

CHAPTER IV. BUILDINGS AND CONSTRUCTION

- Article 1. (Reserved)
- Article 1A. Standard Building and Structural Codes
Incorporated
- Article 2. Building Code
- Article 3. Electrical Code
- Article 4. Plumbing Code
- Article 5. Natural Gas Hook-ups
- Article 6. Dangerous Structures and Demolition
Of Buildings
- Article 7. Structures Unfit for Habitation
- Article 8. Abandoned Mine Shafts
- Article 9. Moving Buildings
- Article 10. Numbering Buildings
- Article 11. Contractors
- Article 12. Signs and Billboards
- Article 13. Adult Care Homes

ARTICLE 1. FIRE LIMITS (Reserved)

ARTICLE 1A. STANDARD BUILDING AND STRUCTURE CODES INCORPORATED

- 4-1A01. CODES; INCORPORATED. The following are hereby adopted by reference as though fully set forth herein:
- 2006 International Building Code
 - 2006 International Residential Code for One- and Two- Family Dwellings
 - 2006 International Fire Code
 - 2006 International Plumbing Code
 - 2006 International Fuel Gas Code
 - 2006 International Mechanical Code
 - 2006 International Existing Building Code
 - 2006 International Code Council Electrical Code
 - 2006 Code Council Performance Code for Buildings and Facilities
- (Ord. 7-23; Code 2015)
- 4-1A02. SAME; FILED. One copy of the aforementioned codes shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Galena" and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business. (Ord. 7-23; Code 2015)

ARTICLE 2. BUILDING CODE

- 4-201. DEFINITIONS. As used in this article, the words and phrases herein defined shall have the following meanings unless the context otherwise requires:
- (a) Whenever the word municipality is used in the building code, it shall be held to mean the City of Galena, Kansas;
 - (b) Whenever the term corporation counsel is used in the building code, it shall be held to mean the city attorney of the City of Galena;
 - (c) Whenever the term building official is used in the building code, it shall be held to mean the city inspector or his or her authorized designee.
(Code 2015)
- 4-202. ADDITIONAL PROVISIONS. The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-1A01 and 4-1A02. Any provisions of the general city code that are not in conflict with the provisions specified in 4-1A01 and 4-1A02 shall remain applicable.
(Code 2015)
- 4-203. CITY INSPECTOR. The following part-time position is established for the city: City Inspector. The city inspector shall perform the duties of inspecting building and premises to determine whether compliance has been made with the international codes and other code provisions as are adopted by the City of Galena and shall perform such duties as may be directed. (Ord. 7-24; Code 2015)
- 4-204. CITY INSPECTOR; DUTIES. The city inspector shall have the following duties:
- (a) The city inspector shall receive applications required by the codes contained in section 4-1A01, issue permits and furnish the prescribed certificates. He or she shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. The city inspector shall enforce all provisions of the building code, and when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the building code and render written reports on the same. He or she shall issue such notices or orders as may be necessary to enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures.
 - (b) The city inspector or his or her duly appointed assistant shall make inspections required under provisions of the building code. He or she may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the building code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.
 - (c) The city inspector shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the city inspector without his or her written consent.
 - (d) The city inspector shall make written reports to the city council once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.
(Ord. 839; Code 1998)

- 4-205. SAME; POWERS. The city inspector shall have the following powers:
- (a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter;
 - (b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the city;
 - (c) May cause any work done in violation of this chapter to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the building regulations of the city, subject to the right of any builder or owner to appeal to the governing body. (Code 2015)
- 4-206. SAME; RIGHT OF ENTRY. The city inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter. (Ord. 839; Code 1998)
- 4-207. 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 city 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 city 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 city inspector and a signed copy shall be furnished to the applicant and forwarded to the chairman of the planning commission for informational purposes with no further action by the planning commission being required unless an irregularity is suspected in which case it shall hold a meeting to review the matter. (Code 2015)
- 4-208. LIABILITY. Any officer or employee, or member of the planning commission, board of zoning appeals, or governing body, charged with the enforcement of this code acting for the city in the discharge of his or her duties, shall not thereby render himself or herself liable personally, and he or she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties. Any suit brought against any officer or employee because of such act performed by him or her in the enforcement of any provision of this code shall be defended by the city until the final termination of the proceedings. (Ord. 839; Code 1998)
- 4-209. BUILDING PERMIT REQUIRED; APPLICATION; APPROVAL. It shall be unlawful for any person to hereafter erect or cause to be erected within the city any building or structure of any kind or enlarge or add to the outside dimension thereof, or relocate any building or structure already erected or which may hereafter be erected or remodel any building or structure within the city without a building permit being first obtained therefor from the city clerk, after approval by the 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. (Code 2015)

- 4-210. SAME; APPLICATION INFORMATION REQUIRED. (a) A building permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:
- (1) The name of the owner of the lot or tract of ground;
 - (2) The location of the building or structure;
 - (3) The building work proposed;
 - (4) The outside dimensions of the building by floors and dimensions of the basement (if any);
 - (5) The class of occupancy;
 - (6) The class of construction;
 - (7) The kind of materials to be used for walls, floors, ceilings, roofs, and foundations;
 - (8) The estimated cost of the work;
 - (9) The date work will commence;
 - (10) Expected date of completion;
 - (11) Name and address of contractor or contractors doing the work;
 - (12) Such other information as may be pertinent to the issuance of the required permit.
- (b) An application for a building permit shall be signed by the owner or his or her duly authorized agent, or a building contractor licensed by the city. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed contractor or contractors doing the work described, or a building permit may be issued to the owner upon his or her application disclosing satisfactory evidence that the proposed work will be performed by the owner, himself or herself and not by a licensed contractor, and likewise subject to the final approval of the city inspector for work performed.
- (c) Upon approval of the completed application 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.
- (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. (Code 2015)

- 4-211. 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. (Code 2015)

- 4-212. SAME; FEES. (a) The building permit fee shall be as follows: for the first \$1,000 of construction costs the fee shall be \$20; for every additional \$1,000 of construction costs the fee shall be \$10. The maximum amount that may be charged for a building permit is \$250. A building permit shall be obtained for every separate structure at a location. Each separate structure is subject to the \$250 maximum fee for building permits.
(b) The fee herein shall be paid to the city clerk upon obtaining a building permit and the same shall be credited to the general operating fund of the city. (Ord. 07-08; Code 2015)
- 4-213. SAME; POSTING. A copy of the building permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The building inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 2015)
- 4-214. CERTIFICATE OF APPROVAL. Upon the completion of any work under a building permit, the chief building official, 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. (Code 2015)
- 4-215. ENTERPRISE ZONE FEE WAIVER; MAP THEREOF. An enterprise zone is hereby established. In such enterprise zone the building permit fee is waived for all construction of a business, including original construction and remodeling construction. The building permit fee shall not be waived for businesses that commenced construction without first obtaining a building permit. Residential rental property shall not be considered to be a business hereunder. The enterprise zone shall be comprised of all property on the enterprise zone map that was passed by the City Council on June 5, 1984, as reflected in the minutes thereof, specifically, the areas indicted by shading in the aforesaid map, which are incorporated by reference as though fully set forth herein. In addition, the enterprise zone shall also be comprised of all property that abuts 7th Street in Galena, Kansas, from the Missouri and Kansas state line in the east to the city limits in the west, as such city limits currently or hereafter exist. (Ord. 09-05; Code 2015)
- 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 city 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.

(Code 2015)

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 city inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided.
(Code 2015)

4-218. INSPECTION FEE. An initial inspection fee of \$50 and an inspection fee of \$50 for subsequent inspections required shall be paid before any building or construction work will be approved or a certificate of approval issued.
(Code 2015)

4-219. BUILDER OR BUILDING CONTRACTOR DEFINED. (a) A builder or building contractor for purposes of this article shall be any person, firm, co- partnership, corporation, association, or any combination thereof, whether a resident or not of the city:

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

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

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

(b) A builder or building contractor as defined shall not mean or include:

(1) Any subcontractor working under the supervision of a general contractor; or

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

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

(4) Any property owner personally performing any improvements, alterations or building construction within or upon his or her own residence and intended for his or her own personal use and permanent occupancy; provided, the owner shall satisfy the building official as to his or her ability to perform such work secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal building construction by an

owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city; (Code 2015)

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. (Code 2015)

4-221. SAME; APPLICATION; GRANTING. Application for a builder's or building contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in (as general contracting, roofing, siding, masonry, plastering, lathing, excavating, waterproofing, metal work, foundation work, sign hanging, cement work and painting and paper hanging, house wrecking or moving and the like), the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the builder or building contractor or his or her authorized agent. The applications shall be, by the chief building official, referred to the governing body at its next meeting for action thereon. Such license shall be issued by the city clerk, upon payment of the fees hereinafter provided after approval of the governing body. (Code 2015)

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

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

(1) General Builder or Building Contractor, who shall qualify to engage in more than one kind of contract work, except house moving, the sum of \$50;

(2) Limited Builder or Building Contractor, who shall qualify to engage in not more than one kind of contract work, the sum of \$25;

(3) House Wreckers or Movers, the sum of \$50;

(4) Sign Hangers and Panel Posters, the sum of \$50.

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 contract work in which the licensee may engage. The licensee shall display his or her license at any place

where he or she may be engaged in contract work or produce the same on demand of any city officer. All licenses shall be renewable annually as in the case of an original license on or before the first day of January of the year for which issued.

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

(Code 2015)

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 \$1,000 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 of Kansas and shall be executed by an agent of the company residing in the County of Cherokee, Kansas and further conditioned that in the event of cancellation or expiration that the company or agent will give 10 days' notice of such fact to the city clerk. Each such bond shall be approved as to form by the city attorney and approved as to surety by the city council and the approval thereof shall be endorsed on the bond by the city attorney and by the mayor over their signatures.

(b) Each bond shall be dated to run from the first day of any license issued by the city to the principal and may cover a period of not to exceed two years. No bond shall be renewed by an extension certificate but a new bond shall be filed by the principal for each successive period following the renewal thereof. The city reserves the right to furnish the form of all surety bonds as may be required by this article. (Code 2015)

4-224. INSURANCE. In addition to obtaining a corporate surety bond as required by section 4-223 of this article, 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 of Kansas. A builder or building contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year. (Code 2015)

- 4-225. LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.
- (a) The license of any builder or building contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the chief building official upon his or her own motion or upon a complaint of the city building inspector. Notice shall be given in writing to such builder or building contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such builder or building contractor involving any one or more of the following:
- (1) Misrepresentation of a material fact by applicant in obtaining a license;
 - (2) Use of license to obtain a building permit for another;
 - (3) Failure or neglect to observe conditions of permit authorizing encumbering of streets or sidewalks for safety of public;
 - (4) Performance of any building or construction work without a permit where one is required by law; or
 - (5) 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. (Code 2015)
- 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. (Code 2015)
- 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. (Code 2015)
- 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. (Code 2015)

ARTICLE 3. ELECTRICAL CODE

- 4-301. DEFINITIONS. For the purpose of this article, the words and phrases used herein shall have the meanings ascribed to them in this section, unless the context clearly indicates to the contrary.
- (a) Approved - shall mean approved by the chief building official, the electrical inspector or his or her designee.
 - (b) Authorized person - shall mean any individual, firm or corporation who or which is licensed under the provisions of this article to do the work as permitted under the specified provisions of this article.
 - (c) City - shall mean the territory within the corporate limits of this city.
 - (d) Conductor - shall mean a wire or cable or other form of metal suitable for carrying the electric current or potential.
 - (e) Electrical construction or installation - shall mean and include all work and materials used in installing, maintaining or extending a system of electrical wiring and all appurtenances, apparatus or equipment used in connection therewith, inside or attached to any building, structure, lot or premises, except industrial plants where fulltime maintenance is provided and other agencies providing inspections of installations and facilities. Electrical construction shall not be held to mean or include any of the following:
 - (1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;
 - (2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or
 - (3) Any work in industrial establishments where inspections come under the scope of other inspection agencies.
 - (f) Equipment - shall mean conductors, materials, fittings, devices, appliances, fixtures, apparatus, motors and the like, used as a part of or in connection with an electrical installation.
 - (g) Inspector - shall mean the chief building official or any individual who has been appointed by the city as electrical inspector.
 - (h) Person - shall mean a natural person, his or her heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors, assigns, or the agent of any of the aforesaid.
 - (i) Special permission - shall mean the written consent of the chief building official or the electrical inspector.
 - (j) Special ruling - shall mean a written ruling filed in the office of the chief building official or the electrical inspector.
- (Code 2015)

- 4-302. ADOPTION OF ELECTRICAL CODE BY REFERENCE. The standard code known as the 2006 International Code Council Electrical Code, the same being a standard code for the installation of electrical wiring and apparatus and available in book and pamphlet form is hereby incorporated by reference herein and made a part of this article as authorized and in the manner prescribed by K.S.A. 12-3009:3012. One copy shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Galena," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

Any person violating any provision of such code shall be punished as provided in section 1-116 of this code.

(Code 2015)

4-303. ADDITIONAL PROVISIONS. The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-302. (Code 2015)

4-304. CITY INSPECTOR; QUALIFICATIONS. The city inspector performing an electrical inspection shall have had at least two years-experience as an electrician, shall be of good moral character, and be versed in the approved methods of electrical construction for safety of life and property and the applicable city codes. (Ord. 838, Sec. 2; Code 2015)

4-305. SAME; DUTIES. The city 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.

(Code 2015)

4-306. SAME; POWERS. The city inspector shall have the following powers:

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

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

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

(Code 2015)

4-307. SAME; RIGHT OF ENTRY. The city inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter. (Code 2015)

- 4-308. 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 city 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 city inspector and a signed copy shall be furnished to the applicant.
- (Code 2015)
- 4-309. ELECTRICAL PERMIT REQUIRED; APPLICATION; APPROVAL. (a) Except as provided in subsection (b), it shall be unlawful for any person to engage in any electrical construction as defined in section 4-301 within the city without an electrical permit being first obtained therefor from the 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 any electrical construction work is commenced.
- (b) No electrical permit shall be required for any of the following:
- (1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;
 - (2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or
 - (3) Any work in industrial establishments where the issuance of electrical permits comes under the scope of other agencies.
- (Code 2015)
- 4-310. SAME; APPLICATION INFORMATION REQUIRED. (a) An electrical permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:
- (1) The name of the owner of the lot or tract of ground;
 - (2) The location of the building or structure;
 - (3) The electrical construction work proposed;
 - (4) The class of occupancy;
 - (5) The class of electrical construction;
 - (6) The kind of materials to be used;
 - (7) The estimated cost of the work;
 - (8) The date work will commence;
 - (9) Expected date of completion;
 - (10) Name and address of electrical contractor or contractors doing the work;
 - (11) Such other information as may be pertinent to the issuance of the required permit.
- (b) An application for an electrical permit shall be signed by the owner or his or her duly authorized agent, or an electrician or electrical contractor licensed by the city. If the application is made by the owner or his or her agent, it shall contain

the name or names of the licensed electrician or electrical contractor or contractors doing the work described, or an electrical permit may be issued to the owner upon his or her application disclosing satisfactory evidence that the proposed work will be performed by the owner, himself or herself and not by a licensed electrical contractor, and likewise subject to the final approval of the electrical inspector for work performed.

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

(d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the electrical construction work authorized by such permit. Electrical construction work commenced, for the purpose of this section, shall mean the beginning of electrical construction work other than the preparation of plans or the letting of an electrical contract.
(Code 2015)

4-311. SAME; PLANS AND SPECIFICATIONS. Whenever an application for a electrical permit is made, the chief building official or the city inspector may, if he or she finds it necessary to determine whether electrical construction work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed electrical construction as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the building official may require the applicant to file complete electrical and engineering plans and specifications for such electrical construction, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any electrical construction work for conformity with this article. (Code 2015)

4-312. LICENSING OF ELECTRICIANS. Any person, firm or corporation desiring to engage in the business of electrical construction or of the installation of wiring and apparatus for electric lights, appliances, heating or power in the city, shall, before doing so, obtain a license therefore, the fee for which shall be \$25 per year which shall be paid into the city treasury before such license shall become effective.
(Ord.1060, Sec. 2; Code 1998)

4-313. SAME; POSTING. A copy of the electrical permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The city inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 2015)

4-314. REQUEST FOR INSPECTION. Upon the completion of any electrical work covered by this article, it shall be the duty of the person doing such work to notify the city inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided. (Code 2015)

- 4-315. INSPECTION; CONCEALMENT OF PRIOR WORK. (a) When any electric equipment is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the building inspector and such equipment shall not be concealed until it has been inspected, approved or authorized by the city inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification. On large installations, where the concealment of equipment proceeds continuously, the person, firm or corporation installing the electrical equipment shall give the city inspector due notice and inspections shall be made periodically during the progress of the work.
- (b) The city inspector shall have the authority to require building contractors to open such work which, in any manner, conceals electrical wiring that has been closed without his or her knowledge or permission, and in no case shall the inspector issue a certificate of approval until satisfied that the work is in accordance with the provisions of this article. The inspector shall also have the right to refuse to issue a certificate of approval on any wiring, that is concealed in such manner that it cannot be fully determined that it has been done in accordance with this article.
(Code 2015)
- 4-316. INSPECTION FEE. An initial inspection fee of \$50, and an inspection fee of \$50 for subsequent inspections required shall be paid before any electrical installation will be approved or a certificate of approval issued.
(Code 2015)
- 4-317. CERTIFICATE OF APPROVAL. (a) When the city 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 city 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 city 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 city inspector shall be deemed the judge of whether the installation of electric conductors and equipment has been made in accordance with the requirements of this article.
- (g) No certificate of approval shall be required for any of the following:
- (1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement

of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;

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

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

(Code 2015)

4-318. 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 city inspector, until a certificate of approval has been issued by the city inspector authorizing the connection and use of such electric supply. The city inspector may, at his or her discretion, authorize a temporary connection.

(Code 2015)

4-319. REINSPECTION. The city 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 city inspector.

(Code 2015)

4-320. CONDEMNATION; APPEAL. (a) If in the judgment of the city 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 city 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 city inspector condemns all or part of any electrical installation, the owner may, within 10 days after receiving written notice thereof, file a petition in writing for review of the action of the city inspector by the governing body, upon the receipt of which the governing body shall at once proceed to determine the facts, and within 10 days from receiving the petition make a decision in accordance with their findings.

(Code 2015)

4-321. INTERFERENCE BY UNAUTHORIZED PERSON. It shall be unlawful for any unauthorized person to, in any manner, change or alter electrical conductors or equipment in or on any building. If in the course of the erection of a building or structure, electrical conductors or equipment are in such position as to interfere with the erection or completion of the structure, notice shall be immediately given the authorized person or firm installing the electrical conductors or equipment, and the needed change shall be made by such authorized person or firm. (Code 2015)

4-322. ELECTRICIAN OR ELECTRICAL CONTRACTORS DEFINED. (a) An electrician or electrical contractor for purposes of this article shall be any person, firm, co-partnership, corporation, association, or any combination thereof, whether a resident or not of the city:

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

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

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

(b) An electrician or electrical contractor as defined shall not mean or include:

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

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

(Code 2015)

4-323. ELECTRICIAN'S OR ELECTRICAL CONTRACTOR'S LICENSE REQUIRED; ELECTRICAL PERMITS; UNLAWFUL ACTS. (a) Each electrician or electrical contractor shall before entering upon any electrical construction work subject to regulation by city laws, apply to the city clerk for an electrician's or electrical contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of electrician or electrical contractor in the city.

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

(c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself, or itself under the definition of an electrician or electrical contractor herein, or to perform any work as an electrician or electrical contractor or any work under a contract for any work involving electrical construction, without first having obtained an electrician's or electrical contractor's license issued by the city. (Code 2015)

4-324. 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. (Code 2015)

4-325. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

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

(1) General Electrician or Electrical Contractor, who shall qualify to engage in more than one kind of electrical construction work, the sum of \$50;

(2) Limited Electrician or Electrical Contractor, who shall qualify to engage in not more than one kind of electrical construction work, the sum of \$25;

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 the first day of January of the year for which issued.

(c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts. (Code 2015)

4-326. 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 \$1,000 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 of Kansas and shall be executed by an agent of the company residing in the County of Cherokee, Kansas and further conditioned that in the event of cancellation or expiration that the company or agent will give 10 days' notice of such fact to the city clerk. Each such bond shall be approved as to form by the city attorney and approved as to surety by the city council and the approval thereof shall be endorsed on the bond by the city attorney and by the mayor over their signatures.

(b) Each bond shall be dated to run from the first day of any license issued by the city to the principal and may cover the period of not to exceed two years. No bond shall be renewed by an extension certificate but a new bond shall be filed by the principal for each successive period following the renewal thereof. The city reserves the right to furnish the form of all surety bonds as may be required by this article. (Code 2015)

4-327. INSURANCE. In addition to obtaining a corporate surety bond as required by section 4-326 of this article, 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 of Kansas. An electrician or electrical contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year. (Code 2015)

4-328. LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

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

- (1) Misrepresentation of a material fact by applicant in obtaining a license;
- (2) Use of license to obtain an electrical permit for another;
- (3) Failure or neglect to observe conditions of permit authorizing encumbering of streets or sidewalks for safety of public;
- (4) Performance of any electrical construction work without a permit where one is required by law; or

(5) 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.

(Code 2015)

4-329. 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 city 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. (Ord. 838, Sec. 13; Code 2015)

4-330. APPROVED MATERIALS. No electric materials for wiring of appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for wiring appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article. (Code 2015)

4-331. 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. (Code 2015)

4-332. SEVERABILITY. If any section of the National Electrical Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the National Electrical Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 2015)

ARTICLE 4. PLUMBING CODE

- 4-401. DEFINITION OF PLUMBING. The term plumbing as used in this article shall be construed to mean the installation of gas or water pipes, fixtures, apparatus and the necessary connections either for supplying gas or water to premises or for the removing of liquid and water-borne wastes from premises in the city, or both such purposes, and shall also denote installed fixtures, drainage and vent systems and gas or water distribution systems as the case may be. (Code 2015)
- 4-402. UNIFORM PLUMBING CODE INCORPORATED. 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 2006 International Plumbing Code, as recommended by the International Association of Plumbing and Mechanical Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. One copy of the uniform code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Galena," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.
Any person violating any provisions of such code shall be punished as provided in section 1-116 of this code.
(Code 2015)
- 4-403. ADDITIONAL PROVISIONS. The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-402. (Code 2015)
- 4-404. PLUMBING INSPECTOR; APPOINTMENT; QUALIFICATIONS The city inspector performing plumbing inspection shall have had at least two years-experience as a plumber, shall be of good moral character, and be versed in the approved methods of plumbing construction for safety of life and property and the applicable city codes. The plumbing inspector shall have experience in plumbing to the extent that enables him or her to determine when plumbing is installed correctly. The city inspector shall not be directly connected in any way with any person, firm, corporation, directly or indirectly engaged in the business of plumbing, or plumbing suppliers. (Ord. 837, Sec. 2; Code 1998)
- 4-405. SAME; DUTIES. The plumbing inspector shall have the following duties:
(a) To enforce all regulations relating to plumbing construction, alteration, repair or removal;
(b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;
(c) To examine all buildings in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is

in compliance with the plumbing permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and

(d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the building official or plumbing inspector without his or her written consent. (Code 2015)

- 4-406. SAME; POWERS. The plumbing inspector shall have the following powers:
- (a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter;
 - (b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the city;
 - (c) May cause any work done in violation of this chapter to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the plumbing regulations of the city, subject to the right of any plumber, plumbing contractor or owner to appeal to the governing body.
- (Code 2015)
- 4-407. SAME; RIGHT OF ENTRY. The plumbing inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter. (Code 2015)
- 4-408. CLARIFICATION; MODIFICATION. (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the plumbing code which may be unclear, ambiguous, or requiring interpretation.
- (b) The plumbing inspector shall have power to modify any of the provisions of the plumbing code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the plumbing inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the inspector thereon shall be entered upon the records of the plumbing inspector and a signed copy shall be furnished to the applicant.
- (Code 2015)
- 4-409. PLUMBING PERMIT REQUIRED; EXCEPTION. (a) It shall be unlawful to install, alter or reconstruct any plumbing or plumbing system, as defined by the plumbing code and section 4-401, in any building in the city without first making application to and receiving a permit therefor from the city clerk, after approval by the chief building official or his or her authorized assistant. The application for such permit shall be made and the permit obtained before any plumbing work is commenced.
- (b) No permit shall be required for making minor repairs of any plumbing including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste or supply pipes, traps or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repair work not involving original installation or reconstruction.
- (Code 2015)

4-410. SAME; APPLICATION INFORMATION REQUIRED. (a) A plumbing permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:

- (1) The name of the owner of the lot or tract of ground;
- (2) The location of the building or structure;
- (3) The plumbing work proposed;
- (4) The class of occupancy;
- (5) The class of construction;
- (6) The kind of materials to be used;
- (7) The estimated cost of the work;
- (8) The date work will commence;
- (9) Expected date of completion;
- (10) Name and address of plumber, plumbing contractor or contractors doing the work;
- (11) Such other information as may be pertinent to the issuance of the required permit.

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

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

(d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the plumbing work authorized by such permit. Plumbing work commenced for the purpose of this section shall mean the beginning of plumbing work other than the preparation of plans or the letting of a plumbing contract. (Code 2015)

4-411. SAME; PLANS AND SPECIFICATIONS. Whenever an application for a plumbing permit is made, the chief building official or the plumbing inspector may, if he or she finds it necessary to determine whether work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed plumbing construction as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the chief building official or the plumbing inspector may require the applicant to file complete architectural and engineering plans and specifications for such building or construction, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any plumbing work for conformity with this article. (Code 2015)

- 4-412. SAME; FEES. The fee for a plumbing permit shall be \$50, however no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required, is under \$100. The fee herein shall be paid to the city clerk upon obtaining a plumbing permit and the same shall be credited to the general operating fund of the city. (Code 2015)
- 4-413. SAME; POSTING. A copy of the plumbing permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The plumbing inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 2015)
- 4-414. REQUEST FOR INSPECTION. Upon the completion of any plumbing work covered by this article, it shall be the duty of the person doing such work to notify the plumbing inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided. (Code 2015)
- 4-415. INSPECTION; CONCEALMENT OF PRIOR WORK. (a) When any plumbing is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the plumbing shall notify the plumbing inspector and such equipment shall not be concealed until it has been inspected, approved or authorized by the plumbing inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification. On large installations, where the concealment of plumbing proceeds continuously, the person, firm or corporation installing the plumbing shall give the plumbing inspector due notice and inspections shall be made periodically during the progress of the work.
(b) The plumbing inspector shall have the authority to require owners or contractors to open such work which, in any manner, conceals plumbing that has been closed without his or her knowledge or permission, and in no case shall the inspector issue a certificate of approval until satisfied that the work is in accordance with the provisions of this article. The inspector shall also have the right to refuse to issue a certificate of approval on any plumbing, that is concealed in such manner that it cannot be fully determined that it has been done in accordance with this article. (Code 2015)
- 4-416. INSPECTION FEE. An initial inspection fee of \$50, and an inspection fee of \$50 for subsequent inspections required shall be paid before any plumbing will be approved or a certificate of approval issued. (Code 2015)
- 4-417. CERTIFICATE OF APPROVAL. (a) When the plumbing inspector finds plumbing construction to be in conformity with the provisions of this article, he or she shall issue to the person, firm, or corporation performing the plumbing construction, a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the plumbing system and connection to the supply of gas or water, as the case may be.
(b) When a certificate of approval is issued authorizing the connection and use of a temporary gas or water supply, the certificate shall expire at a time to be stated therein and shall be revocable for cause by the plumbing inspector.

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

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

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

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

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

(Code 2015)

4-418. CONNECTION TO GAS OR WATER SUPPLY. It shall be unlawful for any person, firm, or corporation to make connection to a supply of gas or water for which an inspection is required, or which has been disconnected by the order of the plumbing inspector, until a certificate of approval has been issued by the plumbing inspector authorizing the connection and use of such plumbing or plumbing system. The plumbing inspector may, at his or her discretion, authorize a temporary connection. (Code 2015)

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

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

(Code 2015)

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

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

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

(b) A plumber or plumbing contractor as defined in subsection (a) of this section shall not mean or include the owner of a residence who personally installs plumbing piping or equipment within and upon his or her own residence and intended for his or her own personal use and permanent occupancy; provided, the owner shall satisfy the plumbing inspector as to his or her ability to install such piping or equipment, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal installation by an owner under this section shall be himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the city. (Code 2015)

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

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

(c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself, or itself under the definition of a plumber or plumbing contractor herein, or to perform any work as a plumber or plumbing contractor or any work under a contract for any work involving plumbing construction, without first having obtained a plumber's or plumbing contractor's license issued by the city. (Code 2015)

4-422. SAME; APPLICATION; GRANTING. Application for a plumber's or plumbing contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in, the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the plumber or plumbing contractor or his or her authorized agent. The applications shall be, by the 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. (Code 2015)

- 4-423. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.
- (a) The following license fees shall be paid for the calendar year or major fraction thereof:
- (1) General Plumber or Plumbing Contractor, who shall qualify to engage in more than one kind of plumbing work, the sum of \$50;
 - (2) Limited Plumber or Plumbing Contractor, who shall qualify to engage in not more than one kind of plumbing work, the sum of \$25;
- 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 the first day of January of the year for which issued.
- (c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts.
- (Code 2015)

- 4-424. PLUMBER'S OR PLUMBING CONTRACTOR'S BOND REQUIRED; CONDITIONS; APPROVAL; RIGHTS RESERVED. (a) Before any license shall be issued to any plumber or plumbing contractor required by this article to obtain a license and pay a fee to the city, the plumber or plumbing contractor shall secure and file with the city clerk a good and sufficient corporate surety bond in the principal sum of \$1,000 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 of Kansas and shall be executed by an agent of the company residing in the County of Cherokee, Kansas and further conditioned that in the event of cancellation or expiration that the company or agent will give 10 days' notice of such fact to the city clerk. Each such bond shall be approved as to form by the city attorney and approved as to surety by the city council and the approval thereof shall be endorsed on the bond by the city attorney and by the mayor over their signatures.
- (b) Each bond shall be dated to run from the first day of any license issued by the city to the principal and may cover the period of not to exceed two years. No bond shall be renewed by an extension certificate but a new bond shall be filed by the principal for each successive period following the renewal thereof. The city reserves the right to furnish the form of all surety bonds as may be required by this article. (Code 2015)

4-425. INSURANCE. In addition to obtaining a corporate surety bond as required by section 4-424 of this article, a plumber or plumbing contractor must procure and maintain a liability insurance policy in the amount of \$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 of Kansas. A plumber or plumbing contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year. (Code 2015)

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

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

- (1) Misrepresentation of a material fact by applicant in obtaining a license;
- (2) Use of license to obtain a plumbing permit for another;
- (3) Failure or neglect to observe conditions of a permit authorizing encumbering of streets or sidewalks for safety of public;
- (4) Performance of any plumbing work without a permit where one is required by law; or
- (5) 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. (Code 2015)

4-427. EXCAVATIONS. When it appears that the laying or repairing of any water or sewer pipes or the making of any connection therewith shall require excavation in any street, alley or public way of the city or the cutting or removal of any pavement, curb or gutter or any sidewalk, during the course of such work, the application for a permit shall so state and describe the location and extent of the excavation, cutting or removal. Before the city clerk shall issue any permit for such work, the applicant shall pay any fee required by this code. All excavations shall be barricaded and guarded as provided by the appropriate sections of this code. Before any such

excavation shall be backfilled, new plumbing work therein shall be inspected and the bottom of the excavation holding any sewer, drain or water pipe shall be so filled, leveled and tamped as to properly support the pipe and permit proper drainage when carrying sewage, and the excavation shall be backfilled and all paving, curbing, guttering or sidewalks shall be restored as near as possible to their last condition, subject always to the approval of the plumbing inspector or the superintendent of streets. (Code 2015)

4-428. STREET OPENINGS. (a) All openings made in the public streets or alleys to install plumbing must be made as carefully as possible and all materials excavated from, the trenches shall be removed or placed where the least inconvenience to the public will be caused.

(b) All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and materials must be removed at once, leaving the street or sidewalks clean and in perfect repair.

(c) All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property. (Ord. 837, Sec. 5; Code 1998)

4-429. CROSS CONNECTIONS; BACK FLOW. (a) The city water department and the city inspector, be and they are hereby authorized to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings, or structures where it is found that an immediate hazard exists to the purity or potability of the city water supply.

(b) The city water department and the city plumbing inspector, be and they are hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the city water supply which exist. Upon determining the potential hazards it shall be the duty of the department and the inspector to immediately cause notice to go to the owner or such other person responsible for said premises, specifying said hazards, and notifying the person that in the event that said hazard is not corrected within 30 days from the date of the notice, all water services shall be discontinued thereafter until the requirements of this code have been complied with. (Ord. 837, Sec. 6; Code 1998)

4-430. WORK BY PROPERTY OWNERS. Nothing herein contained shall prohibit any property owner from personally installing plumbing piping or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the plumbing inspector as to his or her ability to install such piping or equipment, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal installation by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the city. (Code 2015)

4-431. APPROVED MATERIALS. No plumbing materials, appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and

property. Conformity of materials for plumbing materials, appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article. (Code 2015)

4-432. 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. (Code 2015)

4-433. SEVERABILITY. If any section of the Uniform Plumbing Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the Uniform Plumbing Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 2015)

ARTICLE 5. NATURAL GAS HOOK-UPS

- 4-501. **BUILDING INSPECTOR TO INSPECT HOOK-UPS.** No natural gas service shall be provided to any consumer in the city until the city building inspector has examined the structure and all lines and hook-ups are determined that the facilities are in compliance with the current city building code.
(Ord. 91-1, Sec. 1; Code 1998)
- 4-502. **DISCONNECTS.** It shall be the duty of the provider of gas service to promptly inform the city clerk's office of all disconnects made by the provider within the city, all reconnects within the city, and all new applications for gas service within the city.
(Ord. 91-1, Sec. 2; Code 1998)
- 4-503. **INTENT TO ACQUIRE SERVICE.** It shall be the responsibility of anyone seeking gas service to inform the city of their intent to acquire service.
(Ord. 91-1, Sec. 3; Code 1998)

ARTICLE 6. DANGEROUS AND UNFIT STRUCTURES

- 4-601. PURPOSE. The governing body has found that there exist within the corporate limits of the city structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, 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; Ord. 06-09; Code 2015)
- 4-602. DEFINITIONS. For the purpose of this article, the following words and terms shall have the following meanings:
(a) Enforcing officer - means the code enforcement officer or his or her authorized representative.
(b) Structure - shall include any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground. (K.S.A. 12-1750; Ord. 06-09; Code 2015)
- 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;
(d) Receive petitions as provided in this article. (Ord. 06-09; Code 2015)
- 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. (Ord. 06-09; Code 2015)
- 4-605. SAME; NOTICE. The governing body upon receiving a report as provided in section 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; Ord. 06-09; Code 2015)

- 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; Ord. 06-09; Code 2015)
- 4-607. SAME; HEARING, ORDER. If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed. (Ord. 06-09; Code 2015)
- 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. (Ord. 06-09; Code 2015)
- 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.
(Ord. 06-09; Code 2015)
- 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.
(Ord. 06-09; Code 2015)
- 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 moneys 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; Ord. 06-09; Code 2015)

4-612. IMMEDIATE HAZARD. When in the opinion of the governing body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in section 4-611. (K.S.A. 12-1756; Ord. 06-09; Code 2015)

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. (Ord. 06-09; Code 2015)

4-614. SCOPE OF ARTICLE. Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750:1756. (Ord. 06-09; Code 2015)

ARTICLE 7. STRUCTURES UNFIT FOR HABITATION

- 4-701. PURPOSE. The governing body of the city has found that there exists within the corporate limits of the city, structures which are unfit for human use or habitation due to defects increasing the hazards of fire or other calamities, lack of ventilation, light or sanitary facilities or other conditions which renders such structures unsafe, unsanitary, or otherwise inimical to the welfare of the residents of the city, and it is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures in the manner hereinafter provided. (Ord. 929, Sec. 1; Code 1995)
- 4-702. DEFINITIONS. For the purpose of this article, certain terms and words are hereby defined as follows:
- (a) Structure - Any construction or production or piece of work built up or composed of parts joined together in some definite manner and intended for entry by human beings, including houses, buildings, apartments, barns, sheds, garages, mobile homes and travel trailers, and further including all devices intended for habitation by human beings for residential or business purposes.
- (b) Residential Structures - Any building, dwelling or structure, or part hereof, used and occupied for human habitation or intended to be used and including any appurtenances belonging thereto or usually enjoyed therewith.
- (c) Non-Residential Structures - Any structure which is used for other than residential purposes, or a part of such structure, or a structure a part of which is used for other than non-residential purposes, and, where applicable, the premises on which such structures are situated.
- (d) Public Officer - Such person appointed by the governing body to exercise the authority and conduct proceedings in accordance with this article.
- (e) Unsafe or Unfit Condition - Any defect, damage or dilapidation in any structure which unreasonably increases the hazards of fire, accident, disease or other calamity to any human being.
(Ord. 929, Sec. 2; Ord. 94-21, Sec. 1; Code 1995)
- 4-703. PROCEDURE; PETITION; WARNING; CITATION; PENALTIES.
- (a) Whenever a petition is filed with the public officer by at least five residents of the municipality charging that any structure is unfit for human use or habitation or whenever any public officer reasonably believes he or she has encountered an unsafe or unfit condition in any structure which represents an unreasonable risk to the health or safety of any human being, he or she shall immediately ascertain the name of the owner of the structure and the person responsible for repairs to the structure.
- (b) The owner shall be that person shown as the last owner of record of the property according to the deed records at the Cherokee County Courthouse unless the identity of the owner can otherwise be clearly ascertained.
- (c) The public officer shall issue either a written warning to both the owner and the person responsible for the repair of the structure to correct the problem within 72 hours or a written citation to appear in municipal court at a certain time to answer the charge of allowing an unfit or unsafe condition to exist which unreasonably poses a threat to the health or safety of any human being. The public official may use his or her discretion in determining whether a warning or citation may be issued. However, no person shall be allowed more than one written warning in any 12-month period for the same structure.

(d) If the public officer issues a written warning, he or she shall return promptly at the end of the 72 hours to determine if the condition has been corrected. If it has not been completely corrected, he or she shall issue a citation to appear in municipal court. The public officer shall not extend the time in which to correct the condition and he or she must issue a citation if the condition has not been completely corrected.

(e) Upon issuing a citation hereunder, the public officer shall cause sufficient visual evidence and other evidence to be taken to fully document the condition and shall appear in municipal court with the evidence.

(f) Each day that the unsafe or unfit condition is allowed to exist can be the subject of a separate citation and the imposition of separate penalties.

(g) Upon conviction of allowing an unsafe or unfit condition to exist, the municipal judge shall fine the offender \$100.00 plus assess the applicable court costs for each violation and shall order the offender to correct the condition forthwith. The municipal judge shall direct the public officer to ascertain whether the order to correct was carried out and to make a report thereof to the municipal court at its next regularly scheduled session. The municipal judge shall order the offender to appear at the next regularly scheduled session of the municipal court to respond to the report of the public officer. If at that time the municipal judge determines that the order to correct was not carried out promptly and in good faith, he or she shall commit the offender to jail for a period not exceeding 30 days. If the offender continues to fail to carry out the order of the municipal court, the municipal judge shall commit the offender to jail for a period not exceeding 30 days for each failure. An order to correct shall be as follows:

(1) If repair, alteration, or improvement of the structure can be made at a reasonable cost in relation to the value of the structure which cost shall not exceed 50 percent of the fair market value of such structure, the owner of the structure shall within a specified time, repair, alter or improve such structure to render it fit for human use or habitation or shall vacate and close the structure until conformance with this article is met; or

(2) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure, that is to say, 50 percent or less of the fair market value of such structure, which percentage is hereby deemed to be a reasonable standard by which to require either repair, alteration or improvement, or removal or demolition, the owner shall within a specified time remove or demolish such structure.

(Ord. 929, Sec. 3; Ord. 94-21; Code 1995)

4-704.

FAILURE TO COMPLY; COSTS. If the owner fails to comply with an order to repair, alter or improve or to vacate and close the structure, the public officer may cause such structure to be repaired, altered or improved, or to be vacated and closed. If the owner fails to comply with an order to remove or demolish the structure, the public officer may cause such structure to be removed or demolished. The amount of the cost of such repairs, alterations or improvements or vacating, closing, or removal or demolition by the public officer, shall be a lien against the real property upon which such cost was incurred and such lien, including as part thereof allowance of his or her costs and the necessary attorney fees, may be foreclosed in judicial proceedings in the manner provided or authorized to be assessment against the lot or parcel of land on which the structure was located, and the city clerk shall at the time of certifying other city taxes, certify the unpaid portion of the aforesaid costs and the county clerk shall extend the same on the tax rolls of the county

against the lot or parcel of land. If the structure is removed or demolished by the public officer, he or she shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and if there be any balance remaining, it shall be paid to the parties entitled thereto as determined by proper judicial proceedings instituted by the public officer after deducting the cost of such judicial proceedings, including his or her necessary attorney fees incurred therein, as determined by the court. (Ord. 929, Sec. 3; Code 1995)

4-705. RESPONSIBLE PARTIES. The owner and the person responsible for the repairs are jointly responsible for insuring that no unfit or unsafe condition exists, and it shall not be a defense for either to attempt to shift the responsibility to the other party. Additionally, in a residential rental situation, it shall not be a defense to shift the responsibility to the residential tenant. In a commercial rental situation, it shall not be a defense responsibility to the commercial tenant unless this is done in a written lease signed by the tenant. (Ord. 94-21 Sec. 8; Code 1995)

4-706. CITATION; SERVICE. If it is impossible to immediately serve the citation on either the owner or the person responsible for repairs to the property, the public officer shall forthwith present his or her affidavit to the municipal judge setting forth the alleged violations, the evidence thereof, and the alleged offender. It shall then be sufficient to mail by certified mail, return receipt requested, a summons signed by the judge of the municipal court to the person's last known address, directing the person to appear in municipal court at a time certain to answer the citation. If the person fails to appear, the municipal judge may issue a warrant based upon the affidavit. (Ord. 94-21, Sec. 6:7; Code 1995)

4-707. APPEAL; INJUNCTION RESTRAINING PUBLIC OFFICER. Any person affected by an order issued by the municipal court may make an appeal to the district court of Cherokee County, Kansas and may petition the district court for an injunction restraining the public officer from acting on the order, and the court may, upon such petition, issue a temporary injunction restraining the public officer, pending the final disposition of the case; provided however, that such person shall petition such court within 30 days after the posting and service of the order of the municipal court. The remedies herein provided shall be exclusive remedies, and no person affected by an order of the municipal court shall be entitled to recover any damages for action taken, pursuant to any order of the municipal court or because of compliance by such person with any order of the municipal court. (Ord. 929, Sec. 6; Code 1995)

4-708. PUBLIC OFFICER; POWERS. The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers in addition to others herein granted:

(a) To investigate the structure conditions in the city in order to determine which structures therein are unfit for human use or habitation;

(b) To enter upon premises for the purpose of making examinations, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted;

(c) To appoint and fix the duties of such officers, agents and employees as he or she deems necessary to carry out the purposes of this article; and

(d) To delegate any of his or her functions and powers under this article to such officers, agents and employees as he or she may designate.

(Ord. 929, Sec. 7; Code 1995)

4-709.

ENTRY UPON PREMISES. (a) For the purpose of determining compliance with the provisions of this article, the public officer or his or her authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of such property may enter dwellings, multiple dwellings, rooming units, or premises, during all reasonable hours; provided, in cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, the above limitation shall not apply.

(b) In the event of the refusal of the occupant or the owner of unoccupied property to allow such inspection, examination and survey to determine compliance with the provisions of this article, the public officer shall petition a court of competent jurisdiction in the city or in the county, and shall show probable cause by virtue of evidence, oath or affirmation, that a substantial violation of this article exists, and request legal and property right to enter subject premises for the purpose of inspection.

(c) This section shall in no manner violate or curtail the rights of the citizens as provided in Amendment 4 of the Constitution of the United States of America, as regarding rights against the unreasonable searches and seizures, and the issuing of warrants without probable cause.

(d) Every occupant of a dwelling shall give the owner thereof or his or her agent or employee, access to any part of such dwelling, or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any rule or regulation adopted and promulgated, or any order pursuant to the provisions of this article. (Ord. 929, Sec. 8; Code 1995)

4-710.

RESERVED.

4-711.

ADDITIONAL POWERS. 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 through K.S.A. 12-1756; both sections inclusive, and any amendments thereto. (Ord. 929, Sec. 10; Code 1995)

ARTICLE 8. ABANDONED MINE SHAFTS

- 4-801. ABANDONED MINE SHAFTS; INSPECTION; NOTICE. (a) The code enforcement officer, or his designee, shall inspect all shafts, caves, or places in the city which endanger the safety of persons or domestic animals.
- (b) Upon determination by the code enforcement officer that any shaft, cave, or place within the city is endangering the safety of persons or domestic animals, this officer shall issue notice in writing to the landowner upon whose property is located the shaft, cave, or place endangering the safety of persons or domestic animals, to fill or case over the shaft, cave, or place upon the land endangering the safety of persons or domestic animals. (Ord. 1003; Code 1998)
- 4-801A. SAME; BARRICADES. The code enforcement officer is given authority to order that the owner of the subject land containing the dangers stated in section 4-801 erect an appropriate fence or other barricade, as determined within the discretion of the code enforcement officer that will assure the safety of persons and or domestic animals against such dangers. The code enforcement officer is given authority to order that the owner of the subject land containing the dangers stated in section 4-801 to place a sufficient sign, as determined within the discretion of the code enforcement officer that will assure the safety of persons and or domestic animals against such dangers. (Ord. 1003; Code 1998)
- 4-802. FAILURE TO COMPLY; ABATEMENT BY CITY. (a) If the landowner fails within 20 days after service of notice by the city, to fill or case over the shaft, cave or place upon the landowner's land, the city may fill or case over the shaft, cave, or place endangering the safety of persons or domestic animals and charge the owner actual wages incurred by the city, to be not less than \$15 per hour assessment of wages, and \$125 per machine hour as costs spent by the city, to abate the danger to the safety of persons or domestic animals.
- (b) If the landowner fails within a period of 20 days to pay the charges of the city, for filling or casing over the shaft, cave, or place endangering persons or domestic animals, the city clerk shall certify the charges of the city to the county clerk of Cherokee County Kansas, at Columbus, Kansas to be put on the tax records of Cherokee County, Kansas, and collected as taxes upon the land of the landowner.
- (c) The city may use such gravel, dirt, rock, debris, or earthy substances from the land of the landowner in filling or casing over the shaft, cave, or place on the land endangering the safety of human beings or domestic animals, to be abated in accordance with this article, or may transport the substance at the cost of the landowner.
- (d) This article shall be enforced consistent with the requirements of the Environmental Protection Agency, including land and grant restrictions of such agency. (Ord. 1003; Code 1998)

ARTICLE 9. MOVING BUILDINGS

- 4-901. BUILDING OFFICIAL; AUTHORITY. The police chief 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 sections 4-204:209 of this chapter, which apply in a like manner to this article. (Code 2015)
- 4-902. 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 miles per hour 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; Code 2015)
- 4-903. SAME: APPLICATION FOR PERMIT. All applications for permits required under the provisions of this article shall be made in writing to the city clerk specifying the day and hour said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved and stating whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities. (K.S.A. 17-1915; Code 2015)
- 4-904. 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 of Kansas, 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. (Code 2015)
- 4-905. 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 \$5.00 to the city clerk; plus the additional cost for the time for any city crews involved in such moving. (Code 2015)
- 4-906. BUILDINGS CONFORM TO EXISTING STRUCTURES IN AREA. No permit shall be issued therefore, and no building shall be moved into, or from one location to another in the city unless the general height and outward appearance of such building conforms to the other buildings in the block to which it is to be moved and in the block opposite, to such an extent that its relocation shall have no substantial adverse effect on property values in the neighborhood. (Code 1988, 4-902)

- 4-907. CONTRACTOR; LICENSE REQUIRED; FEE. The provisions of sections 4-219:225 of this chapter shall apply in a like manner to this article. (Code 2015)
- 4-908. 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. (Code 2015)
- 4-909. NOTICE TO OWNERS. (a) Upon issuance of a moving permit the applicant shall give not less than 15 days written notice to any person owning or operating any wires, cables or other aerial equipment along the proposed route of the intent to move the structure, giving the time and location that the applicants moving operation shall necessitate the cutting, moving, raising or interfering of any wires, cables or other aerial equipment.
(b) The notice provision of subsection (a) shall not apply where the person owning or operating any wires, cables or other aerial equipment has waived their right to advance notice.
(c) Should the moving operation be delayed, the applicant shall give the owner or his or her agent not less than 24 hours advance notice of the actual operation. (K.S.A. 17-1916; Code 2015)
- 4-910. DUTY OF OWNERS. (a) It shall be the duty of the person or the city owning or operating such poles or wires after service of notice as provided herein, to furnish competent lineman or workmen to remove such poles, or raise or cut such wires as will be necessary to facilitate the moving of such house or structure. The necessary expense which is incurred thereby shall be paid by the holder of the moving permit.
(b) The owner of any wires, cables or other aerial equipment, after service of notice as provided in section 4-909, shall be liable to the permit holder for damages in an amount not to exceed \$100.00 per day for each day the owner shall fail or refuse to accommodate the permit holder's moving operations.
(K.S.A. 17-1917; Code 2015)
- 4-911. INTERFERING WITH POLES; WIRES. It shall be unlawful for any person engaged in moving any house or other structure to raise, cut or in any way interfere with any wires or poles bearing wires or any other aerial equipment.
(K.S.A. 17-1918; Code 2015)
- 4-912. DISPLAY OF LANTERNS. It shall be the duty of any person moving any of the structures mentioned in this article upon or across any street, alley or sidewalk or other public place, in this city, to display red lanterns thereon in such a manner as to show the extreme height and width thereof from sunset to sunrise.
(Code 2015)

ARTICLE 10. NUMBERING BUILDINGS

- 4-1001. **NUMBERING REQUIRED.** All houses and buildings fronting on any public street in this city shall be numbered as hereinafter provided.
(Rev. Ord. 1951, 4-601)
- 4-1002. **METHOD OF NUMBERING.** The system of numbering herein adopted shall be known as the Philadelphia system, allowing 100 numbers to each block, each number representing 25 feet frontage on the streets running north and south and 25 feet fronting on the streets running east and west. The numbers on streets running north and south shall be numbered commencing at number one on the east side and number two on the west side, from First Street each way; and the streets running east and west shall be numbered from Main Street each way commencing at number one on the north side and number two on the south side; the odd numbers to be on the east and north and the even numbers on the west and south sides of the streets respectively. On those streets that do not connect with First or Main Streets the numbering shall begin at the end of such street nearest to First or Main Streets as the case may be, and shall correspond in numbers with the streets parallel therewith. (Rev. Ord. 1951, 4-602)
- 4-1003. **COMPLIANCE.** All buildings hereafter erected shall be numbered as herein provided and within 30 days after completion or new occupancy.
(Rev. Ord. 1951, 4-603)
- 4-1004. **SIZE AND PLACEMENT OF NUMBERS.** Numbers shall be legible and of sufficient size as to be easily read from the street, and shall be placed in a conspicuous place upon the front of the buildings. (Rev. Ord. 1951, 4-604)
- 4-1005. **PENALTY.** Any person who shall remove, destroy, or in any way injure any number put on any house as herein provided, or who shall fail, neglect or refuse to comply with any of the provisions of this article shall be deemed guilty of a violation of this code and upon conviction shall be fined in a sum not less than \$50.00 nor more than \$500. (Code 2015)

**ARTICLE 11. MISCELLANEOUS PROVISIONS
REGARDING CONTRACTORS**

- 4-1101. **CONTRACTORS.** Any person or organization or other entity offering to perform for hire or performing for hire any of the following services within the corporate limits of the city shall be subject to the conditions of this article:
- (a) Electrical work- electrical construction or installation of wiring and apparatus for electric lights, appliances, heating or power;
 - (b) Plumbing- work-constructing or fitting or repairing gas, water and soil pipes, cisterns, tanks, toilets, baths, faucets, water closets, their fittings and other sanitary and fire protection apparatus for a house or other building, including junctions to mains and sewers;
 - (c) Carpentry/Construction- work-constructing, framing building, repairing, painting, plastering, roofing or remodeling any house or other building or any particular room or part thereof;
 - (d) Heating and air conditioning- work-installing, maintaining or repairing any device or apparatus central or auxiliary to the heating and air conditioning system of any house or other building;
 - (e) Low job value, no license and bond required- If the job is less than the minimum requiring a permit then a bond will not be required; and,
 - (f) Broken sewer line work- Any time a sewer line, privately-owned or city-owned, is broken into, a permit and inspection shall be required prior to closing the hole. (Ord. 93-5, Sec. 1; Code 1995)
- 4-1102. **LICENSE REQUIRED.** All persons or organizations or other entities subject to this article shall obtain a city license from the city clerk prior to performing or offering to perform any services in the city. This article shall apply to independent contractors and not to employees. An employee is defined as a person who works for an employer and for whom the employer provides worker's compensation coverage and unemployment benefits and pays employer's payroll taxes. Anyone not an employee is deemed to be an independent contractor. (Ord. 93-5, Sec. 2; Code 1995)
- 4-1103. **SERVICE FEE COLLECTION PROHIBITED.** No person or organization or other entity shall charge a fee or collect a fee for any services performed while not holding a current, valid license, except in the case covered above in section 4-1101(e). (Ord. 93-5, Sec. 4; Code 1995)
- 4-1104. **INVESTIGATIONS.** Nothing in this article shall require the building inspector or the licensing committee or the city to investigate any applicant beyond the information submitted with the application, and approval of a license shall not mean that the city in any way guarantees the work of the license holder or endorses the license holder. (Ord. 93-5, Sec. 8; Code 1995)
- 4-1105. **LICENSEE; DUTIES.** All license holders shall perform their work in the city in a fair, honest and competent manner. (Ord. 93-5, Sec. 10; Code 1995)
- 4-1106. **GRIEVANCES.** Any person or entity with a grievance against any license holder over the quality of the service performed may present the grievance in writing to the city inspector. The licensing committee shall conduct a public hearing on the grievance, giving a copy of the complaint and due notice of the hearing date

to the license holder. The hearing shall only consider issues raised in the written grievance. The licensing committee shall submit its findings and recommendations to the council as a whole. (Ord. 93-5, Sec. 11; Code 1995)

4-1107. LICENSE REVOCATION. A license may be revoked or suspended by the council as a whole for any violation of this article. If a license is revoked, the license holder may reapply one year after the license is revoked, unless a shorter time is provided by the council. If a license is suspended, it shall be reinstated at the end of the suspension period which shall be set by the council at no more than 60 days, including holidays and weekends, unless some provision is contained elsewhere in this code that provides for a different length of suspension. (Ord. 93-5, Sec. 12; Code 1995)

4-1108. LICENSE; NONTRANSFERABLE. No license issued hereunder shall be transferable, and any license holder shall be responsible for any acts of his or her agents done while performing or directing a job in the city. (Ord. 93-5, Sec. 13; Code 1995)

ARTICLE 12. SIGNS AND BILLBOARDS

- 4-1201. ACTIVITY; PLACEMENT. Sections 4-1201 through 4-1203 apply to any sign, placard, billboard or other device used to advertise any activity, whether charitable or otherwise, and whether the device is designed for permanent or temporary placement. (Ord. 89-6, Sec. 1; Code 1995)
- 4-1202. ADVERTISING DEVICE; OWNER'S PERMISSION. It is a violation of this article to place an advertising device on any property, whether it be a utility pole, tree, fence, building or other structure or whether it be real estate owned privately or publicly, without first obtaining the express permission of the owner or owners thereof and following all laws applicable thereto. (Ord. 89-6, Sec. 2; Code 1995)
- 4-1203. VIOLATIONS. It shall be a violation of this article if any advertising device describing an activity which is of temporary or limited duration, such as a yard sale, rummage sale or car wash, is not removed and properly stored or disposed of within 24 hours of the end of the activity to which it refers. (Ord. 89-6, Sec. 3; Code 1995)
- 4-1204. DEFINITIONS. As used in this Article 12 of Chapter 4 of the Code the following words and phrases shall have the meanings respectively ascribed to them herein:
- (a) "Adjacent area/controlled area" means an area which is adjacent to the right-of-way on any interstate, primary highway, or street, and is visible from the main traveled way.
 - (b) "Center line of the highway or street" means a line equidistant from the edges of the median separating the main traveled ways on a divided highway or street, or the center line of the main traveled way on a non-divided highway or street.
 - (c) "Comprehensive zoning" means zoning by the city of Galena, of each parcel of land under the jurisdiction of the city placed in a zoning classification pursuant to a comprehensive plan or reserved for future classification.
 - (d) "Department" means the Kansas Department of Transportation.
 - (e) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising or customary maintenance or repair of a sign structure.
 - (f) "Freeway" means any primary highway which is a divided arterial highway with four or more lanes available for through traffic with full control of access and grade separation at intersections.
 - (g) "Highway" means a highway as defined by K.S.A.8-1424, and amendments thereto. For the purpose of this act, a highway shall be considered a highway when the project for improvement and final alignment has been approved by the appropriate authorities.
 - (h) "Interstate highway" means any highway at any time officially designated as a part of the national system of interstate and defense highways by the secretary of transportation and approved by the appropriate authority of the federal government.

(i) "Local zoning authority" means the city of Galena, Kansas, which is authorized by law to zone areas within its jurisdiction and which is hereby deemed to have an active zoning authority of a city with comprehensive zoning.

(j) "Main traveled way" means the traveled way of a highway or street on which through traffic is carried. On a divided highway or street, the traveled way of each of the separate roadways for traffic in opposite directions is a main traveled way, but such term does not include such facilities as frontage roads, turning roadways or parking areas.

(k) "Maintain" means to keep in a state of continuing existence. A sign must remain substantially the same as it was when permitted on the effective date of compliance with this ordinance. Customary maintenance of a sign includes only change of message, replacing electrical wiring and bulbs, painting of the face and structure, clearing of vegetation on the parcel the sign is located, reinforcing the structure and repairing the apron or catwalks or any addition or enhancements to safety equipment on structures including safety cables, railings and other modifications necessary to meet current safety standards. An increase in dimension, a change in dimension, any change in location, increase in height or the addition of lighting does not constitute customary maintenance. Additional maintenance activities, other than customary maintenance, require a new sign permit.

(l) "Primary highway" means any highway, other than an interstate highway, that was part of the federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the national highway system.

(m) "Safety rest area" means an area or site established and maintained within or adjacent to the highway right-of-way, which area is under public supervision or control and for the convenience of the traveling public.

(n) "Sign" or "outdoor advertising device" means any outdoor sign structure, display, light, device, notice, bulletin, figure, painting, drawing, message, placard, poster, billboard, vehicle or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents which is visible from any place on the main traveled way or any portion of an interstate or primary highway.

(o) "Sign facing" means and includes a sign display or displays at the same location and facing the same direction.

(p) "Sign display" means a single panel or part of the sign, including trim and background, which contains a message or messages.

(q) "Sign structure" means and includes all components of the sign, which may include poles, bracings, lateral supports, vehicles, displays and other materials of every kind and nature used to support a facing or facings on which advertising is placed.

(r) "Street" means a traveled way on which traffic is carried. For the purpose of this article, a street shall be considered a street when the project for improvement and final alignment has been approved by the appropriate authorities.

(s) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

(t) "Visible" means capable of being seen without visual aid by a person of normal visual acuity.

(Ord. 13-8; Code 2015)

- 4-1205. **SIGNS; TRAFFIC SIGN RESEMBLENCE PROHIBITED.** Signs shall not be erected or maintained which imitate or resemble any official traffic sign, signal or device or are erected or maintained upon trees or painted or drawn upon rocks or other natural features. (Ord. 13-8; Code 2015)
- 4-1206. **CONFIGURATION AND SIZE.** (a) Signs shall not be erected with sign faces which exceed 30 feet in height, 60 feet in length or 900 square feet in area, per facing, including border, trim and embellishments, but not including base or apron, supports, and other structural members.
- (b) The maximum size limitations shall apply to each sign facing;
- (c) Two sign displays not exceeding 450 square feet each may be erected in a facing, side by side or "double decked," and double-faced, back-to-back or V-type signs shall be permitted and shall be treated as one structure with a maximum area of 900 square feet permitted for each side or facing. In order to be classified as "back-to-back" there must not be more than 15 feet between structures or faces, to all for cross-bracing.
- (d) The area of any sign structure shall be measured by the smallest square, rectangle, circle or combination thereof which will encompass the area of the sign display or displays.
- (e) The height of any portion of the sign structure, excluding cutouts or extensions, as measured vertically from the adjacent edge of the road grade of the main traveled way shall not exceed 60 feet.
- (f) Cutouts or extensions shall be permitted on legal conforming signs at a size not to exceed 30% of the size of the main display area, with a maximum extension of five feet along the top edge, two feet along the sides and 3 feet along the bottom of the main display area. Cutouts or extensions shall not be permitted where the configuration and size requirements of this subsection will be exceeded. (Ord. 13-8; Code 2015)
- 4-1207. **SPACING.** (a) Signs shall conform to all applicable building codes and ordinances of the city.
- (b) Signs shall not be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with a driver's view of approaching, merging or intersecting traffic.
- (c) Except for official and on-premises signs, as defined in K.S.A. 68-2233(a) through (c), and amendments thereto, any signs or sign structures visible from any a street shall not be spaced less than 400 feet apart within Galena, Kansas, unless located within 50 feet of an intersection regulated by traffic control lights, in which event the distance limitation shall be 90 feet rather than 400 feet.
- (d) Any signs or sign structures visible from any interstate highway shall not be spaced less than 500 feet apart, except for official and on-premises signs, as defined in 23 U.S.C. 131(c), and as provided in K.S.A. 68-2233, and amendments thereto.
- (e) The minimum distance between two signs prescribed by paragraphs (c) and (d) of this section shall be measured along the nearest edge of the pavement between points directly opposite the signs along the same side of the highway. Such minimum distance shall not apply to signs described by subsection (a), (b) or (c) of K.S.A. 68-2233, and amendments thereto, nor shall such signs be counted or be used in measuring distances for the purpose of determining compliance with the spacing requirements of this subsection.

(f) The minimum distances between two signs prescribed by paragraphs (3) and (4) of this subsection shall not apply where such signs are separated by a building, structure, roadway or other obstruction which prevents a view of both signs at the same time by traffic proceedings on any one highway.

(g) Nothing in this subsection shall be construed as preventing the erection of double-faced, back-to-back or V-type signs with a maximum of two sign displays per sign facing, as permitted by Section 4-1206. Nothing in this subsection shall prevent the owner of a single face sign to change the position of the sign face to a different or opposite direction of traffic flow so long as an additional face or additional square feet are not added to the sign structure. No such change may be affected until approval is granted by the planning commission.
(Ord. 13-8; Code 2015)

4-1208.

LIGHTING. (a) Signs shall not be erected which contain, include or are illuminated by any flashing, intermittent, revolving or moving light, except those giving public service information such as, but not limited to, time, date, temperature, weather or news; steadily burning lights in configuration of letters or pictures are not prohibited.

(b) Signs shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of any interstate, primary highway, or street, and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle; and

(c) Signs shall not be erected or maintained which are so illuminated that they obscure any official traffic sign, device or signal, or imitate or may be confused with any official sign, device or signal. (Ord. 13-8; Code 2015)

4-1209.

AUTOMATIC CHANGEABLE FACING SIGNS. (a) Automatic changeable facing signs shall be permitted within adjacent or controlled areas under the following conditions:

(1) The sign does not contain or display flashing, intermittent or moving lights, including animated or scrolling advertising;

(2) The changeable facing remains in a fixed position for at least five seconds;

(3) If a message is changed electronically, it must be accomplished within an interval of two seconds or less;

(4) The sign is not placed within 400 feet of another automatic changeable facing sign on the same side of the highway, street or road, with the distance being measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway, unless such sign is located within 90 feet of an intersection regulated by traffic control lights, in which event the distance limitation shall be 40 feet rather than 400 feet;

(5) If the sign is a legal conforming structure it may be modified to an automatic changeable facing sign upon compliance with the standards and approval by the planning commission. A nonconforming structure shall not be modified to create an automatic changeable facing sign;

(6) If the sign contains a default design that will freeze the sign in one position if a malfunction occurs; and

(7) If the sign application meets all other permitting requirements.

(8) Such sign is located with a C-1, C-2, M-1 or M-2 zone.

(b) Any outdoor advertising sign use that does not comply with this Article may be ordered discontinued by the planning commission upon notice and opportunity to be heard by the owner or operator thereof at a hearing to be conducted before the planning commission.

(Ord. 13-8; Code 2015)

4-1210. INTERSTATE, HISTORIC AND SCENIC HIGHWAYS. Along interstate highways, the size and spacing requirements of subsections (b) and (c) of K.S.A. 68-2233, and amendments thereto, shall apply to zoned commercial or industrial areas. The provisions of K.S.A. 68-2233(g)(1) through (4) shall not apply to signs and billboards within the city of Galena, Kansas.

(Ord. 13-8; Code 2015)

4-1211. LEGISLATIVE FINDING. This section of the Code regulating outdoor advertising is deemed a part of the city's comprehensive zoning and is not created primarily to permit outdoor advertising structures.

(Ord. 13-8; Code 2015)

ARTICLE 13. ADULT CARE HOMES

- 4-1301. **DEFINITIONS.** “Adult care home” shall include the following facilities, as defined by Kansas Administrative Regulation 28-39-144 (1) through 28-39-144 (5), specifically: nursing facility, nursing facility for mental health, an intermediate care facility for the mentally retarded, an assisted living facility, and a residential health care facility. This Article shall apply to all adult care homes, as defined, in the city of Galena, Kansas.
(Ord. 10-4; Code 2015)
- 4-1302. **GENERATORS REQUIRED FOR HEATING AND VENTILATION.** Adult care homes must have one or more on-site electrical generators which are capable of providing reasonable emergency heating and cooling for the patients and occupants of adult care homes, or, in the alternative, the adult care home must have a written contract with a supplier that assures such generator or generators, as required, will be supplied to the adult care home within 5 hours of a power interruption. Connections shall be through a switch which shall automatically transfer the circuits to the emergency power source in case of power failure. In the event that existing equipment does not sustain automatic transfer, the adult care home shall be required to manually change these items from a non-emergency powered outlet to an emergency powered outlet or other power source. All emergency power transfer switches shall be labeled as such. Switches affecting the heating and cooling systems shall be labeled as such.
(Ord. 10-4; Code 2015)
- 4-1303. **FUEL REQUIREMENTS.** The emergency power system shall be supplied with a minimum of 24 hours of propane, gasoline or diesel fuel located at the site of the adult care home to supply the alternative power source required hereunder. The quantity shall be based on its reasonably expected or known connected load consumption during power interruptions. In addition, an adult care home shall have a written contract with an area fuel distributor which guarantees first priority service for re-fills during power interruptions. Such fuel distributor shall be capable of supplying fuel within the expiration of the above-stated 24 hours period.
(Ord. 10-4; Code 2015)
- 4-1304. **REGULAR TESTING OF EMERGENCY POWER SOURCE REQUIRED.** The emergency power system, including generators, shall be inspected weekly, and exercised under actual load and operating temperature conditions for at least 30 minutes, once each month, including for automatic and manual transfer of equipment. The generator shall be exercised by trained facility staff familiar with the operation of the system. Instructions for the operation of the emergency power system shall be located upon the adult care home facility premises in a location sufficient to assure prompt access to the aforesaid instructions.
(Ord. 10-4; Code 2015)
- 4-1305. **INSPECTIONS.** Adult care homes shall permit any official of the city of Galena, Kansas, acting in the performance of their duties, to inspect the premises, as necessary, to ensure the adult care home is complying with all applicable regulations created hereunder. A copy of any contract required to be maintained by this Article shall be immediately available for inspection upon request by such city official. An inspection to determine compliance with Sections 13-101 through 13-

107 shall occur within 60 days of the effective date of this ordinance to make a determination of the status of compliance issues and a written report shall be provided by the inspector to the inspected adult care home within 30 days after inspection. A copy of such report shall also be provided to the City Clerk's Office for public inspection. The city inspector shall be primarily responsible for enforcing Sections 13-101 through 13-107 of the Code, and the event the city inspector is not able to do so, the code enforcement officer shall so perform the duties designated herein to the city inspector.
(Ord. 10-4; Code 2015)

4-1306. COMPLIANCE DEADLINE. All adult care homes shall comply with the provisions of this Article by September 30, 2010. Any adult care home not in compliance with this Article by such date shall apply to the City Council by August 31, 2010, for any desired extension of time to comply with this Article. No extension of time shall be granted for a period longer than two months from the existing deadline and such extension shall be granted only upon a showing of hardship.
(Ord. 10-4; Code 2015)

4-1307. PENALTIES. Any person or legal entity violating any of the terms of Sections 13-102, 13-103 or 13-106 of this Article shall be subject to a fine not to exceed \$2500.00 for each violation thereof. Any person or legal entity violating the terms of Sections 13-104 or 13-105 of this Article shall be subject to a fine not to exceed \$1000.00 for each violation thereof. Upon each day that a violation of the terms of this Article occurs, a separate offense shall have been committed.
(Ord. 10-4; Code 2015)