

CHAPTER IV: BUILDINGS

Article

- 1. FIRE LIMITS**
- 2. BUILDING CODE**
- 3. ELECTRICAL CODE**
- 4. PLUMBING AND GAS-FITTING CODE**
- 5. MOVING BUILDINGS**
- 6. DANGEROUS AND UNFIT STRUCTURES**
- 7. MOBILE HOMES**
- 8. NUMBERING BUILDINGS**
- 9. UNIFORM MECHANICAL CODE**
- 10. WIND ENERGY CONVERSION SYSTEMS**

ARTICLE 1: FIRE LIMITS

Section

4-101 Fire limits established

§ 4-101 FIRE LIMITS ESTABLISHED.

The following shall be and are hereby declared to be the fire limits of the city:

Beginning at the intersection of Sixth Street and Virginia Street, thence north to the center of the main line track of the Union Pacific Railroad, thence west along the center of the track to the intersection of the track and Twelfth Street, thence south down the center of Twelfth Street to the intersection of Twelfth Street and Virginia Street, thence due east to the point of beginning.

(1996 Code, § 4-101) (Ord. 834, passed - -)

ARTICLE 2: BUILDING CODE

Section

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

§ 4-201 DEFINITIONS.

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

BUILDING OFFICIAL. The City Administrator or his or her authorized designee.

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

MUNICIPALITY. The City of Sabetha, Kansas.
(1996 Code, § 4-201)

§ 4-202 INTERNATIONAL BUILDING CODE INCORPORATED.

(a) There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Building Code, 2009 Edition, such code being made a part of the ordinances and code of the city as if the same had been set out in full herein, all authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the International Building Code shall be marked or stamped "Official Copy as Incorporated by Ord. 1454 of the City of Sabetha", and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

(b) Penalties for violations of this section shall be determined by the general penalty for violation of the code, as the same now exists or is hereafter amended, in § 1-116.
(1996 Code, § 4-202) (Ord. 1454, passed - -2010)

§ 4-203 ADDITIONAL PROVISIONS.

The following sections of this article are in addition to the provisions of the standard code incorporated by reference in § 4-202.
(1996 Code, § 4-203)

§ 4-204 BUILDING OFFICIAL; POWERS; DUTIES.

(a) This and other articles of the city relating generally to building and structures shall be administered and enforced by the City Administrator. The City Administrator shall act as Chief Building Official and may assume the responsibilities of or with the consent and approval of the governing body appoint a Building Inspector and such other assistants as may be advisable for the issuance of building permits and the inspection of building work.

(b) The Building Official shall prepare such application, permit, inspection and record forms as may be required for the purposes of the article. The Building Official may make and promulgate the necessary rules and regulations to obtain conformity with this article pertaining to the making of applications for building permits, issuing of building permits and inspecting of buildings and building works.
(1996 Code, § 4-204) (Ord. 834, passed - -)

§ 4-205 BUILDING INSPECTOR; APPOINTMENT.

The City Administrator may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of Building Inspector as may be required, subject to the consent and approval of the governing body.
(1996 Code, § 4-205)

§ 4-206 SAME; DUTIES.

The Building Inspector shall have the following duties:

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

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

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

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

(1996 Code, § 4-206) (Ord. 834, passed - -)

§ 4-207 SAME; POWERS.

The Building Inspector shall have the following powers:

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

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

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

(1996 Code, § 4-207)

§ 4-208 SAME; RIGHT OF ENTRY.

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

(1996 Code, § 4-208)

§ 4-209 CLARIFICATION; MODIFICATION.

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

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

(1996 Code, § 4-209)

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

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

(1996 Code, § 4-210)

§ 4-211 SAME; APPLICATION INFORMATION REQUIRED.

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

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

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

(B) The location of the building or structure;

(C) The building work proposed;

any);

- (D) The outside dimensions of the building by floors and dimensions of the basement (if any);
- (E) The class of occupancy;
- (F) The class of construction;
- (G) The kind of materials to be used for walls, floors, ceilings, roofs and foundations;
- (H) The estimated cost of the work;
- (I) The date work will commence;
- (J) Expected date of completion;
- (K) Name and address of contractor or contractors doing the work; and
- (L) Such other information as may be pertinent to the issuance of the required permit.

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

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

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

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

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

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

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

(d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the building work authorized by such permit. **BUILDING WORK COMMENCED** for the purpose of this section shall mean the beginning of building work other than the preparation of plans or the staking out of the building location or the letting of a building contract.
(1996 Code, § 4-211)

§ 4-212 SAME; PLANS AND SPECIFICATIONS.

Whenever an application for a building permit is made, the Chief Building Official may, if he or she finds it necessary to determine whether building work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed building as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the Building Official may require the applicant to file complete architectural and engineering plans and specifications for such building, or any part thereof, as may be necessary for the Inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any building work for conformity with this article.
(1996 Code, § 4-212)

§ 4-213 SAME; FEES.

The fee for a building permit shall be:

(a) For a house, buildings and office buildings: \$100;

(b) For fences and unattached accessory structures: \$50; and

(c) For signs and satellite dishes: \$25.

(1996 Code, § 4-213)

§ 4-214 SAME; POSTING.

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

(1996 Code, § 4-214)

§ 4-215 CERTIFICATE OF APPROVAL.

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

(1996 Code, § 4-215)

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

(a) The contractor or builder having a permit for new construction, or additions to existing buildings, shall notify the Chief Building Official or Building Inspector immediately upon the marking or laying out of the site and foundation for such work. The Official or Inspector shall inspect the layout for conformity with this article and with respect to lot lines, setbacks and location of the proposed buildings to determine conformity with the city zoning regulations. In case of doubt respecting the required location, the Chief Building Official may require an official survey of the lot lines to determine conformity, at the expense of the permit holder.

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

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

(1996 Code, § 4-216)

§ 4-217 REQUEST FOR INSPECTION.

Upon the completion of any building construction work covered by this article, it shall be the duty of the person doing such work to notify the Building Inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided.
(1996 Code, § 4-217)

§ 4-218 INSPECTION FEE.

An initial inspection fee, as set by the governing body, and an inspection fee, as set by the governing body, for subsequent inspections required shall be paid before any building or construction work will be approved or a certificate of approval issued.

§ 4-219 BUILDER OR BUILDING CONTRACTOR DEFINED.

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

BUILDER or BUILDING CONTRACTOR.

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

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

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

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

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

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

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

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

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

(E) Any person engaged in construction work not involving a total cost of greater than \$50,000, exclusive of labor.

(1996 Code, § 4-218)

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

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

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

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

(1996 Code, § 4-219)

§ 4-221 SAME; APPLICATION; GRANTING.

(a) Application for a builder's or building contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in (as general contracting, roofing, siding, masonry, plastering, lathing, excavating, water-proofing, metal work, foundation work, sign hanging, cement work and painting and paper hanging, house wrecking, or moving and the like), the length of time engaged in such work and places where work has been performed within the past two

years. The application shall be signed by the builder or building contractor or his or her authorized agent. The applications shall be, by the Chief Building Official, referred to the governing body at its next meeting for action thereon. Such license shall be issued by the City Clerk, upon payment of the fees hereinafter provided after approval of the governing body.

(b) If the applicant is in the business of a roofing contractor, as defined by the State Roofing Registration Act (KRRRA), K.S.A. 50-6,121 et seq., and amendments there, the applicant shall be required to have a valid state registration as required under the KRRRA and shall present such certificate to the City Clerk when applying for a builder's or building contractor's license. No such license shall be issued until it is verified that the roofing contractor is in good standing pursuant to the KRRRA; provided, however, that this division (b) does not apply to an "exempt general contractor" as defined in K.S.A. 50-6,122, and amendments thereto.
(1996 Code, § 4-220)

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

(a) Each applicant for a license shall appear personally at the city office and shall satisfy the City Administrator or his or her designee of the applicant's qualification for the issuance of a license by demonstration of the applicant's knowledge of the city's Building Code. This requirement shall be met by the applicants appearance and review of the city code with the City Administrator or his or her designee.

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

(c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts. The City Administrator may waive this requirement if the contractor has a license under §§ 4-324 or 4-422.
(1996 Code, § 4-221) (Ord. 1376, passed 11-25-2002)

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

(a) Before any license shall be issued to any builder or building contractor required by this article to obtain a license and pay a fee to the city, the builder or building contractor shall secure and file with the City Clerk a good and sufficient corporate surety bond in the principal sum of \$50,000 conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property or from damage, injury or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents, servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the city, or any materials stored, placed or used in any such places, or the operation or use of any vehicle,

machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the state and shall be executed by an agent of the company residing in the County of Brown or Nemaha and further conditioned that in the event of cancellation or expiration that the company or agent will give ten days' notice of such fact to the City Clerk. Each such bond shall be approved as to the form by the City Attorney and approved as to surety by the City Clerk and the approval thereof shall be endorsed on the bond by the City Attorney and by the Chairperson of the governing body over their signatures.

(b) Each bond shall be dated to run from the first day of any license issued by the city to the principal for each successive period following the renewal thereof. The city reserves the right to furnish the form of all surety bonds as may be required by this article.

(c) The City Administrator shall waive the requirement of bonding and/or insurance pursuant to § 4-224 for those builders and/or building contractors who regularly work in the city and who demonstrate reasonable care for city property.

(1996 Code, § 4-222) (Ord. 1376, passed 11-25-2002)

§ 4-224 INSURANCE.

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

(1996 Code, § 4-223)

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

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

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

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

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

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

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

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

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

(c) It shall be unlawful to engage in the occupation or trade of builder or building contractor during the time any license of such builder or building contractor has been suspended or revoked.
(1996 Code, § 4-224)

§ 4-226 WORK BY PROPERTY OWNERS.

Nothing herein contained shall prohibit any property owner from personally performing any building or construction work within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the Building Inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal building or construction performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city.
(1996 Code, § 4-225)

§ 4-227 LIABILITY.

This article shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection authorized herein, by reason of any certificate of inspection issued by it or by reason of any permit or license granted herein.
(1996 Code, § 4-226) (Ord. 834, passed - -)

§ 4-228 SEVERABILITY.

If any section of the International Building Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate

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

(1996 Code, § 4-227)

ARTICLE 3: ELECTRICAL CODE

Section

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

§ 4-301 DEFINITIONS.

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

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

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

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

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

ELECTRICAL CONSTRUCTION OR INSTALLATION.

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

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

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

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

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

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

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

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

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

SPECIAL RULING. A written ruling filed in the office of the Chief Building Official or the Electrical Inspector.
(1996 Code, § 4-301)

§ 4-302 ADOPTION OF ELECTRICAL CODE BY REFERENCE.

(a) There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the practice of electrical wiring and apparatus, the National Electrical Code, 2009 Edition, such code being made a part of the ordinances and code of the city as if the same had been set out in full herein, all authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the National Electrical Code shall be marked or stamped "Official Copy as Incorporated by Ord. 1458 of the City of Sabetha", and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

(b) Penalties for violations of this section shall be determined by the general penalty for violation of the code, as the same now exists or is hereafter amended, in § 1-116.
(1996 Code, § 4-302) (Ord. 1458, passed - -2010)

§ 4-303 ADDITIONAL PROVISIONS.

The following sections of this article are in addition to the provisions of the standard code incorporated by reference in § 4-302.
(1996 Code, § 4-303)

§ 4-304 BUILDING OFFICIAL; AUTHORITY.

The City Administrator or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an Electrical Inspector in accordance with § 4-204, which shall apply in a like manner to this article.
(1996 Code, § 4-304)

§ 4-305 ELECTRICAL INSPECTOR; APPOINTMENT.

The City Administrator may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of Electrical Inspector as may be required, subject to the consent and approval of the governing body.
(1996 Code, § 4-305)

§ 4-306 SAME; DUTIES.

The Electrical Inspector shall have the following duties:

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

(b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of electrical construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted

standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;

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

(d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the Building Official or Electrical Inspector without his or her written consent.
(1996 Code, § 4-306)

§ 4-307 SAME; POWERS.

The Electrical Inspector shall have the following powers:

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

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

(c) May cause any work done in violation of this article to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the electrical regulations of the city, subject to the right of any installer or owner to appeal to the governing body.
(1996 Code, § 4-307)

§ 4-308 SAME; RIGHT OF ENTRY.

The Electrical Inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this article.
(1996 Code, § 4-308)

§ 4-309 CLARIFICATION; MODIFICATION.

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

(b) The Electrical Inspector shall have power to modify any of the provisions of the Electrical Code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the Electrical Inspector shall see that the spirit of the code is observed, public safety secured and

substantial justice done. The particulars of a modification when granted or allowed and the decision of the Inspector thereon shall be entered upon the records of the Electrical Inspector and a signed copy shall be furnished to the applicant.

(1996 Code, § 4-309)

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

(a) Except as provided in division (b) below, it shall be unlawful for any person to engage in any electrical construction as defined in § 4-301 within the city without a building permit being first obtained therefor from the City Clerk, after approval by the Chief Building Official or his or her duly authorized assistant in accordance with § 4-210. The application for such permit shall be made and the permit obtained before any electrical construction work is commenced.

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

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

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

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

(1996 Code, § 4-310)

§ 4-311 CERTIFICATE OF APPROVAL.

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

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

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

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

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

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

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

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

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

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

(1996 Code, § 4-317)

§ 4-312 CONNECTION TO INSTALLATIONS.

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

(1996 Code, § 4-318)

§ 4-313 REINSPECTION.

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

(1996 Code, § 4-319)

§ 4-314 CONDEMNATION; APPEAL.

(a) If, in the judgment of the Electrical Inspector, after an inspection, any electrical conductors, appliances or equipment in any building are unsafe or dangerous to persons or property, the Inspector shall have the power to cause the wires or appliances to be disconnected from the source of electrical

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

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

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

(1996 Code, § 4-320)

§ 4-315 INTERFERENCE BY UNAUTHORIZED PERSON.

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

(1996 Code, § 4-321)

§ 4-316 ELECTRICIAN OR ELECTRICAL CONTRACTORS DEFINED.

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

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

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

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

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

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

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

(1996 Code, § 4-322)

§ 4-317 ELECTRICIAN'S OR ELECTRICAL CONTRACTOR'S LICENSE REQUIRED; ELECTRICAL PERMITS; UNLAWFUL ACTS.

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

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

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

(1996 Code, § 4-323)

§ 4-318 SAME; APPLICATION; GRANTING.

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

for action thereon. Such license shall be issued by the City Clerk, upon payment of the fees hereinafter provided after approval of the governing body.
(1996 Code, § 4-324)

§ 4-319 SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

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

(A) General electrician or electrical contractor, who shall qualify to engage in more than one kind of electrical construction work, the sum of \$50; and

(B) Combination license with plumbing under § 4-424, the sum of \$75.

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

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

(c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts.
(1996 Code, § 4-325)

**§ 4-320 ELECTRICIAN'S OR ELECTRICAL CONTRACTOR'S BOND REQUIRED;
CONDITIONS; APPROVAL; RIGHTS RESERVED.**

(a) Before any license shall be issued to any electrician or electrical contractor required by this article to obtain a license and pay a fee to the city, the electrician or electrical contractor shall secure and file with the City Clerk a good and sufficient corporate surety bond in the principal sum of \$5,000, conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents or servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the city, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the state and shall be executed by an agent of the company residing in the county and further conditioned that in the event of cancellation or expiration that the company or agent will give ten days' notice of such fact to the City Clerk. Each such bond shall be approved as to form by the City Attorney and approved as to surety by the City Clerk and the approval thereof shall be endorsed on the bond by the City Attorney and by the Chairperson of the governing body over their signatures.

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

(c) The City Administrator shall waive the requirement of bonding and/or insurance pursuant to § 4-224 for those builders and/or building contractors who regularly work in the city and who demonstrate reasonable care for city property.
(1996 Code, § 4-326)

§ 4-321 INSURANCE.

In addition to obtaining a corporate surety bond as required by § 4-320, an electrician or electrical contractor must procure and maintain a liability insurance policy in the amount of \$100,000 for the death or injury of any one person and \$300,000 for the death or injury of any number of persons in any one accident and \$50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the state. An electrician or electrical contractor may qualify as to the insurance requirements by filing a certificate with the City Clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days' notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.
(1996 Code, § 4-327)

§ 4-322 LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

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

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

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

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

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

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

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

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

(c) It shall be unlawful to engage in the occupation or trade of electrician or electrical contractor during the time any license of such electrician or electrical contractor has been suspended or revoked. (1996 Code, § 4-328)

§ 4-323 WORK BY PROPERTY OWNERS.

Nothing herein contained shall prohibit any property owner from personally performing any electrical construction or installing electrical wiring or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the Electrical Inspector as to his or her ability to perform such work or install such electrical wiring, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal electrical construction or installation performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city. (1996 Code, § 4-329)

§ 4-324 APPROVED MATERIALS.

No electric materials for wiring of appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for wiring appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article. (1996 Code, § 4-330)

§ 4-325 LIABILITY.

This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or re-inspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein. (1996 Code, § 4-331)

§ 4-326 SEVERABILITY.

If any section of the National Electrical Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the National Electrical Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect. (1996 Code, § 4-332)

ARTICLE 4: PLUMBING AND GAS-FITTING CODE

Section

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

§ 4-401 DEFINITION OF PLUMBING.

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

PLUMBING. The installation of gas or water pipes, fixtures, apparatus and the necessary connections either for supplying gas or water to premises or for the removing of liquid and water-borne

wastes from premises in the city, or both such purposes, and shall also denote installed fixtures, drainage and vent systems and gas or water distribution systems as the case may be.
(1996 Code, § 4-401)

§ 4-402 UNIFORM PLUMBING CODE INCORPORATED.

(a) There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the practice of plumbing and gas-fitting, including the installation, maintenance, extension and alteration of all pipes, fixtures, appliances and appurtenances in connection with sanitary sewers and public and private water and fuel gas systems, the International Plumbing Code, 2009 Edition, such code being made a part of the ordinances and code of the city as if the same had been set out in full herein, all authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the International Plumbing Code shall be marked or stamped "Official Copy as Incorporated by Ord. 1457 of the City of Sabetha", and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

(b) Penalties for violations of this section shall be determined by the general penalty for violation of the code, as the same now exists or is hereafter amended, in § 1-116.
(1996 Code, § 4-402) (Ord. 1457, passed - -2010)

§ 4-403 ADDITIONAL PROVISIONS.

The following sections of this article are in addition to the provisions of the standard code incorporated by reference in § 4-402.
(1996 Code, § 4-403)

§ 4-404 BUILDING OFFICIAL; AUTHORITY.

The City Administrator or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of a Plumbing Inspector in accordance with § 4-204, which apply in a like manner to this article.
(1996 Code, § 4-404)

§ 4-405 PLUMBING INSPECTOR; APPOINTMENT.

The City Administrator may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of Plumbing Inspector as may be required, subject to the consent and approval of the governing body.
(1996 Code, § 4-405)

§ 4-406 SAME; DUTIES.

The Plumbing Inspector shall have the following duties:

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

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

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

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

(1996 Code, § 4-406)

§ 4-407 SAME; POWERS.

The Plumbing Inspector shall have the following powers:

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

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

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

(1996 Code, § 4-407)

§ 4-408 SAME; RIGHT OF ENTRY.

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

(1996 Code, § 4-408)

§ 4-409 CLARIFICATION; MODIFICATION.

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

(b) The Plumbing Inspector shall have power to modify any of the provisions of the Plumbing Code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the Plumbing Inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the Inspector thereon shall be entered upon the records of the Plumbing Inspector and a signed copy shall be furnished to the applicant.
(1996 Code, § 4-409)

§ 4-410 PLUMBING PERMIT REQUIRED; EXCEPTION.

(a) It shall be unlawful to install, alter or reconstruct any plumbing or plumbing system, as defined by the Plumbing Code and § 4-401, in any building in the city without first making application to and receiving a building permit therefor from the City Clerk, after approval by the Chief Building Official or his or her authorized assistant in accordance with § 4-210. The application for such permit shall be made and the permit obtained before any plumbing work is commenced.

(b) No permit shall be required for making minor repairs of any plumbing including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste or supply pipes, traps or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repair work not involving original installation or reconstruction.
(1996 Code, § 4-410)

§ 4-411 CERTIFICATE OF APPROVAL.

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

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

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

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

(e) No certificate of approval shall be issued unless the plumbing or plumbing system has been installed in strict conformity with the provisions of this article and unless the plumbing or plumbing

system is made in compliance with nationally approved methods of construction for safety to life and property as herein set forth.

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

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

(1996 Code, § 4-417)

§ 4-412 CONNECTION TO GAS OR WATER SUPPLY.

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

(1996 Code, § 4-418)

§ 4-413 CONDEMNATION; APPEAL.

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

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

(1996 Code, § 4-419)

§ 4-414 PLUMBER OR PLUMBING CONTRACTOR; DEFINED.

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

PLUMBER or PLUMBING CONTRACTOR.

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

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

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

(1996 Code, § 4-420)

**§ 4-415 PLUMBER'S OR PLUMBING CONTRACTOR'S LICENSE REQUIRED;
PLUMBING PERMITS; UNLAWFUL ACTS.**

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

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

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

(1996 Code, § 4-421)

§ 4-416. SAME; APPLICATION; GRANTING.

Application for a plumber's or plumbing contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the

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

(1996 Code, § 4-422)

§ 4-417 SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

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

(A) General plumber or plumbing contractor, who shall qualify to engage in more than one kind of plumbing work, the sum of \$50; and

(B) Combination license with electrical under § 4-324, the sum of \$75.

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

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

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

(1996 Code, § 4-423)

§ 4-418 PLUMBER'S OR PLUMBING CONTRACTOR'S BOND REQUIRED; CONDITIONS; APPROVAL; RIGHTS RESERVED.

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

that in the event of cancellation or expiration that the company or agent will give ten days' notice of such fact to the City Clerk. Each such bond shall be approved as to form by the City Attorney and approved as to surety by the City Clerk and the approval thereof shall be endorsed on the bond by the City Attorney and by the Chairperson of the governing body over their signatures.

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

(c) The City Administrator shall waive the requirement of bonding and/or insurance pursuant to § 4-224 for those builders and/or building contractors who regularly work in the city and who demonstrate reasonable care for city property.
(1996 Code, § 4-424)

§ 4-419 INSURANCE.

In addition to obtaining a corporate surety bond as required by § 4-418, a plumber or plumbing contractor must procure and maintain a liability insurance policy in the amount of \$100,000 for the death or injury of any one person and \$300,000 for the death or injury of any number of persons in any one accident and \$50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the state. A plumber or plumbing contractor may qualify as to the insurance requirements by filing a certificate with the City Clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days' notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.
(1996 Code, § 4-425)

§ 4-420 LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

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

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

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

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

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

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

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

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

(c) It shall be unlawful to engage in the occupation or trade of plumber or plumbing contractor during the time any license of such plumber or plumbing contractor has been suspended or revoked. (1996 Code, § 4-426)

§ 4-421 EXCAVATIONS.

When it appears that the laying or repairing of any water or sewer pipes or the making of any connection therewith shall require excavation in any street, alley or public way of the city or the cutting or removal of any pavement, curb or gutter or any sidewalk, during the course of such work, the application for a permit shall so state and describe the location and extent of the excavation, cutting or removal. Before the City Clerk shall issue any permit for such work, the applicant shall pay any fee required by this code. All excavations shall be barricaded and guarded as provided by the appropriate sections of this code. Before any such excavation shall be backfilled, new plumbing work therein shall be inspected and the bottom of the excavation holding any sewer, drain or water pipe shall be so filled, leveled and tamped as to properly support the pipe and permit proper drainage when carrying sewage, and the excavation shall be backfilled and all paving, curbing, guttering or sidewalks shall be restored as near as possible to their last condition, subject always to the approval of the Plumbing Inspector or the Superintendent of Streets. (1996 Code, § 4-427)

§ 4-422 WORK BY PROPERTY OWNERS.

Nothing herein contained shall prohibit any property owner from personally installing plumbing piping or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the Plumbing Inspector as to his or her ability to install such piping or equipment, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal installation by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without

compensation and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the city.
(1996 Code, § 4-428)

§ 4-423 APPROVED MATERIALS.

No plumbing materials, appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for plumbing materials, appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article.
(1996 Code, § 4-429)

§ 4-424 LIABILITY.

This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or performing any plumbing construction for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or re-inspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein.
(1996 Code, § 4-430)

§ 4-425 SEVERABILITY.

If any section of the Uniform Plumbing Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the Uniform Plumbing Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect.
(1996 Code, § 4-431)

ARTICLE 5: MOVING BUILDINGS

Section

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

§ 4-501 BUILDING OFFICIAL; AUTHORITY.

The City Administrator or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an inspector in accordance with §§ 4-204 through 4-209, which apply in a like manner to this article.
(1996 Code, § 4-501)

§ 4-502 PERMIT REQUIRED.

No person, firm or corporation shall move, haul or transport any house, building, derrick or other structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more or which cannot be moved at a speed of four mph or faster, upon, across or over any street, alley or sidewalk in this city without first obtaining a permit therefor.
(K.S.A. 17-1914) (1996 Code, § 4-502)

§ 4-503 SAME: APPLICATION FOR PERMIT.

All applications for permits required under the provisions of this article shall be made in writing to the City Clerk specifying the day and hour said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved and stating whether it will be necessary to cut and move, raise or in any way interfere with any wires, cables or other aerial equipment of any public- or municipally-owned utility, and if so, the application shall also state the name

of the public- or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities. The application shall be made no fewer than three full business days before the moving is to commence.

(K.S.A. 17-1915) (1996 Code, § 4-503)

§ 4-504 SAME; BOND, INSURANCE REQUIRED.

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

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

(1996 Code, § 4-504)

§ 4-505 SAME; FEE.

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

(1996 Code, § 4-505)

§ 4-506 CONTRACTOR; LICENSE REQUIRED; FEE.

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

(1996 Code, § 4-506)

§ 4-507 ROUTE; DUTIES OF BUILDING OFFICIAL.

The City Clerk shall, upon filing of the above application, refer the same to the Chief Building Official or his or her authorized designee to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that such route is not practical, and another route may be used equally well with less danger to street and travel, then he or she may designate such other route as the one to be used and shall notify the applicant of the same. The Building Official may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto. It shall also be the duty of the Chief Building Official or his or her authorized designee to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this article.

(1996 Code, § 4-507)

§ 4-508 NOTICE TO OWNERS.

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

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

(c) Should the moving operation be delayed, the applicant shall give the owner or his or her agent not less than 24 hours' advance notice of the actual operation.
(K.S.A. 17-1916) (1996 Code, § 4-508)

§ 4-509 DUTY OF OWNERS.

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

(b) The owner of any wires, cables or other aerial equipment, after service of notice as provided in § 4-508, shall be liable to the permit holder for damages in an amount not to exceed \$100 per day for each day the owner shall fail or refuse to accommodate the permit holder's moving operations.
(K.S.A. 17-1917) (1996 Code, § 4-509)

§ 4-510 INTERFERING WITH POLES; WIRES.

No person engaged in moving any house or other structure shall raise, cut or in any way interfere with any such poles or wires unless the persons or authorities owning or having control of the same shall refuse to do so after having been notified as provided in § 4-508, and then only competent and experienced workers shall be employed in such work, and in such case the necessary and reasonable expense shall be paid by the owners of the poles and wires handled. The work shall be done in a careful and workmanlike manner, and the poles and wires shall be promptly replaced and the damages thereto properly repaired.
(1996 Code, § 4-510)

§ 4-511 DISPLAY OF LANTERNS.

It shall be the duty of any person moving any of the structures mentioned in this article upon or across any street, alley or sidewalk or other public place, in this city, to display red lanterns thereon in such a manner as to show the extreme height and width thereof from sunset to sunrise.
(1996 Code, § 4-511)

ARTICLE 6: DANGEROUS AND UNFIT STRUCTURES

Section

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

§ 4-601 PURPOSE.

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

(K.S.A. 12-1751) (1996 Code, § 4-601)

§ 4-602 DEFINITIONS.

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

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

STRUCTURE. Includes any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground.
(K.S.A. 12-1750) (1996 Code, § 4-602)

§ 4-603 ENFORCING OFFICER; DUTIES.

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

- (a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation;
 - (b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the enforcing officer may seek an order for this purpose from a court of competent jurisdiction;
 - (c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body; and
 - (d) Receive petitions as provided in this article.
- (1996 Code, § 4-603)

§ 4-604 PROCEDURE; PETITION.

Whenever a petition is filed with the enforcing officer by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the enforcing officer on his or her own motion that any structure is dangerous, unsafe or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body.
(1996 Code, § 4-604)

§ 4-605 SAME; NOTICE.

The governing body, upon receiving a report as provided in § 4-604, shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished.
(K.S.A. 12-1752) (1996 Code, § 4-605)

§ 4-606 SAME; PUBLICATION.

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

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

(K.S.A. 12-1752) (1996 Code, § 4-606)

§ 4-607 SAME; HEARING, ORDER.

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

(b) If the repair, alteration or improvement of the structure can be made at a cost which shall not exceed 50% of the fair market value of the structure, the owner of the property shall, within the time specified in the order, repair, alter or improve the structure to render it safe and fit for human use or habitation, or shall vacate and close the structure until such time as he or she has complied with the order.

(c) If the repair, alteration or improvement of the structure cannot be made at a cost of 50% or less of its fair market value, the owner shall, within the time specified in the order, remove or demolish the structure.

(1996 Code, § 4-607)

§ 4-608 DUTY OF OWNER.

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

(1996 Code, § 4-608)

§ 4-609 SAME; FAILURE TO COMPLY.

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

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

(1996 Code, § 4-609)

§ 4-610 SAME; MAKE SITE SAFE.

Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe.
(1996 Code, § 4-610)

§ 4-611 ASSESSMENT OF COSTS.

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

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

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

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

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

(K.S.A. 12-1755) (1996 Code, § 4-611)

§ 4-612 IMMEDIATE HAZARD.

When, in the opinion of the governing body, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the

enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in § 4-611.

(K.S.A. 12-1756) (1996 Code, § 4-612)

§ 4-613 APPEALS FROM ORDER.

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

(1996 Code, § 4-613)

§ 4-614 SCOPE OF ARTICLE.

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

(1996 Code, § 4-614)

ARTICLE 7: MOBILE HOMES

Section

- 4-701 Definitions
- 4-702 Requirements for license and permits
- 4-703 Application for license and temporary permit
- 4-704 Water supply and plumbing
- 4-705 Sewage disposal
- 4-706 Refuse disposal
- 4-707 Electricity
- 4-708 Fuel
- 4-709 Fire protection

§ 4-701 DEFINITIONS.

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

INDIVIDUAL MOBILE HOME. A mobile home which shall be permanently parked as the one and only mobile home on a site.

INSPECTOR. The legally designated inspection authority of the city or his or her authorized representative.

LICENSEE. Any person licensed to operate and maintain a mobile home park under the provisions of this article.

MOBILE HOME. All living quarters and vehicles so constructed as to permit being moved or used as conveyances upon the public streets or highways and constructed in such a manner as will permit occupancy thereof for human habitation, dwellings or sleeping places for one or more persons; provided, that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which are capable of being moved by their own power, towed or transported by another vehicle.

MOBILE HOME PARK. Any park, court, camp, lot or tract or plat of land or any site whereon one or more mobile homes as herein defined are placed, located or maintained or intended to be placed,

located or maintained for dwelling purposes only and upon a permanent or semipermanent basis, and shall include all buildings used or intended to be used as a part of the equipment thereof.

PERSON. Any natural individual, firm, trust, partnership, association or corporation, whether tenant, owner, lessee, licensee, agent, heirs or assigns.
(1996 Code, § 4-701) (Ord. 846, passed - -)

§ 4-702 REQUIREMENTS FOR LICENSE AND PERMITS.

(a) It shall be unlawful for any person to establish, maintain, operate or permit to be established, maintained or operated any mobile home park within the corporate limits of the city without first having secured a license.

(b) It shall be unlawful for any person to park, place or abandon any mobile home upon any street, alley, highway or other public place or upon any premises or tract of land located within the corporate limits of the city which is situated outside of a licensed mobile home park without first having secured a temporary permit as herein required. The cost of a temporary permit for each single mobile home as provided herein shall be \$5.

(c) The parking of one visiting mobile home in an accessory private garage building, or in the rear yard of any premises for a period not to exceed 30 days, shall be permitted; provided, that the temporary permit for such shall not be renewed or another permit issued for such mobile home at the same location within the calendar year that such temporary permit was issued.

(d) Emergency or temporary stopping or parking of mobile homes for 24 hours is permissible, subject to any limitations that may be imposed by other ordinances of the city relative to parking of vehicles.

(e) Unoccupied mobile homes for demonstration and sales purposes only, or unoccupied mobile homes stored on private property, may be located within any district permitted by the zoning ordinance for such.

(1996 Code, § 4-702) (Ord. 846, passed - -; Ord. 964, passed - -)

§ 4-703 APPLICATION FOR LICENSE AND TEMPORARY PERMIT.

(a) Application for a mobile home park license or a temporary permit for a single mobile home as provided in § 4-702 of this article shall be filed with the office of the City Building Inspector.

(b) The initial application for a mobile home park license shall be in writing, signed by the owner, and shall include the following information:

(1) The name and address of the applicant;

(2) The location and legal description of the mobile home park;

(3) A complete plan of the mobile home park in conformity with all of the requirements for such as contained in this article;

(4) Plans and specifications of all buildings, improvements and other facilities such as electrical wiring, water service pipes, gas service pipes and sewer service construction within the mobile home park; and

(5) Such further information as may be requested by the City Building Inspector to enable him or her to determine if the proposed mobile home community or mobile home park will comply with all the requirements of this article.

(c) Before any application as required by this section may be approved for a mobile home park, there must be a recommendation from the Planning Commission to approve the site, location, design and layout of the mobile home park and conformity with the zoning ordinance. Upon the receipt of the recommendation for such from the Planning Commission, the City Building Inspector shall investigate and inspect the application and the proposed plans and specifications. If the plans and specifications are in compliance with all provisions of this article and all applicable ordinances and statutes, the City Building Inspector shall approve the application, and upon completion of the mobile home park according to the approved plans and specifications, the office of the City Clerk shall issue a license for such upon payment of the fee or fees as provided.

(d) The application for a temporary permit shall contain the following:

(1) The name and address of the applicant;

(2) The location and legal description of the property or area upon which the mobile home is to be parked temporarily;

(3) The dates that the mobile home will be temporarily parked;

(4) Certification by the occupant, owner or tenant that all plumbing fixtures may be sealed by the City Building Inspector or his or her representative; and

(5) That the owner or occupant will not permit such seal to be broken except by the direction of the City Building Inspector.

(e) All applications for temporary permits as herein required shall be approved by the City Building Inspector. Upon certification by the City Building Inspector that the applicant for a temporary permit is in compliance with the provisions of this article, the office of the City Clerk shall issue the temporary permit upon payment of the fee as provided.

(f) Upon application in writing by a licensee for renewal of a license and after reinspection by the City Building Inspector of the mobile home park for conformance with the regulations of this article, and

upon payment of the annual license fee, the City Clerk shall issue a certificate renewing such license for another year.

(g) All existing mobile homes or mobile home parks, spaces or areas not meeting the requirements of this article and the zoning ordinance shall be declared nonconforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of this article and the zoning ordinance; and such nonconforming mobile home park, space or area which is not operated for a period of three months shall not be reopened until the conditions of this article and the zoning ordinance shall have been complied with.

(h) Any person whose application for a license has been denied or any person whose license has been revoked may request and shall be granted a hearing of the matter before the governing body of the city, upon filing an application for hearing before such body within three days following the day on which such notice was received or license was denied; and the governing body shall hold such hearing within 21 days after the filing of such application. The filing of such application shall not suspend any order by the City Building Inspector in denying application for license but shall suspend any order or revocation of the license until the matter has been determined by the governing body.
(1996 Code, § 4-703) (Ord. 846, passed - -)

§ 4-704 WATER SUPPLY AND PLUMBING.

(a) The water supply shall be connected to the municipal water system, and all plumbing shall be constructed and maintained in accordance with the city's Plumbing Code.

(b) Individual water service connections shall be provided for direct use by mobile homes and shall be so constructed that they will not be damaged by the parking of such mobile homes, or as required by the City Building Inspector.
(1996 Code, § 4-704) (Ord. 846, passed - -)

§ 4-705 SEWAGE DISPOSAL.

(a) All plumbing at the mobile home park shall comply with state and local plumbing laws and regulations.

(b) Each mobile home space shall be provided with at least a four-inch sewer connection. The sewer connection shall be provided with suitable fittings so that a watertight connection can be made between the mobile home drain and the sewer connection. Such individual mobile home connection shall be constructed so that it can be closed when not linked to a mobile home, and shall be trapped in such a manner as to maintain it in an odor free condition.

(c) Sewer lines shall be constructed with the approval of the city inspector, and in accordance with the Plumbing Code.
(1996 Code, § 4-705) (Ord. 846, passed - -)

§ 4-706 REFUSE DISPOSAL.

The storage, collection and disposal of refuse in the mobile home park shall be in compliance with the refuse regulations.

(1996 Code, § 4-706) (Ord. 846, passed - -)

§ 4-707 ELECTRICITY.

All electric installations shall comply with the Electrical Code of the city. Such electrical outlets shall be weatherproof. No power line, including service lines to the mobile homes, shall be permitted to lie on the surface of the ground.

(1996 Code, § 4-707) (Ord. 846, passed - -)

§ 4-708 FUEL.

Natural and liquefied petroleum gas for cooking and heating purposes may be used in mobile homes: provided, however, that the installation is connected by copper or other suitable metallic tubing and complies with the Fire Prevention Code of the city.

(1996 Code, § 4-708) (Ord. 846, passed - -)

§ 4-709 FIRE PROTECTION.

(a) Each mobile home park shall be subject to the rules and regulations of the city and the Fire Prevention Code.

(b) Portable fire extinguishers of a type approved by the Fire Chief shall be kept in all locations used by the Fire Chief and shall be maintained at all times in a good operating condition.

(c) Standard fire hydrants shall be located within 400 feet of each mobile home.
(1996 Code, § 4-709) (Ord. 846, passed - -)

ARTICLE 8: NUMBERING BUILDINGS

Section

- 4-801 Houses and building to be numbered
- 4-802 System of numbering
- 4-803 Duty of owner
- 4-804 Numbers to be uniform

§ 4-801 HOUSES AND BUILDING TO BE NUMBERED.

All of the houses and buildings fronting on any of the public streets in the city shall be numbered.
(1996 Code, § 4-801)

§ 4-802 SYSTEM OF NUMBERING.

The numbering shall be done under and in accordance with the following system.

(a) On all buildings used for dwellings or business purposes on all streets and avenues running east and west the numbers shall start with the number "1" at the county line road, being now U.S. Highway 75, at the east limits of the city, and increase therefrom westward at the rate of 100 numbers for each block or space of ground between two streets or avenues; beginning each consecutive 100 at each consecutive intersecting or cross street west from the county line road now being U.S. Highway 75.

(b) On all buildings used for dwellings or business purposes on all streets and avenues running north and south, the number shall start with the number "100" at Main Street, and increase therefrom northward and southward at the rate of 100 numbers for each block or space of ground between two streets or avenues; beginning each consecutive 100 at each consecutive intersecting street north and south from Main Street; and to distinguish such numbers the streets running at right angles with Main Street shall be designated, counting from Main Street, north or south, as the case may be, with Main Street the dividing line of all streets running north and south.

(c) The numbers of buildings fronting on alleys shall be the same as of buildings on the same lot fronting on a street or avenue with the figure "one" - "two" added.

(d) The odd numbers shall be allotted to the south and west sides of all streets and avenues, and the even numbers shall be allotted to the north and east sides of all streets and avenues.

(e) The numbers of all buildings shall be allotted in conformity with the preceding provisions; allowing one number for each lot or piece of ground 22 feet or less in width abutting or fronting on each street or avenue; and when such tract or piece of ground so fronting or abutting upon such street or avenue shall extend more than 22 feet in width, one number shall be allotted for every 11 feet or fraction thereof.

(f) In the event that any street running at right angles to any other street, shall not intersect and continue beyond such other street, the tract or space of ground not thus intersected by a cross street, for the purpose of allotting numbers thereto, shall be divided into blocks or squares corresponding with the blocks or squares upon the opposite side of the street upon which the tract or space of ground abuts, or corresponding with the blocks or squares upon either side of the streets so running at right angles, the centerline, extended, of the cross street being the dividing line for separating such tracts of ground not so intersected into blocks. The building situated in or upon platted or unplatted territory not so intersected by a cross street shall take the numbers peculiar to the blocks adjacent or opposite thereto, which are so intersected, so the numbering of the buildings upon all streets and avenues may be uniform.

(g) When cross streets are hereafter extended across territory now unplatted, the same system of numbering as in this article set forth shall prevail as to such territory; so that all city blocks or tracts between parallel streets, or their centerlines extended, running north and south, shall take corresponding numbers counting west from the county line road, now known as U.S. Highway 75; and all city blocks or tracts between parallel streets, or their centerlines extended, running east and west, shall take corresponding numbers, counting north and south from Main Street.
(1996 Code, § 4-802)

§ 4-803 DUTY OF OWNER.

It is hereby made the duty of every owner, occupant or agent of any building in the city, now required to be numbered by the provisions of this article to put on such building, in legible figures, in a conspicuous place, next to the street on which it fronts, the property number thereof within 90 days from the effective date of this article, and to so place such number on all buildings hereafter built or occupied. If the lot or piece of ground occupied by a single building is of a width to require more than one number it shall be sufficient to place on such house the number of the lot or tract of ground on which the main front entrance thereof is situated.
(1996 Code, § 4-803)

§ 4-804 NUMBERS TO BE UNIFORM.

All numbers required to be placed on houses and buildings under this article shall be of uniform size.
(1996 Code, § 4-804)

ARTICLE 9: UNIFORM MECHANICAL CODE

Section

4-901 Uniform Mechanical Code incorporated

§ 4-901 UNIFORM MECHANICAL CODE INCORPORATED.

(a) There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for regulating and controlling the design, construction, quality of materials, replacement, addition to, use of maintenance of heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances in the city, the International Mechanical Code, 2009 Edition, such code being made a part of the ordinances and code of the city as if the same had been set out in full herein, all authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the International Mechanical Code shall be marked or stamped "Official Copy as Incorporated by Ord. 1456 of the City of Sabetha", and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

(b) Penalties for violations of this section shall be determined by the general penalty for violation of the code, as the same now exists or is hereafter amended, in § 1-116.
(Ord. 1456, passed - -2010)

ARTICLE 10: WIND ENERGY CONVERSION SYSTEMS

Section

- 4-1001 Definitions
- 4-1002 Wind energy conversion systems
- 4-1003 Conditional use permits for wind energy conversion systems
- 4-1004 Agreement
- 4-1005 Penalty

§ 4-1001 DEFINITIONS.

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

OVERSPEED CONTROL. A mechanism used to limit the speed of blade rotation to below the design limits of the WECS.

SITE. The plot of land where the WECS is to be placed. The site could be publicly- or privately-owned and controlled.

SWEPT AREA. The largest area of the WECS which extracts energy from the wind stream. In a conventional propeller-type WECS there is a direct relationship between **SWEPT AREA** and the rotor diameter.

TOTAL HEIGHT. The height of the tower and the furthest vertical extension of the WECS.

WIND ENERGY CONVERSION SYSTEM. A machine that converts the kinetic energy in the wind into a usable form (commonly, known as a wind turbine or windmill). The **WECS** include all parts of the system except the tower and the transmission equipment.
(Ord. 1439, passed 10-27-2008)

§ 4-1002 WIND ENERGY CONVERSION SYSTEMS.

(a) Wind energy conversion systems shall be permitted in all zones subject to the following requirements.

(1) *Building permit application for a WECS.* Building permits for a wind energy conversion system shall be accompanied by a plot plan drawn in sufficient detail to clearly describe the following:

- (A) Property lines and physical dimensions of the site;
- (B) Location, approximate dimensions and types of major existing structures and uses on site;
- (C) Location and elevation of the proposed WECS;
- (D) Location of all above-ground utility lines on-site or within one radius of the total height of the WECS;
- (E) Location and size of structures and trees above 35 feet within a 500-foot radius of the proposed WECS. For purposes of this requirement, electrical transmission and distribution lines, antennas, slender or open lattice towers are not considered structures; and
- (F) Show the zoning designation of immediate and adjacent sites as set forth in the general plan.

(2) *General provisions.* Installation of all wind energy conversions systems shall comply with the following requirements.

(A) *WECS size.* This article covers those WECS whose swept area is 1,000 square feet or less. (For conventional propeller WECS, this would be approximately 35 feet or less in diameter.)

(B) *Water pumpers.* Non-electrical windmills used for pumping waste may be exempted from divisions (a)(2)(C) through (a)(2)(O) below.

(C) *Compliance with International Building Code.* Building permit applications shall be accompanied by standard drawings of the structural components of the wind energy conversion system including support structures, towers, bases and footings. Drawing and any necessary calculations shall be certified in writing by a licensed professional engineer that the system complies with the International Building Code. This certification would normally be supplied by the manufacturer. Where the structural components or installation vary from the standard design or specifications, the proposed modifications shall be certified by a licensed, registered professional engineer for compliance with the seismic and structural design provisions of the International Building Code.

(D) *Compliance with National Electrical Code.* Building permit applications shall be accompanied by a line drawing identifying the electrical components of the wind system to be installed in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. The application shall include a statement from a licensed registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electrical Code. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

(E) *Rotor safety.* Each wind energy conversion system must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a licensed registered professional engineer certifying that rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. The engineer should also certify the structural compatibility of portable towers with available rotors. This certification would normally be supplied by the manufacturer.

(F) *Guy wires.* Anchor points for guy wires for the WECS tower shall not be located within six feet of the site lines and not on or across any above-ground electric transmission or distribution line. The point of ground attachment for the guy wires shall be set back from the property line or site parameters the total height of the WECS.

(G) *Tower access.* Towers should have either:

- (i) Tower-climbing apparatus located no closer than 12 feet from the ground;
- (ii) A locked anti-climb device installed on the tower; or
- (iii) The tower shall be completely enclosed by a locked, protective fence at least six feet high.

(H) *Noise.* The WECS shall not create excessive noise.

(I) *Electromagnetic interference.* The wind energy conversion system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to a City Building Official that a wind energy conversion system is causing harmful interference, the operator shall promptly mitigate the harmful interference.

(J) *Signs.* At least one sign shall be posted at the base of the tower or on the protective fences provided in division (a)(2)(G)(iii) above warning of electrical shock or high voltage.

(K) *Height.* The minimum height of the lowest part of the WECS shall be 30 feet above the highest existing major structure or tree within a 250-foot radius. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open-lattice towers are not considered structures.

(L) *Setbacks.* Except as provided for under division (a)(2)(F), the WECS shall be located such that the furthest extension of the apparatus does not cross any site lines.

(M) *Electrical data.* All electrical data shall be submitted to city's Utility Department, in writing. This shall include maximum kW output, expected power curve of WECS, expected average daily energy output on hourly basis and an expected average monthly hourly energy output of the WECS.

(N) *Abatement*. If a wind energy conversion system or systems are not maintained in operational condition for a period of one year and pose a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. The city reserves the authority to abate any hazardous situation and to pass the cost of such abatement on to the owner or operator of the system, if the city determines that the WECS has been abandoned and poses a safety hazard, the system shall be removed within 45 days of written notice to the owner or operator of the system.

(O) *Liability insurance*. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the wind energy conversion system at all times. Said policy shall provide a minimum of \$300,000 property and personal liability coverage.

(P) *Metering*. If the WECS connects to the city utility system, then metering to measure input, output and generation on a recorded hourly basis is needed. The city will own and install the necessary meter capabilities but the WECS will reimburse the city for all costs to complete the installation. The city will provide a cost estimate to provide the metering with a 30-day written notice of intent to interconnect to utility grid.

(b) For those installations which cannot meet all of the above requirements, they may apply for a conditional use permit
(Ord. 1439, passed 10-27-2008)

§ 4-1003 CONDITIONAL USE PERMITS FOR WIND ENERGY CONVERSION SYSTEMS.

(a) *Installation*. Installation of wind energy conversion systems shall require the granting of a conditional use permit where the WECS proposed for installation vary from the provisions set forth in § 4-1002.

(b) *Application*. Every application for a conditional use permit shall be made in writing to the City Commission on the forms provided by the city, shall be accompanied by a filing fee of \$50 and shall include the following information:

- (1) Name and address of the applicant;
- (2) Evidence that the applicant is the owner of the premises involved or that the applicant has written permission of the owner to make such an application;
- (3) A plot plan and development plan drawn in sufficient detail to clearly describe:
 - (A) Property line and physical dimensions of the proposed site;
 - (B) Location, approximate dimensions, and types of major existing structures and uses of the site;
 - (C) Location and elevation of the proposed WECS;

(D) Location of all above-ground utility lines and other WECS on-site or within one radius of the total height of the proposed WECS, including the furthest vertical extension of the rotor assembly;

(E) Location and size of structures or trees above 35 feet within a 500-foot radius of the proposed WECS. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open-lattice towers are not considered structures;

(F) Where applicable the location of all transmission facilities proposed for installation;
and

(G) Where applicable, the location of all roads and other service structures proposed as part of the installation.

(c) *Public hearing.* A public hearing shall be held on the application for a conditional use permit in accordance with this article, and all of the procedural requirements and right of appeal as set forth therein shall govern the hearing.

(d) *Findings.* The City Commission shall approve the conditional use permit if it finds:

(1) The proposed use is not detrimental to the public health and safety; and

(2) The use of the property for such purpose will not result in material damage or prejudice to other property in the vicinity.

(e) *Conditions.* The City Commission in approving a conditional use permit may require certain conditions under which the proposed use may be allowed which will prevent material damage to adjacent properties and provide suitable safeguards to the public health and safety.
(Ord. 1439, passed 10-27-2008)

§ 4-1004 AGREEMENT.

If the WECS is requesting the city to provide backup or supplemental load following service, this should be requested in this same written notification in § 4-1002(a)(2)(M). The city reserves the right to pass through the cost of providing these services. Upon request, an estimate of these cost can be provided to the requestor within 30 days of receipt of the written notification. In addition, all owners of WECS shall enter into an agreement with the governing body of the city to establish the rate the city shall be charged in purchasing excess electrical power from the WECS and the rate the WECS shall pay for the backup and load following services, prior to the WECS being attached to the city's system.
(Ord. 1439, passed 10-27-2008)

§ 4-1005 PENALTY.

Any person, firm or corporation violating any provision of this article, or doing any of the acts or things prohibited by this article, or failing or refusing to perform any duty imposed by this article shall,

upon conviction thereof, be fined in any amount not to exceed \$100, or be imprisoned not to exceed 30 days, or be both so fined and imprisoned. Each day during or on which the violation occurs or continues shall constitute a separate offense.

(Ord. 1439, passed 10-27-2008)