

## CHAPTER IV. BUILDINGS AND CONSTRUCTION

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### ARTICLE 1. FIRE LIMITS

4-101. FIRE LIMITS. The following shall be and are hereby declared to be the fire limits:

All of the land in the following described blocks in the City of Phillipsburg:

<u>Block</u>	<u>Range</u>
1	3 Bissell's Addition;
1	4 Bissell's Addition;
1	5 Bissell's Addition;
East Half of Block 1	2 Bissell's Addition;
1	4 Original Town;
2	4 Original Town;
3	4 Original Town;
4	4 Original Town;
5	4 Original Town;
6	4 Original Town;
7	4 Original Town;
6	5 Original Town;
7	5 Original Town;
6	3 Original Town;
7	3 Original Town.

(Code 1971, 5-101)

## 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 Phillipsburg, 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 Phillipsburg;
  - (c) Whenever the term building official is used in the building code, it shall be held to mean the mayor or his or her authorized designee.  
(Code 2010)
- 4-202. INTERNATIONAL BUILDING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Building Code, 2012 Edition, as recommended by the International Conference of Building 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 International Building Code, 2012 Edition, shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Phillipsburg," 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. (Ord. 1351; Code 2013)
- 4-203. ADDITIONAL PROVISIONS. The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-202. (Code 2010)
- 4-204. BUILDING OFFICIAL; POWERS; DUTIES. (a) This and other articles of the city relating generally to building and structures shall be administered and enforced by the public works supervisor, or his or her appointee. The public works supervisor or his or her appointee shall act as chief building official and may assume the responsibilities of or with the consent and approval of the governing body appoint a building inspector and such other assistants as may be advisable for the issuance of building permits and the inspection of building work.
- (b) The public works supervisor, or his or her appointee shall prepare such application, permit, inspection and record forms as may be required for the purposes of the article. The public works supervisor may make and promulgate the necessary rules and regulations to obtain conformity with this article pertaining to the making of applications for building permits, issuing of building permits and inspecting of buildings and building works. (Code 2010)
- 4-205. BUILDING INSPECTOR; APPOINTMENT. The public works supervisor, or his or her appointee may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of building inspector as may be required, subject to the consent and approval of the governing body.  
(Code 2010)

- 4-206. SAME; DUTIES. The building inspector shall have the following duties:
- (a) To enforce all regulations relating to construction, alteration, repair, removal and demolition of building and structures;
  - (b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;
  - (c) To examine all buildings in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and;
  - (d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the building official without his or her written consent. (Code 2010)
- 4-207. SAME; POWERS. The building inspector shall have the following powers:
- (a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this 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 2010)
- 4-208. SAME; RIGHT OF ENTRY. The building inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter. (Code 2010)
- 4-209. CLARIFICATION; MODIFICATION. (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the building code which may be unclear, ambiguous, or requiring interpretation.
- (b) The building inspector shall have power to modify any of the provisions of the building code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the building inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the inspector thereon shall be entered upon the records of the building inspector and a signed copy shall be furnished to the applicant. (Code 2010)

4-210.

**BUILDING PERMIT REQUIRED; APPLICATION; APPROVAL EXPIRATION; PENALTY.** (a) It shall be unlawful for any person to 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 remodeled any building or structure within the city without a building permit being first issued by the building inspection application to the city clerk and upon payment of a permit fee according to the schedule on file in the office of the city clerk as fixed by the city council. 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.

(b) Every permit issued by the building inspector under the provisions of the Uniform Building Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after work has been suspended or abandoned for one year or more, the permittee shall pay a new full permit fee. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required for good and satisfactory reasons. The building inspector may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

(c) Any person violating this section shall be punished as provided in section 1-115 of the Code of the City of Phillipsburg, Kansas.  
(Ord. 1245, Sec. 4; Code 1999, 4-203)

4-211.

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

- (1) The name of the owner of the lot or tract of ground;
- (2) The location of the building or structure;
- (3) The building work proposed;
- (4) The outside dimensions of the building by floors and dimensions of the basement (if any);
- (5) The class of occupancy;
- (6) The class of construction;
- (7) The kind of materials to be used for walls, floors, ceilings, roofs, and foundations;
- (8) The estimated cost of the work;
- (9) The date work will commence;
- (10) Expected date of completion;
- (11) Name and address of contractor or contractors doing the work;

(12) Such other information as may be pertinent to the issuance of the required permit.

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

(c) Upon approval of the completed application and a determination that a permit should be issued, the 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 2010)

4-212. SAME; PLANS AND SPECIFICATIONS. Whenever an application for a building permit is made, the chief building official may, if he or she finds it necessary to determine whether building work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed building as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the building official may require the applicant to file complete architectural and engineering plans and specifications for such building, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any building work for conformity with this article. (Code 2010)

4-213. SAME; FEES. The fee for a building permit shall be set by policy of the governing body. However, no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required, is under a specific amount set in the aforementioned policy. The fee herein shall be paid to the city clerk upon obtaining a building permit and the same shall be credited to the general operating fund of the city. (Code 2010)

4-214. SAME; POSTING. A copy of the building permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The building inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 2010)

4-215. CERTIFICATE OF APPROVAL. (Reserved)

- 4-216.           INSPECTIONS OF BUILDING; LAYOUT OF BUILDING; FOUNDATIONS AND FOOTINGS; NOTICE TO INSPECTOR. (a) The contractor or builder having a permit for new construction, or additions to existing buildings, shall notify the chief building official or building inspector immediately upon the marking or laying out of the site and foundation for such work. The official or inspector shall inspect the layout for conformity with this article and with respect to lot lines, setbacks and location of the proposed buildings to determine conformity with the city zoning regulations. In case of doubt respecting the required location, the chief building official may require an official survey of the lot lines to determine conformity, at the expense of the permit holder.
- (b) Upon completion of the excavation for the building foundation and footings and the construction of the necessary forms thereof and before the foundation and footings are poured or laid, the official or inspector shall be notified as in the first case, and it shall be his or her duty to inspect all such work for conformity with laws respecting location of the building foundations and footings.
- (c) The building inspector shall during the course of all building make such other inspections as may be directed by the chief building official to be made during any successive stage of the construction or other work covered by a permit in order to secure compliance with laws pertaining thereto. (Code 2010)
- 4-217.           REQUEST FOR INSPECTION. Upon the completion of any building construction work covered by this article, it shall be the duty of the person doing such work to notify the building inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided. (Code 2010)
- 4-218.           INSPECTION FEE. An initial inspection fee, as set by policy of the governing body, and an inspection fee for subsequent inspections required shall be paid before any building or construction work will be approved or a certificate of approval issued. (Code 2010)
- 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 2010)

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 2010)

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. Such license shall be issued by the city clerk, upon payment of the fees. (Code 2013)

- 4-222. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.
- (a) License fees, as set by policy of the governing body shall be paid for the following professions:
- (1) General Builder or Building Contractor;
  - (2) Limited Builder or Building Contractor;
  - (3) House Wreckers or Movers;
  - (4) Sign Hangers and Panel Posters.
- 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 2010)

- 4-223. INSURANCE. In addition to obtaining a license as required by this article, a builder or building contractor must procure and maintain a liability insurance policy in the amount of \$500,000, combined single limit liability for any one incident. 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 2010)

- 4-224. 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 2010)

4-225. **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 2010)

4-226. **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 2010)

4-227. **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 2010)

### ARTICLE 3. PLUMBING AND GAS-FITTING CODE

- 4-301. 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 2010)
- 4-302. 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 Uniform Plumbing Code, 2012 Edition, 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 Phillipsburg," 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. (Ord. 1351; Code 2013)
- 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 2010)
- 4-304. BUILDING OFFICIAL; AUTHORITY. The Public Works Supervisor or designated officer shall be responsible for the administration and enforcement of this article and appointment of a plumbing inspector in accordance with section 4-204 of this chapter, which apply in a like manner to this article. (Code 2010)
- 4-305. PLUMBING INSPECTOR. A plumbing inspector may be appointed by the mayor whose duties shall be to see that the provisions of this article are complied with. The plumbing inspector shall have supervision over all plumbing and drain laying done within the city and shall inspect all work under construction, alteration or repair, coming within his jurisdiction and shall cause the same to be done according to the conditions of this article and such other rules and regulations as may be hereinafter established. When a piece of work has been satisfactorily completed, the inspector shall issue a certificate of approval to the plumber in charge. (Code 1971, 5-205; Code 2010)
- 4-306. 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 2010)

4-307. 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 2010)

4-308. 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 1981; Code 1999, 4-314)

4-309. 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 2010)

4-310. 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 4-301, 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 2010)

4-311. 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 2010)

4-312. 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 2010)

4-313. SAME; FEES. The fee for a plumbing permit shall be set by policy of the governing body. 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 2010)

4-314. 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 2010)

4-315. 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 2010)

4-316. 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 2010)

4-317. INSPECTION FEE. An initial inspection fee and an inspection fee of for subsequent inspections required shall be set by policy of the governing body, and shall be paid before any plumbing will be approved or a certificate of approval issued. (Code 2010)

4-318. 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 2010)

4-319. 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 2010)

4-320. 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 2010)

4-321. 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 2010)

4-322. 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 2010)

4-323. 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. Such license shall be issued by the city clerk, upon payment of the fees. (Code 2013)

4-324. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS. (a) License fees, as set by policy of the governing body, shall be paid for the calendar year or major fraction thereof for General Plumbers or Plumbing Contractors, who shall qualify to engage in more than one kind of plumbing work, and

Limited Plumbers or Plumbing Contractors, who shall qualify to engage in not more than one kind of plumbing work;

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 2010)

4-325. INSURANCE. In addition to obtaining a license as required by this article, a plumber or plumbing contractor must procure and maintain a liability insurance policy in the amount of \$500,000, combined single limit liability 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 2010)

4-326. 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 2010)

- 4-327. 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 public works supervisor or designated officer 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. All excavations shall be completed as per the policy adopted by the city council. (Code 2013)
- 4-328. 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 2010)
- 4-329. 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 2010)
- 4-330. 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 2010)
- 4-331. 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 2010)

## ARTICLE 4. ELECTRICAL CODE

4-401. 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 2010)

4-402. ADOPTION OF ELECTRICAL CODE BY REFERENCE. The standard code known as the National Electrical Code of 2011, a publication of the National Fire Protection Association, 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 Phillipsburg," 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. (Ord. 1351; Code 2013)

- 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 2010)
- 4-404.        **BUILDING OFFICIAL; AUTHORITY.** The Public Works Supervisor or designated officer shall be responsible for the administration and enforcement of this article and appointment of an electrical inspector in accordance with section 4-204 of this chapter, which shall apply in a like manner to this article. (Code 2010)
- 4-405.        **ELECTRICAL INSPECTOR; APPOINTMENT.** The electrical inspector may be appointed by the mayor and shall keep complete records of all permits issued, inspections made and certificates issued and all other official work performed under the provisions of this article. All necessary forms and record books shall be provided by the city. (Code 1971, 5-306; Code 1999, 4-403; Code 2010)
- 4-406.        **SAME; DUTIES.** The electrical inspector shall have the following duties:
- (a) To enforce all regulations relating to electrical construction, alteration, repair or removal;
  - (b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of electrical construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;
  - (c) To examine all buildings requiring electrical construction in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and
  - (d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the building official or electrical inspector without his or her written consent.
- (Code 2010)
- 4-407.        **SAME; POWERS.** The electrical inspector shall have the following powers:
- (a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this 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 2010)

- 4-408. SAME; RIGHT OF ENTRY. The electrical inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter.  
(Code 2010)
- 4-409. CLARIFICATION; MODIFICATION. (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the electrical code which may be unclear, ambiguous, or requiring interpretation.  
(b) The electrical inspector shall have power to modify any of the provisions of the electrical code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the electrical inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the inspector thereon shall be entered upon the records of the electrical inspector and a signed copy shall be furnished to the applicant.  
(Code 2010)
- 4-410. 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 4-401 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 2010)
- 4-411. 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 2010)

4-412. SAME; PLANS AND SPECIFICATIONS. Whenever an application for an electrical permit is made, the chief building official or the electrical inspector may, if he or she finds it necessary to determine whether electrical construction work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed electrical construction as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the building official may require the applicant to file complete electrical and engineering plans and specifications for such electrical construction, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any electrical construction work for conformity with this article. (Code 2010)

4-413. SAME; FEES. The fee for an electrical permit shall be set by policy of the governing body. The fee herein shall be paid to the city clerk upon obtaining an electrical permit and the same shall be credited to the general operating fund of the city. (Code 2010)

4-414. SAME; POSTING. A copy of the electrical permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The electrical inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 2010)

4-415. 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

electrical inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided. (Code 2010)

4-416. INSPECTION; CONCEALMENT OF PRIOR WORK. (a) When any electric equipment is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the building inspector and such equipment shall not be concealed until it has been inspected, approved or authorized by the electrical inspector or until 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 electrical inspector due notice and inspections shall be made periodically during the progress of the work.

(b) The electrical inspector shall have the authority to require building contractors to open such work which, in any manner, conceals electrical wiring that has been closed without his or her knowledge or permission, and in no case shall the inspector issue a certificate of approval until satisfied that the work is in accordance with the provisions of this article. The inspector shall also have the right to refuse to issue a certificate of approval on any wiring, that is concealed in such manner that it cannot be fully determined that it has been done in accordance with this article. (Code 2010)

4-417. INSPECTION FEE. An initial inspection fee and an inspection fee for subsequent inspections required shall be set by policy of the governing body, and shall be paid before any electrical installation will be approved or a certificate of approval issued. (Code 2010)

4-418. CERTIFICATE OF APPROVAL. (a) When the electrical inspector finds an electrical construction or installation to be in conformity with the provisions of this article, he or she shall issue to the person, firm, or corporation performing the electrical construction work or making the installation, a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the installation and connection to the supply of electricity.

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

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

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

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

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

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

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

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

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

(Code 2010)

4-419. CONNECTION TO INSTALLATIONS. It shall be unlawful for any person, firm, or corporation to make connection to a supply of electricity to any building or electrical equipment for which an inspection is required, or which has been disconnected by the order of the electrical inspector, until a certificate of approval has been issued by the electrical inspector authorizing the connection and use of such electric supply. The electrical inspector may, at his or her discretion, authorize a temporary connection. (Code 2010)

4-420. REINSPECTION. The electrical inspector shall periodically re-inspect existing installations of electrical conductors and equipment. When the installation of any conductors or equipment is found to be in a dangerous or unsafe condition, the person, firm, or corporation owning, using, or operating the installation shall be notified in writing and shall make the necessary repairs or changes required to place the conductors or equipment in safe condition and have the work completed within the period specified by the electrical inspector. (Code 2010)

4-421. CONDEMNATION; APPEAL. (a) If in the judgment of the electrical inspector, after an inspection, any electrical conductors, appliances or equipment in any building are unsafe or dangerous to persons or property, the inspector shall have the power to cause the wires or appliances to be disconnected from the source of electrical energy supplying these conductors or equipment, and may, at his or her discretion, seal the control switches for the same in an open or disconnected position, whereupon he or she shall give notice to the owner, or his or her agent, or by posting such notice at the site and shall also notify the utilities serving the premises. Thereafter, it shall be unlawful for any person to cause or permit electric current to be supplied to the electrical conductors, appliances or equipment so sealed until they shall have been made safe and the inspector shall have issued a certificate of approval to that effect.

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

(c) When the electrical inspector condemns all or part of any electrical installation, the owner may, within 10 days after receiving written notice thereof, file a petition in writing for review of the action of the building inspector by the governing body, upon the receipt of which the governing body shall at once proceed to determine the facts, and within 10 days from receiving the petition make a decision in accordance with their findings. (Code 2010)

4-422. 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 2010)

4-423. 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 2010)

4-424. 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 2010)

4-425. 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. Such license shall be issued by the city clerk, upon payment of the fees hereinafter provided. (Code 2013)

4-426. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.  
(a) License fees, in an appropriate amount as set by policy of the governing body, shall be paid for the calendar year or major fraction thereof for  
(1) General Electrician or Electrical Contractor, who shall qualify to engage in more than one kind of electrical construction work; and  
(2) Limited Electrician or Electrical Contractor, who shall qualify to engage in not more than one kind of electrical construction work;  
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 2010)

4-427. INSURANCE. In addition to obtaining a license as required by this article, an electrician or electrical contractor must procure and maintain a liability insurance policy in the amount of \$500,000, combined single limit liability 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 2010)

4-428. 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 2010)

4-429. **WORK BY PROPERTY OWNERS.** Nothing herein contained shall prohibit any property owner from personally performing any electrical construction or installing electrical wiring or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the electrical inspector as to his or her ability to perform such work or install such electrical wiring, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal electrical construction or installation performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city.  
(Code 2010)

4-430. **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 2010)

4-431. **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 2010)

4-432. 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 2010)

## ARTICLE 5. DANGEROUS AND UNFIT STRUCTURES

- 4-501. 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. 1190, Sec. 1; Code 1992)
- 4-502. DEFINITIONS. For the purpose of this article, the following words and terms shall have the following meanings:
- (a) Enforcing officer - means the building inspector 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. 1190, Sec. 3; Code 1992)
- 4-503. 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. 1190, Sec. 4; Code 1992)
- 4-504. 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. 1190, Sec. 5; Code 1992)
- 4-505. SAME; NOTICE. The governing body upon receiving a report as provided in section 4-504 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. 1190, Sec. 5; Code 1992)

- 4-506. 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. 1190, Sec. 5; Code 1992)
- 4-507. SAME; HEARING, ORDER. (a) If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed.
- (b) If the repair, alteration, or improvement of the structure can be made at a cost which shall not exceed 50 percent of the fair market value of the structure, the owner of the property shall, within the time specified in the order, repair, alter or improve the structure to render it safe and fit for human use or habitation, or shall vacate and close the structure until such time as he has complied with the order.
- (c) If the repair, alteration or improvement of the structure cannot be made at a cost of 50 percent or less of its fair market value, the owner shall, within the time specified in the order, remove or demolish the structure.  
(Ord. 1190, Sec. 6; Code 1992)
- 4-508. 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. 1190, Sec. 7; Code 1992)
- 4-509. 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. 1190, Sec. 8; Code 1992)
- 4-510. 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. 1190, Sec. 8; Code 1992)

- 4-511. 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; Code 2010)
- 4-512. 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 4-511. (K.S.A. 12-1756; Ord. 1190, Sec. 9; Code 1992)
- 4-513. 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. 1190, Sec. 10; Code 1992)

4-514. 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. 1190, Sec. 11; Code 1992)

## ARTICLE 6. MOVING BUILDINGS

- 4-601. BUILDING OFFICIAL; AUTHORITY. The Public Works Supervisor or designated officer 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 2010)
- 4-602. 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 2010)
- 4-603. SAME: APPLICATION FOR PERMIT. All applications for permits required under the provisions of this article shall be made in writing to the Public Works Supervisor or designated officer 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 2010)
- 4-604. 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 2010)
- 4-605. 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 2010)
- 4-606. CONTRACTOR; LICENSE REQUIRED; FEE. The provisions of sections 4-219:225 of this chapter shall apply in a like manner to this article. (Code 2010)
- 4-607. ROUTE; DUTIES OF BUILDING OFFICIAL. The Public Works Supervisor or designated officer 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 2010)

4-608. 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 1992; Code 1999, 4-603)

4-609. 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 4-608, 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 2010)

4-610. 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 2010)

4-611. 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 2010)

## ARTICLE 7. NUMBERING BUILDINGS

4-701. NUMBERING OF BUILDINGS. The owner or occupants of all lots in the City of Phillipsburg are hereby required to number the buildings thereon, according to the following method:

For the purpose of numbering buildings, each block shall be divided into 50 equal divisions running the entire length or breadth, as the case may be, including all alleys, starting with the property line on one side and ending with the property line on the opposite side. To each of these divisions shall be assigned one number as hereinafter provided. On all streets running east and west, the divisions shall be numbered from First Street, commencing with the number 100 and each successive block with one additional 100 to the eastern and western limits of said streets. The portions of the streets running east and west, lying west of First Street shall be prefixed with the word "west"

On all streets running north and south (except, U.S. Highway 183 running South of U.S. Highway 36, in which case, said highway addresses shall coincide with the Phillips County Emergency Preparedness Addressing System) the divisions shall be numbered from Park Street, commencing with the number 100 and each successive block with one additional 100 to the northern and southern limits of such streets. The portions of said streets lying south of Park Street shall be prefixed with the word "south".

The even numbers shall be placed on the south and on the east sides and the odd numbers on the west and on the north sides of all streets.

All buildings shall carry the numbers assigned to the divisions, as hereinbefore provided on which the doorways or entrances are located.

(Ord. 1267, Sec. 1; Code 2010)

4-702. PLACING NUMBERS. The figures of each number put on any building shall not be less than three inches in height and shall be conspicuously placed on, or above, or by the side of the front door or entrance of such building in such a way that they will be reasonably permanent. (Code 1971, 5-502)

4-703. BUILDING NUMBERS REQUIRED. All occupants or owners of the buildings of this city are required to number or cause to be numbered, their buildings. Whenever a new building shall be erected in the city, the owners or occupants thereof shall number the building within 30 days after the completion or occupancy of said building. (Code 1971, 4-503)

4-704. CITY MAY NUMBER. If any owner or agent of any building in the city shall fail or neglect to cause the same to be numbered within 30 days, as herein required, the city council may cause the same to be done and the expense thereof with the cost of the numbers shall be charged to the property on which the number is placed and shall be placed on the tax roll as a special assessment against the property with the regular assessment of the property in the city for general purposes and collected as other special assessments. (Code 1971, 5-505)

4-705. EXCEPTIONS. The mayor is hereby authorized to establish such exceptions to the numbering system described in this article as may be necessary by the irregular routing of any streets, avenues and other highways within the city. (Code 1971, 5-504)

**ARTICLE 8. WIND ENERGY CONVERSION SYSTEMS**

4-801. WIND ENERGY CONVERSION SYSTEM (WECS); DEFINED. Any device or combination of devices, including but not limited to wind charges, windmills and wind turbines, which converts wind energy into another usable form of energy; the term shall include all associated support structures and transmission lines.  
(Ord. 1136, Sec. 2)

4-802. PERMIT REQUIRED. Every person, firm or corporation who desires to install a wind energy conversion system (WECS) shall first be required to secure a permit from the Public Works Supervisor or designated officer. The application for such permit shall contain such information and comply with such regulations listed below:

(a) The minimum distance from all zoning lot lines to any tower, pole or other support base of the WECS shall be determined by the following table:

<u>Rotor Diameter (feet)</u>	<u>Setback Distance (feet)</u>
5	100
10	165
15	220
20	270
25	310
30	340
35	365
40	385

Intermediate rotor size distances shall be interpolated. The WECS shall not be located in any required yard, front or side yard.

(b) The WECS shall not cause interference to microwave communications or radio and television reception in the area. Noise levels measured at the lot line shall not exceed 60 dBa in a residential zone.

(c) To limit climbing access to a WECS tower, or other support structure, a six foot high fence with locking portal shall be placed around the WECS support or if a tower is utilized the tower climbing apparatus shall be limited to no lower than 12 feet from the ground or the WECS support may be mounted on a roof top.

(d) All blades of a WECS shall be constructed of nonmetallic substances. If the applicant can prove, in written form, that no electromagnetic interference will result, a metal content of up to 25 percent will be acceptable.

(e) Certification by a licensed professional structural engineer that: the technical and dimensional data included in the application is accurate; that the proposed WECS is structurally adequate to withstand foreseeable natural phenomena; that the tower and top adapter will withstand minimum horizontal thrusts of 900 pounds; and that it in all respects conforms to the requirements set forth in this section.

(f) Height of the WECS shall not exceed the maximum height restriction in the zone where it is located by more than 20 feet. The height of the WECS shall be measured at the center of the blade diameter.

(g) Certification will be required from the Rocky Flats Plant Energy Systems Group, Golden, Colorado, that it has tested the proposed WECS, together with resulting data pertaining to the operation, safety, noise and potential interference with television, radio, or communication reception, by the proposed WECS.

(h) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's current service regulations applicable to WECS.

(i) A plot plan shall be submitted with the application for building permit showing the proposed location and dimensions of the WECS, guy wires or other support, fencing and all existing buildings within 200 feet of the exterior lot lines.

(j) A list of all property owners within 200 feet of the boundaries of the site upon which the WECS is proposed to be installed shall accompany all other required documents.

(k) The owner/operator shall provide covenants, easements or similar documentation to assure sufficient wind to operate the WECS unless adequate accessibility to the wind is provided by the site.

(l) The owner/operator shall certify that the WECS does not violate any covenants of record.

(m) No WECS shall be located nearer to an existing WECS than a distance equal to five times the diameter of the larger rotor; provided that this distance may be reduced upon a showing that such reduction will not adversely affect the operation of either WECS.

(n) Maintenance on any WECS shall be performed in accordance with the manufacturer's recommendations. Rotor blades shall be checked for fatigue annually by a licensed professional structural engineer, who shall certify the results of such inspection to the city building official within 10 days thereafter.

(o) The applicant shall provide a certificate of liability insurance. Annually the owner/operator shall present evidence to the zoning administrator that the liability insurance is still in effect.

(p) Any WECS which thereafter becomes inoperable or fails to conform to the requirements hereof shall be repaired or removed within 30 days.

(Ord. 1136, Sec. 3)

## ARTICLE 9. DISH-TYPE ANTENNA

- 4-901. RESTRICTED. Except as provided in this article, no parabolic or dish-type antenna shall be erected, constructed, altered or maintained on any lot within the city. (Ord. 1155, Sec. 1)
- 4-902. DEFINITIONS. (a) Parabolic or dish-type antenna means any circular or similar dish shape receiving antenna generally used for highly specialized industrial communications or for receiving television signals from a satellite.  
(b) Height shall mean the overall vertical length of the antenna system above the ground, or if located on a structure, then above that portion of the structure upon which the antenna base rests. (Ord. 1155, Sec. 2)
- 4-903. PERMITS AND LICENSES. (a) No antenna system shall hereafter be erected or any existing antenna system increased in height, rebuilt, structurally altered or relocated without a building permit issued from the governing body of the city. No building permit is required for an antenna system that is roof mounted and less than three feet in diameter. The applicant shall submit a written request to the city specifying all work to be done and materials to be used. A permit may be issued if the work or improvement to be done complies with the provisions of the building code, other pertinent ordinances of the city, and this article, and shall not constitute a nuisance. The application for permit shall be considered by the governing body of the city at their next regular meeting following the date of application. The city shall provide a suitable application form setting out the information required to obtain the permit and this permit shall be valid for 30 days from the date of issue.  
(b) No parabolic or dish-type antenna three feet or more in diameter or ground mounted parabolic or dish-type antenna shall be made operational until an official representative of the city certifies in writing that both construction plans and final construction and location of the antenna meet the requirements of this article. (Ord. 1236, Sec. 1)
- 4-904. LOCATION AND HEIGHT. All parabolic or dish-type antenna located outside of the building shall meet the following requirements:  
(a) Maximum number per residential lot - one;  
(b) Maximum total height - 15 feet.  
(1) Residential: All parabolic or dish-type antenna shall be mounted at ground level if three feet or more in diameter. Any roof-mounted antenna shall be less than three feet in diameter and shall be mounted in such a manner as to assure structural integrity and meet safety requirements.  
(2) Commercial: In areas zoned as commercial district, satellite antennas shall not exceed the highest elevation of the corresponding roof line of a structure or in the absence thereof, satellite antennas shall not exceed 15 feet in height.  
(3) Industrial: In areas zoned as industrial districts, satellite antennas shall not exceed the height requirements set forth for these districts.  
(4) Manufactured Home Park: All parabolic or dish-type antenna shall be mounted at ground level if three feet or more in diameter. Any roof-mounted antenna shall be less than three feet in diameter, and shall be mounted in such a manner as to assure structural integrity and meet safety requirements.  
(c) Maximum diameter - 13 feet.

(d) No ground-mounted antenna may be located in the front or side yard but must be located directly in back of the primary structure and conform to back yard set-back requirements. In areas zoned manufactured home park districts, a ground mounted antenna may be located on the back half of the lot subject to the six foot backyard set-back requirement. In areas zoned as commercial or industrial districts, satellite antennas, capable of transmitting and/or receiving electromagnetic waves, shall be permitted on any portion of the lot except that which lies between the front lot line and the front building line.

(e) All parabolic dish-type antennas attached to the ground shall be permanently affixed on a concrete pad with mounting attachment to assure stability. If a residential or commercial antenna three feet or more in diameter is roof mounted, engineering data assuring proper mounting and structural integrity shall be furnished with the permit application. No antenna shall be mounted on a tower or similar form of support. (Ord. 1236, Sec. 3)

## ARTICLE 10. WATER WELLS

4-1001. WATER WELL REGISTRATION. Before any person attempts to drill any new water well of any kind, type or nature within the corporate city limits of the city, the landowner or tenant of the land where the well is to be placed, shall notify and register with the city clerk of the city the location of the water well, the approximate depth of the water well, the intended use of the water well, the anticipated date the water well shall be placed into operation, and the person, persons or entity in charge of the actual construction of the water well. Also, the Water Well Contractor or Contractor as defined by K.S.A. 82a-1203(g), shall have the license as required by the "Kansas Groundwater Exploration and Protection Act." There shall be no fee for this registration. (Ord. 1192, Sec.1)

## ARTICLE 11. INTERMODAL CONTAINERS

- 4-1101. INTERMODAL CONTAINERS; DEFINITIONS. (a) Intermodal containers are defined as enclosed rectangular containers primarily used for shipment of goods and products, which are generally built of heavy gauge steel reinforced and continuously welded steel frame construction, with fully vertical corrugated steel sides and end walls, marine grade plywood flooring, hinged double doors with rubber gaskets.
- (b) Intermodal containers are also known for the purpose of this ordinance and commonly identified by the public as: Metal Freight containers, Storage containers, Steel Shipping Containers, Cargo Containers. A typical container is 8 feet wide and 8 feet high. Other heights are 8.5 feet, 9.5 feet, and 10.5 feet. The most common lengths are 20 feet, 40 feet, 48 feet, and 53 feet although other lengths exist. The containers are generally designed to be stacked on top of each other for shipment purposes. (Ord. 1345; Code 2010)
- 4-1102. SAME; REGULATION. (a) Intermodal containers may be used by a licensed contractor during the build phase of construction upon obtaining a permit from the Public Works Supervisor or designated officer. The contractor may place the intermodal container on the job site for a period exceeding 10 days after completion of the job.
- (b) Intermodal containers may be used for shipping purposes in the City of Phillipsburg, Kansas. The intermodal container must be on a railroad car which must be on a viable railroad track, or said container must be on an operational truck. If on a truck, the truck may not be parked in the City for more than 24 continuous hours.
- (c) Intermodal containers may not be used for any other purpose, including but not limited to the following: Intermodal containers may not be used as storage containers on real property in the City of Phillipsburg, Kansas.
- (d) It shall be unlawful for any person to violate any of the provisions of this ordinance.
- (e) That any person convicted of violating this section shall be adjudged guilty of an unclassified misdemeanor, for which the fine shall be not less than \$25.00 nor more than \$500.00, and sentenced to not more than 30 days in jail. (Ord. 1345; Code 2010)