-429 WORK BY PROPERTY OWNERS.

Nothing herein contained shall prohibit any property owner from personally installing plumbing piping or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the Plumbing Inspector as to his or her ability to install such piping or equipment, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal installation by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the city.

§ 4-430 APPROVED MATERIALS.

No plumbing materials, appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for plumbing materials, appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article.

§ 4-431 LIABILITY.

This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or performing any plumbing construction for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or re-inspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein.

§ 4-432 SEVERABILITY.

If any section of the Uniform Plumbing Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the Uniform Plumbing Code or of this article, the section is

to be completely severable from the remaining provisions which shall continue in full force and effect.

ARTICLE 5: MOVING BUILDINGS

Section

4-501 Building Official; authority
4-502 Permit required
4-503 Same: application for permit
4-504 Same; bond, insurance required
4-505 Same; fee
4-506 Contractor; license required; fee
4-507 Route; duties of Building Official
4-508 Notice to owners
4-509 Duty of owners
4-510 Interfering with poles; wires
4-511 Display of lanterns

§ 4-501 BUILDING OFFICIAL; AUTHORITY.

The City Clerk/Administrator or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an Inspector in accordance with §§ 4-204 through 4-209, which apply in a like manner to this article.

§ 4-502 PERMIT REQUIRED.

No person, firm or corporation shall move, haul or transport any house, building, derrick or other structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more or which cannot be moved at a speed of four mph or faster, upon, across or over any street, alley or sidewalk in this city without first obtaining a permit therefor.
(K.S.A. 17-1914)

§ 4-503 SAME: APPLICATION FOR PERMIT.

Moving Buildings

All applications for permits required under the provisions of this article shall be made in writing to the City Clerk/Administrator specifying the day and hour said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved and stating whether it will be necessary to cut and move, raise or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities.
(K.S.A. 17-1915)

§ 4-504 SAME; BOND, INSURANCE REQUIRED.

(a) It shall be the duty of any person at the time of making application for a permit as provided in this article to give a good and sufficient surety bond to the city, to be approved by the governing body, indemnifying the city against any loss or damage resulting from the failure of any such person to comply with the provisions of this article or for any damage or injury caused in moving any such house or structure. The bond herein shall be in the sum of $5,000, or cash may be deposited in lieu of such surety bond.

(b) A public liability insurance policy issued by an insurance company authorized to do business in the state, in the amount of $100,000 per person, $300,000 per accident as to personal injury and $50,000 property damage may be permitted in lieu of a bond.

§ 4-505 SAME; FEE.

Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee of not less than $5 to the City Clerk/Administrator, plus the additional cost for the time for any city crews involved in such moving.

§ 4-506 CONTRACTOR; LICENSE REQUIRED; FEE.

The provisions of §§ 4-219 through 4-225 shall apply in a like manner to this article.

§ 4-507 ROUTE; DUTIES OF BUILDING OFFICIAL.

(a) The City Clerk/Administrator shall, upon filing of the above application, refer the same to the Chief Building Official or his or her authorized designee to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that such route is not practical, and another route may be used equally well with less danger to street and travel, then he or she may designate such other route as the one to be used and shall notify the applicant of the same.

(b) The Building Official may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto. It shall also be the duty of the Chief Building Official or his or her authorized designee to inspect the progress of moving any house or other structure to see that the same

is being moved in accordance with the provisions of this article.

§ 4-508 NOTICE TO OWNERS.

(a) Upon issuance of a moving permit, the applicant shall give not less than 15 days' written notice to any person owning or operating any wires, cables or other aerial equipment along the proposed route of the intent to move the structure, giving the time and location that the applicants moving operation shall necessitate the cutting, moving, raising or interfering of any wires, cables or other aerial equipment.

(b) The notice provision of division (a) above shall not apply where the person owning or operating any wires, cables or other aerial equipment has waived their right to advance notice.

(c) Should the moving operation be delayed, the applicant shall give the owner or his or her agent not less than 24 hours' advance notice of the actual operation.
(K.S.A. 17-1916)

§ 4-509 DUTY OF OWNERS.

(a) It shall be the duty of the person or the city owning or operating such poles or wires, after service of notice as provided herein, to furnish competent lineman or workers to remove such poles, or raise or cut such wires as will be necessary to facilitate the moving of such house or structure. The necessary expense which is incurred thereby shall be paid by the holder of the moving permit.

(b) The owner of any wires, cables or other aerial equipment, after service of notice as provided in § 4-508, shall be liable to the permit holder for damages in an amount not to exceed $100 per day for each day the owner shall fail or refuse to accommodate the permit holder's moving operations.
(K.S.A. 17-1917)

§ 4-510 INTERFERING WITH POLES; WIRES.

It shall be unlawful for any person engaged in moving any house or other structure to raise, cut or in any way interfere with any wires or poles bearing wires or any other aerial equipment.
(K.S.A. 17-1918)

§ 4-511 DISPLAY OF LANTERNS.

It shall be the duty of any person moving any of the structures mentioned in this article upon or across any street, alley or sidewalk or other public place, in this city, to display red lanterns thereon in such a manner as to show the extreme height and width thereof from sunset to sunrise.

Moving Buildings

ARTICLE 6: DANGEROUS AND UNFIT STRUCTURES

Section

4-601 Purpose
4-602 Definitions
4-603 Enforcing officer; duties
4-604 Procedure; petition
4-605 Same; notice
4-606 Same; publication
4-607 Same; hearing, order
4-608 Duty of owner
4-609 Same; failure to comply
4-610 Same; make site safe
4-611 Assessment of costs
4-612 Immediate hazard
4-613 Appeals from order
4-614 Scope of article

§ 4-601 PURPOSE.

The governing body has found that there exists within the corporate limits of the city structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this article. (K.S.A. 12-1751)

§ 4-602 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ENFORCING OFFICER. The City Clerk/Administrator or his or her authorized representative.

STRUCTURE. Includes any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground.
(K.S.A. 12-1750)

§ 4-603 ENFORCING OFFICER; DUTIES.

The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article, including the following:

(a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation;

(b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the enforcing officer may seek an order for this purpose from a court of competent jurisdiction;

(c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body; and

(d) Receive petitions as provided in this article.

§ 4-604 PROCEDURE; PETITION.

Whenever a petition is filed with the enforcing officer by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the enforcing officer on his or her own motion that any structure is dangerous, unsafe or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body.

§ 4-605 SAME; NOTICE.

The governing body, upon receiving a report as provided in § 4-604, shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished.
(K.S.A. 12-1752)

§ 4-606 SAME; PUBLICATION.

(a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.

(b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence and shall be marked "deliver to addressee only".
(K.S.A. 12-1752)

§ 4-607 SAME; HEARING, ORDER.

If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed.

§ 4-608 DUTY OF OWNER.

Whenever any structure within the city shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe, or to remove the same.

§ 4-609 SAME; FAILURE TO COMPLY.

(a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the enforcing officer may cause the structure to be repaired, altered, improved or to be vacated and closed.

(b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the enforcing officer may cause the structure to be removed and demolished.

§ 4-610 SAME; MAKE SITE SAFE.

Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe.

§ 4-611 ASSESSMENT OF COSTS.

(a) The cost to the city of any repairs, alterations, improvements, vacating, removal or demolition by the enforcing officer, including making the site safe, shall be reported to the City Clerk/Administrator.

(b) The city shall give notice to the owner of the structure by restricted mail of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice.

(c) If the costs remain unpaid after 30 days following receipt of notice, the City Clerk/Administrator may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.

(d) If the proceeds of the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901 et seq., and amendments thereto, are insufficient to recover the above stated costs, or if there is no salvage, the balance shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments against the lot or parcel of land on which the structure was located and the City Clerk/Administrator, at the time of certifying other city taxes, shall certify the unpaid portion of the costs to the County Clerk and who shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the County Treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

(e) If there is no salvage material, or if the monies received from the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901 et seq., and amendments thereto, are insufficient to pay the costs of the work and the costs of providing notice, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid, out of the General Fund or by the issuance of no-fund warrants.
(K.S.A. 12-1755)

§ 4-612 IMMEDIATE HAZARD.

When, in the opinion of the governing body, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in § 4-611.
(K.S.A. 12-1756)

§ 4-613 APPEALS FROM ORDER.

Any person affected by an order issued by the governing body under this article may, within 30 days following service of the order, petition the District Court of the county in which the structure is located for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case.

§ 4-614 SCOPE OF ARTICLE.

Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by the Constitution, any other law or ordinance. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750 to 1756.

Dangerous and Unfit Structures

ARTICLE 7: FENCES

Section

4-701 Permit required
4-702 Definitions
4-703 Residential zones; permitted fencing
4-704 Same; prohibited fencing
4-705 Residential fences; standards
4-706 Fences in agricultural districts
4-707 Same; hedged or evergreens

§ 4-701 PERMIT REQUIRED.

It shall be unlawful for any person to erect or install anywhere in the city fencing without first obtaining a permit from the City Clerk/Administrator. Applications for permits that contain unusual requests or invoice prior to a permit being issued.

§ 4-702 DEFINITIONS.

For purposes of this article, the following terms shall have the following meanings.

OPEN FENCES. Those constructed of wood, masonry, metal woven wire, or other material whose surface area is greater than 50% open.

SOLID FENCES. Those constructed of wood, masonry, metal, or other material whose surface area is or may become less than 50% open.

§ 4-703 RESIDENTIAL ZONES; PERMITTED FENCING.

Fences in residential areas of the city shall be either of open or solid type construction.

§ 4-704 SAME; PROHIBITED FENCING.

(a) *Barbed wire*. No person shall construct, keep or maintain any barbed wire fence, or fence any part of which is composed of barbed wire, within a residential area of the city.

(b) *Electric fence*. No person shall construct, keep or maintain an electrically charged fence within a residential area of the city.

§ 4-705 RESIDENTIAL FENCES; STANDARDS.

(a) Front yard:

(1) No solid fence shall be constructed or reconstructed beyond the front property line of a residential property.

(2) Open fences may be constructed in the front yard, but shall not exceed 72 inches in height above the natural contour of the ground.

(b) Side or rear yards:

(1) No solid fence located in a side or rear yard of residential property shall be constructed to a height greater than 96 inches above the natural contour of the ground and 72 inches above the natural contour of the ground when constructed along the side yard past the front building line of the property.

(2) No open fence located in a side or rear yard shall be constructed to a height greater than 72 inches above the natural contour of the ground.

(c) Commercial fences shall be not less than six feet nor more than seven feet in height.

(d) Fencing of the chain link type in commercial areas may be topped with barbed wire on slanted arms. Where slanted arms are used they shall be upward at an angle of not less than 45 degrees and shall be slanted to the interior when located within three feet of a sidewalk or pedestrian way.

(e) Commercial fences shall be constructed under a permit issued by the City Inspector. Permits shall be renewable every five years upon certification by the Building Inspector that the fence is in good repair.

§ 4-706 FENCES IN AGRICULTURAL DISTRICTS.

(a) The term ***AGRICULTURAL FENCES*** shall apply only to areas conforming to the requirements of the zoning regulations for areas used for the growing of crops or pasture for livestock.

(b) Agricultural fences shall be either of open or solid construction.

(c) Agricultural fences shall not exceed four feet in height above the natural contour of the ground.

(d) The use of barbed wire in the construction, reconstruction or maintenance of agricultural fence shall by special permit issued by the City Clerk/Administrator. The permit shall not be given or renewed if the fence forms a boundary with any property zoned as residential.

§ 4-707 SAME; HEDGED OR EVERGREENS.

(a) The owner of any hedge or evergreen fence along the side of any street, avenue or alley shall not permit any such hedge or evergreen fence to grow to exceed four feet in height.

(b) The owner of any hedge or evergreen fence along the side of any street, avenue or alley shall on 30 days' notice in writing given by the City Clerk/Administrator be required to trim such hedge or evergreen fence to conform to the requirements of division (a) above.

Fences

ARTICLE 8: SWIMMING POOLS

Section

4-801 Definition
4-802 Compliance required; permit
4-803 Location
4-804 Approval of drawings; plans
4-805 Swimming pool standards
4-806 Same; structural design.
4-807 Same; fences, gates
4-808 Same; ladders, steps
4-809 Same; electrical equipment
4-810 Inspections
4-811 Permit fee

§ 4-801 DEFINITION.

The term ***SWIMMING POOL*** shall mean any receptacle for water, or an artificial pool of water having a depth at any point of more than two feet, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment thereto, regardless whether the receptacle is totally above the ground, partially in the ground or totally in the ground.

§ 4-802 COMPLIANCE REQUIRED; PERMIT.

(a) It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the city except in compliance with all of the provisions of this article.

(b) It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any swimming pool and appurtenance, within the city unless permits therefor shall have first been obtained from the City Clerk/Administrator.

§ 4-803 LOCATION.

No portion of a swimming pool outside a building shall be located at a distance less than eight feet from any side or rear property line, or building line. Pumps, filters and pool water disinfection equipment installations and appurtenance equipment shall be located at a distance not less than eight feet from any side property line.

§ 4-804 APPROVAL OF DRAWINGS; PLANS.

(a) All drawings and plans for the construction, installation, enlargement or alteration of any swimming pool and appurtenances shall first be presented to the City Clerk/Administrator for examination and approval as to the proper location and construction thereof.

(b) All plans and drawings shall be drawn to a scale of not less than 1/8 of an inch to the foot, on paper or cloth, in ink, or by some process that will not fade or obliterate. All distances and dimensions shall be accurately figured and drawings made explicit and complete, showing the lot line, and including information pertaining to the pool, walk and fence construction, water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detail plans and vertical elevations shall also be provided in accordance with the City Building Code.

(c) All swimming pools, appurtenances, water supply and drainage system shall be constructed in conformity with the approval plans.

§ 4-805 SWIMMING POOL STANDARDS.

(a) All swimming pools shall be of the re-circulation type in which circulation of the water is maintained through the pool by pumps; the water drawn from the pool being clarified and disinfected before returned to the pool.

(b) Swimming pool inside walls and floors shall be constructed of any impervious material which will provide a tight tank and easily cleaned surfaces. The floor or bottom surface of the pool shall have a nonslip finish as smooth as possible. The side and end inside walls of a pool shall present a smooth finish and shall be vertical to a depth of at least six feet or shall have a slope or curvature meeting one of the following conditions:

(1) The pool wall may be vertical for 30 inches from the water level, below which the wall may be curved to the bottom with a radius at any point equal to the difference between the depth at that point, and 30 inches.

(2) To a depth of six feet, except as in division (b)(1) above, the wall as slope shall not be less than one foot horizontal and six feet vertical.

§ 4-806 SAME; STRUCTURAL DESIGN.

Swimming pools shall be designed to withstand the water pressure from within and to resist the pressure of the earth when the pool is empty, to a pressure of 2,200 pounds per square foot. The slope of the bottom of any part of a pool in which the water is less than five feet in depth shall not be more than one foot in each ten feet. The maximum slope where water is five feet or more in depth shall not exceed one foot in two feet.

§ 4-807 SAME; FENCES, GATES.

All outdoor swimming pools shall be completely enclosed by a fence of not less than six feet in height above the grade level. All fence openings or point of entry into the pool area enclosure shall be equipped with gates, and shall be of not less than six feet in height above the grade level. The fence maybe constructed of wire or of wood materials, in the event that wire is used for the fence to enclose the pool area the fence shall be constructed of a minimum number and 1/2 gauge woven wire mesh corrosion-resistant material. In the event the fence is constructed of wood, the wooden materials shall be of a strength of not less than 1/2 inch in thickness with spacings of no greater than three inches in width. All gates shall be equipped with closing and latching device capable of being locked with a padlock and the gate shall be locked with a padlock during the absence of the owners or tenants or the real property whereon the swimming pool is situated. All fence pots shall be decay or corrosion-resistant and shall be set in a concrete base at a depth of not less than two and one-half feet, and no farther than ten feet apart.

§ 4-808 SAME; LADDERS, STEPS.

One or more means of egress in the form of steps or ladders shall be provided for all swimming pools.

§ 4-809 SAME; ELECTRICAL EQUIPMENT.

(a) All electrical installations provided for, installed and used in conjunction with private residential swimming pools shall be in conformance with the provisions of this code regulating electrical installations.

(b) No current carrying electrical conductors shall cross private residential swimming pools, either overhead or underground or within 15 feet of such pools.

(c) All metal fences, enclosures or railings near or adjacent to swimming pools, which might become electrically alive as a result of contact with broken overhead conductors or from any other cause, shall effectively grounded.

§ 4-810 INSPECTIONS.

The Building Inspector periodically shall inspect all swimming pools to determine whether or not the provisions of the ordinances regarding safety applicable thereto are being complied with.

§ 4-811 PERMIT FEE.

The fee for a permit for the erection or construction or re-erection or construction of a swimming pool shall be $10.00 for 1,000 cubic feet or fraction thereof to be contained within the proposed pool as determined by the plans and specifications submitted for the application for the permit.

ARTICLE 9: RESERVED

Antennas

ARTICLE 10: MOBILE HOMES AND MOBILE HOME PARKS

Section

4-1001 Definitions
4-1002 Mobile homes; where permitted
4-1003 Trailers; where permitted
4-1004 Mobile homes, trailers, nonresidential structures
4-1005 Minimum standards for mobile home parks
4-1006 Plan approval
4-1007 Plan submitted to Planning Commission
4-1008 Hearing, consideration; project
4-1009 Expiration special use permit

§ 4-1001 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRIVE. A right-of-way which affords principal means of vehicular access to or through a mobile home or trailer park, and which is owned and maintained by the owner or operator of the park.

MOBILE HOME. A residential structure, assembled in total or in not more than three sections at a factory, and transported over the road by truck or temporary wheel carriage to its destination.

MOBILE HOME PARK. A tract of land containing suitable drives, utilities and other supporting elements, and devoted to the sole purpose of accommodating mobile homes on a permanent or semi-permanent basis.

MOBILE HOME, DOUBLE WIDE. A mobile home, as defined above, and having been built in two sections at the factory, which sections are transported over the road separately, with assembly into one structure of a width of not less than 20 feet occurring at the destination.

MOBILE HOME, SINGLE WIDE. A mobile home, as defined above, and being of a width of not more than 14 feet, measured between the permanent sidewalls thereof.

MOBILE HOME SPACE. That area of land within a mobile home part set aside for use as a site for one mobile home, including the open spaces around the mobile home, as are required in this article.

MODULAR HOME. A residential structure, assembled in total or in several sections at a factory, and transported over the road by truck to its destination. A ***MODULAR HOME***, as distinct from a mobile home, shall have exterior building materials and appearance similar to the customary single-family structures in the neighborhood, and shall be permanently situated on a concrete slab or foundation.

STREET. A right-of-way which affords principal means of vehicular access to or through a mobile home or trailer park, and which is held in fee by the public or a governmental unit thereof.

TRAILER. A vehicle equipped with wheels, and normally towed over the road behind an automobile or light truck.

TRAILER, ADVERTISING. A trailer, as defined above, but carrying, or having attached thereto, a sign, billboard, or other media for advertising purposes, such advertising being the prime purpose and use of the trailer.

TRAILER, CAMPING. A trailer, as defined above, and equipped with an enclosure for sleeping while on vacation or other trips of short duration. Such camping trailers may also contain cooking, bath and sanitary equipment. Size and furnishing of such ***CAMPING TRAILERS*** may vary widely, but in no case shall they be considered structures for residential use of a temporary or permanent nature, for purposes of this article.

TRAILER, HAULING. A trailer, as defined above, and designed and normally used for over the road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

TRAILER PARK. A tract of land containing sites for the overnight or short term parking of camping trailers.

§ 4-1002 MOBILE HOMES; WHERE PERMITTED.

(a) Within the corporate limits of the city, mobile homes may be permitted in an approved mobile home park. Within the corporate limits of the city, mobile home may also be permitted if they are on a permanent slab or foundation on a lot within a commercial or industrial zoned area and which complies with all regulations of the zoning and subdivision ordinances of the city.

(b) A mobile home may also be permitted by the City Council, after public hearing, for the purposes of temporary relief from a local disaster, such as fire, wind, or flood damage; provided that such mobile home shall be removed from the premises within six months of its original placement.

(c) A mobile home shall not be temporarily or permanently parked or located on any public street or alley nor on any lot containing a residential or business structure, except when in complete conformity with the zoning and other ordinances of the city.
(Ord. 1329, passed - -)

§ 4-1003 TRAILERS; WHERE PERMITTED.

Rules and regulations relating to the parking of camping trailers, advertising trailers and hauling trailers shall be as follows.

(a) Camping trailers may be parked in a campground or trailer park; provided, that such camp area is in conformance with the zoning and other ordinances of the city. No such camping trailers shall be used for permanent or semi-permanent residential purposes. Nothing in the article shall prohibit the use of tents, pickup campers and other such equipment from also utilizing an approved campground or camper park. Camping trailers may also be stored in private garages or in the side or rear yards of private homes, business or industrial areas; provided, that no such trailer shall be used for residential purposes.

(b) Hauling trailers may be stored or rented in property zoned industrial. Hauling trailers, customarily towed behind passenger cars, and not exceeding ten feet of box length, may also be kept or stored in private garages or in the side or rear yard of private homes.

§ 4-1004 MOBILE HOMES, TRAILERS, NONRESIDENTIAL STRUCTURES.

One or more mobile homes or trailers may be used as a temporary office or other nonresidential structure on the site of a construction project; provided, that such structure is removed upon completion of the project. Mobile structures may be used, also, as temporary classroom facilities in connection with public schools, or private schools with equivalent curriculum.

§ 4-1005 MINIMUM STANDARDS FOR MOBILE HOME PARKS.

Minimum standards for mobile home parks in the city shall be as follows.

(a) *Minimum park size*. No mobile home park shall have a site smaller than will accommodate four mobile homes.

(b) *Minimum space size*. Each mobile home space shall have dimensions on at least 35 feet in width and 90 feet in depth. The accepted density for mobile home parks shall be six mobile homes per acre, with the maximum density being eight mobile homes per acre.

(c) *Stands and skirts*. Each mobile home space shall contain a Portland cement or asphaltic concrete stand upon which the mobile home will be situated, and each home shall be equipped with skirts on all sides, such skirts to be of material harmonious to the mobile home structure.

(d) *Streets and drives*. All public streets within the park shall be improved to city standards for residential streets. All private drives shall be surfaced with all weather surface course.

(e) *Parking*. At least one parking space for each mobile home shall be provided within 60 feet of the mobile home. Such parking space shall be off the public street or private drive, and shall be surfaced to at least the standard set out above for drives.

(f) *Park and playground space*. Park and playground space shall be provided for occupants of the mobile home parks. Such playground space shall be separate and aside from the open space provided on each mobile home space, and shall be equipped and maintained for the use of the residents of the park.

(g) *Open space*. Each mobile home shall be located on the mobile home space so that no part of one mobile home structure, including canopies, awnings, carports and other protrusions, is closer than 12 feet to another mobile home, or to the edge of the surface of a drive. No mobile home shall be located closer than 20 feet to the boundary line of the mobile home park or to a public street.

(h) *Utilities*. All liquid waste shall be disposed of through a sanitary sewer system and treatment facility, the plans of which shall be approved by the City Superintendent prior to construction. All solid waste shall be disposed of by the accumulation in tight containers, and removed at regular intervals by methods to be approved by the City Superintendent prior to construction, the site of the park shall be graded so that surface water will not accumulate, but will run off in a manner that will not adversely affect the residential character of the park or adjacent property. The proposed drainage system shall be approved by the City Superintendent prior to construction of streets or other portions of the park.

§ 4-1006 PLAN APPROVAL.

(a) Construction of a mobile home park within the city shall begin only after a special use permit has been granted by the City Council in compliance with the zoning ordinance. No such permit shall be granted, however, until a development plan for the proposed mobile home park has been prepared and submitted by the developer to the Planning Commission, and found satisfactory by the Planning Commission, and further submitted to the City Council with a recommendation for approval.

(b) Such plan shall be accurately drawn, at a scale acceptable to the City Superintendent, and shall show the following:

(1) Proposed street and drive pattern;

(2) Proposed mobile home spaces and their approximate dimensions;

(3) Any existing streets in or abutting the property;

(4) Location and size of parking spaces;

(5) Location and size of park and playground area;

(6) Screening and landscaping;

(7) Legal description of the tract;

(8) Name of the developer and the firm preparing the plan; and

(9) North point, scale and date.

§ 4-1007 PLAN SUBMITTED TO PLANNING COMMISSION.

The Planning Commission shall, upon submission of three copies of the plan and an application for a special use permit, publish notice and hold a hearing on the proposal, in conformance with the zoning ordinance. The decision of the Commission to recommend approval or denial of the proposed mobile home parks shall be based upon the following criteria:

(a) The proposed property will be in harmony, in general, with the comprehensive plan of the city;

(b) Safe and efficient ingress and egress of vehicular and pedestrian traffic and adequate level of utility and other services is assured; and

(c) A safe and healthful living environment will exist for the occupants of the park.

§ 4-1008 HEARING, CONSIDERATION; PROJECT.

Upon hearing and consideration of the project, the Commission shall, within reasonable time, submit its recommendation and an endorsed copy of the plans to the City Council for final action.

§ 4-1009 EXPIRATION SPECIAL USE PERMIT.

After 24 months from the date of approval of a special use permit by the City Council, if the mobile home park is not improved in accordance with the plans to the extent that utilities and occupied mobile home spaces exist over at least 20% of the area of the approved park, the special use permit shall expire and further development and additional occupancy of the park shall be prohibited. All mobile homes shall be removed within six months of the date of expiration of a special use permit. The owner or his or her agency may apply for a new special use permit in the case of expiration or cancellation under procedures set out in the zoning ordinance.

Mobile Homes and Mobile Home Parks

ARTICLE 11: AIR CONDITIONING WASTES

Section

4-1101 Air conditioning wastes
4-1102 Sewer connections

§ 4-1101 AIR CONDITIONING WASTES.

It shall be unlawful for any person to drain or discharge, or to permit the draining or discharging of any water or other liquid used in air conditioning, cooling, refrigeration and similar units or devices into or upon any street or alley in the city, or to discharge or drain the water or other liquids at any place where it will drain or run off into or upon any street or alley of the city.

§ 4-1102 SEWER CONNECTIONS.

All water or other liquid drained or discharged from the air conditioning, cooling, refrigeration and similar devices or units shall be drained or discharged into the sewer system of the city or at such places where the water or other liquid will not enter the streets or alleys of the city.

Air Conditioning Wastes

ARTICLE 12: HOUSE NUMBERING

Section

4-1201 Buildings numbered
4-1202 Base lines
4-1203 Business district
4-1204 Residence district
4-1205 Designation of streets
4-1206 Plan of numbering
4-1207 Method of ascertaining numbers
4-1208 Clerk/Administrator controls

§ 4-1201 BUILDINGS NUMBERED.

All buildings on lots and parts of lots, or other property abutting on any street or avenue, shall be numbered. The plan of numbering as far as practicable shall be known as the Philadelphia Plan.

§ 4-1202 BASE LINES.

The Union Pacific Railroad shall constitute the base line for all numbers on the streets running north and south and First Street shall constitute the base line for all streets running east and west.

§ 4-1203 BUSINESS DISTRICT.

In the business district from the corner of each block nearest its respective base line, each 25 feet of frontage shall be given a number. Where two buildings or rooms are located on the same 25 feet of frontage, the second building or room shall be designated with the same number given the first building or room with the number 1/2 added.

§ 4-1204 RESIDENCE DISTRICT.

In the residence district comprising all of the municipality outside of the business district from the corner of each block next to its respective base line, each 25 feet of frontage shall be given a number. Except where lots vary from 25 feet in width, such numbering shall be numbered to conform to the size of the lot. Where two dwellings are located on the same lot, the section dwelling shall have the same number as the first dwelling with the number 1/2 added.

House Numbering

§ 4-1205 DESIGNATION OF STREETS.

All numbering of houses and places of business located on those portions of any streets extending north and south and being north of the railroad base line shall be numbered according to the numbering plan and all south of the railroad base line shall be numbered according to the numbering plan and known and designated as south.

§ 4-1206 PLAN OF NUMBERING.

All persons owning or occupying or having control of property fronting or facing any of the public avenues or streets of the city are hereby required to number the same in conformity to the provisions of this article within 60 days.

§ 4-1207 METHOD OF ASCERTAINING NUMBERS.

(a) For the purpose of this article, the city is hereby divided into a north and south side and the Union Pacific Railroad is hereby declared to be the dividing line. The numbers to be given any house or building fronting on any street running north and south shall be ascertained by commencing at the railroad with the number 100 and numbering them north and south allowing 100 numbers for each block or fraction thereof and placing even numbers on the east side of the street and the odd numbers on the corresponding west side of the street, north of the railroad and south of the railroad.

(b) The numbers to be given any house fronting on any street running east and west shall be ascertained by commencing at First Street with number 100 and then east allowing 100 numbers for each block or fraction thereof placing the even numbers on the north side of the street and the odd numbers on the corresponding south side of the street; provided, that situations not conforming to the standard pattern set out above, e.g., odd-size lots, in previously platted blocks may be treated in a different manner as approved by the governing body.

§ 4-1208 CLERK/ADMINISTRATOR CONTROLS.

In case of doubt or whether a question arises as to the proper number to be assigned to any lot or buildings, the City Clerk/Administrator shall decide the question and fix the number of such lot or buildings.

ARTICLE 13: SIGNS

Section

4-1301 Sign permits
4-1302 Sidewalk signs
4-1303 Sign maintenance
4-1304 General regulations
4-1305 Roof signs
4-1306 Free-standing signs
4-1307 Penalties

§ 4-1301 SIGN PERMITS.

It shall be unlawful for any person to erect, repair, alter, relocate or keep within the city any sign or other advertising structure as defined in this article without first obtaining a sign permit from the Building Inspector and shall, in addition, be subject to the provisions of the Electrical Code, and the permit fees required thereunder.

(a) Application for initial sign permits shall be made upon blanks provided by the Building Inspector, and shall contain or have attached thereto the following information:

(1) Name, address and telephone number of applicant;

(2) Location of building, structure or lot to which the sign or other advertising structure is to be attached or erected;

(3) Position of the sign or other advertising structure in relation to nearly building or structures;

(4) One blueprint or ink drawing of the plans and specifications and method of construction and attachment to the building or in the ground;

(5) Name of person, firm, corporation or association erecting structure;

(6) Written consent of the owner of the building, structure or land to which or on which the structure is to be erected; and

(7) Any electrical permit required and issued for the sign. Application requesting electrical permit for proposed sign must accompany sign application.

(b) Every applicant, before being granted a permit hereunder, shall pay to the City Building Inspector's Office a permit fee of $2.00 plus $0.50 per square foot of sign face for each sign or other advertising structure regulated by this article.

(c) It shall be the duty of the Building Inspector, upon the filing of an application for an erection permit to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all the requirements of this article and all other laws and ordinances of the city, the Building Inspector shall then issue the erection permit. If the work authorized under an erection permit has not been completed within six months after date of issuance, the permit shall become null and void.

§ 4-1302 SIDEWALK SIGNS.

It shall be unlawful for any person to erect any sign or other structure for advertising or other purposes across or upon any street or sidewalk unless the same is eight feet or more above the sidewalk or street; provided, that no sign larger than three feet by three feet in size shall be constructed without permission of the governing body first having been secured; provided further, that all persons or firms desiring to construct signs or other structures weighing more than 50 pounds over sidewalks or upon any building in this city, shall execute to the city a good and sufficient surety bond to hold the city free and harmless form any damage done to person or property, should such sign or structure fall, be blown down or otherwise be dislocated.

§ 4-1303 SIGN MAINTENANCE.

(a) Every sign hereafter registered shall show in a conspicuous place thereon which is visible to the Inspector and is readable by the Inspector from the ground, the permit number.

(b) All free-standing signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

(c) If the Building Inspector shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or is abandoned or is maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of the provisions of this article, the Building Inspector shall give written notice to the permittee or property owner thereof. If the permittee or property owner fails to remove or alter the structure so as to comply with the standards herein set forth within ten days after such notice, such sign or other advertising structure may be removed or altered to comply by the Building Inspector at the expense of the permittee or owner of the property upon which it is located. The Building Inspector shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Building Inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

§ 4-1304 GENERAL REGULATIONS.

(a) No sign or other advertising structure as regulated by this article shall be erected or continued to be displayed at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words: look, drive-in, danger or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

(b) No signs other than signs placed by agencies of government shall be erected on any public property. One sign shall be placed on any private property without the consent of the owner thereof. No sign shall be placed or painted on any tree or rock. No signs shall be placed on any utility pole except for utility identification or similar purpose.

(c) Direct illumination by incandescent light building shall be restricted to light bulb rated at 25 watts or less.

(d) It shall be unlawful for any person to continue in operation or erect any attraction device or sign which contains a beacon of any type and/or contains a spotlight providing direct illumination to the public.

(e) It shall be unlawful for any person to erect additional attraction devices or signs or to continue in operation an attraction device or sign which flashes, blinks or is animated. Illumination of attraction devices or signs located in the city that fluctuate in light intensity shall be prohibited.

(f) It shall be unlawful for any person to continue to display or erect any portable swing, A frame, sandwich or temporary attraction signboard in the city.

(g) A parked vehicle carrying advertising shall be considered a sign unless in operable condition and carrying a current, valid license tag.

§ 4-1305 ROOF SIGNS.

Roof signs shall be prohibited and no roof sign shall hereafter be placed on the roof of any building

or structure in any zoning district of the city.

§ 4-1306 FREE-STANDING SIGNS.

It shall be unlawful to erect any free-standing sign whose total height is greater than 30 feet above the level of the street upon which the sign faces. Free-standing signs located on property which abuts both a controlled access highway and a state or federal numbered sign may be greater than 30 feet above the plane of the pavement of the highest road at that intersection. Free-standing signs shall be permitted to be erected in the city subject to the zoning regulations applicable.

§ 4-1307 PENALTIES.

Violation of the provisions of this article or failure to comply with any of its requirements shall constitute a violation of this code. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than $25.00 nor more than $100.00. The owner or tenant of any building, structure, premises or part thereof, and any architect, building contractor, agent or other person who commits, participates in or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.