

## **CHAPTER IV. BUILDINGS AND CONSTRUCTION**

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### **ARTICLE 1. FIRE LIMITS**

- 4-101. FIRE LIMITS ESTABLISHED. The fire limits of the city shall be defined as the corporate limits of the city. (Code 2007)

### **ARTICLE 2. BUILDING CODE**

- 4-201. DEFINITIONS. As used in this article, the words and phrases herein defined shall have the following meanings unless the context otherwise requires:
- (a) Whenever the word municipality is used in the building code, it shall be held to mean the City of Hiawatha, Kansas;
  - (b) Whenever the term corporation counsel is used in the building code, it shall be held to mean the city attorney of the City of Hiawatha;
  - (c) Whenever the term building official is used in the building code, it shall be held to mean the City Administrator or other authorized designee.
- (Ord. 963, Sec. 6; Ord. 957, Sec. 13; Code 2007)
- 4-202. INTERNATIONAL BUILDING CODE INCORPORATED. There is hereby adopted as the Building Code, Residential Code and Existing Building Code of the City of Hiawatha by reference thereto, the International Building Code and the International Existing Building Code, and International Residential Code, 2003 Edition, published by the International Code Council, Inc.
- The purpose of these codes is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Hiawatha and certain equipment specifically regulated in said code. The subject matter of these codes includes regulations concerning the erection, construction, enlargement, alteration, repair, moving or removal, conversion, demolition, occupancy, use, height, area, and maintenance of buildings or structures in the City of Hiawatha.
- (Ord. 957, Sec. 3; Code 2007)

- 4-203. AMENDMENTS. The following parts or portions of the 2003 International Building Code and the International Residential Code are hereby amended:
- (a) International Building Code:
    - (1) Section 101.1 Insert City of Hiawatha, Kansas.
    - (2) Section 112.1 The Board of Zoning Appeals of the City of Hiawatha is hereby appointed as the Appeals Board to hear any appeals made on decisions of the Code Enforcement Officer.
  - (b) International Residential Code:
    - (1) Section RI 01.1 Insert City of Hiawatha, Kansas.
    - (2) Section RI 12.1 The Board of Zoning Appeals of the City of Hiawatha is hereby appointed as the Appeals Board to hear any appeals made on decisions of the Code Enforcement Officer.
- (Ord. 957, Sec. 12; Code 2007)
- 4-204. ADDITIONAL PROVISIONS. The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-202. (Code 2007)
- 4-205. BUILDING OFFICIAL; POWERS; DUTIES. (a) This and other articles of the city relating generally to building and structures shall be administered and enforced by the City Administrator. The City Administrator shall act as chief building official.
- (b) The City Administrator shall prepare such application, permit, inspection and record forms as may be required for the purposes of the article. The City Administrator may make and promulgate the necessary rules and regulations to obtain conformity with this article pertaining to the making of applications for building permits, issuing of building permits and inspecting of buildings and building works. (Code 2007)
- 4-206. BUILDING INSPECTOR; APPOINTMENT. The City Administrator may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of building inspector as may be required, subject to the consent and approval of the governing body. (Code 2007)
- 4-207. SAME; DUTIES. The building inspector shall have the following duties:
- (a) To enforce all regulations relating to construction, alteration, repair, removal and demolition of building and structures;
  - (b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;
  - (c) To examine all buildings in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and;
  - (d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued.

All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the building official without his or her written consent.

(Code 2007)

- 4-208. SAME; POWERS. The building inspector shall have the following powers:
- (a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter;
  - (b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the city;
  - (c) May cause any work done in violation of this chapter to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the building regulations of the city, subject to the right of any builder or owner to appeal to the governing body.
- (Code 2007)
- 4-209. SAME; RIGHT OF ENTRY. The building inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter.
- (Code 2007)
- 4-210. CLARIFICATION; MODIFICATION. (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the building code which may be unclear, ambiguous, or requiring interpretation.
- (b) The building inspector shall have power to modify any of the provisions of the building code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the building inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the inspector thereon shall be entered upon the records of the building inspector and a signed copy shall be furnished to the applicant.
- (Code 2007)
- 4-211. BUILDING PERMIT REQUIRED; APPLICATION; APPROVAL. It shall be unlawful for any person to hereafter erect or cause to be erected within the city any building or structure of any kind or enlarge or add to the outside dimension thereof, or relocate any building or structure already erected or which may hereafter be erected or remodel any building or structure within the city without a building permit being first obtained therefor from the city clerk, after approval by the city administrator. The application for such permit shall be made and the permit obtained before work is commenced upon any building or structure or the foundation thereof, or before the removal of any building begins. (Code 2007)
- 4-212. SAME; APPLICATION INFORMATION REQUIRED. (a) A building permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This 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) The kind of materials to be used for walls, floors, 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 or contractors doing the work;
- (12) Such other information as may be pertinent to the issuance of the required permit.

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

(c) Upon approval of the completed application and a determination that a permit should be issued, the code enforcement officer shall issue a permit to the owner or contractor authorizing the building work covered by the application.

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

(Code 2007)

4-213.

**SAME; PLANS AND SPECIFICATIONS.** Whenever an application for a building permit is made, the code enforcement officer may, if he or she finds it necessary to determine whether building work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed building as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the building official may require the applicant to file complete architectural and engineering plans and specifications for such building, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any building work for conformity with this article. (Code 2007)

- 4-214. SAME; FEES. The fee for a building permit shall be set by resolution of the governing body and based on a sliding scale according to the size of the project. However no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required, is under \$1,000.00. The fee herein shall be paid to the city clerk upon obtaining a building permit and the same shall be credited to the general operating fund of the city. (Code 2007)
- 4-215. SAME; POSTING. A copy of the building permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The building inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 2007)
- 4-216. CERTIFICATE OF APPROVAL. Upon the completion of any work under a building permit, the chief building official, the building inspector is authorized to issue a certificate of approval for the occupancy and use of the building or structure. The certificate shall show the number of inspections made and the orders and corrections required during the course of the work. A copy of such certificate shall be given the owner. (Code 2007)
- 4-217. BUILDER OR BUILDING CONTRACTOR DEFINED. (a) A builder or building contractor for purposes of this article shall be any person, firm, co- partnership, corporation, association, or any combination thereof, whether a resident or not of the city:
- (1) Who or which undertakes with or for another, for a fixed sum, price, fee or any compensation other than wages, to build, construct, alter, repair, add to, wreck or move any building or structure (or any portion thereof), or any sidewalk, driveway entrance or structure in any street, or any advertising sign, panel poster or billboard, or any other structure, in the city, for which a building or construction permit may now or hereafter be required by the laws of the city; or
  - (2) Who or which advertises or represents himself, herself, or itself to the public to have the capacity or ability to undertake, or submit a bid or offer to build, construct, alter, repair, add to or wreck, remove, restore or replace any building, structure or construction work or any portion thereof; or
  - (3) Who or which builds, constructs, alters, adds to or wrecks any buildings or structures either on his or her own or other property for purposes of sale or speculation.
- (b) A builder or building contractor as defined shall not mean or include:
- (1) Any subcontractor working under the supervision of a general contractor; or
  - (2) Any plumbers, gas fitters, electricians, or other specialized occupation for which special licenses or bonds are required by other city laws; or
  - (3) Any owner or his or her authorized agents or employees making ordinary repairs to his, her or its own building or structure not involving the structural parts of the building for which a permit is not required or on which a contractor, as defined, is not required, employed or engaged to perform; or
  - (4) Any property owner personally performing any improvements, alterations or building construction within or upon his or her own residence and intended for his

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

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

(Ord. 956, Sec. 2; Code 2007)

4-218. BUILDER'S OR BUILDING CONTRACTOR'S LICENSE REQUIRED; BUILDING PERMITS; UNLAWFUL ACTS. (a) Each builder or building contractor shall before entering upon any building or construction work subject to regulation by city laws, apply to the city clerk for a builder's or building contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of a builder or building contractor in the city.

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

(c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself, or itself under the definition of builder or building contractor herein, or to perform any work as a builder or building contractor or any work under a contract for any work involving the construction, wrecking or moving of any building, without first having obtained a builder's or building contractor's license issued by the city. (Ord. 956, Sec. 3; Code 2007)

4-219. SAME; APPLICATION; GRANTING. Application for a builder's or building contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in (as general contracting, roofing, siding, masonry, plastering, lathing, excavating, waterproofing, metal work, foundation work, sign hanging, cement work and painting and paper hanging, house wrecking or moving and the like), the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the builder or building contractor or his or her authorized agent. The applications shall be, by the chief building official, referred to the governing body at its next meeting for action thereon. Such license shall be issued by the city clerk, upon payment of the fees hereinafter provided after approval of the governing body. (Ord. 956, Sec. 4; Code 2007)

4-220. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

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

(1) General Builder or Building Contractor, the sum of \$25.00;

- (2) House Wreckers or Movers, the sum of \$25.00;
  - (b) Each such license shall set forth the kind of contract work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in contract work or produce the same on demand of any city officer. All licenses shall be renewable annually as in the case of an original license on or before the first day of January of the year for which issued.
  - (c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts.
- (Ord. 956, Sec. 5; Code 2007)

- 4-221. **BUILDER'S OR BUILDING CONTRACTOR'S BOND REQUIRED; CONDITIONS; APPROVAL; RIGHTS RESERVED.** (a) Before any license shall be issued, to any builder or building contractor required by this article to obtain a license and pay a fee to the city, the builder or building contractor shall secure and file with the city clerk a good and sufficient corporate surety bond in the principal sum of \$10,000.00 conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents, servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the city, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the State of Kansas and shall be executed by an agent of the company residing in the County of Brown, Kansas and further conditioned that in the event of cancellation or expiration that the company or agent will give 10 days notice of such fact to the city clerk. Each such bond shall be approved as to form by the city attorney and approved as to surety by the city clerk and the approval thereof shall be endorsed on the bond by the city attorney and by the chairperson of the commission over their signatures.
- (b) Each bond shall be dated to run from the first day of any license issued by the city to the principal and may cover a period of not to exceed two years.
- (Ord. 956, Sec. 6; Code 2007)

- 4-222. **INSURANCE.** In addition to obtaining a corporate surety bond as required by section 4-221 of this article, a builder or building contractor must procure and maintain a liability insurance policy in the amount of \$500,000.00. Such policies of insurance shall be issued by some insurance company authorized to do business in the State of Kansas. A builder or building contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year. (Ord. 956, Sec. 7; Code 2007)

4-223. REGISTRATION SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

(a) The license of any builder or building contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the chief building official upon his or her own motion or upon a complaint of the city building inspector. Notice shall be given in writing to such builder or building contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such builder or building contractor involving any one or more of the following:

- (1) Misrepresentation of a material fact by applicant in obtaining a license;
- (2) Use of license to obtain a building permit for another;
- (3) Failure or neglect to observe conditions of permit authorizing encumbering of streets or sidewalks for safety of public;
- (4) Performance of any building or construction work without a permit where one is required by law; or
- (5) Wilful disregard of any violation of the building and construction laws, or failure to comply with any lawful order of the city building inspector.

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

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

(Ord. 956, Sec. 8; Code 2007)

4-224. WORK BY PROPERTY OWNERS. Nothing herein contained shall prohibit any property owner from personally performing any building or construction work within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the building inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal building or construction performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city. (Ord. 956, Sec. 9; Code 2007)

4-225. CONSTRUCTION OR IMPROVEMENTS; PERMIT TO DEPOSIT MATERIAL ON STREET. (a) Any person, firm or corporation erecting any building or structure upon or improving any lot or parcel of ground adjacent to any street in the city may upon application to the Governing Body, be granted a permit to use a portion of the street or to have the street temporarily closed for a period not to exceed one year which would include the traveled way of the street in front of a adjacent to such lot or parcel of ground for the purpose of depositing building material, and for use in connection with such improvements or construction for a reasonable period of time, during the time for constructing such building or structure, or making such



improvements. The Governing Body shall determine whether all or a portion of the street is necessary for construction and it shall be in their discretion as to the length of time said street shall be closed, if necessary to close such street for said construction and improvements or as to what portion of the street is necessary for the improvement or construction project.

(b) Any such person, firm, co-partnership, corporation, association, Limited Liability Corporation (LLC) or any combination thereof; whether a resident or not of the city shall place and maintain suitable warning devices and barriers in accordance with the Manual of Uniform Traffic Control Devices during the day and nighttime while such street is partially closed or obstructed or completely closed during the period of construction or improvements.

(Ord. 956, Sec. 10; Code 2007)

4-226. UNLAWFUL ACTS; PENALTY. It is unlawful for any person, firm or corporation to erect, use, occupy or maintain any building or structure in violation of any of the provisions of this chapter; or to cause, permit or suffer any such violation to be committed. Any such person, firm, co-partnership, corporation, association, Limited Liability Corporation (LLC) or any combination thereof; whether a resident or not of the city, shall, upon conviction thereof, be penalized according to the general penalty provisions of the Hiawatha Municipal Code provided, that it is the responsibility of the offender to abate the violation as expeditiously as possible after notice. Each day the notice for the abatement or correction of the work constituting a violation shall be deemed a separate offense.

(Ord. 956, Sec. 11; Code 2007)

4-227. LIABILITY. This article shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection authorized herein, by reason of any certificate of inspection issued by it or by reason of any permit or license granted herein. (Ord. 956, Sec. 13; Code 2007)

4-228. SEVERABILITY. If any section of the International Building Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining sections, the section to be completely severable from the remaining provisions which shall continue in full force and effect.

(Ord. 956, Sec. 14; Code 2007)

### ARTICLE 3. ELECTRICAL CODE

4-301. DEFINITIONS. For the purpose of this article, the words and phrases used herein shall have the meanings ascribed to them in this section, unless the context clearly indicates to the contrary.

(a) Approved - shall mean approved by the code enforcement officer.

(b) Authorized person - shall mean any individual, firm or corporation who or which is licensed under the provisions of this article to do the work as permitted under the specified provisions of this article.

(c) City - shall mean the territory within the corporate limits of this city.

(d) Conductor - shall mean a wire or cable or other form of metal suitable for carrying the electric current or potential.

(e) Electrical construction or installation - shall mean and include all work and materials used in installing, maintaining or extending a system of electrical wiring and all appurtenances, apparatus or equipment used in connection therewith, inside or attached to any building, structure, lot or premises, except industrial plants where fulltime maintenance is provided and other agencies providing inspections of installations and facilities. Electrical construction shall not be held to mean or include any of the following:

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

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

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

(f) Equipment - shall mean conductors, materials, fittings, devices, appliances, fixtures, apparatus, motors and the like, used as a part of or in connection with an electrical installation.

(g) Inspector - shall mean the code enforcement officer.

(h) Person - shall mean a natural person, his or her heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors, assigns, or the agent of any of the aforesaid.

(i) Special permission - shall mean the written consent of the code enforcement officer.

(j) Special ruling - shall mean a written ruling filed in the office of the code enforcement officer.

(Code 2007)

4-302. ADOPTION OF ELECTRICAL CODE BY REFERENCE. There is hereby adopted as the electrical code of the City of Hiawatha, Kansas, by reference thereto the National Electrical Code, 2005 edition, published by the National Fire Protection Association.

The purpose of this code is to govern the practical safeguarding of persons and property from hazards arising from the use of electricity such that compliance with the code and proper maintenance will result in an installation essentially free from hazards. The subject matter of this code includes the prescribed regulations for installations of electrical conductors and equipment within, or on public and private

buildings or other structures, including mobile home, recreational vehicles, and floating buildings; and other premises such as yard, carnival, parking, and other lots, industrial substations, installations of conductors and equipment that connect to the supply of electricity; installations of other outside conductors and equipment on the premises; and installations of optical fiber cable.

The National Electrical Code 2005 edition are hereby adopted by reference as provided in Sections K.S.A. 12-3009 to K.S.A. 12-3012 of Kansas Statutes Annotated inclusive. Not less than 3 copies of each code shall be marked and stamped "Official Code as Adopted by Ordinance 963" with all sections and portions that are intended to be omitted clearly marked to show any such deletions or changes and to which shall be attached a copy of the ordinance codified in this Ordinance, filed with the city clerk to be open for inspection and available to public at all reasonable hours.

(Ord. 963, Secs. 2, 4; Code 2007)

4-303.           **ADDITIONAL PROVISIONS.** The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-302. (Code 2007)

4-304.           **BUILDING OFFICIAL; AUTHORITY.** The Code Enforcement Officer shall be responsible for the administration and enforcement of this article and appointment of an electrical inspector in accordance with section 4-204 of this chapter, which shall apply in a like manner to this article. (Code 2007)

4-305.           **CLARIFICATION; MODIFICATION.** (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the electrical code which may be unclear, ambiguous, or requiring interpretation.

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

(Code 2007)

4-306.           **ELECTRICAL PERMIT REQUIRED; APPLICATION; APPROVAL.** (a) Except as provided in subsection (b), it shall be unlawful for any person to engage in any electrical construction as defined in section 4-301 within the city without an electrical permit being first obtained therefor from the office of the city clerk, after approval by the code enforcement officer. The application for such permit shall be made and the permit obtained before any electrical construction work is commenced.

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

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

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

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

(Code 2007)

4-307. SAME; APPLICATION INFORMATION REQUIRED. (a) An electrical permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This 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 electrical construction work proposed;
- (4) The class of occupancy;
- (5) The class of electrical construction;
- (6) The kind of materials to be used;
- (7) The estimated cost of the work;
- (8) The date work will commence;
- (9) Expected date of completion;
- (10) Name and address of electrical contractor or contractors doing the work;
- (11) Such other information as may be pertinent to the issuance of the required permit.

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

(c) Upon approval of the completed application and a determination that a permit should be issued, the code enforcement officer shall issue a permit to the owner, electrician or electrical contractor authorizing the electrical construction work covered by the application.

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

(Code 2007)

4-308. SAME; PLANS AND SPECIFICATIONS. Whenever an application for a electrical permit is made, the chief building official or the electrical inspector may, if he or she finds it necessary to determine whether electrical construction work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed electrical construction as may be prepared for the purpose. If such drawing or

description is insufficient for the purposes of determining whether a permit should be issued, the building official may require the applicant to file complete electrical and engineering plans and specifications for such electrical construction, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any electrical construction work for conformity with this article. (Code 2007)

4-309. SAME; FEES. The fee for an electrical permit shall set by resolution of the governing body. However, no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required, is under \$1,000.00. The fee herein shall be paid to the city clerk upon obtaining an electrical permit and the same shall be credited to the general operating fund of the city. (Code 2007)

4-310. SAME; POSTING. A copy of the electrical permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The electrical inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 2007)

4-311. REQUEST FOR INSPECTION. Upon the completion of any electrical work covered by this article, it shall be the duty of the person doing such work to notify the code enforcement officer and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided. (Code 2007)

4-312. INSPECTION; CONCEALMENT OF PRIOR WORK. (a) When any electric equipment is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the building inspector and such equipment shall not be concealed until it has been inspected, approved or authorized by the electrical inspector or until 48 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification. On large installations, where the concealment of equipment proceeds continuously, the person, firm or corporation installing the electrical equipment shall give the electrical inspector due notice and inspections shall be made periodically during the progress of the work.

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

(Code 2007)

- 4-313.       INSPECTION FEE. An initial inspection fee of \$10.00, and an inspection fee of \$5.00 for subsequent inspections required shall be paid before any electrical installation will be approved or a certificate of approval issued. (Code 2007)
- 4-314.       CERTIFICATE OF APPROVAL. (a) When the electrical inspector finds an electrical construction or installation to be in conformity with the provisions of this article, he or she shall issue to the person, firm, or corporation performing the electrical construction work or making the installation, a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the installation and connection to the supply of electricity.
- (b) When a certificate of approval is issued authorizing the connection and use of a temporary installation, the certificate shall expire at a time to be stated therein and shall be revocable for cause by the electrical inspector.
- (c) In no case shall certificates of approval be issued on electrical construction, installations or parts of installations where the work installed does not conform to the requirements of this article.
- (d) If, upon inspection, the installation is not found to be fully in conformity with the provisions of this article, the electrical inspector shall immediately notify the person, firm, or corporation performing the electrical construction work or making the installation of the existing defects.
- (e) No certificate of approval shall be issued unless the electric conductor or equipment has been installed in strict conformity with the provisions of this article and unless the electrical construction or installation is made in compliance with nationally approved methods of construction for safety to life and property as herein set forth.
- (f) The electrical inspector shall be deemed the judge of whether the installation of electric conductors and equipment has been made in accordance with the requirements of this article.
- (g) No certificate of approval shall be required for any of the following:
- (1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;
- (2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or
- (3) Any work in industrial establishments where inspections come under the scope of other inspection agencies.
- (Code 2007)
- 4-315.       CONNECTION TO INSTALLATIONS. It shall be unlawful for any person, firm, or corporation to make connection to a supply of electricity to any building or electrical equipment for which an inspection is required, or which has been disconnected by the order of the electrical inspector, until a certificate of approval has been issued by the electrical inspector authorizing the connection and use of such electric supply. The electrical inspector may, at his or her discretion, authorize a temporary connection. (Code 2007)

- 4-316. CONDEMNATION; APPEAL. (a) If in the judgment of the electrical inspector, after an inspection, any electrical conductors, appliances or equipment in any building are unsafe or dangerous to persons or property, the inspector shall have the power to cause the wires or appliances to be disconnected from the source of electrical energy supplying these conductors or equipment, and may, at his or her discretion, seal the control switches for the same in an open or disconnected position, whereupon he or she shall give notice to the owner, or his or her agent, or by posting such notice at the site and shall also notify the utilities serving the premises. Thereafter, it shall be unlawful for any person to cause or permit electric current to be supplied to the electrical conductors, appliances or equipment so sealed until they shall have been made safe and the inspector shall have issued a certificate of approval to that effect.
- (b) It shall be the duty of the electrical inspector to cause all dead wires, unused poles or electric apparatus on the outside of the buildings or in streets or alleys to be removed at the expense of the owners thereof by giving the owners written notice.
- (c) When the electrical inspector condemns all or part of any electrical installation, the owner may, within 10 days after receiving written notice thereof, file a petition in writing for review of the action of the building inspector by the governing body, upon the receipt of which the governing body shall at once proceed to determine the facts, and within 10 days from receiving the petition make a decision in accordance with their findings.  
(Code 2007)
- 4-317. INTERFERENCE BY UNAUTHORIZED PERSON. It shall be unlawful for any unauthorized person to, in any manner, change or alter electrical conductors or equipment in or on any building. If in the course of the erection of a building or structure, electrical conductors or equipment are in such position as to interfere with the erection or completion of the structure, notice shall be immediately given the authorized person or firm installing the electrical conductors or equipment, and the needed change shall be made by such authorized person or firm. (Code 2007)
- 4-318. ELECTRICIAN OR ELECTRICAL CONTRACTORS DEFINED. (a) An electrician or electrical contractor for purposes of this article shall be any person, firm, co-partnership, corporation, association, or any combination thereof, whether a resident or not of the city:
- (1) Who or which undertakes with or for another, for a fixed sum, price, fee or any other compensation to install, construct, alter, repair, add to, or move any electrical installation or performs any electrical construction work in the city, for which an electrical construction permit may now or hereafter be required by the laws of the city; or
- (2) Who or which advertises or represents himself, herself, or itself to the public to have the capacity or ability to undertake, or submit a bid or offer to install, construct, alter, repair, add to, remove, restore or replace any electrical installation or perform any electrical construction work; or
- (3) Who or which installs, constructs, alters, adds to or removes any electrical installation or performs any electrical construction work either on his or her own or other property for purposes of sale or speculation.
- (b) An electrician or electrical contractor as defined shall not mean or include:

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

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

(Code 2007)

4-319. ELECTRICIAN'S OR ELECTRICAL CONTRACTOR'S LICENSE REQUIRED; ELECTRICAL PERMITS; UNLAWFUL ACTS. (a) Each electrician or electrical contractor shall before entering upon any electrical construction work subject to regulation by city laws, apply to the city clerk for an electrician's or electrical contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of electrician or electrical contractor in the city.

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

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

(Code 2007)

4-320. SAME; APPLICATION; GRANTING. Application for an electrician's or electrical contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the electrician or electrical contractor or his or her authorized agent. The applications shall be, by the city clerk referred to the governing body at its next meeting for action thereon. Such license shall be issued by the city clerk, upon payment of the fees hereinafter provided after approval of the governing body. (Code 2007)

4-321. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

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



(1) General Electrician or Electrical Contractor, who shall qualify to engage in more than one kind of electrical construction work, the sum of \$100.00 for a new license and \$50.00 for the renewal of an existing license.

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

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

(Code 2007)

4-322.

ELECTRICIAN'S OR ELECTRICAL CONTRACTOR'S BOND REQUIRED; CONDITIONS; APPROVAL; RIGHTS RESERVED. (a) Before any license shall be issued to any electrician or electrical contractor required by this article to obtain a license and pay a fee to the city, the electrician or electrical contractor shall secure and file with the city clerk a good and sufficient corporate surety bond in the principal sum of \$10,000.00 conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents, servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the city, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the State of Kansas and shall be executed by an agent of the company residing in the County of Brown, Kansas and further conditioned that in the event of cancellation or expiration that the company or agent will give 10 days notice of such fact to the city clerk. Each such bond shall be approved as to form by the city attorney and approved as to surety by the city clerk and the approval thereof shall be endorsed on the bond by the city attorney and by the chairperson of the commission over their signatures.

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

(Code 2007)

4-323.

INSURANCE. In addition to obtaining a corporate surety bond as required by section 4-322 of this article, an electrician or electrical contractor must procure and maintain a liability insurance policy in the amount of \$500,000.00. Such policies of insurance shall be issued by some insurance company authorized to do business

in the State of Kansas. An electrician or electrical contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year. (Code 2007)

4-324. LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

(a) The license of any electrician or electrical contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the chief building official upon his or her own motion or upon a complaint of the city electrical inspector. Notice shall be given in writing to such electrician or electrical contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such electrician or electrical contractor involving any one or more of the following:

- (1) Misrepresentation of a material fact by applicant in obtaining a license;
- (2) Use of license to obtain an electrical permit for another;
- (3) Failure or neglect to observe conditions of permit authorizing encumbering of streets or sidewalks for safety of public;
- (4) Performance of any electrical construction work without a permit where one is required by law; or
- (5) Wilful disregard of any violation of the electrical construction laws, or failure to comply with any lawful order of the city electrical inspector.

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

(c) It shall be unlawful to engage in the occupation or trade of electrician or electrical contractor during the time any license of such electrician or electrical contractor has been suspended or revoked.  
(Code 2007)

4-325. WORK BY PROPERTY OWNERS. Nothing herein contained shall prohibit any property owner from personally performing any electrical construction or installing electrical wiring or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the electrical inspector as to his or her ability to perform such work or install such electrical wiring, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal electrical construction or installation performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city. (Code 2007)

- 4-326.       APPROVED MATERIALS. No electric materials for wiring of appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for wiring appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article. (Code 2007)
- 4-327.       LIABILITY. This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or reinspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein. (Code 2007)
- 4-328.       SEVERABILITY. If any section of the National Electrical Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the National Electrical Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 2007)

## **ARTICLE 4. PLUMBING AND GAS-FITTING CODE**

- 4-401.        **DEFINITION OF PLUMBING.** The term plumbing as used in this article shall be construed to mean the installation of gas or water pipes, fixtures, apparatus and the necessary connections either for supplying gas or water to premises or for the removing of liquid and water-borne wastes from premises in the city, or both such purposes, and shall also denote installed fixtures, drainage and vent systems and gas or water distribution systems as the case may be. (Code 2007)
- 4-402.        **UNIFORM PLUMBING CODE INCORPORATED.** There is hereby adopted as the plumbing code of the City of Hiawatha, Kansas by reference thereto, the Uniform Plumbing Code, 2003 edition, published by the International Association of Plumbing and Mechanic officials.
- The purpose of this code is to protect the health and welfare of the residents of the City of Hiawatha, Kansas by providing standards regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of drainage systems, vents and venting, traps and interceptors, joints and connections, plumbing fixtures and materials, and vents. The subject matter of this code includes rules and regulations for materials and other matters pertaining to plumbing.
- The Uniform Plumbing Code, 2003 edition and the National Electrical Code 2005 edition are hereby adopted by reference as provided in Sections K.S.A. 12-3009 to K.S.A. 12-3012 of Kansas Statutes Annotated inclusive. Not less than 3 copies of each code shall be marked and stamped "Official Code as Adopted by Ordinance 963" with all sections and portions that are intended to be omitted clearly marked to show any such deletions or changes and to which shall be attached a copy of the ordinance codified in this Ordinance, filed with the city clerk to be open for inspection and available to public at all reasonable hours.  
(Ord. 963, Secs. 1, 4; Code 2007)
- 4-403.        **ADDITIONAL PROVISIONS.** The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-402. (Code 2007)
- 4-404.        **BUILDING OFFICIAL; AUTHORITY.** The Code Enforcement Officer shall be responsible for the administration and enforcement of this article and appointment of a plumbing inspector in accordance with section 4-204 of this chapter, which apply in a like manner to this article. (Code 2007)
- 4-405.        **PLUMBING INSPECTOR; APPOINTMENT.** The Code Enforcement Officer may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of plumbing inspector as may be required, subject to the consent and approval of the governing body. (Code 2007)
- 4-406.        **SAME; DUTIES.** The plumbing inspector shall have the following duties:  
              (a) To enforce all regulations relating to plumbing construction, alteration, repair or removal;

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

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

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

(Code 2007)

4-407. SAME; POWERS. The plumbing inspector shall have the following powers:

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

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

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

(Code 2007)

4-408. SAME; RIGHT OF ENTRY. The plumbing inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter.

(Code 2007)

4-409. CLARIFICATION; MODIFICATION. (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the plumbing code which may be unclear, ambiguous, or requiring interpretation.

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

(Code 2007)

4-410. PLUMBING PERMIT REQUIRED; EXCEPTION. (a) It shall be unlawful to install, alter or reconstruct any plumbing or plumbing system, as defined by the

plumbing code and section 4-401, in any building in the city without first making application to and receiving a permit therefor from the city clerk, after approval by the chief building official. The application for such permit shall be made and the permit obtained before any plumbing work is commenced.

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

(Code 2007)

4-411. SAME; APPLICATION INFORMATION REQUIRED. (a) A plumbing permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This 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 plumbing work proposed;
- (4) The class of occupancy;
- (5) The class of construction;
- (6) The kind of materials to be used;
- (7) The estimated cost of the work;
- (8) The date work will commence;
- (9) Expected date of completion;
- (10) Name and address of plumber, plumbing contractor or contractors doing the work;
- (11) Such other information as may be pertinent to the issuance of the required permit.

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

(c) Upon approval of the completed application and a determination that a permit should be issued, the chief building official shall issue a permit to the owner or contractor authorizing the plumbing work covered by the application.

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

(Code 2007)

- 4-412. SAME; PLANS AND SPECIFICATIONS. Whenever an application for a plumbing permit is made, the chief building official or the plumbing inspector may, if he or she finds it necessary to determine whether work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed plumbing construction as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the chief building official or the plumbing inspector may require the applicant to file complete architectural and engineering plans and specifications for such building or construction, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any plumbing work for conformity with this article. (Code 2007)
- 4-413. SAME; FEES. The fee for a plumbing permit shall be set by resolution of the governing body. However, no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required, is under \$1,000.00. The fee herein shall be paid to the city clerk upon obtaining a plumbing permit and the same shall be credited to the general operating fund of the city. (Code 2007)
- 4-414. SAME; POSTING. A copy of the plumbing permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The plumbing inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 2007)
- 4-415. REQUEST FOR INSPECTION. Upon the completion of any plumbing work covered by this article, it shall be the duty of the person doing such work to notify the plumbing inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided. (Code 2007)
- 4-416. INSPECTION FEE. An initial inspection fee of \$10.00, and an inspection fee of \$5.00 for subsequent inspections required shall be paid before any plumbing or gas-fitting installation will be approved or a certificate of approval issued. (Code 2007)
- 4-417. CERTIFICATE OF APPROVAL. (a) When the plumbing inspector finds plumbing construction to be in conformity with the provisions of this article, he or she shall issue to the person, firm, or corporation performing the plumbing construction, a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the plumbing system and connection to the supply of gas or water, as the case may be.
- (b) When a certificate of approval is issued authorizing the connection and use of a temporary gas or water supply, the certificate shall expire at a time to be stated therein and shall be revocable for cause by the plumbing inspector.

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

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

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

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

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

(Code 2007)

4-418. CONNECTION TO GAS OR WATER SUPPLY. It shall be unlawful for any person, firm, or corporation to make connection to a supply of gas or water for which an inspection is required, or which has been disconnected by the order of the plumbing inspector, until a certificate of approval has been issued by the plumbing inspector authorizing the connection and use of such plumbing or plumbing system. The plumbing inspector may, at his or her discretion, authorize a temporary connection. (Code 2007)

4-419. CONDEMNATION; APPEAL. (a) If in the judgment of the plumbing inspector, after inspection, the plumbing or plumbing system in any building are unsafe or dangerous to persons or property, the inspector shall have the power to cause the plumbing or plumbing system to be disconnected from the supply of gas or water and may, at his or her discretion, seal the control valves for the same in a closed or disconnected position, whereupon he or she shall give notice to the owner, or his or her agent, or by posting such notice at the site and shall also notify the utilities serving the premises. Thereafter, it shall be unlawful for any person to cause or permit gas or water to be supplied to the plumbing or plumbing system so sealed until they shall have been made safe and the inspector shall have issued a certificate of approval to that effect.

(b) When the plumbing inspector condemns all or part of any plumbing system, the owner may, within 10 days after receiving written notice thereof, file a petition in writing for review of the action of the plumbing inspector by the governing body, upon the receipt of which the governing body shall at once proceed to determine the facts, and within 10 days from receiving the petition make a decision in accordance with their findings.

(Code 2007)



4-420. PLUMBER OR PLUMBING CONTRACTOR; DEFINED. (a) A plumber or plumbing contractor shall mean:

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

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

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

(Code 2007)

4-421. PLUMBER'S OR PLUMBING CONTRACTOR'S LICENSE REQUIRED; PLUMBING PERMITS; UNLAWFUL ACTS. (a) Each plumber or plumbing contractor shall before entering upon any plumbing work subject to regulation by city laws, apply to the city clerk for a plumber's or plumbing contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of a plumber or plumbing contractor in the city.

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

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

(Code 2007)

4-422. SAME; APPLICATION; GRANTING. Application for a plumber's or plumbing contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in, the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the plumber or plumbing

contractor or his or her authorized agent. The applications shall be, by the city clerk referred to the governing body at its next meeting for action thereon. Such license shall be issued by the city clerk, upon payment of the fees hereinafter provided after approval of the governing body. (Code 2007)

4-423. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

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

(1) General Plumber or Plumbing Contractor, who shall qualify to engage in more than one kind of plumbing work, the sum of \$100.00 for a new license, and \$50.00 for a renewal license.

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

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

(Code 2007)

4-424. PLUMBER'S OR PLUMBING CONTRACTOR'S BOND REQUIRED;

CONDITIONS; APPROVAL; RIGHTS RESERVED. (a) Before any license shall be issued to any plumber or plumbing contractor required by this article to obtain a license and pay a fee to the city, the plumber or plumbing contractor shall secure and file with the city clerk a good and sufficient corporate surety bond in the principal sum of \$10,000.00 conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents, servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the city, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the State of Kansas and shall be executed by an agent of the company residing in the County of Brown, Kansas and further conditioned that in the event of cancellation or expiration that the company or agent will give 10 days notice of such fact to the city clerk. Each such bond shall be approved as to form by the city attorney and approved as to surety by the city clerk and the approval thereof shall be endorsed on the bond by the city attorney and by the chairperson of the council over their signatures.

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

reserves the right to furnish the form of all surety bonds as may be required by this article.

(Code 2007)

- 4-425.           INSURANCE. In addition to obtaining a corporate surety bond as required by section 4-424 of this article, a plumber or plumbing contractor must procure and maintain a liability insurance policy in the amount of \$500,000.00. Such policies of insurance shall be issued by some insurance company authorized to do business in the State of Kansas. A plumber or plumbing contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year. (Code 2007)

- 4-426.           LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

(a) The license of any plumber or plumbing contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the chief building official upon his or her own motion or upon a complaint of the city plumbing inspector. Notice shall be given in writing to such plumber or plumbing contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such plumber or plumbing contractor involving any one or more of the following:

- (1) Misrepresentation of a material fact by applicant in obtaining a license;
- (2) Use of license to obtain a plumbing permit for another;
- (3) Failure or neglect to observe conditions of a permit authorizing encumbering of streets or sidewalks for safety of public;
- (4) Performance of any plumbing work without a permit where one is required by law; or
- (5) Wilful disregard of any violation of the plumbing laws, or failure to comply with any lawful order of the city plumbing inspector.

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

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

(Code 2007)

- 4-427.           EXCAVATIONS. When it appears that the laying or repairing of any water or sewer pipes or the making of any connection therewith shall require excavation in any street, alley or public way of the city or the cutting or removal of any pavement, curb or gutter or any sidewalk, during the course of such work, the application for

a permit shall so state and describe the location and extent of the excavation, cutting or removal. Before the city clerk shall issue any permit for such work, the applicant shall pay any fee required by this code. All excavations shall be barricaded and guarded as provided by the appropriate sections of this code. Before any such excavation shall be backfilled, new plumbing work therein shall be inspected and the bottom of the excavation holding any sewer, drain or water pipe shall be so filled, leveled and tamped as to properly support the pipe and permit proper drainage when carrying sewage, and the excavation shall be backfilled and all paving, curbing, guttering or sidewalks shall be restored as near as possible to their last condition, subject always to the approval of the plumbing inspector or the superintendent of streets. (Code 2007)

4-428.       **WORK BY PROPERTY OWNERS.** Nothing herein contained shall prohibit any property owner from personally installing plumbing piping or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the plumbing inspector as to his or her ability to install such piping or equipment, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal installation by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the city. (Code 2007)

4-429.       **APPROVED MATERIALS.** No plumbing materials, appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for plumbing materials, appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article. (Code 2007)

4-430.       **LIABILITY.** This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or performing any plumbing construction for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or reinspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein. (Code 2007)

4-431.       **SEVERABILITY.** If any section of the Uniform Plumbing Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the Uniform Plumbing Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 2007)

## **ARTICLE 4A. MECHANICAL CODE**

4-4A01.        **UNIFORM MECHANICAL CODE INCORPORATED.** There is hereby adopted as the Mechanical Code of the City of Hiawatha by reference to, the International Mechanical Code, 2003 Edition, published by the International Code Council, Inc.

The purpose of this code is to safeguard the life and limb, health, property and public welfare of the residents of the City of Hiawatha by providing minimum standards regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating ventilation, cooling and refrigeration systems, incinerators, and other miscellaneous heat producing appliances in the City of Hiawatha, Kansas. The subject matter of this code includes the erection, installation alteration, repair, relocation, and replacement of refrigeration systems, incinerators and other miscellaneous heat producing appliances.

(Ord. 957, Sec. 6; Code 2007)

4-4A02.        **INSTALLATION GAS LINES; SPECIFICATIONS; METER LOCATION.**

(a) When gas lines are installed or placed in the public ways in the city, they shall be buried to a depth of at least 18 inches.

(b) All gas lines and pipes shall be of a size and kind determined by the gas company serving the city, except as may otherwise be provided in this chapter or by any franchise granted such company. No metering device for the measurement of natural gas shall be located in the parking or public grounds of the city.

(Code 1977, 15.28.020)

4-4A03.        **SAME; PERMITS REQUIRED.** The installation of conversion burners, floor furnaces, central heating plants or engines using natural gas as a motive power, or the making of alterations in or the installation of gas piping in any building or on any premises within the city, shall be subject to the issuance of a permit therefor as provided by ordinance; provided that permits shall not be required for setting or connecting other gas appliances where such connections are made to existing outlets, or when connections can be made without alteration of existing piping.

(Code 1977, 15.28.030)

4-4A04.        **SAME; INSPECTION; FEES.** (a) The governing body is authorized to make provisions for the inspection of gas piping installations and outlets, and the mayor may, with the consent of the governing body, appoint an inspector for this purpose.

(b) The governing body shall provide for the use of one of the standard methods for making inspections as provided by the Standard Code of the National Board of Fire Underwriters for Installation of Gas Piping and Gas appliances in Buildings, and, upon the request of any person, firm, or corporation in the city, may cause gas piping installations in any building to be inspected in accordance with the code.

(c) The city shall be entitled to receive no money for the services of the city inspector. Such fees shall be paid to the city clerk and be deposited into the general operation fund of the city.

(Code 1977, 15.28.040; Code 2007)

4-4A05. SERVICE DISCONTINUANCE; NOTICE TO OWNER AND CITY CLERK. Any gas company having a franchise to do business in the city is authorized to discontinue or refuse to supply natural gas for any as piping or gas appliance which may appear to be defective or leaking, or otherwise considered to endanger life or property; provided, however, that the gas company shall immediately give notice of the discontinuance to the city clerk and occupant of the building or premises where such gas supply is discontinued or refused. Service may be resumed upon inspection and satisfactory evidence that the defective or unsafe condition has been corrected. (Code 1977, 15.28.050)

## **ARTICLE 5. MOVING BUILDINGS**

- 4-501. **BUILDING OFFICIAL; AUTHORITY.** The Code Enforcement Officer or his or her authorized designee shall be responsible for the administration and enforcement of this article. (Code 2007)
- 4-502. **PERMIT REQUIRED.** (a) No person, firm or corporation shall move, haul, or transport any house, building, derrick, or other structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more or which cannot be moved at a speed of four miles per hour or faster, upon, across or over any street, alley or sidewalk in this city without first obtaining a permit therefor.  
(b) Permits for moving a house or structure into the city shall in addition be governed by any ordinance relating to building permits.  
(K.S.A. 17-1914; Code 1977, 15.12.010(B); Code 2007)
- 4-503. **SAME: APPLICATION FOR PERMIT.** All applications for permits required under the provisions of this article shall be made in writing to the city clerk specifying the day and hour said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved and stating whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities. (K.S.A. 17-1915; Code 2007)
- 4-504. **SAME; BOND, INSURANCE REQUIRED.** (a) It shall be the duty of any person at the time of making application for a permit as provided in this article to give a good and sufficient surety bond to the city, to be approved by the governing body, indemnifying the city against any loss or damage resulting from the failure of any such person to comply with the provisions of this article or for any damage or injury caused in moving any such house or structure. The bond herein shall be in the sum of \$10,000.00, or cash may be deposited in lieu of such surety bond.  
(b) In addition to the bond required in (a) above, a public liability insurance policy issued by an insurance company authorized to do business in the State of Kansas, in the amount of \$500,000.00.  
(Code 2007)
- 4-505. **SAME; FEE.** Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee, as set by resolution of the governing body, to the city clerk. Any additional cost incurred by the city such as the time for any city crews involved in such moving and the repair of damages caused by the move shall be paid at the completion of the building move. (Code 2007)
- 4-506. **CONTRACTOR; LICENSE REQUIRED; FEE.** The provisions of sections 4-219:225 of this chapter shall apply in a like manner to this article. (Code 2007)

- 4-507.        **ROUTE; DUTIES OF BUILDING OFFICIAL.** The city clerk shall, upon filing of the above application, refer the same to the chief building official to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that such route is not practical and another route may be used equally well with less danger to street and travel, then he or she may designate such other route as the one to be used and shall notify the applicant of the same. The building official may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto. It shall also be the duty of the chief building official to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this article. (Code 2007)
- 4-508.        **NOTICE TO OWNERS.** (a) Upon issuance of a moving permit the applicant shall give not less than 15 days written notice to any person owning or operating any wires, cables or other aerial equipment along the proposed route of the intent to move the structure, giving the time and location that the applicants moving operation shall necessitate the cutting, moving, raising or interfering of any wires, cables or other aerial equipment.
- (b) The notice provision of subsection (a) shall not apply where the person owning or operating any wires, cables or other aerial equipment has waived their right to advance notice.
- (c) Should the moving operation be delayed, the applicant shall give the owner or his or her agent not less than 24 hours advance notice of the actual operation.  
(K.S.A. 17-1916; Code 2007)
- 4-509.        **DUTY OF OWNERS.** (a) It shall be the duty of the person or the city owning or operating such poles or wires after service of notice as provided herein, to furnish competent lineman or workmen to remove such poles, or raise or cut such wires as will be necessary to facilitate the moving of such house or structure. The necessary expense which is incurred thereby shall be paid by the holder of the moving permit.
- (b) The owner of any wires, cables or other aerial equipment, after service of notice as provided in section 4-508, shall be liable to the permit holder for damages in an amount not to exceed \$100.00 per day for each day the owner shall fail or refuse to accommodate the permit holder's moving operations.  
(K.S.A. 17-1917; Code 2007)
- 4-510.        **INTERFERING WITH POLES; WIRES.** It shall be unlawful for any person engaged in moving any house or other structure to raise, cut or in any way interfere with any wires or poles bearing wires or any other aerial equipment.  
(K.S.A. 17-1918; Code 2007)
- 4-511.        **DISPLAY OF LANTERNS.** It shall be the duty of any person moving any of the structures mentioned in this article upon or across any street, alley or sidewalk or other public place, in this city, to display red lanterns thereon in such a manner as to show the extreme height and width thereof from sunset to sunrise. (Code 2007)
- 4-512.        **TRIMMING OR CUTTING SHADE TREES; CONSENT.** No person shall trim or cut any shade trees for the purpose of allowing any building to pass through or



upon any street, avenue, alley or lands within the city, without doing so with the consent and under the direction of the owner of the trees, the Superintendent of streets and parks. (Code 1977, 15.12.070; Code 2007)

4-513. VACATED PREMISES; CLEANUP REQUIRED. Every person who has removed, torn down, or caused to be removed or torn down, any dwelling house or other building within the city shall, within a reasonable time after the removal or destruction of the same, clear, or cause to be cleared from the lot left vacant by such removal all the debris, junk and discarded building materials not to be used immediately in rebuilding; and shall fill in all open wells, cisterns, cellars, basements or other excavations remaining on such lot with earth, brick or rock, unless the same are to be used immediately in connection with other structures to be erected thereon. The capping of unused and or abandoned wells and the disposal of building materials shall be accomplished in accordance with the current Kansas Department of Health and Environment (KDHE) requirements and directives. (Code 1977, 15.12.080; Code 2007)

4-514. VACATED PREMISES; UNLAWFUL ACTS. It is unlawful for any person, as referred to in section 4-513, to leave on any lot from which a building has been removed any abandoned structure or portion of a structure, any building materials or any excavation of any nature whatsoever in such a condition as to constitute a menace to the public health and safety, or to constitute an unusual fire hazard. (Code 1977, 15.12.090; Code 2007)

## **ARTICLE 6. DANGEROUS AND UNFIT STRUCTURES**

- 4-601. **PURPOSE.** The governing body has found that there exist within the corporate limits of the city structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this article. (K.S.A. 12-1751; Code 2007)
- 4-602. **DEFINITIONS.** For the purpose of this article, the following words and terms shall have the following meanings:  
    (a) Enforcing officer - means the Code Enforcement Officer.  
    (b) Structure - shall include any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground.  
(K.S.A. 12-1750; Code 2007)
- 4-603. **ENFORCING OFFICER; DUTIES.** The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article, including the following:  
    (a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation;  
    (b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the enforcing officer may seek an order for this purpose from a court of competent jurisdiction. The Code Enforcement Officer shall be accompanied by the property owner, if available, or a Police Officer at all times the said inspection is being performed;  
    (c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body;  
    (d) Receive petitions as provided in this article.  
(Code 2007)
- 4-605. **SAME; NOTICE.** The governing body upon receiving a report as provided in section 4-603(c) shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished. (K.S.A. 12-1752; Code 2007)
- 4-606. **SAME; PUBLICATION.** (a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.  
    (b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence and shall be marked "deliver to addressee only."  
(K.S.A. 12-1752; Code 2007)

- 4-607. SAME; HEARING, ORDER. If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed. (Code 2007)
- 4-608. DUTY OF OWNER. Whenever any structure within the city shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same. (Code 2007)
- 4-609. SAME; FAILURE TO COMPLY. (a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the governing body may cause the structure to be repaired, altered, improved, or to be vacated and closed.  
(b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the governing body may cause the structure to be removed and demolished.  
(Code 2007)
- 4-610. SAME; MAKE SITE SAFE. Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe. (Code 2007)
- 4-611. ASSESSMENT OF COSTS. (a) The cost to the city of any repairs, alterations, improvements, vacating, removal or demolition, including making the site safe, shall be reported to the city clerk.  
(b) The city shall give notice to the owner of the structure by certified mail of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice.  
(c) If the costs remain unpaid after 30 days following receipt of notice, the city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.  
(d) If the proceeds of the sale of salvage is insufficient to recover the costs, or if there is no salvage, the balance shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments against the lot or parcel of land on which the structure was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the

county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.  
(K.S.A. 12-1755; Code 2007)

4-612.       IMMEDIATE HAZARD. When in the opinion of the governing body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in section 4-611. (K.S.A. 12-1756; Code 2007)

4-613.       APPEALS FROM ORDER. Any person affected by an order issued by the governing body under this article may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case. (Code 2007)

4-614.       SCOPE OF ARTICLE. Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750:1756. (Code 2007)

## **ARTICLE 7. BUILDING NUMBERS**

- 4-701. STREET NUMBERS; REQUIRED. All business houses and dwelling houses situated within the city limits shall be numbered by the owners, or the agents of the owners thereof, at such times and in such manner as is designated in this chapter. (Code 1977, 15.16.010)
- 4-702. SAME; NORTH-SOUTH STREETS. All buildings used for dwellings or business purposes on streets running north and south shall start with the number 100 at Oregon Street and shall increase therefrom, northward and southward, by one hundred for each city block; each consecutive hundred shall begin at each consecutive intersecting street north and south from Oregon Street. (Code 1977, 15.16.020)
- 4-703. SAME; EAST-WEST STREETS. All buildings used for dwelling or business purposes on streets running east and west shall start with the number 100 at First Street and increase therefrom, eastward and westward, by one hundred for each city block; each consecutive hundred shall begin at each consecutive intersecting street east and west from First Street. (Code 1977, 15.16.030)
- 4-704. SAME; WHOLE NUMBERS. (a) Each building, lot, or parts of a lot or location shall be assigned whole numbers only.  
(b) One whole number shall be allotted to every city lot on streets running east and west, except that whole numbers shall be given every half lot on Oregon Street between Fourth and Ninth Streets.  
(c) Whole numbers shall be given every 50 feet on streets running north and south, except whole numbers shall be given every 25 feet on Sixth, Seventh and Eighth Streets between Utah and Delaware Streets. (Code 1977, 15.16.040)
- 4-705. SAME; ODD-EVEN ASSIGNMENT. The odd numbers shall be allotted to the south and east side of all streets, and the even numbers shall be allotted to the north and west sides of all streets. (Code 1977, 15.16.050)
- 4-706. MARKINGS; OWNER'S RESPONSIBILITY. Each dwelling and business building within the city shall be marked with its proper number placed in a conspicuous place above the front door to such building, or in plain view from the sidewalk, and in legible figures by the owner or occupant of such building. (Code 1977, 15.16.060)
- 4-707. CITY ENGINEER RESOLVES ASSIGNMENT QUESTIONS. In case of doubt or where a question arises as to the proper number to be assigned to any building or area, the city engineer shall decide the question and fix the number of such building or area. (Code 1977, 15.16.070)
- 4-708. VIOLATIONS. It is unlawful for any person to violate the provisions of this chapter, or for any person to remove, destroy or in any way injure any number put on any house or building as provided in this chapter. (Code 1977, 15.16.080)