

CHAPTER VII: FIRE

Article

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ARTICLE 1: FIRE DEPARTMENT

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§ 7-101 CITY FIRE DEPARTMENT ESTABLISHED.

(a) The Fire Department of the city is hereby established and the Department shall be organized to consist of a Fire Chief, an Assistant Fire Chief and not more than 29 firefighters. Members of the Fire Department shall be appointed by the Mayor and confirmed by the governing body.

(b) The governing body shall, prior to its appointment of a Fire Chief as provided in § 1-301, consider the recommendation of the members of the Sabetha Volunteer Fire Department in regard to such appointment, if any, as presented in written form to the governing body on or before the April 15 preceding such appointment; provided, however, that such recommendation shall be advisory in nature and shall not be binding upon the governing body who shall retain authority, in its discretion, to appoint another qualified individual.

(1996 Code, § 7-101) (Ord. 1169, passed - -)

§ 7-102 MEMBERSHIP; FIRE DRILL.

(a) Members of the Fire Department shall all be volunteers.

(b) They shall meet at least once each month for practice and drill. The Chief of the Fire Department shall keep a record of attendance of such meetings. Any member who shall fail to attend six consecutive meetings shall automatically become expelled from membership.

(1996 Code, § 7-102)

§ 7-103 SUPERVISION OF DEPARTMENT.

(a) The Chief of the Fire Department shall be under the supervision of the City Administrator and shall have immediate superintendency and control over and be responsible for the care and condition of the fire apparatus and equipment.

(b) It shall be the Chief's duty to see that all such apparatus and equipment is ready at all times for immediate use.

(c) It shall also be the Chief's duty to submit a written report as to the condition of all fire apparatus and equipment to the governing body by the last day of each calendar year.
(1996 Code, § 7-103)

§ 7-104 FIRE CHIEF; POWERS.

(a) The Fire Chief shall be responsible for the discipline of the members and is hereby given authority to suspend or expel any member for refusal to obey orders or for misconduct or failure to do his or her duty at a fire.

(b) The Chief shall also have the right to summon any and all persons present to aid in extinguishing a fire or to aid in removing personal property from any building on fire or in danger thereof and in guarding the same.

(c) At fires, the Chief shall have full power, control and command of all persons present and shall direct the use of the fire apparatus and equipment, and command the firefighters in the discharge of their duties. He or she shall take such measures as he or she shall deem proper and necessary in the preservation and protection of property and extinguishing of fires.
(1996 Code, § 7-104)

§ 7-105 SAME; RECORDS.

The Chief of the Fire Department shall keep in convenient form a complete record of all fires. Such information shall include the time and location, construction of building, owner, occupancy, how extinguished, value of building and contents, loss on building and contents, insurance on building and contents, members responding to the alarm and any other information deemed advisable.
(1996 Code, § 7-105)

§ 7-106 ASSISTANT CHIEF.

In the absence of the Chief, the Assistant Fire Chief shall perform all the duties and have all the authority and responsibility of the Chief as conferred by this chapter.
(1996 Code, § 7-106)

§ 7-107 PRIVATE USE OF FIRE EQUIPMENT.

It shall be unlawful for any person or persons to take away or use any fire apparatus or equipment for any private purpose or for any person willfully and without proper authority to remove, take away, keep or conceal any tool, appliance, equipment or other article used in any way by the Fire Department. (1996 Code, § 7-107)

§ 7-108 FIRE EQUIPMENT; EMERGENCY RIGHT-OF-WAY AND USE.

(a) All fire apparatus and equipment is hereby given and granted the exclusive right-of-way over and through all streets, avenues, alleys and public thoroughfares in the city while en route to fires or in response to any alarm, and it shall be unlawful for any person or persons to in any manner obstruct or hinder the apparatus or equipment.

(b) All emergency vehicles of the Fire Department, while proceeding on official business, shall be operated in strict accordance with the requirements of the state statutes regarding the operation of emergency vehicles, and each departmental member assigned to the operation of emergency vehicles shall familiarize himself or herself with the requirements of the law and govern himself or herself accordingly. Any operator violating the provisions of the state law shall be liable for disciplinary action. (1996 Code, § 7-108)

§ 7-109 FIRE HOSE.

It shall be unlawful for any person or persons to drive any vehicle over any fire hose laid on any street, alley or lot. This section shall not apply to any apparatus or vehicle being driven by members of the Fire Department. (1996 Code, § 7-109)

§ 7-110 OBSTRUCTION OF FIRE HYDRANT.

It shall be unlawful for any person to place or cause to be placed upon or about any fire hydrant any rubbish, building material, fence or other obstruction of any character, or in any manner obstruct, hinder or delay the Fire Department in the performance of its duties in case of fire. Nor shall any person fasten to any fire hydrant any guy rope or brace, nor stand any vehicle within 15 feet of any such hydrant. (1996 Code, § 7-110)

§ 7-111 FALSE ALARM.

It shall be unlawful for any person to knowingly make or sound or cause to be made or sounded, or by any other means, any false alarm. (1996 Code, § 7-111)

§ 7-112 OPENING FIRE HYDRANT.

It shall be unlawful for any person, other than a city employee in the normal course of his or her duties, to open a fire hydrant valve or release water from a fire hydrant valve, except in an emergency, without the permission of an authorized firefighter or law enforcement officer.
(1996 Code, § 7-112)

ARTICLE 2: FIRE PREVENTION

Section

- 7-201 Fire Prevention Code incorporated
- 7-202 Same; enforcement
- 7-203 Same; amendments
- 7-204 Open burning
- 7-205 Accumulation of rubbish and trash
- 7-206 Stacking of hay or straw
- 7-207 Keeping of packing materials
- 7-208 Storage of ashes
- 7-209 Filling gasoline tanks of motor vehicles
- 7-210 Fire hazards generally
- 7-211 Same; inspections to discover
- 7-212 Abatement of fire hazards; issuing order
- 7-213 Same; service of order; records

§ 7-201 FIRE PREVENTION CODE INCORPORATED.

(a) There is hereby adopted and incorporated by reference, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion in the city, and providing for the issuance of permits for hazardous uses or operations, that certain code known as the International Fire 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 Fire Code shall be marked or stamped "Official Copy as Incorporated by Ord. 1455 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, § 7-201) (Ord. 1455, passed - -2010)

§ 7-202 SAME; ENFORCEMENT.

The code hereby adopted shall be enforced by the Chief of the Fire Department.
(1996 Code, § 7-202)

§ 7-203 SAME; AMENDMENTS.

(a) Wherever the word *MUNICIPALITY* is used in the code hereby adopted, it shall be held to mean the City of Sabetha.

(b) All sections of the International Fire Code relating to fireworks are hereby deleted in their entirety.

(1996 Code, § 7-203)

§ 7-204 OPEN BURNING.

Open burning of any kind within the city is hereby prohibited, except that which may be authorized by the governing body from time to time.

(1996 Code, § 7-204)

§ 7-205 ACCUMULATION OF RUBBISH AND TRASH.

It shall be unlawful for any person to allow to accumulate or to keep in any part of any building or outside of and adjacent to any building or in any alley, sidewalk, street or premises within 30 feet of any building any rubbish, trash, waste paper, excelsior, empty boxes, barrels or other combustibles that shall constitute a fire hazard.

(1996 Code, § 7-205)

§ 7-206 STACKING OF HAY OR STRAW.

It shall be unlawful for any person to deposit, stack or store any hay or straw within 500 feet of any building located inside the fire limits of the city.

(1996 Code, § 7-206)

§ 7-207 KEEPING OF PACKING MATERIALS.

It shall be unlawful to keep excelsior or other packing material in any other than metal or wood metal lined boxes or bins having self-closing or automatic covers. All refuse and trash from rooms where packing or unpacking is done shall be removed daily.

(1996 Code, § 7-207)

§ 7-208 STORAGE OF ASHES.

It shall be unlawful to store ashes inside of any non-fire-proof building unless they are stored in a noncombustible container or receptacle, and a clearance of at least five feet shall be maintained between such container or receptacle and any combustible materials not placed therein. Ashes shall not be stored outside of any building in wooden, plastic or paper product receptacles or dumped in contact with or in close proximity to any combustible materials.

(1996 Code, § 7-208)

§ 7-209 FILLING GASOLINE TANKS OF MOTOR VEHICLES.

The engines of motor vehicles shall be stopped when the gasoline tanks of such vehicles are being filled with gasoline at service stations or other places where gasoline is supplied to motor vehicles. The driver or person in control of such vehicle when the gasoline tank of the same is being filled who refuses, neglects or fails to stop the engine of such vehicle shall likewise be guilty of a violation of this code.

(1996 Code, § 7-209)

§ 7-210 FIRE HAZARDS GENERALLY.

It is unlawful for any person to cause or create anywhere within the city, or to permit on any premises under his or her control, any situation or condition that is conducive to or likely to cause or permit the outbreak of fire or the spreading of fire. Any situation or condition conducive to the outbreak of or spreading of fire is declared to be a fire hazard. The violation of or failure to comply with any law pertaining to the storage, handling or use of inflammable oils, explosives, liquefied petroleum gases or fertilizers and all wires and other conductors charged with electricity, is declared to be a fire hazard. The placing of stools, chairs or any other obstruction in the aisles, hallways, doorway or exit of any theater, public hall, auditorium, church or other place of indoor public assemblage, or the failure to provide any such place of public assemblage with sufficient, accessible and unobstructed fire exits and escapes is also declared to be a fire hazard. The obstruction of any street, avenue, alley, fire hydrant or any other condition that might delay the Fire Department in fighting fire is declared to be unlawful.

(1996 Code, § 7-210)

§ 7-211 SAME; INSPECTIONS TO DISCOVER.

It shall be the duty of the Fire Chief to inspect or cause to be inspected by Fire Department officers or members, as often as may be necessary, all buildings, particularly all mercantile buildings, manufacturing plants, warehouses, garages, hotels, boarding houses, rooming houses, theaters, auditoriums and all places of public assemblage, for the purpose of discovering the violation of any fire preventive law or any fire hazard and ascertaining and causing to be corrected any conditions liable to cause fires and to see that all places of public assemblage, hotels and rooming houses have sufficient and unobstructed facilities for escape therefrom in case of fire.

(1996 Code, § 7-211)

§ 7-212 ABATEMENT OF FIRE HAZARDS; ISSUING ORDER.

Whenever any officer or member of the Fire Department shall find or discover any fire hazard or shall find in any building or upon any premises combustible or explosive material or dangerous accumulation of rubbish or unnecessary accumulation of paper, boxes, shavings or any other inflammable material, so situated as to endanger property by the probability of fire, or shall find or discover any violation of this chapter or any other law hazardous to public safety from fires, the Fire Chief shall order the fire hazard or danger from the fire forthwith abated and remedied and such order shall be complied with immediately by the owner or occupant of such buildings or premises. If the

hazard or condition ordered abated and remedied is a violation of, or a failure to comply with any law, the Fire Chief shall report the matter to the City Attorney and he or she shall, if he or she deems it advisable, prosecute the offender.
(1996 Code, § 7-212)

§ 7-213 SAME; SERVICE OF ORDER; RECORDS.

Any order made under § 7-212 shall be in writing and may be served personally upon the owner or occupant of the premises or by leaving it with any person in charge of the premises or if the premises are unoccupied and the owner is a nonresident of the city, then by mailing a copy to the owner's last known post office address. One notice to either the occupant or owner shall be sufficient. The Fire Chief shall keep a record of and copies of all such orders and notices and shall follow up such notices at the expiration of the time for compliance therewith and when complied with make proper entry, and if not complied with, file complaint with the Municipal Court against the property owner and/or occupant.
(1996 Code, § 7-213)

ARTICLE 3: FIREWORKS

Section

- 7-301 Fireworks defined
- 7-302 Fireworks prohibited
- 7-303 Same: exceptions; discharges
- 7-304 Same: exception; sale of fireworks
- 7-305 Permit for sale of fireworks required; fee; issuance
- 7-306 Permit for public fireworks display required
- 7-307 Approved fireworks; bottle rockets prohibited
- 7-308 Discharge on streets and public property prohibited
- 7-309 Throwing prohibited
- 7-310 Sale of fireworks; where prohibited
- 7-311 Retail display of fireworks
- 7-312 Fire extinguishers required
- 7-313 Restrictions as to gasoline installations
- 7-314 Authority of Fire Chief
- 7-315 Banning fireworks

§ 7-301 FIREWORKS DEFINED.

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

FIREWORKS. Those items as defined by the rules and regulations of the State Fire Marshal, and shall include, but not be limited to: firecrackers, torpedoes, sparklers, Roman candles, sky rockets, pin wheels, cap or toy pistols (except such pistols or any like device designed to discharge paper caps containing not more than 0.25 grains of explosive mixture), canes, bombs, cannons or other like devices and all classes of fireworks that may be shot into the air or propelled over the ground by explosive discharges or any device using blank cartridges.

(1996 Code, § 7-301) (Ord. 1051, passed - -)

§ 7-302 FIREWORKS PROHIBITED.

(a) Except as provided in §§ 7-303 to 7-306; it shall be unlawful for any person to keep, store, display for sale, fire, discharge or explode any fireworks.

(b) Nothing in this article shall be construed as applying to:

- (1) Toy paper caps containing not more than 0.25 of a grain of explosive composition per cap;
 - (2) The manufacture, storage, sale or authorized use of signals necessary for the safe operation of railroads or other classes of public or private transportation;
 - (3) The military or naval forces of the United States or of this state while in the performance of official duty;
 - (4) Law enforcement officers while in the performance of official duty; or
 - (5) The sale or use of blank cartridges for ceremonial, theatrical or athletic events.
- (1996 Code, § 7-302)

§ 7-303 SAME: EXCEPTIONS; DISCHARGES.

(a) Section 7-302 of this article shall not apply to the fire or discharge of fireworks within the city limits beginning on June 28 and ending on July 5 each year, which shall be defined as the fireworks season. During the fireworks season, fireworks may be fired or discharged between the hours of 8:00 a.m. until 10:00 p.m. each day and from 8:00 a.m. until midnight on July 4 and 5.

(b) The governing body of the city may, in its discretion, grant permission at any time for the public display of fireworks by responsible individuals or organizations when such display or displays shall be of such a character and so located, discharged and fired as shall not be a fire hazard or endanger persons or surrounding property.

(c) It shall be unlawful for any person, firm or corporation to give any public display of fireworks without having first obtained a permit thereof.

(d) Further, no fireworks shall be exploded in the following area: beginning at the intersection of Sixth Street and Virginia Street, thence northwest along the center of the mainline track of the railroad to the intersection of the mainline 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, all in the city.

(1996 Code, § 7-303) (Ord. 1492, passed 7-2-2014)

§ 7-304 SAME: EXCEPTION; SALE OF FIREWORKS.

Any person, firm or corporation who or which has first obtained a valid permit to sell fireworks within the city limits may do so beginning on June 28 and ending on July 4 of each year.

(1996 Code, § 7-304) (Ord. 1492, passed 7-2-2014)

§ 7-305 PERMIT FOR SALE OF FIREWORKS REQUIRED; FEE; ISSUANCE.

(a) It shall be unlawful for any person to sell, display for sale, offer to sell or give away any type of fireworks within the city without first paying a fee of \$20 per establishment or premises to the City Clerk and applying for and securing a permit therefor.

(b) No permit shall be issued for any location where retail sales are not permitted under the zoning laws. Before a permit is issued, an inspection will be made of the applicant's facility for compliance with this chapter and other pertinent laws, and no permit shall be issued for any premises not in compliance with such laws. Upon qualifying for the permit, the permittee shall prominently display the same at the establishment or premises where fireworks are to be sold or displayed for sale. The permit fee shall not be refundable upon failure to qualify for the permit or withdrawal or cancellation of the application or permit.

(1996 Code, § 7-305) (Ord. 1051, passed - -)

§ 7-306 PERMIT FOR PUBLIC FIREWORKS DISPLAY REQUIRED.

(a) (1) It shall be unlawful for any person to give or provide a fireworks display for the public or for organized groups without first obtaining a permit to do so by making application at least 30 days in advance of the desired display. Approval of the permit shall be by the governing body. No permit shall be approved unless the applicant furnishes a certificate of public liability insurance for the display in a minimum amount of \$500,000, written by an insurance carrier licensed to do business in the state, conditioned as being non-cancellable except by giving ten days' advance written notice to the City Clerk. In the event of cancellation of the insurance prior to the display, the permit shall automatically be revoked and void.

(2) The application for the permit shall clearly state:

(A) The name of the applicant;

(B) The group for which the display is planned;

(C) The location of the display;

(D) The date and time of the display;

(E) The nature or kind of fireworks to be used;

(F) The name of the person, firm or corporation that will make the actual discharge of the fireworks; and

(G) Anticipated need for police, fire or other municipal services.

(b) No permit shall be issued if the location, nature of the fireworks or other relevant factor is such as to create an undue hazard or risk of harm or damage to persons or property.
(1996 Code, § 7-306) (Ord 1051, passed - -)

§ 7-307 APPROVED FIREWORKS; BOTTLE ROCKETS PROHIBITED.

(a) All fireworks offered for sale and discharged within the city shall be of a type that has been tested and approved for sale and use within the state by the State Fire Marshal.

(b) Bottle rockets and other similar self-propelled firework or fireworks devices consisting of a tube and attached guiding stock or rod shall not be sold or discharged in the city.
(1996 Code, § 7-307) (Ord. 1051, passed - -)

§ 7-308 DISCHARGE ON STREETS AND PUBLIC PROPERTY PROHIBITED.

It shall be unlawful for any person to discharge, ignite or fire any fireworks upon any public street, alley or avenue or in any park or public place within the city, unless express permission to do so shall be granted by the governing body.
(1996 Code, § 7-308) (Ord. 1051, passed - -)

§ 7-309 THROWING PROHIBITED.

It shall be unlawful for any person to throw, cast or propel fireworks of any kind in the direction of or into the path of any animal, person or group of persons, or from, in the direction of, or into any vehicle of any kind.
(1996 Code, § 7-309)

§ 7-310 SALE OF FIREWORKS; WHERE PROHIBITED.

(a) It shall be unlawful for fireworks to be stored, sold or displayed for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept, unless such fireworks are in a separate and distinct section or department of the premises.

(b) Where the Fire Chief deems there is a fire hazard, he or she is hereby authorized to have such hazard abated.
(1996 Code, § 7-310)

§ 7-311 RETAIL DISPLAY OF FIREWORKS.

(a) All retailers are forbidden to expose fireworks where the sun shines through glass on the merchandise displayed, except where such fireworks are in the original package.

(b) All fireworks displayed for sale must remain in original packages, except where an attendant is on constant duty at all times where such fireworks are on display; provided, that fireworks in open

stock may be kept in showcases or counters out of the reach of the public without an attendant being on duty.

(c) Signs reading "Fireworks for Sale - No Smoking Allowed" shall be displayed in the section of a store or premises set aside for the sale of fireworks.
(1996 Code, § 7-311)

§ 7-312 FIRE EXTINGUISHERS REQUIRED.

(a) Two functioning and approved fire extinguishers must be provided and kept in close proximity to the stock of fireworks in all permanent buildings where fireworks are stored, sold or displayed for sale.

(b) Small stands, temporarily erected to be used as a place for storing and selling fireworks only, shall have one such fire extinguisher, or in lieu of the fire extinguisher, a pressurized water hose with nozzle end within five feet of the fireworks stand.
(1996 Code, § 7-312)

§ 7-313 RESTRICTIONS AS TO GASOLINE INSTALLATIONS.

It shall be unlawful to store, keep, sell, display for sale or discharge any fireworks within 50 feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.
(1996 Code, § 7-313)

§ 7-314 AUTHORITY OF FIRE CHIEF.

The Chief of the Fire Department is authorized to seize and confiscate all fireworks that may be kept, stored or used in violation of any section of this article, and all of the rules of the State Fire Marshal. He or she shall dispose of all such fireworks as may be directed by the governing body.
(1996 Code, § 7-314)

§ 7-315 BANNING FIREWORKS.

The person designated by the city shall have the authority and discretion to ban the discharge of all fireworks within the corporate limits of the city if the weather conditions make discharge of fireworks in the city hazardous to persons or property.

ARTICLE 4: FIRE INSURANCE PROCEEDS FUND

Section

- 7-401 Scope and application
- 7-402 Lien created
- 7-403 Same; encumbrances
- 7-404 Same; pro rata basis
- 7-405 Procedure
- 7-406 Fund created; deposit of monies
- 7-407 Building Inspector; investigation, removal of structure
- 7-408 Removal of structure; excess monies
- 7-409 Same; disposition of funds
- 7-410 Effect upon insurance policies
- 7-411 Insurers; liability

§ 7-401 SCOPE AND APPLICATION.

The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75% of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article.

(1996 Code, § 7-401)

§ 7-402 LIEN CREATED.

The governing body of the city hereby creates a lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75% of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

(1996 Code, § 7-402)

§ 7-403 SAME; ENCUMBRANCES.

Prior to final settlement on any claim covered by § 7-402, the insurer or insurers shall contact the County Treasurer, Brown and Nemaha County, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the County Treasurer, Brown and Nemaha County.

(1996 Code, § 7-403)

§ 7-404 SAME; PRO RATA BASIS.

Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

(1996 Code, § 7-404)

§ 7-405 PROCEDURE.

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

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

(c) Upon the transfer of the funds as required by division (a) above, the insurance company shall provide the city with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the Chief Building Inspector shall contact the named insured or insureds by certified mail, return receipt requested, notifying them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this article.

(1996 Code, § 7-405)

§ 7-406 FUND CREATED; DEPOSIT OF MONIES.

(a) The City Treasurer is hereby authorized and shall create a fund to be known as the Insurance Proceeds Fund.

(b) All monies received by the City Treasurer as provided for by this article shall be placed in said Fund and deposited in an interest-bearing account.

(1996 Code, § 7-406)

§ 7-407 BUILDING INSPECTOR; INVESTIGATION, REMOVAL OF STRUCTURE.

(a) Upon receipt of monies as provided for by this article, the City Treasurer shall immediately notify the Chief Building Inspector of said receipt, and transmit all documentation received from the insurance company or companies to the Chief Building Inspector.

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

(c) Prior to the expiration of the 30 days established by division (b) above, the Chief Building Inspector shall notify the City Treasurer whether he or she intends to initiate proceedings under K.S.A. 12-1750 et seq., as amended.

(d) If the Chief Building Inspector has determined that proceedings under K.S.A. 12-1750 et seq., as amended, shall be initiated, he or she will do so immediately but no later than 45 days after receipt of the monies by the City Treasurer.

(e) Upon notification to the City Treasurer by the Chief Building Inspector that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the City Treasurer shall return all such monies received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within 45 days of the receipt of the monies from the insurance company or companies.

(1996 Code, § 7-407)

§ 7-408 REMOVAL OF STRUCTURE; EXCESS MONIES.

If the Chief Building Inspector has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all monies in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

(1996 Code, § 7-408)

§ 7-409 SAME; DISPOSITION OF FUNDS.

If the Chief Building Inspector, with regard to a building or other structure damaged determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the City Treasurer under the authority of § 7-405(a) relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the Chief Building Inspector shall immediately effect the release of the lien resulting

therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the City Treasurer under § 7-405(a), the Chief Building Inspector shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred.
(1996 Code, § 7-409)

§ 7-410 EFFECT UPON INSURANCE POLICIES.

This article shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
(1996 Code, § 7-410)

§ 7-411 INSURERS; LIABILITY.

Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article.
(1996 Code, § 7-411)