Chapter 8

BUILDINGS AND CONSTRUCTION

Article I. In General

Secs. 8-1—8-18. Reserved.

Article II. Building, Mechanical and Residential Codes

Sec. 8-19. Building code adopted; permit fee.
Sec. 8-20. International Mechanical Code incorporated.
Sec. 8-21. International Residential Code incorporated.
Secs. 8-22—8-45. Reserved.

Article III. Electrical Code

Division 1. Generally

Sec. 8-46. National Electrical Code adopted.
Sec. 8-47. Definitions.
Sec. 8-48. Persons doing work on their own premises.
Sec. 8-49. Educational programs.
Sec. 8-50. Applicability.
Sec. 8-51. Electrical inspector—Office created.
Sec. 8-52. Same—Duties.
Sec. 8-53. Removal of wires, etc., during fires.
Sec. 8-54. Permits; when required.
Sec. 8-55. Schedule of fees for inspection.
Sec. 8-56. Certificates of inspection.
Sec. 8-57. Defective wiring.
Sec. 8-58. Minimum breaker panel amperage.
Sec. 8-59. Service entrance.
Sec. 8-60. Liability not assumed by the city.
Sec. 8-61. Appeals.
Secs. 8-62—8-78. Reserved.

Division 2. Licensing and Regulation of Contractors

Sec. 8-79. Examinations.
Sec. 8-80. Electrical contractors; master license required.
Sec. 8-81. Proof of liability insurance.
Sec. 8-82. License required; restrictions upon apprentices.
Sec. 8-83. Licenses and registrations; fees, expiration, renewal.
Sec. 8-84. Revocation and suspension of certificate or license.
Sec. 8-85. License or certificate not transferable.
Secs. 8-86—8-113. Reserved.

Article IV. Plumbing and Gas Code

Division 1. Generally

Sec. 8-114. International Plumbing Code incorporated.
Sec. 8-115. Permit for plumbing work.
Sec. 8-116. Requirements for plumbing permits.
Sec. 8-117. Enforcement.
Sec. 8-118. Gas plumbing.
Sec. 8-119. International Fuel Gas Code incorporated.
Sec. 8-120. Applicability.
Secs. 8-121—8-138. Reserved.

Division 2. Licensing and Regulation of Contractors

Sec. 8-139. Examination and training of plumbers and gas fitters.
Sec. 8-140. License required.
Sec. 8-141. Certificate of liability insurance.
Sec. 8-142. License required; restrictions upon apprentices.
Sec. 8-143. Revocation and suspension of certificate or license.
Sec. 8-144. License or certificate not transferable.
Sec. 8-145. Exceptions.
Secs. 8-146—8-202. Reserved.

Article V. Minimum Standard for Housing and Premises

Sec. 8-203. General.
Sec. 8-204. Declaration of policy.
Sec. 8-205. Definitions.
Sec. 8-206. Duty of occupant or owner of occupied or unoccupied building and its premises or vacant premises.
Sec. 8-207. Regulations for the use and occupancy of dwellings.
Sec. 8-208. Maintenance and repair; dwellings.
Sec. 8-209. Designation of conditions by public officer.
Sec. 8-210. Inspection of buildings, structures, and premises.
Sec. 8-211. Notice of violations; procedures.
Sec. 8-212. Public officer; authority.
Sec. 8-213. Hearing officer; authority.
Sec. 8-214. Order to correct or repair, remove or demolish.
Sec. 8-215. Demolition by public officer; procedure and costs.
Sec. 8-216. Conflict of laws; effect or partial invalidity.
Sec. 8-217. Appeals.
Sec. 8-218. Right of petition.
Secs. 8-219—8-248. Reserved.

Article VI. Minimum Standards for Commercial and Retail Buildings

Sec. 8-249. General.

Sec. 8-250. Declaration of policy.
Sec. 8-251. Definitions.
Sec. 8-252. Duty of occupant or owner of commercial and retail buildings.
Sec. 8-253. Regulations for the use and occupancy of buildings.
Sec. 8-254. Maintenance and repair.
Sec. 8-255. Designation of conditions by public officer.
Sec. 8-256. Inspection of buildings.
Sec. 8-257. Notice of violations; procedures.
Sec. 8-258. Public officer; authority.
Sec. 8-259. Hearing officer; authority.
Sec. 8-260. Order to correct and/or repair, remove or demolish.
Sec. 8-261. Demolition or repairs by public officer; procedure and costs.
Sec. 8-262. Appeals.
Sec. 8-263. Right of petition.
Secs. 8-264—8-290. Reserved.

Article VII. Dangerous Structures

Sec. 8-291. Findings of fact.
Sec. 8-292. Definitions.
Sec. 8-293. Enforcement officials.
Sec. 8-294. Enforcement powers and authority.
Sec. 8-295. Estimate of annual expenses of administration and enforcement.
Sec. 8-296. Petition; notice to parties.
Sec. 8-297. Determination; order to repair or remove structure.
Sec. 8-298. Failure of owner to comply with order.
Sec. 8-299. Costs of repair or removal by city constitutes lien on property.
Sec. 8-300. Unlawful to occupy a structure declared unsafe; penalty.
Sec. 8-301. Criteria for determining whether structure is unfit for human use or habitation.
Sec. 8-302. Service of notices and orders.
Sec. 8-303. Appeal.
Secs. 8-304—8-324. Reserved.

Article VIII. Demolition of Buildings

Sec. 8-325. Definition.
Sec. 8-326. Permit required.
Sec. 8-327. Utilities to be notified.
Sec. 8-328. Sewer line to be capped.
Sec. 8-329. Disposal of debris.
Sec. 8-330. Owner must clean lots.
Sec. 8-331. Penalty for non-compliance.
Secs. 8-332—8-355. Reserved.

Article IX. Claims on Fire Insurance Proceeds

Sec. 8-356. Scope and application.

Sec. 8-357. Lien—Created.
Sec. 8-358. Same—Encumbrances.
Sec. 8-359. Same—Pro rata basis.
Sec. 8-360. Procedure.
Sec. 8-361. Fund created; deposit of moneys.
Sec. 8-362. Building inspector; investigation, removal of structure.
Sec. 8-363. Removal of structure; excess moneys—Generally.
Sec. 8-364. Same—Disposition of funds.
Sec. 8-365. Effect upon insurance policies.
Sec. 8-366. Insurers; liability.
Secs. 8-367—8-390. Reserved.

Article X. Contractors License

Sec. 8-391. General regulations.

ARTICLE I. IN GENERAL

Secs. 8-1—8-18. Reserved.

ARTICLE II. BUILDING, MECHANICAL AND RESIDENTIAL CODES*

Sec. 8-19. Building code adopted; permit fee.

(a) The certain standard code known as the International Building Code, 2012 Edition, published by the International Code Council, is hereby incorporated by reference and made a part of this article, save and except such portions as may be deleted or amended by ordinance. There shall be no fewer than one copy of the standard code incorporated by reference and kept on file in the office of the city clerk and kept available for inspection by the public at all reasonable hours. The filed copy of the standard code shall be marked "Official Copy as Incorporated by the Code of the city." All sections or portions of the filed copy of the standard code shall be clearly marked to show deletions from the standard code.

(b) The fee for each permit issued for work to be commenced within the city boundaries shall be in accordance with the city fee schedule. The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. (Code 1965, § 5-101; Code 1977, § 7-1; Ord. No. 5365, § 1, 3-24-1967; Ord. No. G-135, § 1, 7-12-1972; Ord. No. G-75-09, § 1, 5-14-1975; Ord. No. G-76-11, § 1, 11-24-1976; Ord. No. G-79-06, §§ 1, 2, 9-12-1979; Ord. No. G-83-09, § 1, 5-25-1983; Ord. No. G-93-06, § 1, 3-22-1993; Ord. No. G-07-06, § 1, 5-22-2007; Ord. No. G-07-17, § 1, 12-11-2007)

Sec. 8-20. International Mechanical Code incorporated.

The certain standard code known as the International Mechanical Code, 2012 Edition, published by the International Code Council, is hereby incorporated by reference and made a part of this article, save and except such portions as may be deleted or amended by ordinance. There shall be no fewer than one copy of the standard code incorporated by reference and kept on file in the office of the city clerk and kept available for inspection by the public at all

---

***Editor's note**—For city fire code provisions, see Chapter 20.

State law reference—Incorporation of certain standards or model ordinances and codes, state regulations and statutes by reference, K.S.A. 12-3009, 12-3301, 12-3302.

reasonable hours. The filed copy of the standard code shall be marked "Official Copy as Incorporated by the Code of the city." All sections or portions of the filed copy of the standard code shall be clearly marked to show deletions from the standard code.
(Code 1977, § 7-95; Ord. No. G-82-12, § 1, 6-23-1982; Ord. nO.G-93-08, § 1, 3-22-1993; Ord. No. G-07-12, § 1(7-95), 7-10-2007)

Sec. 8-21. International Residential Code incorporated.

The certain standard code known as the International Residential Code for One- and Two-Family Dwellings, 2012 Edition, published by the International Code Council, is hereby incorporated by reference and made a part of this article, save and except such portions as may be deleted or amended by ordinance. There shall be no fewer than one copy of the standard code incorporated by reference and kept on file in the office of the city clerk and kept available for inspection by the public at all reasonable hours. The filed copy of the standard code shall be marked "Official Copy as Incorporated by the Code of the city." All sections or portions of the filed copy of the standard code shall be clearly marked to show deletions from the standard code.
(Ord. No. G-07-11, § 1(7-96), 7-10-2007)

Secs. 8-22—8-45. Reserved.

ARTICLE III. ELECTRICAL CODE

DIVISION 1. GENERALLY

Sec. 8-46. National Electrical Code adopted.

The National Electrical Code, 2011 Edition, published by the National Fire Protection Association, the same being a standard code for the installation of electrical wiring and apparatus and available in book or pamphlet form, shall be and is hereby incorporated by reference as the electrical code of the city. The code shall constitute the minimum standards for all electrical work done or performed under the provisions of this article. There shall be no fewer than one copy of the standard code incorporated by reference and kept on file in the office of the city clerk and kept available for inspection by the public at all reasonable hours. The filed copy of the standard code shall be marked "Official Copy as Incorporated by the Code of the city." All sections or portions of the filed copy of the standard code shall be clearly marked to show deletions from the standard code.
(Code 1965, § 5-201; Code 1977, § 7-21; Ord. No. 5420, § 1, 12-13-1967; Ord. No. G-115, § 1, 12-23-1970; Ord. No. G-122, § 1, 10-27-1971; Ord. No. G-76-01, 4-14-1976; Ord. No. G-79-03, § 1, 5-9-1979; Ord. No. G-82-11, § 1, 6-23-1982; Ord. No. G-93-01, § 1, 1-25-1993; Ord. No. G-96-01, § 1(7-21), 2-13-1996)

State law reference—Incorporation of certain standards or model ordinances and codes, state regulations and statutes by reference, K.S.A. 12-3009, 12-3302.

Sec. 8-47. Definitions.

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

Apprentice electrician means a person who works under the immediate and direct supervision of a certified licensed electrician or wireman and who is registered by the city as an apprentice electrician.

Electrical contractor means any person that is engaged in the business of installing or repairing of electrical wiring and is qualified and licensed or employs master electricians who are qualified and certified to serve the public in the installation, repairing, rewiring and maintenance of electrical wiring, as hereinafter provided in this article.

Electrical wiring means the installation of electrical wires, fixtures, appliances or apparatus, sign or signs, luminous tubing used or to be used on or in any building for the purpose of transmitting electrical current for electric lights, heat, power, lighting fixtures or installing electrical apparatus of any kind, nature or description to be connected to light or power service.

Journeyman electrician means a person who, having four years' experience, is qualified, certified and equipped to properly lay out, plan and make any installation, repair or maintenance of electrical wiring, appliances, fixtures, motors and other apparatus requiring electrical current, as hereinafter provided in this article.

Master electrician means a person with three years' experience as a journeyman electrician under a licensed master electrician who has the experience and ability to install or supervise the installation of electrical wiring and related equipment to comply with the city and National Electrical Code.

Resident homeowner means a person who owns and resides in a single-family dwelling, or one who will own and reside in a single-family dwelling, upon completion of remodeling and/or construction.

(Code 1977, § 7-23; Ord. No. G-76-01, 4-14-1976; Ord. No. G-76-09, § 1, 1-26-1977; Ord. No. G-80-03, § 1, 3-12-1980; Ord. No. G-82-04, § 1, 4-28-1982)

Sec. 8-48. Persons doing work on their own premises.

A resident homeowner shall have the right to do his own electrical wiring or electrical work on his own premises without procuring a license, or the giving of a bond required by this article, by obtaining a permit for any work done; provided, however, if the property is sold or transferred within one year from the date the wiring or work was completed, the wiring or work shall be examined and approved by a licensed electrician as a condition of the sale or transfer. Such person and such electrical work shall be subject to the provisions of this article as to installation and inspection.

(Code 1977, § 7-28.1; Ord. No. G-76-01, 4-14-1976; Ord. No. G-76-09, § 3, 1-26-1977)

Sec. 8-49. Educational programs.

Students enrolled in vocational education programs, approved by the state department of education, are not considered apprentice electricians and will be exempted from the two-to-one ratio specified in section 8-82. Projects constructed by students in these classes will be of two types:

(1) Temporary projects to be used for demonstration and instruction only. These projects will not require permits, inspection, or licenses. The inspector can, however, inspect these projects and require changes or dismantling of the project if he deems the project to be unsafe or not in compliance with code requirements;

(2) Permanent installations by students shall be limited to residential dwellings not exceeding four living units. This work will require permits, and the students will work under the direct supervision of an instructor certified by the state department of education. In addition to the required inspections by the city electrical inspector, work performed by students must be inspected by a certified master electrician at regular intervals during construction.

(Code 1977, § 7-28.2; Ord. No. G-82-04, § 4, 4-28-1982)

Sec. 8-50. Applicability.

The provisions of this article shall not apply to public service companies or the city light and power department to in any way regulate their installation, alteration or repair of electrical equipment or lines, or the performing of electrical work in the generation, transmission, distribution or metering of electricity, or to persons, firms or corporations employing maintenance electricians.

(Code 1977, § 7-34; Ord. No. G-76-01, 4-14-1976)

Sec. 8-51. Electrical inspector—Office created.

The city manager shall employ an electrical inspector and may employ assistant inspectors when necessary. The electrical inspector shall be well versed in rules and regulations of the National Electrical Code. The electrical inspector shall not engage in the electrical business, either directly or indirectly, in the city, and shall have no financial interest in any concern so engaged in the city, while holding the office of electrical inspector. The city shall keep complete records of all permits issued, inspections made, and certificates and licenses issued and all other official work performed under the provisions of this article. All necessary blanks and record books shall be provided by the city.

(Code 1977, § 7-35; Ord. No. G-76-01, 4-14-1976)

Sec. 8-52. Same—Duties.

(a) The electrical inspector, or his authorized assistant, shall inspect all electric light, heat and power wires, fixtures, appliances, conductors and apparatus hereinafter installed in or upon any and all buildings in the city; and all such installations shall be made in accordance

with the provisions of this article; and he shall enforce, or cause to be enforced, the provisions of this article; and for that purpose he shall have, and is hereby given, special powers necessary therefor. He shall have the authority, during reasonable hours, to enter any building for the purpose of making any inspection required by this article.

(b) He shall have the authority to disconnect, or order the discontinuance of, electrical energy to any electric wiring, device or equipment found to be dangerous to life or property, and to hold such wiring, device or equipment out of service until it is made safe and conforms to the approved standards provided by this article.
(Code 1977, § 7-36; Ord. No. G-76-01, 4-14-1976)

Sec. 8-53. Removal of wires, etc., during fires.

The electrical inspector, any firefighter or any police officer shall have the authority to forthwith cause the removal of all wires or the turning off of all electricity where the same shall interfere with the work of the fire department during the progress of a fire, or in any emergency when necessary for the protection of life or property.
(Code 1977, § 7-37; Ord. No. G-76-01, 4-14-1976)

Sec. 8-54. Permits; when required.

(a) No person shall make any material alteration or addition in existing wiring in any building, nor shall any building or addition thereto be wired for electric lights, motors, heating devices or any apparatus which requires the use of electric current, before having secured a permit from the electrical inspector, provided that no permit shall be required when four or less outlets are repaired or installed, or minor repairs are made at the panel, or at the customer's side of the electrical service entrance.

(b) The permit shall be made on forms furnished by the city and shall set forth in detail the work to be done, the address of the building, the name and address of the owner, and the name and address of the person or firm doing the wiring work. The electrical inspector may require that detailed plans and specifications for the wiring or rewiring of all buildings or structures be submitted prior to commencement of work, where necessary, for proper inspection of the job.

(c) Permits to do electrical wiring work covered by this article shall be issued only to those individuals, partnerships or corporations having a valid city electrical contractor's license or certificate, and who are duly bonded, except as provided for in this article. A temporary permit to do electrical work may be issued for a period not to exceed ten days.
(Code 1977, § 7-38; Ord. No. G-76-01, 4-14-1976)

Sec. 8-55. Schedule of fees for inspection.

Electrical permit applications shall be made on suitable forms provided by the city. No permit or certificate of inspection shall be issued, as provided in the preceding sections, until the person applying therefor shall have paid to the city clerk the permit fees and the fee for inspection in accordance with the city fee schedule.
(Code 1977, § 7-39; Ord. No. G-76-01, 4-14-1976; Ord. No. G-82-04, § 7, 4-28-1982; Ord. No. G-82-05, § 4, 5-12-1982)

Sec. 8-56. Certificates of inspection.

(a) There shall not be any certificate of inspection issued until there has been a rough-in inspection and a final inspection, made in this order. Under no circumstances shall any wiring be covered before this rough-in inspection has occurred.

(b) Upon completion of any electrical installation for which a permit has been issued under the provisions of this article, the person doing such installation shall notify the electrical inspector that such installation is ready for inspection. The electrical inspector shall promptly inspect such installation, as provided herein. No electric current shall be turned on, except for the purpose of testing or temporary lighting, while the building is under construction, until such installation has been approved by the electrical inspector, and he has so certified.

(c) Upon completion of each electrical installation for which a permit has been issued, if such installation is found to conform to all provisions of this article, the electrical inspector shall, upon request, certify his approval of such installation by issuing a certificate or letter of satisfactory inspection to the person who applied for the permit.
(Code 1977, § 7-40; Ord. No. G-76-01, 4-14-1976)

Sec. 8-57. Defective wiring.

In case any installation which the electrical inspector is required to inspect by the provisions of this article shall be found not to comply with the requirements hereof, and to be unsafe and defective, he shall at once notify the person doing such installation of such defect, and order him to change, rearrange or remove the same; and upon the person's failure or refusal to do so within a reasonable time, such person shall be deemed guilty of a violation of the provisions of this article; and each and every day which shall elapse after the expiration of the reasonable time as the same shall be fixed by the electrical inspector without a compliance with the order shall be considered a separate offense.
(Code 1977, § 7-41; Ord. No. G-76-01, 4-14-1976)

Sec. 8-58. Minimum breaker panel amperage.

On all new work, a 100-amp breaker panel shall be the minimum allowed.
(Code 1977, § 7-42; Ord. No. G-76-01, 4-14-1976; Ord. No. G-76-09, § 5, 1-26-1977; Ord. No. G-80-17, § 1, 11-12-1980; Ord. No. G-82-04, § 8, 4-28-1982; Ord. No. G-94-03, § 1(7-42), 5-9-1994)

Sec. 8-59. Service entrance.

The service entrance location and characteristics on all installations shall be as directed by the electrical inspector or director of the electric department.
(Code 1977, § 7-43; Ord. No. G-76-01, 4-14-1976; Ord. No. G-76-09, § 6, 1-26-1977)

Sec. 8-60. Liability not assumed by the city.

This article shall not be construed to remove or lessen the liability of any party owning, operating, controlling or installing any electrical equipment for damages to any person or property injured by any defect therein, nor shall the city be held as assuming any liability by reason of the inspection authorized herein, or the certificate issued therefor.
(Code 1977, § 7-44; Ord. No. G-76-01, 4-14-1976)

Sec. 8-61. Appeals.

An appeal may be taken from any order or ruling of the electrical inspector as to defective wiring or compliance with the National Electrical Code as provided in NEC 16.12.100 regarding the board of electrical appeals. Such appeal shall be taken within ten days from the date of such order or ruling.
(Code 1977, § 7-45; Ord. No. G-76-01, 4-14-1976)

Secs. 8-62—8-78. Reserved.

DIVISION 2. LICENSING AND REGULATION OF CONTRACTORS

Sec. 8-79. Examinations.

The city shall prescribe rules and regulations for the licensure of electricians practicing within the city limits, which shall include examinations to be conducted in accordance with K.S.A. 12-1525 or 15-1527. The city will accept the qualifications of a master electrician and journeyman electrician who have been certified by a state or national registration agency.
(Code 1977, § 7-25; Ord. No. G-76-01, 4-14-1976; Ord. No. G-76-09, § 2, 1-26-1977)

Sec. 8-80. Electrical contractors; master license required.

It shall be unlawful for any person to engage in business in the city as an electrical contractor without a license to do so, issued by the city clerk, upon payment of licensure fees in accordance with the city fee schedule. All contracting firms shall have a master electrician license which shall be in addition to the contractor's license, or have an employee with a valid master license. Any sole proprietorship will be allowed to secure, if qualified, a combined electrical contractor's license and master's certificate and shall pay a licensure fee in accordance with the city fee schedule. This provision is intended to exclude a sole proprietorship from the requirements of

paying for both a master's certificate and contractor's license, but does not exclude the sole proprietorship from any other provisions of this section. All such licenses shall expire on December 31 of each year and shall be issued by the city clerk.
(Code 1977, § 7-26; Ord. No. G-76-01, 4-14-1976; Ord. No. G-79-15, §§ 1, 2, 12-26-1979; Ord. No. G-82-05, § 3, 5-12-1982)

Sec. 8-81. Proof of liability insurance.

It shall be unlawful for any person to engage in the installation of electric wiring under authority of section 8-80, without first having filed with the city clerk a good and sufficient certificate of commercial liability insurance, issued by a reputable insurance company authorized to do business in Kansas, showing proof of liability coverage in the minimum amount of $1,000,000.00.
(Code 1977, § 7-27; Ord. No. G-76-01, 4-14-1976; Ord. No. G-82-04, § 2, 4-28-1982)

Sec. 8-82. License required; restrictions upon apprentices.

It shall be unlawful for any person to do any electrical wiring in the city without a valid license therefor issued by the city in accordance with the provisions of this article, except as herein stated. An apprentice electrician shall not do any electrical wiring except under the immediate and direct supervision of a certified licensed electrician or wireman. The ratio of apprentice electricians to licensed electricians on any one project or job shall not exceed two apprentices to one licensed electrician.
(Code 1977, § 7-28; Ord. No. G-76-01, 4-14-1976; Ord. No. G-82-04, § 3, 4-28-1982)

Sec. 8-83. Licenses and registrations; fees, expiration, renewal.

The fees for licenses required under the provisions of this article shall be in accordance with the city fee schedule.
(Code 1977, § 7-29; Ord. No. G-76-01, 4-14-1976; Ord. No. G-76-09, § 4, 1-26-1977; Ord. No. G-82-04, § 5, 4-28-1982)

Sec. 8-84. Revocation and suspension of certificate or license.

Any certificate or license issued hereunder may be suspended or revoked for cause by the city upon due hearing. Fraud or failure to change, rearrange or remove defective wiring installed by the holder of a certificate or license, within a time after receipt of an order to do so by the inspector, shall be deemed sufficient cause, which is not restricted to such actions only, for suspension or revocation of such certificate or license; and every electrical contractor and electrician shall be responsible for the violation of these regulations by himself, or any firm or corporation, as the case may be, for the violation of these regulations by apprentice electricians,

laborers or helpers employed by a certificate or license holder. Such license or certificate holder shall have 15 calendar days in which to appeal from such decision of the board of electrical examiners to the city manager.
(Code 1977, § 7-31; Ord. No. G-76-01, 4-14-1976)

Sec. 8-85. License or certificate not transferable.

No licensee or certificate holder shall permit the use of his name by any other individual, partnership or corporation, either directly or indirectly, either for the purpose of obtaining a permit or for the purpose of doing any electrical work under his or its license or certificate; and no license or certificate shall be deemed transferable from the individual, partnership or corporation to whom it has been issued to any other individual, partnership or corporation.
(Code 1977, § 7-33; Ord. No. G-76-01, 4-14-1976)

Secs. 8-86—8-113. Reserved.

ARTICLE IV. PLUMBING AND GAS CODE

DIVISION 1. GENERALLY

Sec. 8-114. International Plumbing Code incorporated.

The certain standard code known as the International Plumbing Code, 2012 Edition, published by the International Code Council, is hereby incorporated by reference and made a part of this article, save and except such portions as may be deleted or amended by ordinance. There shall be no fewer than one copy of the standard code incorporated by reference and kept on file in the office of the city clerk and kept available for inspection by the public at all reasonable hours. The filed copy of the standard code shall be marked "Official Copy as Incorporated by the Code of the city." All sections or portions of the filed copy of the standard code shall be clearly marked to show deletions from the standard code.
(Code 1965, § 5-301; Code 1977, § 7-51; Ord. No. 5408, § 1, 10-11-1967; Ord. No. 5419, § 1, 12-13-1967; Ord. No. G-137, § 1, 7-12-1972; Ord. No. G-76-12, § 1, 11-24-1976; Ord. No. G-80-20, § 1, 1-14-1980; Ord. No. G-83-10, § 1, 5-25-1983; Ord. No. G-93-07, § 1, 3-22-1993; Ord. No. G-07-10, § 1(7-51), 7-10-2007)

Sec. 8-115. Permit for plumbing work.

(a) *Issuance of permit.* No plumbing work, unless excepted in this section, shall be undertaken prior to the issuance of a permit therefor by the plumbing inspector. A permit shall be issued to a licensed master plumber, except as provided in subsection (b) of this section.

(b) *Exception.* Any permit required by this Code may be issued to any person to do any work regulated by this Code in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such building, provided the person is the bona fide owner of such dwelling, and that the same will be occupied by the owner of such, and that the owner shall personally purchase all material and perform all labor in connection therewith.

(c) *Application and fees.* Applications for permits shall be made on suitable forms provided by the plumbing inspector. No permit or certificate of inspection shall be issued, as provided in the preceding sections, until the person applying therefor shall have paid to the city clerk the permit fee and any fees for inspection. Permit and inspection fees shall be in accordance with the city fee schedule.
(Code 1965, § 5-308; Code 1977, § 7-58; Ord. No. 5408, § 8, 10-11-1967; Ord. No. G-82-05, § 7, 5-12-1982; Ord. No. G-88-04, § 1, 4-11-1988; Ord. No. G-93-07, § 6, 3-22-1993)

Sec. 8-116. Requirements for plumbing permits.

(a) *Plans and specifications.* The plumbing inspector shall have the authority to refuse the issuance of any permit until such time as plans and specifications showing the proposed work in necessary detail have been submitted and he has determined from examination of such plans and specifications that the work will conform to code. If a permit is denied, the applicant may submit revised plans and specifications with payment of an additional fee. If, in the course of the work, it is found necessary to make any change in the plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted and a supplementary permit, subject to the same conditions applicable to original application for permit, shall be issued to cover the change.

(b) *Repairs.* Repairs involving only the working parts of a faucet or valve, the clearance of stoppages, repairing of leaks or replacement of defective faucets or valves may be made without a permit, provided no changes are made in the piping to the fixtures.

(c) *Protection of water supply system.* The plumbing inspector shall make such rules and regulations in furtherance of the purposes of this Code, and not inconsistent with the specific provisions of this Code, for the installation, repair or alteration of air conditioning systems, water treatment equipment and water-operated devices as may be deemed necessary to properly protect the water supply system.
(Code 1965, § 5-309; Code 1977, § 7-59; Ord. No. 5408, § 9, 10-11-1967; Ord. No. G-80-02, § 2, 3-12-1980; Ord. No. G-88-04, § 1, 4-11-1988)

Sec. 8-117. Enforcement.

(a) *Inspections and tests.* It shall be the duty of the plumbing inspector to enforce the provisions of this Code and to make the inspections and tests required thereunder.

(b) *Right of entry.* The plumbing inspector shall, after proper identification, have the right to enter any premises for the purpose of inspecting any plumbing system at such times as may be reasonably necessary to protect the public health.
(Code 1965, § 5-310; Code 1977, § 7-60; Ord. No. 5408, § 10, 10-11-1967; Ord. No. G-88-04, § 1, 4-11-1988)

Sec. 8-118. Gas plumbing.

It shall be unlawful for any person to turn gas into the plumbing system of any building without having first obtained from the inspector, or from a licensed plumber, a certificate in writing that he has tested same with an air pressure of not less than six pounds to the square inch, and that the plumbing system is free from leaks; provided that in old buildings where gas has previously been used, the gas company, when setting the meter, shall test the pipes in the building by meter, and if pipes are found in a leaking condition, the gas company shall turn off the gas and notify the inspector of the result of the test. The inspector shall order the necessary repairs made to put the piping in safe condition. No person shall disconnect or remove any gas meter except the duly authorized representative of the gas company owning the meter.
(Code 1965, § 5-312; Code 1977, § 7-62; Ord. No. G-88-04, § 1, 4-11-1988)

Sec. 8-119. International Fuel Gas Code incorporated.

(a) The certain standard code known as the International Fuel Gas Code, 2012 Edition, published by the International Code Council, is hereby incorporated by reference and made a part of this article, save and except such portions as may be deleted or amended by ordinance. There shall be no fewer than one copy of the standard code incorporated by reference and kept on file in the office of the city clerk and kept available for inspection by the public at all reasonable hours. The filed copy of the standard code shall be marked "Official Copy as Incorporated by the Code of the city." All sections or portions of the filed copy of the standard code shall be clearly marked to show deletions from the standard code.

(b) The fee for each permit issued for work to be commenced within the city boundaries shall be in accordance with the city fee schedule. The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.
(Code 1965, § 5-313; Code 1977, § 7-63; Ord. No. 5441, § 1, 4-10-1968; Ord. No. G-107, § 1, 8-26-1970; Ord. No. G-74-01, § 1, 2-27-1974; Ord. No. G-76-04, § 1, 5-12-1976; Ord. No. G-88-04, § 1, 4-11-1988; Ord. No. G-09-01, § 1(7-63), 1-27-2009)

Sec. 8-120. Applicability.

(a) The provisions of this article shall not apply to public service companies, city, schools, firms or corporations employing trained maintenance personnel repairing the water and plumbing facilities within their own buildings and premises.

(b) Nothing in this article shall restrict the right of the city to install, remove, alter or repair any plumbing works and systems or natural gas lines and related equipment within its own buildings or premises.
(Code 1977, § 7-65; Ord. No. G-80-02, § 3, 3-12-1980; Ord. No. G-88-04, § 1, 4-11-1988)

Secs. 8-121—8-138. Reserved.

DIVISION 2. LICENSING AND REGULATION OF CONTRACTORS

Sec. 8-139. Examination and training of plumbers and gas fitters.

The city shall prescribe rules and regulations for the licensure of plumbers and gas fitters practicing within the city limits, which shall include examinations to be conducted in accordance with K.S.A. 12-1508 or 15-1510. The city will accept the qualifications of a master plumber or master gas fitter and journeyman plumber or journeyman gas fitter who have been certified by a state or national registration agency.

Sec. 8-140. License required.

It shall be unlawful for any person to engage in business in the city as a plumbing or gas fitting contractor without a license to do so, issued by the city clerk, upon payment of licensure fees in accordance with the city fee schedule. All contracting firms shall have a master plumber's license or master gas fitter's license, as applicable, which shall be in addition to the contractor's license, or have an employee with a valid master license. Any sole proprietorship will be allowed to secure, if qualified, a combined electrical contractor's license and master's certificate and shall pay a licensure fee in accordance with the city fee schedule. This provision is intended to exclude a one sole proprietorship from the requirements of paying for both a master's certificate and contractor's license, but does not exclude the sole proprietorship from any other provisions of this section. All such licenses shall expire on December 31 of each year and shall be issued by the city clerk.

Sec. 8-141. Certificate of liability insurance.

It shall be unlawful for any person to engage in the removal, installation, alteration or repair of plumbing or gas fitting works or systems as defined by this Code without first having filed with the city clerk a good and sufficient certificate of commercial liability insurance, issued by a reputable insurance company authorized to do business in Kansas, with liability coverage in the minimum amount of $1,000,000.

Sec. 8-142. License required; restrictions upon apprentices.

It shall be unlawful for any person to do any plumbing or gas fitting work in the city without a valid license therefor issued by the city in accordance with the provisions of this article, except

as herein stated. An apprentice plumber or gas fitter shall not do any plumbing or gas fitting work except under the immediate and direct supervision of a certified and licensed master plumber or gas fitter, as applicable. The ratio of apprentice plumbers or gas fitters to licensed plumbers or gas fitters on any one project or job shall not exceed two apprentices to one master.

Sec. 8-143. Revocation and suspension of certificate or license.

Any certificate or license issued hereunder may be suspended or revoked for cause by the city upon due hearing. Fraud or failure to change, rearrange or remove defective plumbing by the holder of a certificate or license, within a time after receipt of an order to do so by the inspector, shall be deemed sufficient cause, which is not restricted to such actions only, for suspension or revocation of such certificate or license; and every plumbing or gas fitting contractor shall be responsible for the violation of these regulations by himself, or any firm or corporation, as the case may be, for the violation of these regulations by apprentice plumbers or gas fitters, laborers or helpers employed by a certificate or license holder. Such license or certificate holder shall have 15 calendar days in which to appeal from such decision to the city manager.

Sec. 8-144. License or certificate not transferable.

No licensee or certificate holder shall permit the use of his name by any other individual, partnership or corporation, either directly or indirectly, either for the purpose of obtaining a permit or for the purpose of doing any plumbing or gas fitting work under his or its license or certificate; and no license or certificate shall be deemed transferable from the individual, partnership or corporation to whom it has been issued to any other individual, partnership or corporation.

Sec. 8-145. Exceptions.

Nothing in this subdivision or the ordinances of the city shall in any manner restrict the right of a public utility engaged in the gas business to install, remove, alter or repair its gas transmission lines to the property lines of its customers, or to change its customers' gas lines to the meter setting when required by a relocation of its gas distribution lines.

Secs. 8-146—8-202. Reserved.

ARTICLE V. MINIMUM STANDARD FOR HOUSING AND PREMISES

Sec. 8-203. General.

Buildings used in whole or in part as a home or residence of a single family or person, and every building used in whole or in part as a home or residence of two or more persons or families living in separate apartments, and all premises, either residential or nonresidential, shall conform to the requirements of this article.
(Ord. No. G-06-08, § 2, 10-24-2006)

Sec. 8-204. Declaration of policy.

The board of commissioners declares the purpose of this article is to protect, preserve, and promote the physical and mental health of the people, investigate and control communicable diseases, regulate privately- and publicly-owned structures or dwellings, and all premises for the purpose of sanitation and public health, general appearance, and protect the safety of the people and promote the general welfare by legislation, which shall be applicable to all dwellings, structures and premises now in existence or hereafter constructed or developed, and which legislation:

(1) Establishes minimum standards for basic equipment and facilities for light, ventilation and heating, for safety from fire, for the use and location and amount of space for human occupancy, and for safe and sanitary maintenance;

(2) Establishes standards concerning unsightly and blighted buildings and premises, both residential and nonresidential structures;

(3) Determines the responsibilities of owners, operators and occupants; and

(4) Provides for the administration and enforcement thereof.

(Ord. No. G-06-08, § 3, 10-24-2006)

Sec. 8-205. Definitions.

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

Basement means a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

Cellar means a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Dwelling means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing hereinafter defined shall not be regarded as a dwelling.

Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities, which are used, or intended to be used, for living, sleeping, cooking and eating.

Garbage means any accumulation of animal, fruit or vegetable waste matter that attends the preparation of, use of, cooking of, delivering of, or storage of meats, fish, fowl, fruit or vegetable.

Habitable dwelling means any structure, or part thereof, that shall be used as a home or place of abode by one or more persons.

Habitable room means a room designed to be used for living, sleeping, eating or cooking purposes, excluding bathrooms, toilet rooms, closets, halls and storage places, or other similar places not used by persons for extended periods.

Hearing officer means the judge of the city municipal court.

Infestation means the presence, within or around a dwelling, of insects, rodents, or other pests.

Multiple dwelling means any dwelling containing more than two dwelling units.

Occupant means any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator means any person who has charge, care, owns, or has control of a premises or of a building or structure, or part thereof, in which dwelling units or rooming units are let.

Owner means any person, who jointly or severally along with others, shall be in actual possession of, or have charge, care and control of any structure or dwelling unit or premises within the city as owner, employee, or agent of the owner, or as trustee or guardian of the estate or person of the title holder, and such person shall be deemed and taken to be the owner of such property within the true intent and meaning of this article, and shall be bound to comply with the provisions of this article to the same extent as the record owner, and notice to any such person shall be deemed and taken to be a good and sufficient notice as if such person was actually the record owner of such property.

Plumbing means and includes all of the following supplied facilities and equipment: gas or fuel pipes, gas or fuel burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer, gas or fuel lines.

Premises means any lot or land area, either residential or nonresidential, not covered by a structure, and which is subject to a city tax in part or in whole.

Public officer means the city code enforcement officer.

Refuse means and includes garbage and trash.

Rooming unit means any room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Roominghouse means any dwelling, or that part of a dwelling containing one or more rooming units in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Structure means anything constructed or erected on the ground or attached to something having a location on the ground.

Supplied means paid for, furnished, or provided by or under the control of, the owner or operator.

Temporary housing means any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, a house or building or another structure, or to any utilities system on the same premises for more than 30 consecutive days, except when located in a mobile home court duly licensed under city laws.

Trash, combustible, means waste consisting of papers, cartons, boxes, barrels, wood and excelsior, tree branches, yard trimmings, wood furniture, bedding and leaves, or any other combustible materials.

Trash, non-combustible, means waste consisting of metals, tin cans, glass, crockery, other mineral refuse and ashes and street rubbish and sweepings, dirt, sand, concrete scrap, or any other non-combustible material.
(Ord. No. G-06-08, § 4, 10-24-2006)

Sec. 8-206. Duty of occupant or owner of occupied or unoccupied building and its premises or vacant premises.

(a) It shall be the duty of the owner of every occupied or unoccupied dwelling, building and premises or vacant premises, including all yards, lawns and courts, to keep such property clean and free from any accumulation of filth, rubbish, garbage, or any similar matter as covered by sections 8-209 and 8-210.

(b) It shall be the duty of each occupant of a dwelling unit to keep in clean condition the portion of the property which he occupies and of which he has exclusive control, to comply with the rules and regulations, and to place all garbage and refuse in proper containers. Where care of the premises is not the responsibility of the occupant, then the owner is responsible for violations of this article applicable to the premises.

(c) If receptacles are not provided by the owner, then the occupant shall provide receptacles as may be necessary to contain all garbage and trash.

(d) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the unit primarily infested.

(e) Notwithstanding the foregoing provisions of this article, whenever infestation is caused by failure of the owner to maintain a dwelling in a vermin-proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner and operator.

(f) Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
(Ord. No. G-06-08, § 5, 10-24-2006)

Sec. 8-207. Regulations for the use and occupancy of dwellings.

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements. The following requirements are hereby declared essential to the health and safety of the occupants of such dwelling or dwelling unit:

(1) *Attached garages or non-dwelling areas.* On and after January 1, 2007, all newly constructed non-dwelling occupancies shall be separated from the dwelling unit by a fire resistant wall, and if the dwelling and garage are covered by a common or connecting roof, then the ceiling also must have a fire resistance rating of not less than one hour, as defined in the building code.

(2) *Basement or cellar.* The basement or cellar of any dwelling shall be reasonably dry and ventilated and shall be kept free from rubbish accumulation.

(3) *Basement dwelling units.* The use of basements or cellars for dwelling units is prohibited unless they comply with subsection (18) of this section governing ventilation; provided, however, if occupied at the time of the passage of the ordinance from which this article is derived, and if it complies with all other provisions of this article, the public officer may approve less than the required windows, if in his opinion, the window area is not detrimental to the occupants.

(4) *Bathing facilities.* Every dwelling unit shall contain within a room, which affords privacy to a person in the room, a bathtub or shower in good working condition and properly connected to an approved water and sewer system.

(5) *Boardinghouses and roominghouses.* No room shall be used for sleeping purposes unless the ceiling height is at least seven feet and there are at least 400 cubic feet of air space for each occupant over six years of age. For sleeping rooms with sloping ceilings, the ceiling height shall be at least seven feet over at least 50 percent of the floor area.

   a. Bathing facilities shall be provided in the form of a tub or shower for each eight occupants. Separate facilities shall be provided for each sex and shall be plainly marked.

   b. A flush water closet shall be provided for each six occupants and shall be separated with the separate access from bathing facilities if more than four occupants are served by each. Separate facilities shall be provided for each sex and shall be plainly marked.

(6) *Drainage.* All courts, yards or other areas on the premises of any dwelling shall be so graded and drained that there is no pooling of water thereon. Properly constructed wading and swimming pools and fish ponds are excepted from this article.

(7) *Entrances.*

a. There shall be for each dwelling unit a normally used separate access either to a hallway, stairway, or street, which is safe and in good repair.

b. A secondary exit to the ground shall be available in case of fire, through windows, porch roofs, ladders or any combination that is free of hazard or egress.

(8) *Floor area.* Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area, using inside measurements. No floor space shall be included in determining habitable room area over which the ceiling is less than seven feet above the floor for the purpose of this subsection.

(9) *Garbage and trash receptacles.* Every dwelling and every dwelling unit shall be provided with such receptacles, not exceeding 32-gallon capacity, as may be necessary to contain all garbage and trash, and such receptacles shall at all times be maintained in good repair.

(10) *Heating.* Every dwelling and every dwelling unit shall be so constructed, insulated, and maintained and be provided by the owner or occupant with heating units so that it is capable of reaching an air temperature of 70 degrees Fahrenheit under ordinary winter conditions. The chimney of the dwelling or dwelling unit shall be maintained in good order, and the owner of the approved heating equipment shall maintain it in good order and repair.

(11) *Kitchen sink.* In every dwelling unit containing two or more rooms, there shall be at least one kitchen sink with public water under pressure and connected to the public sewer, or if that sewer system is not available, to an approved sewage disposal system.

(12) *Lavatory facilities.* Every dwelling unit shall contain within its walls a lavatory basin in good working condition and properly connected to an approved water and sewer system and located in the same room as the required flush water closet, or as near to the room as practicable.

(13) *Lighting.* Every habitable room shall have a ceiling electric outlet and a duplex outlet in the wall or floor, or at least two wall or floor outlets.

(14) *Lighting of toilets and bathrooms.* Every toilet and every bathroom in every dwelling shall have at least one electric light in either the ceiling or on the wall.

(15) *Plumbing.* All plumbing, including, but not limited to, main and secondary water and sewer lines, water closets and other plumbing fixtures in every dwelling or dwelling unit shall be maintained in good working order.

(16) *Privies.* All pit privies, privy vaults, "dry hopper" sewer-connected privies and frost-proof closets are hereby declared to be a public nuisance.

(17) *Toilet facilities.* There shall be at least one flush water closet in good working condition for each dwelling unit, which flush water closet shall be located within the dwelling, and in a room which affords privacy.

(18) *Ventilation.* Every habitable room in a dwelling or dwelling unit shall contain a window that may be opened directly to the outside air, and the total area of such window shall be not less than five percent of the floor area of such room. An approved system of mechanical ventilation or air conditioning may be used in lieu of operable windows. Such system shall be capable of providing not less than four air changes per hour, except that in toilet compartments such system shall provide a complete air change every five minutes and be automatically put in operation when the toilet compartment light is in the "on" position.

(19) *Water heating facilities.* Every dwelling shall have supplied water heating facilities which are installed in an approved manner and are maintained and operated in a safe and good working condition and are properly connected with the hot water lines to the kitchen sink, lavatory and bathtub or shower.

(20) *Windows and doors.* Every window and exterior door shall be reasonably weather-tight, lockable, and rodent-proof, and shall be kept in good working condition and good repair.

(Ord. No. G-06-08, § 6, 10-24-2006)

Sec. 8-208. Maintenance and repair; dwellings.

Every dwelling and every part thereof shall be maintained in good repair by the owner or agent and be fit for human habitation. The roof shall be maintained so as not to leak, and all rainwater shall be drained therefrom so as not to cause dampness in the walls or ceilings. All floors, stairways, doors, porches, windows, skylights, chimneys, toilets, sinks, walls, and ceilings shall be kept in good repair and usable condition.

(Ord. No. G-06-08, § 7, 10-24-2006)

Sec. 8-209. Designation of conditions by public officer.

The public officer may designate properties under this article, as follows:

(1) Unfit for human use or habitation. The designation of dwellings or dwelling units as unfit for human use or habitation, and placarding of such unfit dwellings or dwelling units, shall be carried out in compliance with the following requirements:

a. Determination. The public officer may determine, or three citizens may petition in writing, that any dwelling unit is unfit human use or habitation if he finds that

conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents of the neighborhood, or which shall have a blighting influence on properties in the area. Such conditions may include, without limitation: defects increasing the hazards of fire or accident; lack of adequate ventilation, light, cleanliness or sanitation; dilapidation; disrepair; or structural defects.

b. Placarding; order to vacate. Any dwelling or dwelling unit condemned as unfit for human use or habitation, and so designated and placarded by the public officer, shall be vacated within a reasonable time as so ordered.

c. Notice of violation. Procedures as outlined in section 8-211 are applicable hereto.

d. Compliance required before re-occupancy. No dwelling or dwelling unit which has been placarded as unfit for human use or habitation shall again be used for human use or habitation until written approval is secured from, and such placard is removed by the public officer.

e. The public officer shall remove such placard whenever the defects upon which the placarding action were based have been eliminated.

f. It shall be unlawful for anyone to let, lease, occupy or permit the occupancy, whether for a consideration or not, of any dwelling so posted, and any violation of this provision shall constitute a public offense within the meaning of this article.

g. It shall be unlawful for any person to deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human use or habitation and placarded as such, except the public officer as herein provided, and any violation of this provision shall constitute a public offense within the meaning of this article.

(2) *Blighted premises.* A structure that has not been deemed to be unfit for human use or habitation may be designated as unsightly and blighted. The designation of unsightly and blighted premises, and elimination thereof, shall be carried out in compliance with the following requirements:

a. *Determination.* The public officer may determine, or three citizens may petition in writing, that a premises is unsightly and blighted, whether residential or non-residential, when such property is not commensurate with the character of other properties in the neighborhood, or otherwise constitutes a blight to the adjoining property or the neighborhood, or the city.: Conditions that indicate unsightliness or blight may include, without limitation: dead trees or other unsightly natural growth; unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles, or parts thereof; vermin infestation; inadequate drainage;

disrepair or defects not rising to the level to make the property unsafe or human use or habitation; violation of any other law or regulations relating to the use of land, or the use and occupancy of the buildings and improvements.

b. *Notice of violation.* Procedures as outlined in section 8-211 are applicable hereto.
(Ord. No. G-06-08, §§ 8, 9, 10-24-2006)

Sec. 8-210. Inspection of buildings, structures, and premises.

(a) For the purpose of determining compliance with the provisions of this article, the public officer or his authorized representative is hereby authorized to make inspections to determine the condition, use, and occupancy of dwellings, dwelling units, rooming units, and the premises upon which the same are located. This requirement is applicable to existing dwellings or buildings.

(b) The owner, operator, and occupant of every dwelling, dwelling unit, and rooming unit shall give the public officer, or his authorized representative, during reasonable hours, free access to such dwelling, dwelling unit, and rooming unit, and its premises, for the purpose of such inspection, examination and survey after identification by proper credentials.

(c) Every occupant of a dwelling shall give the owner thereof, or his authorized agent or employee, access to any part of such dwelling, or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any rule or regulation adopted and promulgated, or any order issued pursuant to the provisions of this article.
(Ord. No. G-06-08, § 11, 10-24-2006)

Sec. 8-211. Notice of violations; procedures.

(a) *Informal discussion.* Whenever the public officer or his authorized representative determines that there has been a violation of any provision of this article, the public officer shall attempt to arrange with the alleged violator for an informal discussion of violations, and whether repair and correction are justified.

(b) Notice to abate. If a satisfactory solution to the violations, either by correction, demolition or removal, is not forthcoming, then a notice to abate shall be issued according to the following procedures:

(1) The notice shall be in writing.

(2) The notice shall list the violations alleged to exist or to have been committed.

(3) The notice shall provide a reasonable time, but not less than 30 days, for the correction of the violations particularized.

(4) The notice shall be addressed to and attempted to be served upon the owner or operator of the property, and the occupant of the dwelling unit or the rooming unit concerned, if the occupant is or may be responsible for the violation.

(5) If one or more persons to whom the notice is required to be given cannot be found or served after diligent effort to do so, service may be made upon such person by posting a notice in a conspicuous place in or about the dwelling affected by the notice, in which event the public officer or his authorized representative shall include in the record a statement as to why such posting was necessary.

(6) Delivery shall be by certified mail, return receipt requested, or by personal service. If service is made by certified mail, the public officer or his authorized representative shall include in the record a verified statement giving details regarding the mailing.

(Ord. No. G-06-08, § 12, 10-24-2006)

Sec. 8-212. Public officer; authority.

For the purpose of protecting the city against unsightly or blighted premises, and also the health, welfare, and safety of the inhabitants of dwellings or dwelling units, the public officer is hereby authorized, with the consent and prior knowledge of the city manager, to enforce provisions of this article and of other laws which regulate or set standards affecting buildings and premises.

(Ord. No. G-06-08, § 13, 10-24-2006)

Sec. 8-213. Hearing officer; authority.

The hearing officer is hereby authorized to hear appeals where there is opposition to any order, requirement, decision or determination by the public officer in enforcement of this article, as outlined in section 8-217.

(Ord. No. G-06-08, § 14, 10-24-2006)

Sec. 8-214. Order to correct or repair, remove or demolish.

At the time of the placarding and order to vacate specified by section 8-209(1)b, the public officer shall also issue and cause to be served upon the owner a notice advising of the option of removal or demolition in lieu of correction or repair, following the procedures as outlined in section 8-211.

(Ord. No. G-06-08, § 15, 10-24-2006)

Sec. 8-215. Demolition by public officer; procedure and costs.

(a) Upon failure to comply with the order under section 8-214 for the alteration or improvement of such structure, the public officer, with the consent and prior knowledge of the city manager, may cause such condemned structure to be removed or demolished and the premises improved to eliminate the conditions outlined in section 8-209(2).

(b) The cost of demolition by a public officer shall be a lien upon the property upon which the cost was incurred, and such lien, including as a part thereof an allowance of his costs and necessary attorney's fees, may be foreclosed in judicial proceedings in the manner provided or authorized by law for loans secured by liens on real property or shall be assessed as a special assessment upon 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 against the lot or parcel of land.

(c) If the structure is removed or demolished by the public officer, he shall offer for bids and sell the structure or the materials of such structure. The proceeds of such sale shall be credited against the cost of the removal or demolition and, if there is any balance remaining, it shall be paid to the parties entitled thereto after deduction of costs for judicial proceedings, if any, including the necessary attorney's fees incurred therein, as determined by the court, if involved.
(Ord. No. G-06-08, § 16, 10-24-2006)

Sec. 8-216. Conflict of laws; effect or partial invalidity.

(a) For conflicts between the provisions of this article and with a provision of any zoning, building, fire, safety, or health ordinance, existing on the effective date of the ordinance from which this article is derived, the provision shall prevail which establishes the higher standard.

(b) For conflicts between this article with a provision of any other ordinance existing on the effective date of the ordinance from which this article is derived which establishes a lower standard, the provisions of this article shall be deemed to prevail, and such other laws or codes are hereby declared to be repealed to the extent that they may be found in conflict with this article.
(Ord. No. G-06-08, § 17, 10-24-2006)

Sec. 8-217. Appeals.

(a) Any person aggrieved by the decision of the public officer, and who desires to present a formal protest to the hearing officer shall, in writing, request a hearing before the same within ten days after receiving notice of the decision from the public officer, as provided in section 8-211. Such protest and request for a hearing shall be filed with the office of the city clerk.

(b) Upon receipt of a protest and request for a hearing, the city clerk shall notify, in writing, the public officer and the city attorney of such appeal.

(c) The hearing officer shall, within 30 days of receipt of a protest and request for a hearing, determine a date for the hearing.

(d) Notice of the date for the hearing shall be sent to the appellant at least ten days before the hearing.

(e) Except where an immediate hazard exists as described in section 8-211, the filing of a protest and request for a hearing before the hearing officer as specified in subsection (a) of this section shall operate as a stay of the enforcement of the public officer's order until such time as the hearing officer has reached a decision on the matter.
(Ord. No. G-06-08, § 18, 10-24-2006)

Sec. 8-218. Right of petition.

After exhausting the remedy provided in section 8-217, any person aggrieved by an order issued by the public officer and approved by the hearing officer after a hearing on the matter, may, within 14 days from the date which the order became final, petition the district court of the county in which the property is located to restrain the public officer from carrying out the provisions of the order.
(Ord. No. G-06-08, § 19, 10-24-2006)

Secs. 8-219—8-248. Reserved.

ARTICLE VI. MINIMUM STANDARDS FOR COMMERCIAL AND RETAIL BUILDINGS

Sec. 8-249. General.

Buildings used, or intended to be used, in whole or in part, for commercial or retail purposes shall conform to the requirements of this article, including, but not limited to, buildings located in the downtown business district.
(Ord. No. G-07-01, § 2, 1-9-2007)

Sec. 8-250. Declaration of policy.

The board of commissioners declares that the purpose of this article is to protect, preserve, and promote public health and sanitation, promote the general appearance of structures subject to the provisions of this Code, protect the safety of the people, and promote the general welfare, by legislation which shall be applicable to all structures now in existence or hereafter constructed or developed, and which legislation:

(1) Establishes minimum standards for basic use of buildings for commercial or retail purposes, and for safe and sanitary maintenance;

(2) Establishes standards concerning unsightly and blighted buildings;

(3) Determines the responsibilities of owners, operators and occupants; and

(4) Provides for the administration and enforcement thereof.

(Ord. No. G-07-01, § 3, 1-9-2007)

Sec. 8-251. Definitions.

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

Building means any building used, in whole or in part, for commercial or retail purposes, or any vacant building zoned for such purposes.

Garbage means any accumulation of animal, fruit or vegetable waste matter that attends the preparation of, use of, cooking of, delivering of, or storage of meats, fish, fowl, fruit or vegetable.

Hearing officer means the judge of the municipal court.

Operator means any person who has charge, care, ownership, or control of a building or part thereof.

Owner means any person, who jointly or severally along with others, shall be in actual possession of, or have charge, care and control of any building within the city as owner, employee, or agent of the owner, or as trustee or guardian of the estate or person of the title holder, and such person shall be deemed and taken to be the owner or owner of such property within the true intent and meaning of this article, and shall be bound to comply with the provisions of this article to the same extent as the record owner, and notice to any such person shall be deemed and taken to be a good and sufficient notice as if such person were actually the record owner or owner of such property.

Plumbing means and includes all of the following supplied facilities and equipment: gas or fuel pipes, gas or fuel burning equipment, water pipes, waste pipes, water closets, sinks, lavatories, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer, gas or fuel lines.

Public officer means the city code enforcement officer.

Refuse means and includes garbage and trash.

Structure means anything constructed or erected on the ground or attached to something having a location on the ground.

Supplied means paid for, furnished, or provided by or under the control of, the owner or operator.

Trash, combustible, means waste consisting of papers, cartons, boxes, barrels, wood and excelsior, tree branches, yard trimmings, wood furniture, bedding and leaves, or any other combustible materials.

Trash, non-combustible, means waste consisting of metals, tin cans, glass, crockery, other mineral refuse and ashes and street rubbish and sweepings, dirt, sand, concrete scrap, or any other non-combustible material.
(Ord. No. G-07-01, § 4, 1-9-2007)

Sec. 8-252. Duty of occupant or owner of commercial and retail buildings.

(a) It shall be the duty of the owner of every building, including all yards, lawns and courts adjacent thereto, to keep such property clean and free from any accumulation of filth, rubbish, garbage, or any similar matter as covered by section 8-255. Nothing in this section shall be construed to give any owner the right or privilege of removing or changing the appearance of any tree or bush located adjacent to the sidewalk in the downtown business district.

(b) It shall be the duty of each occupant of a building to keep in clean condition the portion of the property which he occupies and of which he has control, to comply with the rules and regulations, and to place all garbage and refuse in proper containers. Where care of the premises is not the responsibility of the occupant, the owner shall be responsible for violations of this article applicable to the premises.

(c) If receptacles are not provided by the owner, then the occupant shall provide receptacles as may be necessary to contain all garbage and trash.

(d) Every owner of a building shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises.
(Ord. No. G-07-01, § 5, 1-9-2007)

Sec. 8-253. Regulations for the use and occupancy of buildings.

No person shall conduct commercial or retail operations as owner-occupant or let to another for occupancy for commercial or retail operations, any building, which does not comply with the following requirements. The following requirements are hereby declared essential to the health and safety of the occupants of such buildings:

(1) *Entrances*. There shall be for each building a primary access, which is safe and in good repair.

(2) *Plumbing*. All plumbing, including, but not limited to, main and secondary water and sewer lines, water closets and other plumbing fixtures in every building shall be maintained in good working order.

(3) *Windows and doors*. Every window and exterior door shall be reasonably weather-tight, lockable, and rodent-proof, and shall be kept in good working condition and good repair.

(Ord. No. G-07-01, § 6, 1-9-2007)

Sec. 8-254. Maintenance and repair.

(a) Every building shall comply with the city's mechanical, plumbing, electrical and building codes, and shall be maintained in good repair by the owner or agent and be fit for commercial or retail use. The roof shall be maintained so as not to leak, and all rainwater shall be drained therefrom so as not to cause dampness in the walls or ceilings. All floors, stairways, doors, windows, restroom facilities, exterior and interior walls, and ceilings shall be kept in good repair and usable condition. Exterior windows and doors shall not be boarded over in the absence of extraordinary circumstances, such as storm events. In no event shall exterior windows and doors be boarded over for more than 30 days.

(b) Windows and door openings may be permanently covered, subject to the following conditions:

(1) The material used shall be of the same or better quality and composition as that surrounding the window or door;

(2) The material shall match the color of the surrounding material;

(3) The material shall blend with the general appearance of the building; and

(4) The material shall not diminish the appearance of the building or surrounding buildings.

(Ord. No. G-07-01, § 7, 1-9-2007)

Sec. 8-255. Designation of conditions by public officer.

The public officer may designate properties under this article, as follows:

(1) Unfit for commercial or retail use. The designation of buildings as unfit for commercial or retail use and placarding of such buildings shall be carried out in compliance with the following requirements:

a. Determination. The public officer may determine, or three citizens may petition in writing, that any building is unfit for commercial or retail use and, if the public officer's preliminary investigation reveals a basis for the charges, or if the public officer, on his own initiative, finds that a condition exists in any building which makes the building unfit for commercial or retail use, the public officer shall follow the procedure set forth in section 8-257. Such conditions may include, without limitation: defects increasing the hazards of fire or accident; lack of cleanliness or sanitary facilities; dilapidation; disrepair; structural defects; inadequate ingress and egress; or a violation of the city's mechanical, plumbing, electrical or building codes.

b. Placarding; order to vacate. Any building condemned as unfit for commercial or retail use, and so designated and placarded by the public officer, shall be vacated within a reasonable time as so ordered.

c. Notice of violation. Procedures as outlined in section 8-257 are applicable hereto.

d. Compliance required before re-occupancy. No building which has been placarded as unfit for commercial or retail use shall again be used for commercial or retail use until written approval is secured from, and such placard whenever the defect upon which the condemnation and placarding action were based has been eliminated.

e. It shall be unlawful for anyone to let, lease, occupy or permit, whether for a consideration or not, any building so posted, and any violation of this provision shall constitute a public offense within the meaning of this article.

f. It shall be unlawful for any person to deface or remove the placard from any building which has been condemned as unfit for commercial or retail use, and placarded as such, except the public officer as herein provided, and any violation of this provision shall constitute a public offense within the meaning of this article.

(2) *Blighted premises.* A structure that has not been deemed to be unfit for commercial or retail use may be designated as unsightly and blighted. The designation of unsightly and blighted premises, and elimination thereof, shall be carried out in compliance with the following requirements:

a. *Determination.* The public officer may determine, or three citizens may petition in writing, that a commercial or retail property is unsightly and blighted when such property is not commensurate with the character of other properties in the neighborhood, or otherwise constitutes a blight to the adjoining properties or the neighborhood, or the city. Conditions that indicate unsightliness or blight may include, without limitation: dead trees or other unsightly natural growth; unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles, or parts thereof; vermin infestation; inadequate drainage; disrepair or defects not rising to the level to make the property unfit for commercial or retail use; a violation of the city's mechanical, plumbing, electrical or building codes not rising to the level to make the property unfit for commercial or retail use; a violation of any other law or regulation relating to the use of land or the use and occupancy of the buildings and improvements thereon.

b. *Notice of violation.* Procedures as outlined in section 8-257 are applicable hereto.

(Ord. No. G-07-01, § 9, 1-9-2007)

Sec. 8-256. Inspection of buildings.

(a) For the purpose of determining compliance with the provisions of this article, the public officer or his authorized representative is hereby authorized to make inspections to determine the condition, use, and occupancy of commercial and retail buildings, and the premises upon which the same are located. This requirement is applicable to existing buildings. Refusing to allow the public officer to make such inspections shall constitute a public offense.

(b) The owner, operator, and occupant of every building shall give the public officer, or his authorized representative, during reasonable hours, free access to such building, and its premises, for the purpose of such inspection, examination and survey after identification by proper credentials.

(c) Every occupant of a building shall give the owner thereof, or his authorized agent or employee, access to any part of such building, or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any rule or regulation adopted and promulgated, or any order issued pursuant to the provisions of this article.
(Ord. No. G-07-01, § 10, 1-9-2007)

Sec. 8-257. Notice of violations; procedures.

(a) *Informal discussion.* Whenever the public officer or his authorized representative determines that there has been a violation of any provision of this article, the public officer shall attempt to arrange with the alleged violator for an informal discussion of violations, and whether repair and correction are justified.

(b) *Notice to abate.* If a satisfactory solution to the violations, either by correction, demolition or removal, is not forthcoming, then a notice to abate shall be issued according to the following procedures:

(1) The notice shall be in writing.

(2) The notice shall list the violations alleged to exist or to have been committed.

(3) The notice shall provide a reasonable time, but not less than 30 days, for the correction of the violations particularized.

(4) The notice shall be addressed to and attempted to be served upon the owner or operator of the property, and the occupant of the dwelling unit or the rooming unit concerned, if the occupant is or may be responsible for the violation.

(5) If one or more persons to whom the notice is required to be given cannot be found or served after diligent effort to do so, service may be made upon such person by posting a notice in a conspicuous place in or about the building affected by the notice, in which event the public officer or his authorized representative shall include in the record a statement as to why such posting was necessary.

(6) Delivery shall be by certified mail, return receipt requested, or by personal service. If service is made by certified mail, the public officer or his authorized representative shall include in the record a verified statement giving details regarding the mailing.

(Ord. No. G-07-01, § 11, 1-9-2007)

Sec. 8-258. Public officer; authority.

For the purpose of protecting the city against unsightly or blighted premises, and also the health, welfare, and safety of the inhabitants of dwellings or dwelling units, the public officer is hereby authorized, with the consent and prior knowledge of the city manager, to enforce provisions of this article and of other laws which regulate or set standards affecting buildings and premises.
(Ord. No. G-07-01, § 12, 1-9-2007)

Sec. 8-259. Hearing officer; authority.

The hearing officer is hereby authorized to hear appeals where there is opposition to any order, requirement, decision or determination by the public officer in enforcement of this article, as outlined in section 8-217.
(Ord. No. G-07-01, § 13, 1-9-2007)

Sec. 8-260. Order to correct and/or repair, remove or demolish.

At the time of the placarding and order to vacate specified by section 8-255(1)b, the public officer shall also issue and cause to be served upon the owner a notice advising of the option of removal or demolition in lieu of correction and/or repair following the procedures as outlined in section 8-257.
(Ord. No. G-07-01, § 14, 1-9-2007)

Sec. 8-261. Demolition or repairs by public officer; procedure and costs.

(a) Upon failure to comply with the order under section 8-260 for the alteration or improvement of such structure, the public officer, with the consent and prior knowledge of the city manager, may cause such condemned structure to be removed or demolished and the premises improved to eliminate the conditions outlined in section 8-255.

(b) The cost of repair, removal or demolition by a public officer shall be a lien upon the property upon which the cost was incurred, and such lien, including as a part thereof an allowance of his costs and necessary attorney's fees, may be foreclosed in judicial proceedings in the manner provided or authorized by law for loans secured by liens on real property, or shall be assessed as a special assessment upon 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 against the lot or parcel of land.

(c) If the structure is removed or demolished by the public officer, he may offer for bids and sell the structure or the materials of such structure. The proceeds of such sale shall be credited against the cost of the removal or demolition and, if there is any balance remaining, it shall be

paid to the parties entitled thereto after deduction of costs for judicial proceedings, if any, including the necessary attorney's fees incurred therein, as determined by the court, if involved.
(Ord. No. G-07-01, § 15, 1-9-2007)

Sec. 8-262. Appeals.

(a) Any person aggrieved by the decision of the public officer and who desires to present a formal protest to the hearing officer shall, in writing, request a hearing before the same within ten days after receiving notice of the decision from the public officer, as provided in section 8-258(b). Such protest and request for a hearing shall be filed with the office of the city clerk.

(b) Upon receipt of a protest and request for a hearing, the city clerk shall notify, in writing, the public officer and the city attorney of such appeal.

(c) The hearing officer shall, within 30 days of receipt of protest and a request for a hearing, determine a date for the hearing.

(d) Notice of the date for the hearing shall be sent to the appellant at least ten days before the hearing.

(e) Except where an immediate hazard exists as described in section 8-258, the filing of a protest and request for a hearing before the hearing officer as specified in subsection (a) of this section shall operate as a stay of the enforcement of the public officer's order until such time as the hearing officer has reached a decision on the matter.
(Ord. No. G-07-01, § 17, 1-9-2007)

Sec. 8-263. Right of petition.

After exhausting the remedy provided in section 8-262, any person aggrieved by an order issued by the public officer and approved by the hearing officer after a hearing on the matter, may, within 14 days from the date which the order became final, petition the district court of the county in which the property is located to restrain the public officer from carrying out the provisions of the order.
(Ord. No. G-07-01, § 18, 1-9-2007)

Secs. 8-264—8-290. Reserved.

ARTICLE VII. DANGEROUS STRUCTURES

Sec. 8-291. Findings of fact.

The board of commissioners finds that there exists within the city structures which are unfit for human use or habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or other conditions, including those set forth in this article, rendering such structures unsafe, unsanitary or

dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the city. Based on the foregoing findings, the board of commissioners has adopted the provisions of this article relating to structures within the city that are unfit for human use or habitation.

Sec. 8-292. Definitions.

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

Nonresidential structure means any structure which is used for other than residential purposes, or a part of such structure, or a structure a part of which is used for other than residential purposes and, where applicable, the premises on which such structures are situated.

Residential structure or *dwelling* means any building, or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any appurtenances belonging thereto or usually enjoyed therewith.

Sec. 8-293. Enforcement officials.

A public officer is hereby appointed to exercise the judicial or quasi-judicial powers prescribed by this article, who shall be the municipal judge or such other person as may be designated by the city manager. An enforcing officer is hereby appointed to exercise the administrative powers and duties prescribed by this article, who shall be the city code enforcement officer or such other person as may be designated by the city manager.

Sec. 8-294. Enforcement powers and authority.

The public officer shall be authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including, in addition to others herein granted, the power to:

(1) Upon a showing of probable cause for doing so, order the investigation of structures within the city in order to determine whether such structures are unfit for human use or habitation;

(2) Administer oaths and affirmations, examine witnesses and receive evidence; and

(3) Upon a showing of probable cause for doing so, make an order permitting the enforcing officer to enter upon premises for the purpose of making examinations, provided that such entries shall be made in such a manner as to cause the least possible inconvenience to the person in possession, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

Sec. 8-295. Estimate of annual expenses of administration and enforcement.

The city manager or his designee shall prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the structures within the city to determine the fitness of such structures for human use or habitation, and for the enforcement and administration of this article, for the board of commissioners' review and approval.

Sec. 8-296. Petition; notice to parties.

(a) When a petition is filed with the public officer by the enforcing officer, or by at least five residents of the city, charging that any structure is unfit for human use or habitation, the enforcing officer, if such officer's preliminary investigation discloses a basis for such charges, shall issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such structure, including persons in possession, a complaint stating the charges.

(b) The complaint shall contain a notice that:

(1) A hearing will be held before the public officer, at a place therein fixed not less than ten days nor more than 30 days after the serving of the complaint;

(2) The owner, mortgagee and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and

(3) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

Sec. 8-297. Determination; order to repair or remove structure.

If, after such notice and hearing, the public officer determines that the structure under consideration is unfit for human use or habitation, the public officer shall state, in writing, the findings of facts in support of such determination, and shall issue and cause to be served upon the owner thereof an order that:

(1) Requires the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human use or habitation, or to vacate and close the structure until conformance with ordinances established under this law if the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the replacement value of the structure which, for purposes of this article, is established at 25 percent or less than the replacement value; or

(2) Requires the owner, within the time specified in the order, to remove or demolish such structure if the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the replacement value of the structure which, for purposes of this article, is established at 26 percent or more than the replacement value.

Sec. 8-298. Failure of owner to comply with order.

If the owner fails to comply with an order to repair, alter or improve or to vacate and close the structure, the enforcing officer may cause such structure to be repaired, altered or improved, or to be vacated and closed. If the owner fails to comply with an order to remove or demolish the structure, the enforcing officer may cause such structure to be removed or demolished.

Sec. 8-299. Costs of repair or removal by city constitutes lien on property.

(a) The amount of the cost of the repairs, alterations, improvements, vacating and closing or removal or demolition by the public officer shall be a lien against the real property upon which the cost was incurred. Such lien shall include allowance of the officer's costs and the necessary attorney's fees and may be foreclosed in judicial proceedings in the manner provided or authorized by law for loans secured by liens on real property.

(b) In lieu of foreclosure, the costs, including the enforcing officer's costs, may be assessed as a special assessment against the lot or parcel of land on which the structure was located, in which case 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 the lot or parcel of land.

(c) If the structure is removed or demolished by order of the public officer, the enforcing officer shall sell the materials of such structure, and shall credit the proceeds of the sale against the cost of the removal or demolition.

(d) If there is any balance remaining, it shall be paid to the parties entitled thereto as determined by proper judicial proceedings, after deducting the costs of such judicial proceedings, including necessary attorneys' fees incurred therein, as determined by the court.

Sec. 8-300. Unlawful to occupy a structure declared unsafe; penalty.

It shall be unlawful for any person to use or occupy any structure that has been found to be injurious to the public health, safety, morals or welfare. Any person convicted of a violation of this section shall, upon conviction, be subject to a fine in an amount not to exceed $500.00, or imprisoned for up to 30 days, or be both fined and imprisoned.

Sec. 8-301. Criteria for determining whether structure is unfit for human use or habitation.

The public officer may determine that a structure is unfit for human use or habitation if the officer finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents of the city, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to:

(1) Defects increasing the hazards of fire, accident, or other calamities;

(2) Lack of adequate ventilation;

(3) Air pollution;

(4) Light or sanitary facilities;

(5) Dilapidation or disrepair;

(6) Structural defects; uncleanliness;

(7) Overcrowding; inadequate ingress and egress;

(8) Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances that constitute a blight to adjoining property, the neighborhood or the city;

(9) Walls, sidings or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood;

(10) Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles, or parts thereof;

(11) Vermin infestation;

(12) Inadequate drainage; or

(13) Any violation of health, fire, building or zoning regulations, or any other laws or regulations relating to the use of land and the use and occupancy of buildings and improvements.

Sec. 8-302. Service of notices and orders.

Complaints or orders issued pursuant this article shall be served upon persons either personally or by registered or certified mail. If the location of such person is unknown and cannot be ascertained by the exercise of reasonable diligence, and the enforcing officer makes an affidavit to that effect, service may be made by publishing the complaint or order once in the official city newspaper. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order also shall be filed with the clerk of the district court of the county and the filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

Sec. 8-303. Appeal.

Any person aggrieved by any final order issued pursuant to the article may, within 14 days from the date which the order became final, petition the district court of the county in which the property is located to restrain the public officer from carrying out the provisions of the order.

Secs. 8-304—8-324. Reserved.

ARTICLE VIII. DEMOLITION OF BUILDINGS

Sec. 8-325. Definition.

For purposes of this article, structure shall mean any single or multiple family residential structure and attachments thereto, and any commercial building and attachments thereto. Structure shall not include detached sheds or garages incidental to a residential structure.

Sec. 8-326. Permit required.

Any person wishing to demolish any structure within the corporate limits of the city shall first secure a demolition permit therefor, which shall set forth any restrictions or special conditions to be met, and remit the applicable permit fee in accordance with the city's fee schedule.

Sec. 8-327. Utilities to be notified.

The demolition contractor or owner shall notify all utility providers serving the structure to be demolished, and provide proof of giving such notice to the engineering department at least 10 days prior to any demolition activity.

Sec. 8-328. Sewer line to be capped.

Any person that demolishes any structure within the city limits shall properly plug or cap the sewer line thereof.

Sec. 8-329. Disposal of debris.

The demolition contractor or owner shall properly dispose of all demolition debris in an approved landfill at the time of demolition, unless additional time is allowed by the city engineering department.

Sec. 8-330. Owner must clean lots.

The property owner shall, immediately upon the tearing down or demolition of any building situated on his property, promptly and without delay, remove all foundations, driveways, and similar materials to one foot below grade, and clean or cause to be cleaned from the premises all debris, rubbish and discarded building material and shall fill in all open wells, cisterns, cellars, basements and other excavations remaining on such lots, and leave the same in an even, clean and sanitary condition, and grade the same to allow for proper drainage, unless the same are to be used immediately in connection with other structures to be erected thereon, and put the premises in a clean and sanitary condition so as not to constitute a menace to the public health or an unusual fire hazard or that which may be or may become a nuisance.
(Code 1965, § 5-501; Code 1977, § 7-81)

Sec. 8-331. Penalty for non-compliance.

A violation of any provision of this article shall constitute a public offense.

Secs. 8-332—8-355. Reserved.

ARTICLE IX. CLAIMS ON FIRE INSURANCE PROCEEDS

Sec. 8-356. Scope and application.

The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article.
(Code 1977, § 7-87; Ord. No. G-86-04, § 1, 7-28-1986; Ord. No. G-87-13, § 1, 12-14-1987)

Sec. 8-357. Lien—Created.

The board of commissioners hereby creates a lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.
(Code 1977, § 7-88; Ord. No. G-86-04, § 2, 7-28-1986; Ord. No. G-87-13, § 2, 12-14-1987)

Sec. 8-358. Same—Encumbrances.

Prior to final settlement on any claim covered by section 8-357, the insurer shall contact the county treasurer to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer.
(Code 1977, § 7-89; Ord. No. G-86-04, § 3, 7-28-1986; Ord. No. G-87-13, § 3, 12-14-1987)

Sec. 8-359. Same—Pro rata basis.

Such transfer of proceeds as specified in section 8-358 shall be on a pro rata basis by all insurance companies insuring the building or other structure.
(Code 1977, § 7-90; Ord. No. G-86-04, § 4, 7-28-1986; Ord. No. G-87-13, § 4, 12-14-1987)

Sec. 8-360. Procedure.

(a) When final settlement on a covered claim has been agreed to or arrived at between the named insured and the company and the final settlement exceeds 75 percent of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company shall execute a draft payable to the city's director of finance in an amount equal to the sum of 15 percent of the covered claim payment unless the city building inspector or his designee has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.

(b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy terms.

(c) Upon the transfer of the funds as required by subsection (a) of this section, the insurance company shall provide the city with the name and address of the named insured, the total insurance coverage applicable to the building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company and the insured, whereupon the building inspector shall contact the named insured by certified mail, return receipt requested, notifying him that the insurance proceeds have been received by the city and apprise him of the procedures to be followed under this article.
(Code 1977, § 7-90.1; Ord. No. G-86-04, § 5, 7-28-1986; Ord. No. G-87-13, § 5, 12-14-1987)

Sec. 8-361. Fund created; deposit of moneys.

The director of finance is hereby authorized and shall create a fund to be known as the "fire insurance proceeds fund." All moneys received by the director of finance as provided for by this article shall be placed in the fund and deposited in an interest-bearing account.
(Code 1977, § 7-90.2; Ord. No. G-86-04, § 6, 7-28-1986; Ord. No. G-87-13, § 6, 12-14-1987)

Sec. 8-362. Building inspector; investigation, removal of structure.

(a) Upon receipt of moneys as provided for by this article, the director of finance shall immediately notify the building inspector of the receipt, and transmit all documentation received from the insurance company to the building inspector.

(b) Within 30 days of the receipt of the moneys, the building inspector shall determine, after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended.

(c) Prior to the expiration of the 30 days established by subsection (b) of this section, the building inspector shall notify the director of finance whether he intends to initiate proceedings under K.S.A. 12-1750 et seq., as amended.

(d) If the building inspector has determined that proceedings under K.S.A. 12-1750 et seq., as amended, shall be initiated, he will do so immediately, but no later than 45 days after receipt of the moneys by the director of finance.

(e) Upon notification to the director of finance by the building inspector that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the director of finance shall return all such moneys received, plus accrued interest, to the insured as identified in the communication from the insurance company. Such return shall be accomplished within 45 days of the receipt of the moneys from the insurance company.
(Code 1977, § 7-90.3; Ord. No. G-86-04, § 7, 7-28-1986; Ord. No. G-87-13, § 7, 12-14-1987)

Sec. 8-363. Removal of structure; excess moneys—Generally.

If the building inspector has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.
(Code 1977, § 7-90.4; Ord. No. G-87-13, § 8, 12-14-1987)

Sec. 8-364. Same—Disposition of funds.

If the building inspector, with regard to a building or other structure damaged, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the director of finance under the authority of section 8-360(a) relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the building inspector shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the director of finance under section 8-360(a), the building inspector shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred.
(Code 1977, § 7-90.5; Ord. No. G-87-13, § 9, 12-14-1987)

Sec. 8-365. Effect upon insurance policies.

This article shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
(Code 1977, § 7-90.6; Ord. No. G-87-13, § 10, 12-14-1987)

Sec. 8-366. Insurers; liability.

Insurers complying with this article, or attempting in good faith to comply with this article, shall be immune from civil and criminal liability, and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article.
(Code 1977, § 7-90.7; Ord. No. G-87-13, § 11, 12-14-1987)

Secs. 8-367—8-390. Reserved.

ARTICLE X. CONTRACTORS LICENSE

Sec. 8-391. General regulations.

(a) *License required.* It shall be unlawful for any person to engage in any of the following activities in the city without obtaining a license as provided herein:

(1) To contract for or to perform any act as a contractor to erect, construct, enlarge, or remodel any commercial buildings, or single or multiple dwelling residential buildings or related structures;

(2) To contract for or perform any act as a contractor to pour and finish any floor, driveway, parking area, street, or sidewalk or to pour and finish any footer, basement, wall, or other structural building element;

(3) To demolish any building;

(4) To contract for or perform any act as a contractor to install, repair or maintain any elevator;

(5) To contract for or perform any act as a contractor to grade, excavate, fill, clear, or construct earth works;

(6) To contract for or perform any act to install, maintain, repair, or alter any fire alarm system;

(7) To install, maintain, repair, alter or extend all piping for fire sprinkler systems, including the connection to the water service outlet provided for fire sprinkler systems;

(8) To fabricate and install any wood product in a structure, including, but not limited to, rough framing, structural and nonstructural work, trusses, sheathing, paneling, trim, cabinetry, doors and windows and all hardware incidental thereto;

(9) To contract for and to install, repair and replace roofs; or

(10) To contract for or perform any act as a contractor to construct, remodel, repair, or remove the plumbing, electrical, or mechanical facilities for which the contractor has passed the required examination or has in its employ the appropriate master.

(b) *Exemptions.* The following persons are exempt from the provisions of this article and shall not be required to obtain a license:

(1) Persons employed exclusively and regularly by one employer in connection only with the affairs of such employer, where there exists an employer-employee relationship, and where the operation is conducted solely and completely on the property of the employer;

(2) Any officer or employee of the United States, of this state or political subdivision thereof, or of the city, while engaged in the performance of the office or the employee's official duties; and

(3) A resident homeowner doing work on his own premises.

(c) *Application.* Applicants for a license shall file an application with the city clerk on forms to be provided for that purpose.

(d) *Issuance.* Upon meeting the requirements of this section, the city clerk shall issue to the applicant a license, which shall be signed by the city clerk.

(e) *Insurance.* It shall be unlawful for any person to engage in the activities specified in subsection (a) of this section without first having filed with the city clerk a good and sufficient certificate of commercial liability insurance, issued by a reputable insurance company authorized to do business in Kansas, showing proof of liability coverage in the minimum amount of $1,000,000.00.

(f) *Licenses not assignable or transferable.* No license granted by the city shall be assignable or transferable; nor shall such license authorize any person to do business or act under it but the person named therein, nor at more than one place.

(g) *License period and duration.* Licenses shall commence and endure from January 1 and expire on December 31 of the same year. License fees for licenses issued for a partial year shall not be prorated.

(h) *License fees.* The annual license fee for each license subject to this article shall be established in a fee schedule approved by the board of commissioners. There shall be no refunds of license fees paid.

(i) *Record book.* The city clerk shall keep a book in which shall be entered the name of each person licensed, his address, the date of the license, the purpose for which it is granted, the amount paid therefor, and the time the same shall expire.

(j) *Display of license.* All persons doing business in a permanent location are required to have their license conspicuously displayed in their place of business, and all persons to whom licenses are issued not having a permanent place of business are required to carry their licenses with them. Any licensee shall present the license for inspection when requested to do so by any citizen or officer of the city.

(k) *Causes for refusal or revocation.* Licenses requested under this article may be refused by the city clerk or the board of commissioners, and licenses issued may be revoked by the city clerk or the board of commissioners, at any time, for any of the following causes:

(1) Fraud, misrepresentation or any false statement contained in the application for a license;

(2) Fraud, misrepresentation or false statement made in the operation of a business;

(3) Any violation of this article;

(4) Conducting a business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, morals, safety or welfare of the public; or

(5) The failure or inability of an applicant to meet and satisfy the requirements and provisions of this article.

(l) *Suspension or revocation—Notice.* Written notice of suspension or revocation of a license under this article stating the cause or causes therefor shall be delivered to the licensee personally or mailed to the licensee's address as stated in the licensee's application for a license.

(m) *Same—Right to public hearing; appeal.* Any person whose license is revoked or suspended, or to whom the renewal thereof has been refused, or any person whose request for a license is refused, shall have the right to a hearing before the board of commissioners, provided a written request therefor is filed with the city clerk within five days following the delivery or mailing of the notice of revocation or suspension, or within five days following such refusal. The decision of the board of commissioners shall become final within 20 days after mailing a notice thereof to the licensee, unless, within such 20-day period, the licensee shall, in writing, appeal to the district court, which shall proceed to hear such appeal as though such court had original jurisdiction of the matter. The district court may reverse any refusal to issue a license or any revocation of a license and the district court may grant or reinstate any license. Any revocation, suspension or refusal to renew a license shall not become final until the licensee has exhausted all remedies under the provisions of this section. In case of revocation of the license of any licensee, no new license shall be issued to any such person, or any person for or on his behalf, for a period of one year from the date of such revocation. The board of commissioners shall suspend any license of any person upon whom notice of revocation has been ordered, and the suspension shall become effective immediately and shall remain in full force and effect until the appeal has been determined.

(n) *Violation; penalty.* A violation of this article is punishable by a fine in an amount not to exceed $500.00, or imprisonment for not more than 30 days, or both such fine and imprisonment. Each day a violation occurs shall constitute a separate offense.

Chapter 9

RESERVED