

ORDINANCE NO. 2861-2020

AN ORDINANCE REPEALING CHAPTER 18 BUILDINGS AND BUILDING REGULATIONS AND ADOPTING A NEW CHAPTER 18 BUILDINGS AND BUILDING REGULATIONS; INCORPORATING BY REFERENCE TO THE CODE OF ORDINANCES THE INTERNATIONAL BUILDING CODE EDITION OF 2018, THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS EDITION OF 2018, THE INTERNATIONAL EXISTING BUILDING CODE EDITION OF 2018, THE INTERNATIONAL CODE COUNCIL PERFORMANCE CODE FOR BUILDINGS AND FACILITIES EDITION OF 2018, NFPA 70: NATIONAL ELECTRICAL CODE EDITION OF 2017, THE INTERNATIONAL PLUMBING CODE EDITION OF 2018, THE INTERNATIONAL MECHANICAL CODE EDITION OF 2018, THE INTERNATIONAL FUEL GAS CODE EDITION OF 2018, THE INTERNATIONAL PROPERTY MAINTENANCE CODE EDITION OF 2018, AND THE INTERNATIONAL SWIMMING POOL AND SPA CODE EDITION OF 2018, WITH CERTAIN OMISSIONS, CHANGES, AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS:

SECTION 1. That Chapter 18 Buildings and Building Regulations of the Code of Ordinances is hereby amended to read as follows:

CHAPTER 18 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. – IN GENERAL

Section 18-1. Purpose and intent.

The purpose and intent of this code of regulations is to establish a comprehensive set of codes and standards, designed to be compatible with one another, which will provide for better building construction and greater safety to the public.

Section 18-2. Enforcement agency.

The Neighborhood & Development Services Department of the City of Garden City, Kansas (City) and the official in charge thereof, or his/her designee, shall be known as the building official and will perform the duties of the enforcement agency. Wherever the term code official is used in Chapter 18, including any codes adopted and incorporated by reference herein, the term code official shall mean building official as defined in this Section. The building official or his/her designee shall have the power to at once cause the removal of all structures, buildings and wiring, or the disconnection of all electricity or other utilities where the same shall interfere with the work of the fire department during the progress of a fire or other emergency situation deemed hazardous to the public by the building official.

Section 18-3. Penalty.

Except as otherwise provided in this Chapter, a violation of any provisions of this Chapter is a Class C violation, punishable as provided in Chapter 1, Section 1-8 of the Code of Ordinances.

Section 18-4. Unlawful to interfere.

It shall be a violation of this Chapter for any person to hinder or interfere with the building official/code official or his or her designee in the discharge of their duties under the provisions of this Chapter.

Section 18-5. Outside city limits.

When a permit is issued for any structure outside of the city limits, a mileage fee in the amount established in Section 18-6 will be paid along with the structure building permit fees. This fee will be paid to cover all required inspections. Additional inspections, when required, will be billed separately at the rate specified in Section 18-6.

Section 18-6. Permit fees.

All fees referenced to in this Chapter shall be set forth in the fee schedule established in Chapter 42 of the Code of Ordinances, Article VI. The number of inspections for a project will be determined by the building inspector at the time of application and will be noted on the permit. Any inspection over the number determined by the inspector shall be subject to a reinspection fee. Work performed without a permit is subject to the regular fee being doubled and, in addition to any other penalties provided herein, a Fifty Dollar (\$50.00) fee for permits with a project cost of equal to or less than Twenty-five Thousand Dollars (\$25,000.00) or a Two Hundred Fifty Dollar (\$250.00) fee for permits with a project cost of greater than Twenty-five Thousand Dollars (\$25,000.00).

All costs of third-party inspections shall be paid by the building permit applicant along with all permit fees required by ordinance.

Section 18-7. Referenced code books.

Copies of all referenced code books in this Chapter are and will be kept on file in the office of the Neighborhood & Development Services Department of the City.

Section 18-8. Floodplain management ordinance not affected by this Chapter.

Nothing in this ordinance adopting this Chapter shall affect any ordinance in regards to the management of floodplains.

Section 18-9. Temporary structures.

Before any temporary structure or movable structure that does not meet the requirements of the codes adopted in this Chapter is placed within the City, the location of the same shall be approved and permitted by the City prior to installation. Such approval shall be for no longer than one (1) year. Thereafter, the City shall annually review the status of the structure and may grant an extension of the original approval if the structure is in good condition and is in compliance with all applicable ordinances.

Section 18-10. Documentation.

Developers and/or contractors and utility companies and/or their agents shall submit sufficient and detailed documentation such as the city engineer and building official may require prior to the issuance of a building permit, to insure the orderly construction on lands in approved subdivisions, plats, tracts, or parcels within the City. Additional documentation and requirements include:

- (a) *Minimum Grade Elevation.* A minimum mean grade elevation of eighteen inches (18") above curb height is hereby established as a standard elevation in the City. *Note: Grade elevation shall mean soil grade above the curb.*

In any given block along any given street, a new residence shall not be constructed on a lot adjoining an established residence or a residence which is under construction at a grade height greater than four inches (4") above or below said adjoining structure without review and approval by the building official and/or the city engineer.

Each plot plan, when submitted for a building permit shall reflect:

- (1) The mean elevation of the structure above the curb; and
 - (2) The elevation of the structure in relation to structures on either side when applicable, along with the location of the structure of the lot and distances from each property line. The method of drainage for the structure and lot shall be shown.
- (b) *Drainage plan required.* The developer and/or contractor shall submit to the building official documentation setting forth the surface water drainage on the plot when applying for a building permit. This drainage plan shall be in substantial conformance with that filed on the final plat of record. It shall be understood that the surface water drainage plan shall be uniform for a minimum of a platted block, and that any deviation from the requirements of this section shall be approved at the time of platting by the City.
- (c) *Materials & Method for Residential Construction.* In order to provide uniformity throughout each neighborhood area, all attachments to the main structures and all accessory buildings shall be constructed of the same materials which were used for the main structure. Building methods shall be of the same type as those of the main structure (walls, foundations, roofs, etc.). When the walls of the main structure are brick veneer, accessory buildings may be covered with wood or other approved siding materials, rather than brick veneer.
- (d) *All new residential, commercial, and industrial construction building permit applications require sidewalks to be included.* No residential, commercial or industrial remodel building permit application subject to the Building Code shall be issued for a value of over Thirty-five Thousand Dollars (\$35,000.00) if sidewalks do not currently exist unless the applicant shall include construction of sidewalks per City specifications.
- (e) Commercial construction of interior non-load bearing walls, without plumbing, electrical or mechanical, may be constructed without design professional stamped plans. Nothing in this subsection shall be construed to limit the requirement of a code footprint as may be required by the fire marshal and building official for said commercial construction.

Section 18-11. Building sites.

Definition – Building site. A building site is any area where building is in process for a period of or exceeding seven (7) calendar days. This includes, but is not limited to, the erection of structures, buildings or parking lots and the preparation of land for building or for an alternate use.

- (a) *Toilets Required.* At each building site where three (3) or more people will be employed at any given time, a temporary or portable toilet shall be erected and shall remain until completion of the project.
- (b) *Address Required.* At each building site, an address shall be posted on a stake at the front of the lot before any temporary services are installed.

Section 18-12. Abandoned sewers and sewage disposal facilities.

Every abandoned building sewer, or part thereof, shall be plugged or capped in an approved manner at the sewer main unless otherwise specified by the building official.

Sections 18-13 to 18-19. - Reserved.

ARTICLE II. – BUILDING CODE

Section 18-20. Building Code adopted, incorporated by reference.

There is hereby adopted by the City for the purpose of establishing rules, regulations and minimum requirements to provide a reasonable level of safety, public health and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire, explosion and other hazards, and to provide a reasonable level of safety to firefighters and emergency responders during emergency operations, including the issuance of permits and providing a penalty for violation thereof, that certain building code known as the "International Building Code", Edition of 2018, including all Appendix Chapters, prepared and published in book form by the International Code Council, Incorporated, 4051 Flossmoor Road, Country Club Hills, Illinois 60478, to be known as the Building Code of the City of Garden City, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. One official copy of said Building Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2861-2020", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, city attorney, city prosecutor, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Building Code similarly marked, as may be deemed expedient. All references to the Building Code adopted and incorporated into this code shall be in a form designating Section 18-20 followed in parenthesis followed by the section number of the Building Code, as incorporated. (For example, Section 402.2 of the Building Code as incorporated shall be referred to as Section 18-20(402.2).)

Section 18-21. Amendments and deletions to Building Code.

The following sections of the Building Code adopted and incorporated by reference in this Article are hereby amended or deleted as follows:

Section 101.1 Title. Amended to read as follows: These regulations shall be known as the Building Code of the City of Garden City, Kansas, hereinafter referred to as "this code".

Section 101.4.6 Energy. Deleted

Section 103 Department of Building Safety. Deleted

Section 105.1.1 Annual permit & 105.1.2 Annual permit records. Deleted

Section 105.2 Work exempt from permit. Subsections 1, 2, 5, 6, 8, 9 and 12. Deleted

Section 1612.3 Establishment of flood hazard areas. Amended to read as follows: To establish flood hazard areas, the Governing Body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Garden City," dated September 3, 1997, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

Section 18-22. Residential Building Code adopted, incorporated by reference.

There is hereby adopted by the City for the purpose of establishing rules, regulations and minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment, and to provide safety to firefighters and emergency responders during emergency operations, including the issuance of permits and providing a penalty for violation thereof, that certain residential building code known as the "International Residential Code for One- and Two-Family Dwellings", Edition of 2018, including Appendix Chapters A, B, C, D, E, F, G, J, K, L, M, N, O, P, Q, R, S, and T, prepared and published in book form by the International Code Council, Incorporated, 4051 Flossmoor Road, Country Club Hills, Illinois 60478, to be known as the Residential Building Code of the City of Garden City, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. One official copy of said Residential Building Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2861-2020", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, city attorney, city prosecutor, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Residential Building Code similarly marked, as may be deemed expedient. All references to the Residential Building Code adopted and incorporated into this code shall be in a form designating Section 18-22 followed in parenthesis followed by the section number of the Residential Building Code, as incorporated. (For example, Section 402.2 of the Residential Building Code as incorporated shall be referred to as Section 18-22(402.2).)

Section 18-23. Amendments and deletions to Residential Building Code.

The following sections of the Residential Building Code adopted and incorporated by reference in this Article are hereby amended or deleted as follows:

Section R101.1 Title. Amended to read as follows: These provisions shall be known as the Residential Building Code for One- and Two-Family Dwellings of the City of Garden City, Kansas, and shall be cited as such and will be referred to herein as "this code".

Section R105.2 Work exempt from permit. Subsections 1, 2, 5 and 10. Deleted

Table R301.2 (1) Amended to read as follows:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND D SNOW LOAD ^o	WIND DESIGN				SEISMIC DESIGN CATEGOR Y ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^o	ICE BARRIER UNDER- LAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph))	Topo- graphi c effects ^k	Specia l wind region ^l	Wind - born e debris zone ^m		Weatherin g ^a	Frost line depth ^b	Termite ^c					
20	115	NO	NO	NO	A	SEVERE	32"	MODERATE TO HEAVY	5°	NO	01/25/78 09/03/97	500-1000	55°

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index "negligible," "moderate" or "severe" for concrete as determined from Figure R301.2(4). The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.

- b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(5)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 971/2-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official. [Also see Figure R301.2(1).]
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
- h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- l. In accordance with Figure R301.2(5)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2, the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.
- o. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figure R301.2(6).

Section R314.4 Interconnection. Amended to read as follows: Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. Exception: Interconnection of smoke alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

Section 405.1 Concrete and masonry foundations. Deleted

Section N1102.4.1.2 Testing. Deleted

Section N1103.3.3 Duct testing. Deleted

Section P2603.5.1 Sewer depth. Deleted

Section P3103.1 Roof extensions. Amended to read as follows: All open vent pipes that extend through a roof shall be terminated at least six inches (6") above the roof or four inches (4") above the anticipated snow accumulation.

Section G2414.5 Metallic tubing. Deleted

Section G2414.5.3 Copper or copper-alloy tubing. Deleted

Amend Section G2415.12 Minimum burial depth. Amended to read as follows: Underground piping systems shall be installed a minimum depth of twenty-four inches (24") below grade. Dielectric unions shall be used prior to entering a structure.

Section G2415.12.1 Individual outside appliances. Deleted

Section G2415.13 Trenches. Amended to read as follows: The trench shall be graded so that the pipe has a firm, substantially continuous bearing on the bottom of the trench. The trench for the service line shall contain no other lines. A multiple dwelling shall require one service line for each unit, and no service line shall be extended from one building to another, nor from one part of a building to another.

Section G2417.4.1 Test pressure measurement. Amended to read as follows: This inspection shall be made after all gas piping authorized by the permit has been installed and before any such piping has been covered or concealed, or any fixture or appliance has been attached thereto. This inspection shall require that the lines be pressured with a pressure of twelve inches (12") of mercury or twenty (20) pounds of air, thirty (30) pounds of air if CSST is used, and the same shall have stood for at least fifteen (15) minutes with no noticeable loss in pressure prior to the inspection. For welded piping, and for piping carrying gas at pressures in excess of fourteen inches (14") (356 mm) water column pressure, the test pressure shall not be less than sixty (60) pounds per square inch (413.4 kPa) and shall be continued for a length of time satisfactory to the administrative authority, but in no case for less than thirty (30) minutes. A tag denoting the pressure at which the system was pressurized to shall be left adjacent to the gauge. All necessary apparatus for conducting tests shall be furnished by the permit holder.

Section G2417.4.2 Test duration. Deleted

Section E3601.6.2 Service disconnect location. Amended to read as follows: The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors, not to exceed three feet (3') of wire from the meter. Service disconnecting means shall not be installed in bathrooms. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

Section 18-24. Existing Building Code adopted, incorporated by reference.

There is hereby adopted by the City for the purpose of establishing rules, regulations and minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings, including the issuance of permits and providing a penalty for violation thereof, that certain building code known as the "International Existing Building Code", Edition of 2018, including Appendix Chapters A, B and C, prepared and published in book form by the International Code Council, Incorporated, 4051 Flossmoor Road, Country Club Hills, Illinois 60478, to be known as the Building Code of the City of Garden City, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. One official copy of said Existing Building Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2861-2020", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be

attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, city attorney, city prosecutor, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Existing Building Code similarly marked, as may be deemed expedient. All references to the Existing Building Code adopted and incorporated into this code shall be in a form designating Section 18-24 followed in parenthesis followed by the section number of the Existing Building Code, as incorporated. (For example, Section 402.1 of the Existing Building Code as incorporated shall be referred to as Section 18-24(402.1).

Section 18-25. Amendments to Existing Building Code.

The following section of the Existing Building Code adopted and incorporated by reference in this Article is hereby amended as follows:

Section 101.1 Title. Amended to read as follows: These regulations shall be known as the Existing Building Code of the City of Garden City, Kansas, hereinafter referred to as "this code".

Section 18-26. Performance Code adopted, incorporated by reference.

There is hereby adopted by the City for the purpose of establishing rules, regulations and minimum requirements to provide appropriate health, safety, welfare, and social and economic value, while promoting innovative, flexible and responsive solutions that optimize the expenditure and consumption of resources, including the issuance of permits and providing a penalty for violation thereof, that certain performance code known as the "International Code Council Performance Code for Buildings and Facilities", Edition of 2018, including Appendix Chapters A, B, C, and D, prepared and published in book form by the International Code Council, Incorporated, 4051 Flossmoor Road, Country Club Hills, Illinois 60478, to be known as the Performance Code of the City of Garden City, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. One official copy of said Performance Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2861-2020", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, city attorney, city prosecutor, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Performance Code similarly marked, as may be deemed expedient. All references to the Performance Code adopted and incorporated into this code shall be in a form designating Section 18-26 followed in parenthesis followed by the section number of the Performance Code, as incorporated. (For example, Section 401.3.1 of the Performance Code as incorporated shall be referred to as Section 18-26(401.3.1).

Section 18-27. Amendments to Performance Code.

The following section of the Performance Code adopted and incorporated by reference in this Article is hereby amended as follows:

Section 101.1 Title. Amended to read as follows: These regulations shall be known as the Performance Code of the City of Garden City, Kansas, hereinafter referred to as "this code".

Section 18-28. Building demolition.

- (a) Before any building or structure is demolished voluntarily or as required by code, a demolition permit shall be obtained. A demolition permit shall be issued only to an approved demolition contractor licensed by the City or to an applicant who is the owner of the single-family residential building or structure to be demolished and who is the owner of the property upon which such building or structure is located.

- (b) When a building demolition permit is issued, the permit shall comply with the following:
- (1) The demolition site shall be fenced or barricaded and posted "No Trespassing" until demolition work is completed.
 - (2) Prior to starting demolition work, the permittee shall notify the appropriate utilities in order that all gas, water, electrical and sanitary sewer lines are properly disconnected and securely capped and sealed when applicable. An inspection of capped sewer and water lines will be required before backfilling of the demolition site. If septic tanks, cesspools, or other buried storage tanks are present on the demolition site, these shall be filled with dirt or sand and inspected.
 - (3) All demolition debris, including basement footings, floors, walls and/or stem walls, shall be removed from the demolition site.
 - (4) Upon completion of the demolition work any openings or excavations on the demolition site shall be backfilled with dirt or sand to at least six inches (6") above existing grade to allow for settling. A final inspection of the demolition site by the building official will be required. Alternate methods of backfilling may be approved by the building official. When work is completed, the site shall be seeded with grass to prevent erosion.
 - (5) All demolition work shall be completed within sixty (60) days of the date of issuance of the demolition permit.

Section 18-29. Manufactured and modular housing.

- (a) *Definitions.* Unless clearly indicated otherwise by the context of this Section, the following word and terms when used herein, shall have the following meanings:
- (1) *Manufactured Home.* A factory-built home or structure federally regulated by the HUD Code placed on a site upon a permanent foundation unless located in a manufactured home park which may be placed according to manufactures specifications.
 - (2) *Modular Home or Structure.* A home or structure modular in nature, may be partially or completely fabricated offsite, designed and constructed to the currently adopted Building Code of the City and placed on a site upon a permanent foundation, to be used for residential, commercial, educational or industrial purposes.
 - (3) *Mobile Home or Structure.* A factory-built home or structure built prior to June 15, 1976.
- (b) *Authorized.* The use of modular and manufactured homes or structures for residential, commercial, educational or industrial structures is hereby authorized within the City, subject to the requirements as hereinafter provided.
- (c) *Manufactured Home.* No permanent additions shall be made to a manufactured home or structure, including any non-conforming units, unless the manufactured home or structure is on a permanent foundation or properly set to the manufacturer's specifications and all applicable building permits have been obtained. Such additions shall comply with current Building Codes applicable to site-built construction. No single section or multi-section manufactured home or structure shall be combined with or

attached to another manufactured home or structure unless all such manufactured home or structure units are specifically constructed to HUD Codes to be so combined. An inspector shall make the required inspections for all utility hook ups, foundation and/or tie downs.

- (d) *Modular Home or Structure.* Modular units which are factory fabricated shall be inspected by a third-party inspector approved by the building official, and each unit shall have attached thereto a seal of approval, certifying that the construction of such unit and the components incorporated therein comply with the currently adopted Building Code of the City. The third-party inspector shall be duly authorized by the appropriate building code association and the building official to make the required inspections and certifications upon such terms and conditions as directed by the building official.
 - (1) All other modular units not inspected and approved as provided in subsection (d) of this subsection, shall comply with the current Building Codes adopted by the City. Inspection to ensure compliance with such codes shall be made upon such terms and conditions as required by the building official.
- (e) *Mobile Home or Structure.* After April 1, 2006, no mobile home, as defined in this code, shall be moved, relocated, be changed in use or otherwise be placed on any property, including within any manufactured home park, manufactured home subdivision, or on an individual lot, whether platted or unplatted, within the City.
- (f) *Permits and Fees.* All costs of third-party inspection shall be paid by the building permit applicant along with all permit fees required by ordinance at the time the application for building permit is made.

ARTICLE III. – ELECTRICAL CODE

Section 18-30. Electrical Code adopted, incorporated by reference.

There is hereby adopted by the City for the purpose of establishing rules and regulations for the practical safeguarding of persons and property from hazards arising from the use of electricity, including the issuance of permits and providing a penalty for violation thereof, that certain electrical code known as the "NFPA 70: National Electrical Code", Edition of 2017, including Informative Annexes A, B, C, D, E, F, G, H, I and J, prepared and published in book form by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, to be known as the Electrical Code of the City of Garden City, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. One official copy of said Electrical Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2861-2020", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, city attorney, city prosecutor, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Electrical Code similarly marked, as may be deemed expedient. All references to the Electrical Code adopted and incorporated into this code shall be in a form designating Section 18-30 followed in parenthesis followed by the section number of the Electrical Code, as incorporated. (For example, Section 400.13 of the Electrical Code as incorporated shall be referred to as Section 18-30(400.13).

Section 18-31. Amendments to Electrical Code.

The following section of the Electrical Code adopted and incorporated by reference in this Article is hereby amended as follows:

Section 230.70(A)(1) Readily Accessible Location.

- (a) The service disconnecting means for a One- or Two-Family Dwelling shall be installed at a readily accessible location either outside of a building or structure or inside nearest the point of entrance of the service conductors, not to exceed three feet (3') of wire from the meter.
- (b) The service disconnecting means for a building or structure other than a One- or Two-Family Dwelling shall be installed at a readily accessible location outside of a building or structure.

Section 18-32. Notice to electric utility department.

Before any person shall install an electrical service for power needs other than known standard power furnished in the area, such person shall contact the electric utility department to determine whether the required power is available and such person's cost in obtaining the same.

Sections 18-33 to 18-39. - Reserved.

ARTICLE IV. – MECHANICAL CODE

Section 18-40. Mechanical Code adopted, incorporated by reference.

There is hereby adopted by the City for the purpose of establishing rules, regulations and minimum standards to provide a reasonable level of safety, health, property protection and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of mechanical systems, including the issuance of permits and providing a penalty for violation thereof, that certain mechanical code known as the "International Mechanical Code", Edition of 2018, including Appendix Chapter A, prepared and published in book form by the International Code Council, Incorporated, 4051 Flossmoor Road, Country Club Hills, Illinois 60478, (to be known) as the Mechanical Code of the City of Garden City, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. One official copy of said Mechanical Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2861-2020", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, city attorney, city prosecutor, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Mechanical Code similarly marked, as may be deemed expedient. All references to the Mechanical Code adopted and incorporated into this code shall be in a form designating Section 18-40 followed in parenthesis followed by the section number of the Mechanical Code, as incorporated. (For example, Section 401.3 of the Mechanical Code as incorporated shall be referred to as Section 18-40(401.3).

Section 18-41. Amendments and deletions to Mechanical Code.

The following sections of the Mechanical Code adopted and incorporated by reference in this Article are hereby amended or deleted as follows:

Section 101.1 Title. Amended to read as follows: These regulations shall be known as the Mechanical Code of the City of Garden City, Kansas, hereinafter referred to as "this code".

Section 106.5.2 Fee schedule. Amended to read as follows: The fees for mechanical work shall be as indicated in the following schedule: Chapter 18, Section 18-6 of the Code of Ordinances.

Section 106.5.3 Fee refunds. Deleted

Section 108.4 Violation penalties. Amended to read as follows: Any person who violates a provision of this code, who fails to comply with any of the requirements thereof or who performs mechanical work in violation of the approved construction documents, directive of the building official or of a permit or certificate issued under the provisions, shall be guilty of a Class C violation and punished as provided in amended Section 18-3. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 Stop work orders. Amended to read as follows: Upon notice from the building official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C violation and punished as provided in amended Section 18-3.

Sections 18-42 to 18-49. - Reserved.

ARTICLE V. – PLUMBING CODE

Section 18-50. Plumbing Code adopted, incorporated by reference.

There is hereby adopted by the City for the purpose of establishing rules, regulations and minimum standards to provide a reasonable level of safety, health, property protection and public welfare by regulating and controlling the design, constructions, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems, including the issuance of permits and providing a penalty for violation thereof, that certain plumbing code known as the "International Plumbing Code", Edition of 2018, including Appendix Chapters B, C, D, E, F and G, prepared and published in book form by the International Code Council, Incorporated, 4051 Flossmoor Road, Country Club Hills, Illinois 60478, to be known as the Plumbing Code of the City of Garden City, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. One official copy of said Plumbing Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2861-2020", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, city attorney, city prosecutor, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Plumbing Code similarly marked, as may be deemed expedient. All references to the Plumbing Code adopted and incorporated into this code shall be in a form designating Section 18-50 followed in parenthesis followed by the section number of the Plumbing Code, as incorporated. (For example, Section 401.2 of the Plumbing Code as incorporated shall be referred to as Section 18-50(401.2).

Section 18-51. Amendments and deletions to Plumbing Code.

The following sections of the Plumbing Code adopted and incorporated by reference in this article are hereby amended or deleted as follows:

Section 101.1 Title. Amended to read as follows: These regulations shall be known as the Plumbing Code of the City of Garden City, Kansas, hereinafter referred to as "this code".

Section 106.6.2 Fee schedule. Amended to read as follows: The fees for all plumbing work shall be as indicated in the following schedule: Chapter 18, Section 18-6 of the Code of Ordinances.

Section 106.6.3 Fee refunds. Deleted

Section 108.4 Violation penalties. Amended to read as follows: Any person who violates a provision of this code, who fails to comply with any of the requirements thereof or who performs plumbing work in violation of the approved construction documents, directive of the building official or of a permit or certificate issued under the provisions, shall be guilty of a Class C violation and punished as provided in amended Section 18-3. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 Stop work orders. Amended to read as follows: Upon notice from the building official that plumbing work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C violation and punished as provided in amended Section 18-3.

Section 305.4.1 Sewer depth. Deleted

Section 410.2 Small occupancies. Amended to read as follows: Drinking fountains shall not be required for an occupant load of fifty (50) or fewer.

Section 903.1 Roof extension. Amended to read as follows: All open vent pipes that extend through a roof shall be terminated at least six inches (6") above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet (7') (2134 mm) above the roof.

Section 18-52. Cross connection control.

- (a) *Prohibited.* No person shall establish or permit to be established, or maintain or permit to be maintained, any cross connection whereby a private water supply or any source of contamination may enter the public water supply of the City, unless such source is approved by the Governing Body and by the Kansas Department of Health and Environment.
- (b) *Protective backflow preventers required.* Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow or backsiphonage may occur and where there is a hazard of contamination of the public water supply of the City.
- (c) *Inspection; right of entry.* The building official shall have the right of entry into any building or premises in the City as frequently as is necessary in order to ensure that plumbing has been installed in a manner consistent with the requirements of Sections 18-52.
- (d) *Protection from contaminants; refusal to deliver water.* Pursuant to K.S.A. 65-163a, and amendments thereto, the City may refuse to deliver water to any premises where a condition exists which might lead to the contamination of the public water supply and may continue to refuse to deliver water until the condition is corrected to the satisfaction of the City. In addition, the City may immediately terminate water service to a premise where a backflow or backsiphonage condition exists which may be hazardous to the health of customers served by the public water supply system.

- (e). *Regulations adopted.* There is hereby adopted by the City for the purpose of regulating cross connections between the public water supply and any source of contamination, including providing a penalty for violation thereof, that certain manual known as the "Manual of Regulations Regulating Backflow and Backsiphonage of Contaminants Due to Cross Connections", Original Date of Adoption on May 8, 1990, prepared in book form by the City of Garden City, Kansas. One official copy of said manual shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2861-2020", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, city attorney, city prosecutor, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such manual similarly marked, as may be deemed expedient.

Sections 18-53 to 18-59. - Reserved.

ARTICLE VI. – FUEL GAS CODE

Section 18-60. Fuel Gas Code adopted, incorporated by reference.

There is hereby adopted by the City for the purpose of establishing rules, regulations and minimum standards to provide a reasonable level of safety, health, property protection and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas systems, including the issuance of permits and providing a penalty for violation thereof, that certain fuel gas code known as the "International Fuel Gas Code", Edition of 2018, including Appendix Chapters A, B, C, and D, prepared and published in book form by the International Code Council, Incorporated, 4051 Flossmoor Road, Country Club Hills, Illinois 60478, to be known as the Fuel Gas Code of the City of Garden City, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. One official copy of said Fuel Gas Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2861-2020", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, city attorney, city prosecutor, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Fuel Gas Code similarly marked, as may be deemed expedient. All references to the Fuel Gas Code adopted and incorporated into this code shall be in a form designating Section 18-60 followed in parenthesis followed by the section number of the Fuel Gas Code, as incorporated. (For example, Section 401.2 of the Fuel Gas Code as incorporated shall be referred to as Section 18-60(401.2).

Section 18-61. Amendments and deletions to Fuel Gas Code.

The following sections of the Fuel Gas Code adopted and incorporated by reference in this Article are hereby deleted or amended to read as follows:

Section 101.1 Title. Amended to read as follows: These regulations shall be known as the Fuel Gas Code of the City of Garden City, Kansas, hereinafter referred to as "this code".

Section 106.6.2 Fee schedule. Amended to read as follows: The fees for fuel gas work shall be as indicated in the following schedule: Chapter 18, Section 18-6 of the Code of Ordinances.

Section 106.6.3 Fee refunds. Deleted

Section 108.4 Violation penalties. Amended to read as follows: Any person who violates a provision of this code, who fails to comply with any of the requirements thereof or who performs fuel gas work in violation of the approved construction documents, directive of the building official or of a permit or certificate issued under the provisions, shall be guilty of a Class C violation and punished as provided in amended Section 18-3. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 Stop work orders. Amended to read as follows: Upon notice from the building official that fuel gas work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C violation and punished as provided in amended Section 18-3.

Section 403.4.3 Copper and copper alloy. Deleted

Section 403.5.3 Copper and copper alloy tubing. Deleted

Section 404.12 Minimum burial depth. Amended to read as follows: All underground piping systems shall be installed a minimum depth of twenty-four inches (24") below grade. Dielectric unions shall be used prior to entering a structure.

Section 404.12.1 Individual outdoor appliances. Deleted

Section 402.1 General considerations. Amended to read as follows: Piping systems shall be of such size and so installed as to provide a supply of gas sufficient to meet the maximum demand and supply gas to each appliance inlet at not less than the minimum supply pressure required by the appliance. Underground gas lines to the main structure shall be a minimum of one and one-quarter (1 1/4) inch pipe from meter to the point at which ground is broken. Aboveground gas lines shall be properly insulated from underground lines by an insulated union. A minimum three-quarter (3/4) inch gas line shall be required to the first outlet. Branch piping shall be sized in accordance with the appropriate tables of Chapter 4. When it has been determined maximum gas requirements do not warrant the size of underground piping stipulated, and that further need will never occur, as in the case of a multifamily apartment, the building official shall have the authority to authorize the reduction of pipe size to one (1) inch.

Section 404.13 Trenches. Amended to read as follows: The trench shall be graded so that the pipe has a firm, substantially continuous bearing on the bottom of the trench. The trench for the service line shall contain no other lines. A multiple dwelling shall require one service line for each unit, and no service line shall be extended from one building to another, nor from one part of a building to another.

Section 406.4.1 Test pressure. Amended to read as follows: This inspection shall be made after all gas piping authorized by the permit has been installed and before any such piping has been covered or concealed, or any fixture or appliance has been attached thereto. This inspection shall require that the lines be pressured with a pressure of twelve inches (12") of mercury or twenty (20) pounds of air, thirty (30) pounds of air if CSST is used, and the same shall have stood for at least fifteen (15) minutes with no noticeable loss in pressure prior to the inspection. For welded piping, and for piping carrying gas at pressures in excess of

fourteen inches (14") (356 mm) water column pressure, the test pressure shall not be less than sixty (60) pounds per square inch (413.4 kPa) and shall be continued for a length of time satisfactory to the administrative authority, but in no case for less than thirty (30) minutes. A tag denoting the pressure at which the system was pressurized to shall be left adjacent to the gauge. All necessary apparatus for conducting tests shall be furnished by the permit holder.

Section 406.4.2 Test duration. Deleted

Sections 18-62 to 18-69. - Reserved.

ARTICLE VII. – TELEVISION AND RADIO ANTENNAS CODE

Section 18-70. Permit, inspection, fees and reinspection.

- (a) *Permit Required.* No antenna system shall be erected or any existing antenna system increased in height, rebuilt, structurally altered or relocated without a permit issued by the building official as provided hereafter and upon payment of fees required by section 18-6. The building official shall prepare suitable application forms setting out the information required of any applicant for a permit.
- (b) *Minor Repairs Without a Permit.* Notwithstanding anything herein to the contrary, minor repairs to an antenna may be made without the necessity of a permit. Should an investigation of such minor repairs by the building official disclose defects, the same shall be pointed out and corrected as required herein.
- (c) *Fees.* An inspection fee in the amount established in Section 18-6 shall be paid for each permit. Reinspections, if necessary, shall be charged at the rate established in Section 18-6.
- (d) *Inspections.*
 - 1. The person to whom a permit has been granted for the installation of a television or radio antenna system shall, upon completion, immediately notify the building official. Upon receiving such notice, the building official shall promptly inspect and approve the installation if made in accordance with the provisions of this Article.
 - 2. If the installation is found to be defective, nonconforming to the provisions of this article, or found to be unsafe to life or property, the building official shall notify the owner thereof and/or the permit holder, in writing, of such official's findings and shall specify a definite time in which corrections shall be made. Failure of the owner and/or permit holder to make such corrections within the time specified shall constitute a violation of this Article.

Section 18-71. Code references.

The provisions of this Article shall also be deemed as supplemental to the Electrical Code, to the Building Code, and to any other pertinent ordinance of the City or code adopted and incorporated in this Chapter. All work shall conform to these requirements.

Sections 18-72 to 18-79. - Reserved.

ARTICLE VIII. – UNSAFE, UNFIT OR DANGEROUS STRUCTURES

Section 18-80. Purpose.

The Governing Body has found that there exists within the City structures which are unsafe, unfit, or dangerous for human use or habitation because of conditions caused by dilapidation, deterioration, disrepair, or casualty. Such conditions are adverse to the general welfare of the City in that they have a blighting influence on adjoining properties, neighborhoods, and the City as a whole, or are injurious to the health, safety, or welfare of the residents of the City. The Governing Body desires to promote the public health, safety, and welfare of the City by repair, demolition, or removal of such conditions in the manner provided hereinafter.

Section 18-81. Definitions.

For the purpose of this Chapter, the following words and terms shall have the following meanings:

- (a) *Enforcing Officer* means the building official as defined in Article 1, Section 18-2.
- (b) *Structure* means anything constructed or erected which requires location on the ground or is attached to something having a location on the ground, including any appurtenances belonging thereto.
- (c) *Unsafe, Unfit, or Dangerous Structure* means any structure which, as a result of dilapidation, deterioration, disrepair, or casualty would be injurious to the health, safety, or welfare of an individual if the structure were inhabited, results in an increase in possibility of fire or accidents, or is otherwise unsafe, unsanitary, or otherwise inimical to adjoining properties, neighborhoods or the general welfare of the City.

Section 18-82. Authority and enforcement.

- (a) *Authority of Governing Body.* The Governing Body shall have the authority to cause the repair, demolition, or removal of any structure located within the City which may have become unsafe, unfit, or dangerous. The Governing Body shall also have the authority to order a structure vacated until safe for habitation.
- (b) *Enforcing Officer; Duties.* The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this ordinance, including the following:
 - (1) Inspect any structure which appears to be unsafe, unfit, or dangerous for human habitation;
 - (2) 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;
 - (3) Report all structures which he or she believes to be unsafe, unfit, or dangerous for human habitation to the Governing Body; and
 - (4) Receive complaints as provided in this ordinance.

Section 18-83. Procedure; complaint.

Whenever a complaint is filed with the enforcing officer by a person charging that any structure is unsafe, unfit, or dangerous for human habitation, or whenever it appears to the enforcing officer on his or her own motion that any structure is unsafe, unfit, or dangerous for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charge, report such findings to the city manager and the Governing Body.

Section 18-84. Notice, publication, and hearing officer.

- (a) *Notice.* The Governing Body, upon receiving a report as provided in Section 18-83, shall by resolution fix a time and place at which the owner, the owner's agent, any lien holder of record and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired, or demolished and removed.
- (b) *Publication.*
 - (1) The resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. At least thirty (30) days shall elapse between the date of last publication and the date set for the hearing.
 - (2) A copy of the resolution shall be mailed by first class mail within three (3) days after its first publication to each owner, agent, lien holder, and occupant at the last known place of residence and shall be marked "deliver to addressee only".
- (c) *Hearing Order.* If, after notice and hearing, the Governing Body determines that the structure under consideration is unsafe, unfit, or dangerous for human use or habitation, it shall prepare an order and state in writing its findings of fact in support of such determination and shall cause the order to be published once in the official city newspaper and a copy mailed to the owners, agents, lien holders of record and occupants in the same manner provided for the notice of hearing. The order 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 demolished and removed.

Section 18-85. Duty of the owner.

- (a) *Duty of Owner.* Whenever any structure within the City shall be found to be unsafe, unfit, or dangerous for human use or habitation, it shall be the duty and obligation of the owner of the property to render the structure secure and safe or to demolish and remove the structure.
- (b) *Failure to Comply.*
 - (1) If, within the time specified in the order, the owner fails to comply with the order to repair, or vacate the structure, the enforcing officer may cause the structure to be repaired, or to be vacated and closed.
 - (2) If, within the time specified in the order, the owner fails to comply with the order to demolish and remove the structure, the enforcing officer may cause the structure to be demolished and removed.

- (c) *Safe Premises.* Upon removal of any structure, the owner shall fill any excavation located upon the property and take any other action necessary to leave the property in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe.

Section 18-86. Assessment, appeals and scope.

- (a) *Assessment of costs.*

- (1) The cost to the City of any repairs, vacating, demolition, or removal by the enforcing officer, including making the site safe, shall be reported to the city clerk.
- (2) The City shall give notice to the owner of the structure, by certified mail, of the costs determined in subsection (a)(1). The notice shall also state that payment of the costs are due and payable within thirty (30) days following receipt of the notice.
- (3) If the costs remain unpaid after thirty (30) days following receipt of notice, the city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay costs. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the property upon which the structure was located.
- (4) If the proceeds of the sale of salvage is insufficient to recover the cost, or if there is no salvage, the city clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the costs to the county clerk who shall extend the same on the tax roll of the county, and such assessment shall become a lien against the property upon which the structure was located, and a personal debt. In addition to remedies available to the City to collect assessments levied against property, if any assessments for costs of abatement levied by the City in accordance with this Section remain unpaid by the owner of a lot or parcel of ground, the City may collect the amount due in the same manner as a personal debt of the property owner to the City, by bringing an action in the Finney County District Court.

- (b) *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 structure to be vacated, demolished, 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 Section 18-86(a).

- (c) *Appeals from Order.* Any person affected by an order issued by the Governing Body under this ordinance may, within thirty (30) days following service of the order, petition the Finney County District Court for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case.

- (d) *Scope of Ordinance.* Nothing in this Chapter 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 ordinance shall be in addition to and supplemental to the powers conferred by the constitution, any other law, statute, or

ordinance. Nothing in this Chapter 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 through 12-1756, and amendments thereto.

Section 18-87. Insurance proceeds fund.

- (a) *Scope and application.* The City is hereby authorized to utilize the procedures established by K.S.A. 40-3901 *et seq.*, whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the City, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of seventy-five (75) percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this Section.
- (b) *Lien created.* The Governing Body hereby creates a lien in favor of the City on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the City, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of seventy-five (75) percent of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the City which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one (1) year prior to the filing of a proof of loss.
- (c) *Same, encumbrances.* Prior to final settlement on any claim covered by Section 18-87(b), the insurer or insurers shall contact the county treasurer of Finney County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer of Finney County, Kansas.
- (d) *Same, pro rata basis.* Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure.
- (e) *Procedure.*
 - (1) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds seventy-five (75) percent of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the City in an amount equal to the sum of fifteen (15) percent of the covered claim payment, unless the building official has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.
 - (2) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.

- (3) Upon the transfer of the funds as required by Section 18-87(e)(1) herein, the insurance company shall provide the City with the name and address of the named insured or insureds, the total insurance coverage applicable to the building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the building official shall contact the named insured or insureds by certified mail, return receipt requested, notifying them that insurance proceeds have been received by the City and apprise them of the procedures to be followed under this Section.
- (f) *Fund created, deposit of moneys.* The City is hereby authorized and shall create a fund to be known as the "Insurance Proceeds Fund". All moneys received by the City shall be placed in said fund and deposited in an interest-bearing account.
- (g) *Investigation, removal of structure.*
- (1) Upon receipt of moneys, the city finance director shall immediately notify the building official of said receipt, and transmit all documentation received from the insurance company or companies to the building official.
- (2) Within thirty (30) days of the receipt of said moneys, the building official shall determine, after prior investigation, whether the City shall instigate proceedings under the provisions of K.S.A. 12-1750 *et seq.*, as amended, or Section 18-80, *et seq.*
- (3) Prior to the expiration of the thirty (30) days established by Section 18-87(g)(2), the building official shall notify the city manager whether the City intends to initiate proceedings under K.S.A. 12-1750 *et seq.*, as amended, or Section 18-80 *et seq.*
- (4) If the building official has determined that proceedings under K.S.A. 12-1750 *et seq.*, as amended, or Section 18-80 *et seq.*, shall be initiated, he or she will do so immediately but no later than forty-five (45) days after receipt of the moneys by the city finance director.
- (5) Upon notification to the city finance director by the building official that no proceedings shall be initiated under K.S.A. 12-1750 *et seq.*, as amended, or Section 18-80 *et seq.*, the city finance director shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within forty-five (45) days of the receipt of the moneys from the insurance company or companies.
- (h) *Removal of structure, excess moneys.* If the building official has proceeded under the provisions of K.S.A. 12-1750 *et seq.*, as amended, or Section 18-80 *et seq.*, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.
- (i) *Same; disposition of funds.* If the building official, with regard to a damaged building or other structure, determines that it is necessary to act under K.S.A. 12-1750 *et seq.*, or similar section, any proceeds received by the city finance director under the authority of Section 18-87(e)(1), relating to that building or other structure, shall be used to reimburse the City for any expenses incurred by the City in proceeding under K.S.A. 12-1750 *et seq.*, or similar section. Upon reimbursement from the insurance proceeds, the building official shall immediately affect the release of the lien resulting

therefrom. Should the expenses incurred by the City exceed the insurance proceeds paid over to the city finance director under Section 18-87(e)(1), the building official shall publish a new lien as authorized by K.S.A. 12-1756, or Section 18-80 *et seq.*, in an amount equal to such excess expenses incurred.

- (j) *Effect upon insurance policies.* This Section shall not make the City a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
- (i) *Insurers, liability.* Insurers complying with this Section or attempting in good faith to comply with this Section shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404, and amendments thereto, including withholding payment of any insurance proceeds pursuant to this Section, or releasing or disclosing any information pursuant to this Section.

Sections 18-88 to 18-89. - Reserved.

ARTICLE IX. – BUILDING TRADES AND CONTRACTORS

Section 18-90. Contractor license classifications, definition and descriptions.

- (a) *Class A general contractor.* Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the construction, repair, alteration, remodeling, addition to, subtraction from, improvement, and demolition of any building or structure including related improvements to real estate excluding electrical, mechanical, plumbing, and natural or liquefied petroleum gas work related thereto.
- (b) *Class B building contractor.* Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake construction, repair, alteration, remodeling, addition to, subtraction from, improvement, and demolition of commercial buildings, single- and multiple-unit residential dwellings, and accessory-use structures, all of which shall not exceed three (3) stories in height. Does not include any electrical, mechanical, plumbing, or natural or liquefied petroleum gas work.
- (c) *Class C residential contractor.* Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake construction, repair, alteration, remodeling, addition to, subtraction from, improvement, demolition, and improvement of single or multiple residential dwelling units as defined by the Residential Building Code. Does not include any electrical, mechanical, plumbing, or natural or liquefied petroleum gas work.
- (d) *Class D-M mechanical contractor.* Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the design, installation, maintenance, repair, alteration, and extension of air conditioning, refrigeration, warm air heating, low and high pressure boilers, ventilation systems, duct systems, unfired pressure vessels, fuel transmission lines, and related appurtenances.
- (e) *Class D-E electrical contractor.* Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the design, plan, installation, repair, alteration, and maintenance of electric conductors, raceways, and equipment for light, heat, and power.

- (f) *Class D-P plumbing with gas contractor.* Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the installation, repair, maintenance, and extension of any plumbing system, including drains, waste, sanitary vents, water supply, fixtures, indirect wastes and natural or petroleum gas systems; installation, repair, and maintenance of gas piping systems, including gas piping, appliances, vents, flues, tanks, and other related appurtenances.
- (g) *Class D-R commercial roofing contractor.* Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the installation, repair and replacement of roof coverings, including roof deck insulation, roof coating, painting, covering, use of sheet metal products incidental to roofing work or other related material, and installation of nonstructural decking and siding.
- (h) *Class D-CO concrete contractor.* Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake concrete work, including formwork, placement of steel reinforcement, batching, mixing, delivery, placing, finishing, and curing.
- (i) *Class E-F fire sprinkler and protection services contractor.* Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the design, plan, installation, repair, alteration and maintenance of fire sprinkler and protection services.
- (j) *Class E-SOC specialized other contractor.* Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake one of the following specialties: the installation or repair of fences, concrete flatwork, demolition, drywall and plaster, excavation, fencing, framing, handyman, landlord, lawn irrigation systems, masonry, siding and guttering, signs, stucco, swimming pools, water conditioning systems, windows and doors or any other specialized work that does not meet a specified classification or description defined herein at the determination of the building official.
- (k) *Class L limited contractor with certification requirements.* Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake one of the following specialties: backflow tester, residential roofing, steel erectors, portable fire extinguisher technician, pre-engineered kitchen fire extinguishing systems technician, pre-engineered industrial fire extinguishing systems technician, engineered fire suppression systems technician and any other specialty to be determined at the discretion of the building official.

Section 18-91. Contractor license/fees/application/renewal/suspension/revocation.

Contractor License, Fees and Application. A contractor shall complete an application on a form to be supplied by the City for a contractor's license to perform work and pay an application fee prior to performing any work as required in this Chapter. The application shall include information as outlined in this Article and shall also disclose the following:

- (a) Name of applicant;
- (b) Place of business in the city/county and home office if a nonresident;
- (c) The kind of work engaged in;

- (d) The length of time engaged in such work and places where work has been performed within the past five (5) years;
- (e) Proof of passage of a State of Kansas recognized trades examination or an annual local trades certification card;
- (f) Statement of debts outstanding and payable to subcontractors which have resulted in any liens or encumbrances or lawsuits filed against the contractor;
- (g) Any lawsuits engaged in with property owners for services rendered or performed by the contractor;
- (h) All other pertinent information needed to issue a license; and
- (i) The application shall be signed by the contractor or an authorized agent.

The application for a contractor's license shall be approved by the building official or his/her designee and city manager or his/her designee prior to being referred to the Governing Body at its next meeting for action thereon.

Each license issued pursuant to this Article shall set forth the kinds of contract work in which the licensee may engage. A licensee under this Article shall display the license at any place where such licensee may be engaged in contract work or produce the same on subject to penalties as outlined in this Chapter.

Renewal. All licenses issued pursuant to this Article shall be renewed annually as in the case of an original license, on or before January 1 of the year for which issued. If such renewal is not completed by January 31 of the year for which the license is issued, then the applicant shall lose his or her grandfathered status. The applicant shall then be subject to reapply as a new contractor and meet all requirements and the application fee shall be doubled.

It shall be unlawful for any licensee under this Article to contract for any kind of work covered by this Article other than that specified in such license, without first having an approved license for such contract.

Suspension and revocation. The license of any contractor may be suspended temporarily, for a period not to exceed thirty (30) days at any one time, by the Governing Body upon the recommendation of the Building Safety Board of Appeals or upon a complaint of the building official or his or her designee for cause.

Any of the following shall be deemed sufficient to subject the holder of a license to revocation or suspension:

- (a) Misrepresentation of a material fact in obtaining a certificate, license or permit;
- (b) Willful or repeated violations of the building or construction code, or failure to comply with any lawful order of the building official;
- (c) Use of license to obtain building permit for another;
- (d) Failure or neglect to observe conditions of a permit authorizing encumbering of streets or sidewalks for the safety of the public;
- (e) Abandonment of any contract without legal cause;

- (f) Misrepresentation of a material fact by the applicant in obtaining a license by the failure of any licensee to fully satisfy all claims for labor or materials used in the performance of any work for which the licensee has been engaged and for which the licensee has been paid;
- (g) Bad faith or unreasonable delay in the performance of construction work;
- (h) Failure to obtain permits and required inspection;
- (i) The improvement of real property under contract and the foreclosure and final judgment rendered on such lien against any licensee;
- (j) Any final judgment rendered under law against a licensee for the performance of services or failure to perform services under a contract with a property owner and the failure to satisfy said judgments within ten (10) days;
- (k) Diversion of property received for performance or completion of a specific contract, or for a specified purpose in the performance or completion of any contract and the application or use for any other contract, obligation or purpose, or the failure, neglect or refusal to use such property for the performance or completion of such contract without legal cause; or
- (l) Whenever a licensed contractor shall willfully violate City ordinance or display inability to perform that work for which such contractor is licensed.

Notice shall be given in writing to such contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such contractor involving the hereinabove stated allegations.

Any licensee may appeal in writing to the Governing Body from any order of the city manager suspending the license for its final decision thereon. The Governing Body may upon such hearing terminate such suspension within not more than thirty (30) days thereafter, or may revoke such license or continue such suspension. If any license shall be revoked, the contractor shall not be eligible for a new license during a period of six (6) months thereafter. No fee shall be refunded upon the suspension or revocation of any contractor's license.

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

- (a) *Proof of general liability insurance required for issuance of license.* Before any license shall be issued to any contractor required by this Article to obtain a license with the City, the contractor shall secure and file with the city clerk or his/her designee a certificate of insurance providing for public liability insurance coverage, including bodily injury and property damage insurance coverage in an amount not less than \$500,000.00 per occurrence. The required insurance shall be in full force and effect during the calendar year for which the license is issued. The requirements of this Section shall not apply to a landlord or a water conditioner contractor.
- (b) *State of Kansas franchise tax law.* If a company is not a sole proprietor company, a certificate from the Kansas Secretary of State must be presented at the time of application. If the company is located outside the State of Kansas, a certificate of Foreign Authority to do work in the State of Kansas issued by the Kansas Secretary of State must be presented at the time of application.
- (c) *Disclosures.* The contractor/applicant shall disclose, at the time of application, any current or previous license held in Kansas or any other state and any disciplinary actions taken against such contractor/applicant within the last five (5) years. If the contractor/applicant

is employed by or a principal of a firm, the application shall disclose whether the firm or the firm's employees or principals have had any contractor-related disciplinary action taken against them in Kansas or any other state within the last (5) five years.

- (d) *Proof of qualifications/certifications.* Qualifications are established for each trade as outlined herein through a local certificate program or the passage of a State of Kansas approved trades examination with a passing grade of seventy-five (75) percent or greater. Helpers must serve as such continuously for two (2) years before taking the journeyman's examination, and a journeyman must serve as such continuously for two (2) years before taking the master electrician's examination. Local certificates are intended for those individuals grandfathered into a trade that do not have a proof of passage of a State of Kansas approved trade examination test or for helpers in each trade that helpers are recognized by the City. The local certificate is an annual certificate for helpers, journeyman, master, etc. in the trades. All local certificates will be issued so long as a certificate is maintained and renewed annually as in the case of an original certificate, on or before January 1 of the year for which issued. If such renewal is not completed by January 31 of the year for which the certificate is issued, then the applicant shall lose their grandfathered status and be required to take the State of Kansas approved trades examination if qualified. A fee shall be paid for each certification on an annual basis. A fee shall be established for the sponsorship of any individual wishing to take a nationally recognized or state recognized trade/contractors test to be accepted by the City. Grandfathered in this Subsection shall be defined as any holder of a certificate issued by the City in 2006.

- (1) *Class A general contractor qualifications.* Before any person shall be licensed to conduct business as a class "A" general contractor, such person shall meet the following requirements: Have at least one (1) person in their employ who possesses a certificate issued by the City stating that this person has been certified as a class "A" general contractor or the applicant shall show proof of passage of the class "A" general contractor examination approved by the City. Verification of passage of the class "A" general contractor examination shall be required for certificate renewal.

All persons receiving such license shall obtain six (6) hours annually of continuing education approved by the Governing Body. Not less than three (3) hours annually shall consist of code education. Continuing education may be provided by the City, a nationally recognized trade association, community college, technical school, technical college or other provider approved by the Governing Body. All hours of education shall consist of training relative to construction, maintenance and code update training.

- (2) *Class B building contractor qualifications.* Before any person shall be licensed to conduct business as a class "B" general contractor, such person shall meet the following requirements: Have at least one (1) person in their employ who possesses a certificate issued by the City stating that this person has been certified as a class "B" general contractor or the applicant shall show proof of passage of the class "B" general contractor examination approved by the City. Verification of passage of the class "B" general contractor examination shall be required for certificate renewal.

All persons receiving such license shall obtain six (6) hours annually of continuing education approved by the Governing Body. Not less than three (3) hours annually shall consist of code education. Continuing education may be provided by the City, a nationally recognized trade association, community college,

technical school, technical college or other provider approved by the Governing Body. All hours of education shall consist of training relative to construction, maintenance and code update training.

- (3) *Class C residential contractor qualifications.* Before any person shall be licensed to conduct business as a class "C" general contractor, such person shall meet the following requirements: Have at least one (1) person in their employ who possesses a certificate issued by the City stating that this person has been certified as a class "C" general contractor or the applicant shall show proof of passage of the class "C" general contractor examination approved by the City. Verification of passage of the class "C" general contractor examination shall be required for certificate renewal.

All persons receiving such license shall obtain six (6) hours annually of continuing education approved by the Governing Body. Not less than three (3) hours annually shall consist of code education. Continuing education may be provided by the City, a nationally recognized trade association, community college, technical school, technical college or other provider approved by the Governing Body. All hours of education shall consist of training relative to construction, maintenance and code update training.

- (4) *Class D-M mechanical contractor qualifications.* The following word, terms and phrases, when used in this Subsection, shall have the meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:

Journeyman mechanical installer means a person who is qualified and experienced to perform all phases of mechanical work, and who is qualified to work under the master, rather than direct, supervision of a master mechanical installer, and who shall have experience in the mechanical installation field.

Master mechanical installer means a person who is qualified and experienced to properly lay out, plan and serve the public in the mechanical installation field.

Mechanical installer's helper means a person whose status is that of an apprentice in the mechanical installation field. This individual shall work only under the direct supervision of a master or journeyman mechanical installer.

Before any person shall be licensed to conduct business as a class "D-M" contractor, such person shall meet the following requirements: Have at least one (1) person in their employ who possesses a certificate issued or recognized by the City stating that this person has been certified as a master mechanical installer and the applicant shall show proof of passage of a recognized examination approved by the City. Verification of passage of the examination shall be required for certificate renewal.

It shall be unlawful for any person to do mechanical construction work for any other person unless such person shall first have secured a master certificate, journeyman's certificate, or helper's certificate. It shall further be unlawful for any person to engage in the business of the installation or repair of any furnace, air conditioning system, heater, cooling, ventilating system, ducting, steam or hot water piping, boiler or any other installation which may be categorized within the area of heating, cooling or ventilation on any buildings or premises within the corporate limits of the city without first having secured a contractor's license and

unless the applicant for such license shall have a certified master mechanical installer in such person's employ. It shall hereby be required that any employer or company shall report the termination of any master, journeyman or helper electrician in such employer's or company's employ to the building official within five (5) days after such termination.

All persons receiving such license shall obtain six (6) hours annually of continuing education approved by the Governing Body. Not less than three (3) hours annually shall consist of code education. Continuing education may be provided by the City, a nationally recognized trade association, community college, technical school, technical college or other provider approved by the Governing Body. All hours of education shall consist of training relative to construction, maintenance and code update training.

- (5) *Class D-E electrical contractor qualifications.* The following words, terms and phrases, when used in this Subsection, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Electrician's helper means a person who helps master and/or journeyman electricians in the performance of their work and only in the presence of such master or wireman electrician.

Master electrician means a person who is qualified and experienced to properly lay out, plan and serve the public on the installation, repair and maintenance of electrical wiring, appliances, fixtures and motors and other apparatus requiring electrical current.

Journeyman electrician means any person qualified to install wires carrying electrical current and to do any electrical work in connection with the repair and maintenance of electrical wiring under the supervision of a master electrician.

Before any person shall be licensed to conduct business as a class "D-E" contractor, such person shall meet the following requirements: Have at least one (1) person in their employ who possesses a certificate issued or recognized by the City stating that this person has been certified as a master electrician and the applicant shall show proof of passage of a recognized examination approved by the City. Verification of passage of the examination shall be required for certificate renewal.

It shall be unlawful for any person to do electrical construction work for any other person unless such person shall first have secured a master electrician's certificate, journeyman's certificate, or helper's certificate. It shall further be unlawful for any person to engage in the business of the installation of electrical wiring or equipment, apparatus or devices for light, heat or power purposes in or on any buildings or premises within the corporate limits of the City without first having secured an electrical contractor's license and unless the applicant for such license shall have a certified master electrician in such person's employ. It shall hereby be required that any employer or company shall report the termination of any master, journeyman or helper electrician in such employer's or company's employ to the building official within five (5) days after such termination.

All persons receiving such license shall obtain six (6) hours annually of continuing education approved by the Governing Body. Not less than three (3) hours annually shall consist of code education. Continuing education may be provided by the City, a nationally recognized trade association, community college,

technical school, technical college or other provider approved by the Governing Body. All hours of education shall consist of training relative to construction, maintenance and code update training.

- (6) *Class D-P plumbing with gas contractor qualifications.* The following words, terms and phrases, when used in this Subsection, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Journeyman plumber means a plumber who is qualified, certified or equipped to do plumbing or gas piping work, install fixtures, make repairs to plumbing or gas piping, or in any work at the plumbing trade or gas piping or fitting for, and under the direction of a master plumber.

Master plumber means a person who is qualified, certified and equipped to properly lay out and plan the installation, repairs and maintenance of plumbing, including all sewerage, water and gas piping systems.

Plumber's helper means a person who helps master and/or journeyman plumbers in the performance of their work and only in the presence of such master or journeyman plumber.

Before any person shall be licensed to conduct business as a class "D-P" contractor, such person shall meet the following requirements: Have at least one (1) person in their employ who possesses a certificate issued or recognized by the City stating that this person has been certified as a master plumber with gas and the applicant shall show proof of passage of a recognized examination approved by the City. Verification of passage of the examination shall be required for certificate renewal.

It shall be unlawful for any person to do plumbing or gas construction work for any other person unless such person shall first have secured a master's certificate, journeyman's certificate, or helper's certificate. It shall further be unlawful for any person to engage in the business of the installation, repair, maintenance, and extension of any plumbing system, including drains, waste, sanitary vents, water supply, fixtures, indirect wastes and natural or petroleum gas systems, installation, repair, and maintenance of gas piping systems, including gas piping, appliances, vents, flues, tanks, and other related appurtenances on any buildings or premises within the corporate limits of the City without first having secured a plumbing with gas contractor's license and unless the applicant for such license shall have a certified master plumber with gas in such person's employ. It shall hereby be required that any employer or company shall report the termination of any master, journeyman or helper in such employer's or company's employ to the building official within five (5) days after such termination.

All persons receiving such license shall obtain six (6) hours annually of continuing education approved by the Governing Body. Not less than three (3) hours annually shall consist of code education. Continuing education may be provided by the City, a nationally recognized trade association, community college, technical school, technical college or other provider approved by the Governing Body. All hours of education shall consist of training relative to construction, maintenance and code update training.

- (7) *Class D-R commercial roofing contractor qualifications.* Before any person shall be licensed to conduct business as a commercial roofing contractor, such person shall meet the following requirements: Have at least one (1) person in their employ who possesses a certificate issued or recognized by the City stating that this person has been certified as a commercial roofing contractor or the applicant shall show proof of passage of the commercial roofing examination approved by the City. Verification of passage of the commercial roofing examination shall be required for certificate renewal.
- (8) *Class D-CO concrete contractor qualifications.* Before any person shall be licensed to conduct business as a concrete contractor, such person shall meet the following requirements: Have at least one (1) person in their employ who possesses a certificate issued or recognized by the City stating that this person has been certified as a concrete contractor or the applicant shall show proof of passage of the concrete examination approved by the City. Verification of passage of the concrete examination shall be required for certificate renewal.
- (9) *Class E-F fire sprinkler & protection services contractor qualifications.* Before any person shall be licensed to conduct business as a fire sprinkler & protection services contractor, such person shall provide proof of registration with the State of Kansas. They must also provide qualifications that will include one of the following: Being factory trained and certified or National Institute of Certification in Engineering Technologies (NICET) fire alarm level II certified personnel or personnel licensed by the State of Kansas.

All persons receiving such license shall obtain six (6) hours annually of continuing education approved by the Governing Body. Not less than three (3) hours annually shall consist of code education. Continuing education may be provided by the City, a nationally recognized trade association, community college, technical school, technical college or other provider approved by the Governing Body. All hours of education shall consist of training relative to construction, maintenance and code update training.

- (10) *Class E-SOC specialized other contractor qualifications.* A Class E-SOC license shall entitle the licensee to perform the work limited to the sub-classes of Specialized Other. A separate Class E-SOC license shall be required for each sub-class. Before any person shall be licensed to conduct business as an E-SOC Specialized Other Contractor, such person shall meet the following requirements: Have at least one or more persons in their employ who possess a certificate issued or recognized by the city stating that this person(s) has been certified as one of the following:
- (a) Concrete flat work contractor – a person who is certified to install driveways, interior sidewalks or patios. Any license issued by the City for a Class E-SOC specialized other contractor under this Subsection shall not permit the licensed person to install or otherwise work on sidewalks and driveway approaches, unless said work is approved by the public works director or representative.
 - (b) Demolition contractor – a person who is certified to demolish buildings and structures.
 - (c) Drywall and plaster contractor – a person who is certified to install or repair drywall or plaster.

- (d) Excavation contractor – a person who is certified to bore, dig, trench or otherwise remove dirt.
 - (e) Fencing contractor – a person who is certified to install or repair fencing.
 - (f) Framing contractor – a person who is certified to install or repair structural walls.
 - (g) Handyman contractor – a person who is certified to install or repair fencing, minor drywall or siding.
 - (h) Irrigation sprinkler contractor – a person who is certified to install or repair lawn sprinkler systems. Any license issued by the City for a Class E-SOC specialized other contractor under this Subsection shall not permit the licensed person to engage in work that would involve connecting to the main water line.
 - (i) Landlord contractor – a property owner, or said owner's property maintenance employee, who is certified to install, replace or repair fencing, drywall or siding.
 - (j) Masonry contractor – a person who is certified to install or repair masonry brickwork.
 - (k) Siding and guttering contractor – a person who is certified to install or repair siding or guttering.
 - (l) Sign contractor – a person who is certified to install or repair commercial signage. Any license issued by the City for a Class E-SOC specialized other contractor under this Subsection shall permit the licensed person to perform work on any base or poles associated with said commercial signage, but shall not permit the licensed person to perform any electrical wiring work for said commercial signage.
 - (m) Swimming pool contractor – a person who is certified to construct, install or repair inground swimming pools.
 - (n) Stucco contractor – a person who is certified to install or repair stucco.
 - (o) Windows and doors contractor – a person who is certified to install, replace or repair windows or exterior doors. Any license issued by the City for a Class E-SOC specialized other contractor under this Subsection shall permit the licensed person to perform minor repairs related to the installation, replacement or repair of windows or exterior doors.
 - (p) Water conditioning systems contractor – a person who is certified to install or repair water conditioning systems.
- (11) *Class L limited contractor qualifications.* Before any person shall be licensed to conduct business as a limited contractor, such person shall meet the following requirements: Have at least one (1) person in their employ who possesses a certificate issued or recognized by the City stating that this person has been certified as one of the following:

- (a) Backflow test contractor – a person who is certified by the Kansas Rural Water Association for cross connection-backflow prevention and who has at least one (1) year of experience in the field.
- (b) Residential roofing contractor – a person who is a roofing contractor, who is registered and certified by the Attorney General of the State of Kansas with a roofing contractor registration certificate and who has at least one (1) year of experience in the field.
- (c) Steel erector contractor – a person who has at least one (1) year of experience in the field of erecting communication towers.
- (d) Portable fire extinguisher technician – a person who is certified by the National Association of Fire Equipment Distributors as a portable fire extinguisher technician.
- (e) Pre-engineered kitchen fire extinguishing systems technician – a person who is certified by the National Association of Fire Equipment Distributors as a pre-engineered kitchen fire extinguishing systems technician.
- (f) Pre-engineered industrial fire extinguishing systems technician – a person who is certified by the National Association of Fire Equipment Distributors as a pre-engineered industrial fire extinguishing systems technician.
- (g) Engineered fire suppression systems technician – a person who is certified by the National Association of Fire Equipment Distributors as an engineered fire suppression systems technician.

Sections 18-92 to 18-99. - Reserved.

ARTICLE X. – BUILDING APPLICATIONS, PERMITS AND FEES

Section 18-100. General – Permit required, application, approval and payment of fees

- (a) *Permit required.* It is unlawful for any person to construct, alter, remove, repair, demolish, locate, equip, use or occupy any building or structure in the City until a permit for any such purpose or purposes shall have been issued by the City. Such permit or permits shall be issued upon the filing of an application therefor by a licensed building contractor or the owner of such building or structure, the approval of such application by the building official and the arrangement for payment of such permit fees as may be required by this code and by requirements established by the city clerk.
- (b) *Application.* A building permit shall be issued upon an application in writing to the building official on a form or forms provided for that purpose. The application shall among other things, disclose the following:
 - (1) The name of the owner of the lot or tract of ground;
 - (2) The location of the building or structure;
 - (3) The building work proposed;
 - (4) The outside dimensions of the building by floors and dimensions of the basement (if any);

- (5) The class of occupancy;
 - (6) The class of construction;
 - (7) Kinds of materials to be used for floors, walls, ceilings, roofs and foundations;
 - (8) The estimated cost of the work;
 - (9) The date work will commence;
 - (10) Expected date of completion;
 - (11) Name and address of contractor(s) doing the work; and
 - (12) Such other information as may be pertinent to the issuance of the required permit.
 - (13) 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 as may be authorized herein. 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 in the application unless the owner is required by ordinance to be licensed as a building contractor. A building permit may be issued to the owner upon satisfactory evidence that all described work will be performed solely by the owner and that the proposed work will not be performed by an independent contractor or contractors otherwise required to be licensed.
- (c) *Issuance.* Upon approval of the completed application and a determination that a permit should be issued, the building official shall, over his or her signature, issue a permit to the owner or contractor, as the case may be, authorizing the building work covered by the application as approved, from and after the date of issuance.
- (d) *Duration of validity.* Any permit issued under this Section shall be valid and subsisting and work must begin within sixty (60) days from the date of issuance. 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, provided that an applicant for a building permit under the ordinance codified in this Chapter shall give an estimate of time necessary to complete the work for which the permit is issued. The building official may, at the end of six (6) months, require an additional permit to allow for the completion of the original project.
- (e) *Plans and specifications—when required.* Whenever an application for a building permit is made, the building official may, if he or she finds it necessary to determine whether the building work described in the application will comply with the ordinances 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 the code.
- (1) For new commercial building projects, new multifamily dwelling structures, additions to existing commercial, additions to multifamily structures, and remodeling projects that require structural alterations and changes in occupancy of existing structures, a plan cover sheet must accompany a

complete set of construction documents upon application for a building permit. This complete set of documents shall include at least one (1) set of specifications, as well as two (2) complete drawings of the architectural, structural, mechanical, electrical, elevator (if applicable) and plumbing systems associated with the construction project. Items that are to be included on this cover sheet shall include the following:

- (a) Type of project (new, addition, remodel, etc.);
 - (b) Location (legal and street address);
 - (c) Architect (person responsible, address, phone number);
 - (d) Type of occupancy(ies);
 - (e) Construction type;
 - (f) Basic allowable area based upon the occupancy and type of construction;
 - (g) Percentage increased for open yards, stories and fire protection systems;
 - (h) Mixed occupancy ratio per floor and for total structure;
 - (i) Allowable stories and height limitations;
 - (j) Structural fire protection and applicable sections for particular construction types. In addition to this requirement, the designer shall provide ASTM, UL, etc., design numbers for all assemblies which require an applicable system;
 - (k) Information on applicable fire, life safety items (i.e., sprinklers, standpipes, fire alarms, smoke detection, emergency lighting, exit lighting and other applicable systems);
 - (l) Current adopted codes; and
 - (m) All drawings are to have the designer's seal applied to the system(s) for which they are responsible. This is including, but not limited to, structural, mechanical, plumbing, electrical, sprinkler, elevator, etc.
- (2) In addition to this cover sheet, the designers shall provide a floor plan that provides the following information:
- (a) Dimension lines indicating the distances to property lines, center lines, of public ways and other structures;
 - (b) Locations of all partitions five feet nine inches (5'9") or taller;
 - (c) Location(s) of all rated corridors;
 - (d) Location(s) of all rated shafts;
 - (e) Location(s) of occupancy separation wall(s);

- (f) Location(s) of all area separation wall(s);
 - (g) Location(s) of all exterior exits;
 - (h) Each room/area shall be labeled according to usage;
 - (i) Each room/area shall have its occupant load calculated and listed under its name/usage;
 - (j) Total number of restroom fixtures, based upon occupant load, according to the Plumbing Code.
- (3) For additions to existing structures, the designer shall provide all of the information set out above in this Section. This data shall be based upon the overall scope of the existing structure and the new addition combined.
 - (4) When applicable, an elevation certificate, as provided through the Federal Emergency Management Agency National Flood Insurance Program, shall be filed with the building official prior to the issuance of a certificate of occupancy.
 - (5) Plans and specifications shall include, but not be limited to:
 - (a) Site plan;
 - (b) Floor plan;
 - (c) Elevators (two sides minimum);
 - (d) Typical wall sections;
 - (e) Foundation, roof, and floor framing;
 - (f) Description of plumbing and HVAC systems;
 - (g) Description of electrical systems; and
 - (h) Construction material specifications.
 - (f) *Classification—Fees.* Before any person shall be issued a permit under the provisions of this code, a request for arrangement for payment of fees shall be made to the City according to Section 18-6.

Sections 18-101 to 18-109. - Reserved.

ARTICLE XI. – BUILDING SAFETY BOARD OF APPEALS

Section 18-110. Appeals.

- (a) The appeals process for all appeals referenced in this Chapter or codes adopted by reference shall be handled as follows:
 - (1) *General.* An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The building official and Building Safety Board of Appeals shall have no authority to waive requirements of this

Chapter or any code referenced herein. The Building Safety Board of Appeals may make recommendations to amend the code based on an application or by the request of the building official.

- (2) *Application.* A complete application for appeals provided by the City shall be received in writing by the building official a minimum of twenty (20) days prior to the Building Safety Board of Appeals meeting.
- (3) *Fee.* A non-refundable application fee in Chapter 18, Section 18-6 for appeals shall be submitted at the time the application is delivered to the building official. An application shall not be considered complete until the fee has been paid.
- (4) *Action.* The Building Safety Board of Appeals shall render all decisions in writing within ten (10) days of the meeting date in which the appeal was heard. If the appeal is in regards to amending a code referenced herein, and the request is approved by the board, the request will then be forwarded to the Governing Body for action.
- (5) *Administration.* The building official will take action in accordance with the decision of the Building Safety Board of Appeals.

Section 18-111. Building Safety Board of Appeals.

- (a) *Established.* A Building Safety Board of Appeals is hereby created by the Governing Body of the City. Such Board shall consist of seven (7) members. The seven (7) members shall be made up of one (1) Licensed Master Plumber, one (1) Licensed Master Electrician, one (1) Licensed Master Mechanical Contractor, one (1) Licensed Residential Contractor, one (1) Licensed Commercial Contractor, one (1) Architect Licensed in the State of Kansas, and an at large citizen. The Board members' term length, term limits, officer appointments, officer responsibilities, length of officers' term, appointments and vacancies, attendance requirements, voting, and quorum shall be governed as contained in Resolution No. 2196. Members of the Board serve without compensation. The building official and an inspector for each trade shall be ex officio members of the Board.
- (b) *Meetings.* Meetings of the Board shall be on an on-call basis at the call of the building official or on a quarterly basis for training of the Board on their duties and responsibilities.
- (c) *Authority.* An appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The building official and Building Safety Board of Appeals shall have no authority to waive requirements of this Chapter or any code referenced herein. The Building Safety Board of Appeals may make recommendations to amend the code based on an application or by the request of the building official.

Sections 18-112 to 18-119. - Reserved.

ARTICLE XII. – MOVING OF BUILDINGS

Section 18-120. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) *Building* means a house, commercial building, industrial building or any structure sixteen feet (16') in height or more or of a size great enough so that the moving thereof over a street would cause hazard or inconvenience to any person, and shall not include a single-width manufactured home, nor a building which can be moved on a licensed motor truck or trailer without protruding beyond the bed of such truck or trailer.
- (b) *Interfering structure* means any wire, cable, conduit, pipe, tree, pole, curb, sidewalk, pavement or other structure or device located in or about a street which must be temporarily relocated or otherwise altered in order to facilitate the passage of a building.
- (c) *Motor truck or tractor* means every motor vehicle designed, used or maintained primarily for the transportation of property.
- (d) Over includes "on", "across" and "upon."
- (e) *Permittee* means the person to whom a permit is issued pursuant to the provisions of this Article.
- (f) *Trailer* means every vehicle, without motive power, designed for carrying property and for being drawn by a motor vehicle.

Section 18-121. Permit, application, investigation, terms/conditions, deposit.

- (a) *Permit required.* It shall be unlawful for any person to move or cause to be moved any building in, into, through or from the City without first obtaining a permit therefor from the building official. Permits issued under this Article shall not be assignable or transferable and shall not be used by any person other than the permittee or such permittee's employees. No permit shall be granted to move any building which when loaded shall extend more than thirty feet (30') above the surface of the street to its highest point or wider than the paved or improved surface of any street from curb to curb, over which it is proposed to move such structure, or which will destroy or damage any trees in the parking adjacent to such streets; provided further, that with the approval of the city engineer and the street superintendent and when authorized by the Governing Body, permits may be issued in exceptional cases for moving a larger structure than the above which may likely cause damage or injure trees when the mover has obtained the written permission of the owners of property abutting the parking upon which any trees shall be so growing to permit the mover to trim or cut such trees as may interfere with the moving. Such written permission shall be filed with the application.
- (b) *Application for permit.* Any person desiring such a permit shall file with the building official an application therefor in writing on a form to be furnished by the City for that purpose not less than forty-eight (48) hours prior to the commencement of the move. Such application shall specify the following:
 - (1) The character and size of the building to be moved;
 - (2) The reason for such moving;
 - (3) The use, purpose and occupancy for which such building or structure is to be used;
 - (4) The location from which and to which such building is to be moved;

- (5) A plot plan showing the proposed location of the building upon the property to which such building is to be moved; provided such location is in the City;
- (6) The streets on, over or through which it is desired to move such building; and
- (7) Whether the building conforms to the zoning laws in the location to which it is to be moved.
- (8) *Liability insurance.* Every person moving a building in the City shall file with the city clerk a liability insurance policy issued by an insurance company holding a certificate of authority to do insurance business in the state, which policy shall conform in all respects to the requirements of this Section. The liability policy required under this Section shall insure the person moving a building against loss from liability for injury to, or death of, any person, or damage to any property growing out of the moving of such building, to the amount or limit of Five Hundred Thousand Dollars (\$500,000.00) exclusive of interest and costs on account of injury to, or death of, any one person and subject to the same limit as respects injury to or death of one person, of One Million Dollars (\$1,000,000.00) exclusive of interest and costs, on account of moving any one building resulting in injury to or death of more than one person, and of Five Hundred Thousand Dollars (\$500,000.00) for damage to property of others, resulting from moving any one building.
- (9) *Bond for new location of building.* Owner's completion bond or savings and loan certificate and shares. Prior to the issuance of a permit to move a building, the owner or intended occupant of the property upon which the building is to be located shall file with the building official a corporate surety bond, conditioned as follows: That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the permit shall be fully performed and completed within a reasonable time to be specified by the building official in the permit. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done plus ten percent (10%) thereof, and shall name the City as obligee, and shall be in a form approved by the city attorney.
 - (A) In lieu of furnishing such a corporate surety bond, the owner or lessee may post a cash deposit in the amount of such bond.
- (10) *Bond for old original location.* Owner's completion bond or savings and loan certificate and shares. Prior to the issuance of a permit to move a building, the owner or occupant of the property from which the building is to be moved shall file with the city clerk a bond or other form of security in favor of the City and shall be in a form approved by the city attorney, with conditions as follows:
 - (A) Before any work is started on a building or structure, the permittee or such permittee's authorized agent shall notify the appropriate utilities in order that all gas, water, and oil pipelines that are to be disconnected from the building may be securely capped and sealed.
 - (B) Immediately after the moving of any building or structure, the permittee or such permittee's authorized agent shall securely barricade all basement excavation and other holes or openings.

- (C) Within ten (10) days after the moving of any building or structure, the permittee or authorized agent of such permittee shall, unless the owner of the property for which the building is to be removed shall have a regularly issued building permit for the improvement of this property, complete the following work:
 - (i) Securely close and seal any sanitary piping located on the property.
 - (ii) Pump and fill with dirt or sand or remove any septic tanks or cesspools located on the property.
 - (iii) Fill any openings, excavations or basements remaining on the land, with dirt or sand to street level or the natural level of adjoining property unless otherwise directed by the city engineer.
 - (iv) Remove any buried underground tanks formerly used for storage of flammable liquids and/or petroleum products.
 - (v) Remove all refuse, debris and waste materials from the property.
- (D) The bond required by this Section shall be in an amount equal to the cost of the work proposed to be done, as estimated by the city engineer, which shall not be less than \$10,000.00.
- (E) The bond may be in the form of a corporate security bond, cash deposit, savings and loan certificate, or a letter of credit as approved by the city attorney.

Section 18-122. Inspection fee and permit fee

- (a) *Inspection fee.* An inspection fee in the amount established in Section 42-122 shall be paid to the city clerk upon filing of each application for a house moving permit.
- (b) *Permit fee.* A permit fee in the amount established in Section 42-122 shall be paid to the city clerk upon the issuance of each house moving permit.
- (c) *Investigation.* Upon the filing of the application for a permit under this Article, the building official shall investigate the building and make report of the results of such investigation, together with recommended action thereon.
 - (1) No permit shall be issued to move any building or structure which, in the opinion of the building official:
 - (a) Is so constructed or in such condition as to be dangerous;
 - (b) Is infested with pests or unsanitary;
 - (c) Is a dwelling or habitation unfit for human habitation;

- (d) Is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of one thousand feet (1,000') from the proposed site;
 - (e) If the proposed use is prohibited by zoning laws of the City;
 - (f) If the structure is of a type prohibited at the proposed location by any ordinance of the City; or
 - (g) If the moving of the building or structure causes unreasonable damage to the trees, plants and shrubs on and along the public streets.
- (2) Provided, however, that if the condition of the building or structure, in the judgment of the building official, admits of practicable and effective repair, the permit may be issued upon the terms and conditions as set forth herein.
- (d) *Terms/conditions.* When a house moving permit is granted under this Article, such terms and conditions as may be deemed reasonable and proper may be imposed, including, but not limited to, the public streets, or other public property in the City on, over or through which the building or structure shall be moved, and the requirements of changes, alterations, additions or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the district to which it is to be moved. Such terms and conditions shall be written upon the permit or appended in writing thereto.
- (e) *Deposits.* The applicant for a permit under this Article shall also deposit with the city clerk a cash deposit sufficient to cover the cost to the City as estimated by the utility superintendent of moving, removing or displacing any pole or other structure, supporting any wires, cables or other equipment belonging to the City or the cutting, displacing or changing the location of any wire, cable or other equipment upon such poles or structures belonging to the City.
- (1) *Refunding of Deposits.* When the moving of any building for which a permit has been granted is completed, and all damage to public streets or other public property has been repaired to the satisfaction of the city engineer and all costs of repairing damage or performing other work as provided herein have been paid, and the deposits as required, or such portion thereof then remaining unused under the provisions of this Article, shall be refunded upon surrender of the deposit receipt representing the money so deposited. Should the cost of repairing damages and/or performing other work as in this Article provided exceed the total amount of money deposited, the person to whom such permit was granted shall be held liable for the amount of damage and/or other costs which are in excess of the amount deposited, and it shall be the duty of the city clerk, upon receipt of the request from the city engineer to collect such part of the claim which is in excess of the deposit from the person to whom the permit was granted.
- (f) *Issuance.* The building official shall approve the issuance of a house moving permit when all the necessary requirements and conditions of this Article have been complied with. It then shall be the duty of the city clerk to issue the permit. The building official, at any time, for sufficient cause, may revoke or suspend any permit granted under this Article.

An extension of time for said completion may be granted in writing by the building official when, in such official's discretion, circumstances shall so justify, but no such extension shall release any surety or other security.

Section 18-122. General

- (a) *Control and supervision.* Every building which is moved on, over or through any public street, way or park in the City shall be under the control of the building official and every such building shall be moved in a careful manner and the work shall be prosecuted with diligence and to the satisfaction and approval of the director of public works. This Section in no way relieves the person having charge of the moving of any building of the obligation to furnish proper supervision.
- (b) *Notice required.* Notice must be given by the person to whom the permit is issued, or such person's representative, to the street department, utility department and the police department of the City not less than forty-eight (48) hours before the actual work of moving a building or structure is to commence.
- (c) *Default in performance of conditions.* Whenever a default has occurred in the performance of any term or condition of any permit issued under this Article, written notice thereof shall be given to the permittee by the building official, such notice to state the work to be done, the estimated cost thereof, and the period of time deemed to be reasonably necessary to complete such work. After receipt of such notice, the permittee must, within the time therein specified, either cause the work to be done over or pay to the city clerk the estimated cost of doing the work as set forth in the notice, plus ten percent (10%) of said estimated cost. Upon receipt of notice from the city clerk that the permittee has deposited such money, the building official shall cause the required work to be performed and completed. If the permittee defaults, the City shall have the option, in lieu of completing the work required, to demolish the building or structure and to clear, clean and restore the site or sites, and charge the cost thereof against the deposit.
- (d) *Approval of route.* The streets over which any building or structure is to be moved must be approved by the public works director, public utility director and the chief of police.
- (e) *Obstructing streets.* No person owning or having charge of the moving of any building into, on, over, through or from any public streets, ways or parks in the City, shall permit said building to obstruct any such street, way or park except by written permission obtained from the chief of police, or to obstruct traffic on any railroad.
- (f) *Lights and barricades.* The person having charge of the moving of any structure shall maintain proper lights and barricade whenever such structure is on any public street, way or park during the hours of darkness.
- (g) *Wires and structural supports.* If the moving of any building for which a permit shall have been granted under this Article makes it necessary to move, remove or displace any pole or other structure supporting the wires, cables or other equipment of any public utility or of the City or to cut, displace, or change the location of any wire, cable or other equipment upon such pole or structure, the person to whom such permit has been granted, or such person's authorized representative, shall obtain permission in writing from the owner or owners at least forty-eight (48) hours prior to the time that the moving of such building will necessitate the removal of such obstructions. The person to whom such permit is granted shall not at the expiration of the time of notice or at any time, cut, move, or in any way disturb such public utility or city property; and such work shall be done only by the authorized workmen of the utility or the City,

whichever is the owner. The person to whom such permit is granted shall pay to the public utility, or to the City, as the case may be, any and all costs or expense for the removal, rearrangement or replacement of any pole or structural support of wires, cables, or equipment thereon or of any damage to such property.

- (h) *Repairs to Public Property.* If the moving of any building for which a permit shall have been granted under this Article causes damage to the public streets or other public property, in addition to any other remedies the City may have, the city engineer may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein, or the city engineer may require the person to whom such a permit has been granted or such person's authorized representative upon written notification from the director of public works to make all necessary repairs to such streets or property; provided, however, that should such person to whom such permit has been granted, and to whom such notice has been given, or such person's authorized representative, fail to make such necessary repairs within the period of time designated in such written notice, the city engineer may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein.

Sections 18-124 to 18-129. - Reserved.

ARTICLE XIII. – HOUSING CODE

Section 18-130. Penalty.

Except as otherwise provided in this Article, a violation of any provisions of this Article is a Class C violation, punishable as provided in Chapter 1, Section 1-8 of the Code of Ordinances. In addition to the penalties provided in Section 1-8, the court may order abatement of any and all conditions found to be in violation of this Article. Abatement may include an order to eliminate a condition determined to be a nuisance, and repair, clean up or demolish and remove a building. The court may also order any building or portion thereof, which is occupied by one or more persons, to be vacated to protect the health, property, safety, or welfare of the public or occupants thereof.

Section 18-131. Property Maintenance Code adopted, incorporated by reference.

There is hereby adopted by the City for the purpose of establishing rules, regulations and minimum standards to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises, including the issuance of permits and providing a penalty for violation thereof, that certain property maintenance code known as the "International Property Maintenance Code", Edition of 2018, prepared and published in book form by the International Code Council, Incorporated, 4051 Flossmoor Road, Country Club Hills, Illinois 60478, to be known as the Property Maintenance Code of the City of Garden City, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. One official copy of said Property Maintenance Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2861-2020", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, city attorney, city prosecutor, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Property Maintenance Code similarly marked, as may be deemed expedient. All references to the Property Maintenance Code adopted and incorporated into this code shall be in a form designating Section 18-131 followed in parenthesis followed by the section number of the Property Maintenance Code, as incorporated. (For example, Section 401.2 of the Property Maintenance Code as incorporated shall be referred to as Section 18-131(401.2).

Section 18-132. Amendments and deletions to Property Maintenance Code.

The following sections of the Property Maintenance Code adopted and incorporated by reference in this Article are hereby amended or deleted as follows:

Section 101.1 Title. Amended to read as follows: These regulations shall be known as the Property Maintenance Code of the City of Garden City, Kansas, hereinafter referred to as "this code".

Section 103.5 Fee schedule. Amended to read as follows: The fees for this Article shall be as indicated in the following schedule: Chapter 18, Section 18-6 of the Code of Ordinances.

Section 104 Duties and powers of the code official. Deleted

Section 107 Notices and orders. Deleted

Section 108.1 When a structure or equipment is found by the building official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of Chapter 18, Article VIII of the Code of Ordinances.

Section 110 Demolition. Deleted

Section 111 Means of Appeal. Deleted

Section 112.4 Stop work orders. Amended to read as follows: Upon notice from the building official that any work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C violation and punished as provided in amended Section 18-3.

Section 302.4 Weeds. Amended to read as follows: Premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches (12"). Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Section 304.14 Insect screens. Deleted

Section 602.3 Heat supply. Amended to read as follows: Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Exceptions: (1) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required, provided

that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code; or (2) In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Amended to read as follows: Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied. Exceptions: (1) Processing, storage and operation areas that require cooling or special temperature conditions; or (2) Areas in which persons are primarily engage in vigorous physical activities.

Section 18-133. Swimming Pool and Spa Code adopted, incorporated by reference.

There is hereby adopted by the City for the purpose of establishing rules, regulations and minimum standards to provide a reasonable level of safety and protection of health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location and maintenance or use of pools and spas, including the issuance of permits and providing a penalty for violation thereof, that certain swimming pool and spa code known as the "International Swimming Pool and Spa Code", Edition of 2018, prepared and published in book form by the International Code Council, Incorporated, 4051 Flossmoor Road, Country Club Hills, Illinois 60478, to be known as the Swimming Pool and Spa Code of the City of Garden City, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. One official copy of said Swimming Pool and Spa Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2861-2020", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, city attorney, city prosecutor, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Swimming Pool and Spa Code similarly marked, as may be deemed expedient. All references to the Swimming Pool and Spa Code adopted and incorporated into this code shall be in a form designating Section 18-133 followed in parenthesis followed by the section number of the Swimming Pool and Spa Code, as incorporated. (For example, Section 401.4 of the Swimming Pool and Spa Code as incorporated shall be referred to as Section 18-133(401.4).

Section 18-134. Amendments and deletions to Swimming Pool and Spa Code.

The following sections of the Swimming Pool and Spa Code adopted and incorporated by reference in this Article are hereby deleted or amended to read as follows:

Section 101.1 Title. Amended to read as follows: These regulations shall be known as the Swimming Pool and Spa Code of the City of Garden City, Kansas, hereinafter referred to as "this code".

Section 105.6.2 Fee schedule. Amended to read as follows: The fees for swimming pool and spa work shall be as indicated in the following schedule: Chapter 18, Section 18-6 of the Code of Ordinances.

Section 105.6.3 Fee refunds. Deleted

Section 107.4 Violation penalties. Amended to read as follows: Any person who violates a provision of this code, who fails to comply with any of the requirements thereof or who performs pool or spa work in violation of the approved construction documents, directive of the building official or of a permit or certificate issued under the provisions, shall be guilty of a Class C violation and punished as provided in amended Section 18-3. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 107.5 Stop work orders. Amended to read as follows: Upon notice from the building official that pool or spa work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue on the pool or spa after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C violation and punished as provided in amended Section 18-3.

Sections 18-135 to 18-210. - Reserved.

SECTION 2. That Chapter 18 Buildings and Building Regulations of the Code of Ordinances of the City of Garden City, Kansas, is hereby repealed, to be replaced as specified herein.

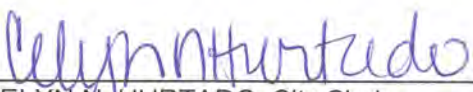
SECTION 3. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. That this ordinance shall be in full force and effect from and after March 17, 2020, and following its publication, in the Garden City Telegram, the official city newspaper.

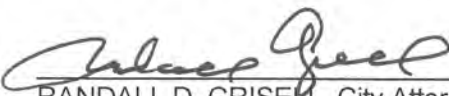
PASSED AND APPROVED by the Governing Body of the City of Garden City, Kansas, this 17th day of March, 2020.


TROY R. UNRUH, Mayor

ATTEST:


CELYN N. HURTADO, City Clerk

APPROVED AS TO FORM:


RANDALL D. GRISELL, City Attorney