

**CHAPTER IV
BUILDINGS AND CONSTRUCTION**

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**ARTICLE 1
FIRE LIMITS**

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

Lots 18, 19 and 20 in Block 22;

All of Blocks 27, 28, 29 and 30; Lots 8, 9, 10, 11, 12 and 13 in Block 31;

Lots 8 through 20 in Block 36; All of Blocks 37, 38 and 39; Lots 1, 2, 3, 4, 5, 6, 15, 16, 17, 18, 19 and 20 in Block 40;

All of Blocks 42, 43, 44, 49 and 51; The north half of Blocks 50 and 52 and all of Block 54;

Lots 1, 2 and 3 in Block 77; all on the original townsite of the city; and

Lots 1, 2, 15, 16, 17, 18 and 19 in Block one of Betsey Marston's Addition to the city.
(Code 1993, 10-101)

4-102 DAMAGED BUILDINGS NOT TO BE REBUILT. Any frame building within the fire limits, which may hereafter be damaged by fire, decay or otherwise to an amount greater than 50 percent of its foundation, shall not be repaired or rebuilt, but shall be removed.
(Code 1993, 5-107)

**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 Clay Center, 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 Clay Center;
- (c) Whenever the term building official is used in the building code, it shall be held to mean the City Building Inspector or his or her authorized designee. Such official shall be subject to section 1-302. (Code 1999)

4-202 UNIFORM BUILDING CODE INCORPORATED.

- (a) There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Building Code, 2003 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. No fewer than three copies of the International Building Code, 2003 Edition, shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Clay Center," 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. #2176 5-05)
- (b) 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 Residential Code, 2003 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. No fewer than three copies of the International Residential Code, 2003 Edition, shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Clay Center," 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. #2176 5-05)

4-203 BUILDING PERMITS COMMITTEE; CITY BUILDING INSPECTOR. Three members of the governing body, to be appointed by the Mayor, as other committees are appointed, shall be and constitute the building permits committee. The Mayor, with approval of the Council, shall appoint a City Building Inspector.

4-204 CITY BUILDING INSPECTOR; CITY DEPARTMENT HEADS; POWERS; DUTIES. This and other articles of the City relating generally to building and structures shall be administered and enforced by the City Building Inspector. The City Building Inspector shall act as chief building official and shall enforce all construction and building codes, land use and subdivision regulations, Resolution No. 1269, regulating flood plain development and all housing code adopted by the City of Clay Center, along with each of the City Department Heads, including the Fire Chief, Public Utilities Superintendent, Street commissioner, Waste Water Superintendent, Zoning Committee Chair, and the Building Permit Committee. (Code 2007)

4-205 SAME; DUTIES. The City Building Inspector and the noted City Department Heads 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.

4-206 SAME; POWERS. The City Building Inspector and the City Department Heads 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, or demolition to perform the duties;
- (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 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 2007)

4-207 BUILDING PERMITS. No person shall erect, construct or enlarge any building or structure in the City or cause the same to be done without first obtaining a building permit for each building or structure from the building permits committee and the Building Inspector. To obtain a permit, the person desiring to construct or build any addition to any building shall first file an application therefor in writing on the form furnished for that purpose. At the time of making such application, the applicant shall submit information as set out in 4-211. If the application, plans and specifications are found by the Building Inspector to be in violation of the codes or regulations, the building permits committee shall be so advised and no permit shall be issued until the plans and specifications comply to the satisfaction of the Building Inspector or a variance is approved as outlined in Resolution No. 1269 or recommended by the City Planning Commission. (Ord. 2056, Sec. 3)

4-208 STRUCTURES PROHIBITED FOR RESIDENTIAL PURPOSES. No temporary or in-completed building, nor any lean-to, tent or impermanent structure, nor any shack or structure which is detrimental to the health, safety or general welfare of the residents of the City, shall be moved into or from one place to another within the City, nor erected, maintained or used for residential purposes in the City. (R.O. 1970, 24-308)

4-209 LIMITATIONS; STRUCTURES NOT REQUIRING PERMIT. No building or structure shall be removed, constructed, erected, altered or remodeled, nor shall any such work

be commenced within the City limits, or within that territory outside of the limits of the City presently, or which may hereafter be placed under the jurisdiction of the City planning commission, until a building permit therefore has been issued by the City building committee. Applications for building permits shall be filed with the City clerk and shall set forth the legal description of the lot, tract or parcel of land, together with a general description of the building or structure to be moved, constructed, erected, altered or remodeled thereon, including size, shape, square foot area and cubic content, principal materials of construction and location of the building or structure upon the lot, tract or parcel of land, together with a plot plan drawn to scale showing the relation of the structure to the property lines of the tract where situated or to be situated and the location of sewer, gas, water and electrical lines to serve such structure. The City clerk shall refer such applications, plans and specifications to the City building inspector who shall make a thorough inspection thereof and report to the City building committee whether the same complies with this article and with all other ordinances of the City. If the same does comply, such building committee shall issue such building permit and if the same does not so comply no permit shall be issued until full compliance has been made.

A building permit shall not be required for a building or structure that is less than 120 square feet or that is intended to be temporary. Temporary shall mean not more than thirty (30) days. (Ord. #2139, 10-02)

4-210 MOBILE HOMES. No building permit shall be issued for any mobile home:

- (a) Which is more than ten (10) years old;
- (b) Is considered by the Building Inspector or any Public Officer to be in a dilapidated state;
- (c) Which shall be located in any location which is not zoned for mobile home use.

4-211 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 outside dimensions of the building by floors and dimensions of the basement (if any);
- (4) The class of occupancy;
- (5) The kind of materials to be used for walls, floors, ceilings, roofs, and foundations;
- (6) The estimated cost of the work;
- (7) The date work will commence;
- (8) Expected date of completion;
- (9) Name and address of contractor or contractors doing the work;
- (10) 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, by the required department heads, the City Building Inspector and the Building Permit Committee, and a determination that a permit should be issued, a member of the Building Permit Committee shall present the application and recommendation of the Building Permit Committee, to the City Council and upon Council approval, the City shall issue a permit to the property owner or contractor authorizing the building work covered by the application.

(d) Any permit issued 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 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.

(e) Any time significant changes are made to building plans during the course of construction, the property owner or contractor shall contact the City Building Inspector and inform him of said changes. (Code 2007)

4-212 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 1999)

4-213 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 1999)

4-214 FEE FOR BUILDING PERMIT APPLICATION AND INSPECTION.

(a) An application for a building permit must be accompanied by a \$10 payment to the city for processing the application. No application shall be reviewed by the building inspector until the payment is received by the city. (4-207)

(b) An initial inspection fee of \$50.00, and an additional inspection fee of \$25.00 for

each subsequent inspection, shall be paid before any building or construction work will be approved or a certificate of approval issued.

(c) If construction commences prior to the issuance of a certificate of approval, an additional inspection fee of \$50.00 will be charged, and construction must cease until a certificate of approval is obtained and all fees are paid. (#2132 09/02)

4-215 PERMIT APPLICATION REVIEW. The Building Inspector shall review all building permit applications to determine compliance with all codes, regulations, state and federal law; and it shall be further determined that the application has been presented upon the correct form; the Building Inspector shall further determine if the site of the proposed development is reasonably safe from flooding. Upon receipt by the Building Inspector of the required special permit application for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments within areas of special flood hazards, the Building Inspector shall follow the procedures and regulations as outlined in Resolution No. 1269. (Ord. 2055, Sec. 4)

4-216 APPEALS. If a building permit is denied by the Building Inspector and building committee, within ten (10) calendar days, the property owner may appeal, in writing, to the City Planning Commission using the following process.

- (a) Upon receipt of the written request for variance or of the regulations contained in the zoning ordinances of the City, the planning commission shall meet with the property owner, review the recommendations of the Building Inspector and the reasons for denial of the building permit, consider the impact of granting the permit on current and future property in the City and provide a recommendation to the City Council.
- (b) The City Council, upon reviewing the recommendation of the Planning Commission, shall determine whether to grant the permit or deny same.
- (c) The building permit shall not be issued unless a majority of all the members-elect of the Council vote in favor thereof, provided, that where the number of favorable votes is one less than required, the Mayor shall have the power to cast the deciding vote in favor of passage. (Ord. 2020, Sec. 3)

4-217 CERTIFICATE OF APPROVAL. Upon the completion of any work under a building permit, the chief building official, the Building Inspector or his or her designee is authorized to issue a certificate of approval for the occupancy and use of the building or structure. The certificate shall show the number of inspections made and the orders and corrections required during the course of the work. A copy of such certificate shall be given the owner. (Code 1999)

4-218 ENFORCEMENT; REVOCATION OF PERMIT. It shall be the duty of the Building Committee and Building Inspector to prevent the erection, repair or alteration of any building within the limits of the City until there has been issued a permit pursuant to this article for such construction or repair. The Building Committee and Building Inspector are hereby granted the power and authority to revoke any building permit issued by them under the provisions of this article when the person to whom the same is issued depart in such a way from the plans and specifications presented to obtain the permit as to violate the provisions of this article, or if, substantial progress in the proposed construction or repair has not been made within 180 days in residential construction or 360 days in commercial construction after the date the permit was

issued. Alterations in construction from the requirements of the International Building Code or from the plans and specifications presented to obtain the building permit shall result in revocation of the permit and be considered just cause for an order of removal of the structure or any portion of it determined to be the structure or any portion of it determined to be in violation by the Building Inspector. After revocation of the permit, no building, construction, repair or alteration shall proceed until such time as a new application for the permit is approved by the Building Committee and Building Inspector and there is full compliance with the other provisions of this article. Further, if the Building Inspector, in his or her discretion, determines that minor variances may be corrected to bring the construction into compliance with the authorized permit, the Building Inspector may grant a period of time to correct the variances and if not corrected within this period of time, the Building Inspector may order the utilities disconnected to the property until compliance is achieved. (Ord. 2024, Sec. 1; 1 Code 2001)

4-219 **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, and apply for an inspection and receive a certificate of approval. Personal building or construction performed by an owner 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.

4-220 **LIABILITY.** This 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.

4-221 **SEVERABILITY.** If any section of the International Building Code 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 2007)

4-222 **DEMOLITION PERMIT; APPLICATION.**

(a) A demolition permit shall be issued, by the City, upon an application, in writing, to the office of the City Clerk, on a form provided by the City of Clay Center, for that purpose, and upon approval by the City Building Inspector. 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 to be demolished;
- (3) The kind of materials contained in the walls, floors, ceilings, roofs, and foundations;
- (6) The estimated cost of the work;
- (7) The date work will commence;
- (8) Expected date of completion;
- (9) Name and address of contractor or contractors doing the work; and

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

(b) An application for a demolition permit shall be signed by the owner or his or her duly authorized agent, or a 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 demolition 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) No permit for demolition shall be issued to any owner or contractor if demolition of the property will be done by burning the structure. Only the Fire Chief and crew will be authorized to effect any burning of any structure within the City Limits.

(d) If any structure is found to contain friable Asbestos, the City shall inspect the structure to determine the amounts of friable and non friable asbestos. All friable Asbestos must be removed by a licensed asbestos control contractor and permits must be obtained from KDHE prior to the disposal of said substance. No permit for demolition shall be issued, when a structure is known to contain friable asbestos, without a written plan for removal of such substance.

(e) Upon approval of the completed application, by the City Building Inspector and the City Department Heads, the City shall issue a permit to the property owner or contractor authorizing the demolition covered by the application.

(f) Any permit issued 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 demolition authorized by such permit. (Code 2007)

4-223 DEMOLITION REQUIREMENTS; INSPECTION OF DEMOLITION.

(a) Demolition of any structure must follow procedure regarding correct disposal of debris, refuse, household appliances, toxic substances and hazardous materials, as follows:

(1) All utilities must be disconnected from said structure prior to commencement of demolition;

(2) Any procedures prescribed by the Kansas Department of Health and Environment, including, but not limited to the requirement of a special permit, issued by the Kansas Department of Health and Environment, in the event the property owner plans to bury the debris on the site the structure is located;

(2) Any procedure prescribed Chapter 40 of the Code of Federal Regulations;

(3) No debris, refuse or remnant of said structure shall be disposed of on any other property within the City limits;

(5) Any property owner may sell or salvage any portion of said structure, providing said salvage is in compliance with KDHE Guidelines and the Code of Federal Regulations.

(b) Notification will be given to the property owner that any and all materials will be inspected by the individual employed by the County, to manage the County Landfill, prior to disposal of debris at the Clay County Landfill. The property owner is responsible for any and all fees associated with disposal of debris and materials at the Clay County Landfill.

(c) Inspection of the Demolition may occur at any time during the demolition process, by the City Building Inspector, any Public Officer, or any representative of the City. Upon the completion of any demolition, it shall be the duty of the person doing such work to notify the City Clerk and request that the property be inspected; after which, such

demolition shall be inspected promptly. (Code 2007)

4-224 INCORPORATION OF RESOLUTION NO. 1269, IN COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM IN ACCORDANCE WITH THE NATIONAL FLOOD DISASTER PROTECTION ACT OF 1973. There is hereby incorporated by reference, Resolution No. 1269, for the purpose of regulating construction, substantial improvements, pre-fabricated buildings, placement of manufactured homes and other developments within areas of special flood hazards in the City. Resolution No. 1269 shall be made available to the public at all reasonable hours in the office of the City Clerk. (Ord. 2055, Sec. 1)

ARTICLE 3 NUMBERING HOUSES

4-301 NUMBER REQUIRED; METHOD; BASE STREETS. The houses in the City shall be numbered as follows, and in no other way:

- (a) In each block numbers shall begin with one or two added 100 for each half lot or 23 feet.
- (b) Odd numbers shall be on the left and even numbers on the right side of all streets, reckoning in the direction the numbers proceed.
- (c) Houses fronting on streets running north and south shall be numbered north or south from Bridge Street as a base.
- (d) Houses fronting on streets running east and west shall be numbered east from a base one block 460 feet west of First Street (platted original as River View Court).
- (e) In addition to the City platted in acre lots or fractions of acres, one number shall be allowed for each 50 feet.
- (f) The streets used as bases, together with extensions of the same, shall be used as bases for numbering houses in all present or future additions to the City. such numbers shall be confirmed by the City Clerk. (Code 1993, 5-801)

4-302 OWNER'S DUTIES; SIZE OF NUMBERS. New and existing building shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall be in conformity to the provisions of section 4-301, and shall continuously maintain on such houses the number or numbers herein required. Said numbering shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four (4) inches (102 mm) high with a minimum stroke width of one-half (0.5) (12.7 mm). In case any house be situated on ground to which more than one number would be given, as in section 4-301, such house shall take that number belonging to the portion of ground occupied by the main entrance to the houses, and the numbers provided for in this article shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four (4) inches (102 mm) high with a minimum stroke width of one-half (0.5) (12.7 mm) (Code 2007)

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 full time 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. Such official shall be subject to section 1-302.
- (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 1999)

4-402 NATIONAL ELECTRICAL CODE INCORPORATED. For the purpose of providing uniform electrical construction standards in the city, the certain standard code known as the "2008 National Electrical Code," published by the National Fire Protection Association, Box 9101, Quincy, Massachusetts, 02269-9959, is hereby incorporated by reference. Not less than three copies of the standard publication shall be marked "Official Copy as Incorporated by Reference by the Code of the City of Clay Center, Kansas," shall be filed with the City Clerk and shall be open to inspection and available to the public at all reasonable business hours. In addition, a copy of the code shall be kept on file in the office of the superintendent of utilities of the city. (Ord. 2222; 02/09)

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 1999)

4-404 BUILDING OFFICIAL; AUTHORITY. The building inspector or his or her authorized designee shall be responsible for the administration and enforcement of this article and

appointment of an electrical inspector. (Code 1999)

4-405 ELECTRICAL INSPECTOR. The office of electrical inspector in and for the City is hereby created. The superintendent of the light and power plant of the City, shall, in addition to his or her other duties, perform those of inspector of electric wiring as hereinafter defined. The public utilities commission, when necessary, may appoint a deputy electrical inspector from the employees of the plant to assist the electrical inspector in discharging his or her duties. (Code 1993, 5-315)

4-406 SAME; DUTIES. The electrical inspector shall have general supervision over the placing and installation of all electric light, heat and power wires, fixtures, appliances, conductors, apparatus, and their supports, in and upon all buildings and other structures within the City in accordance with the provisions of the ordinances of the City governing the placing and installation of electrical wiring and appliances therein. The electrical inspector shall keep a complete record of all work done, examination made, permits issued or other official work performed as required by this article, and shall annually make a report thereof to the public utilities commission. It shall be the duty of the electrical inspector to inspect all electric light, heat and power wires, fixtures, appliances, conductors, apparatus, and their supports, placed or installed in or upon any building or other structure within the City, regardless of whether such placing or installation was done or made by persons engaged in the business of electrical construction or by person engaged in other business, but doing their own electrical construction work through men in their own employ. The electrical inspector shall enforce, or cause to be enforced, all of the provisions of all ordinances governing the placing and installation of electrical wiring and appliances in the City, and for that purpose shall have, and is hereby granted, special police powers necessary therefor. (Code 1993, 5-316)

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;
- (d) May cause the removal of all wires, or the turning off of all electric currents, where the same shall interfere with the work of the fire department during the progress of a fire.

(Code 1993, 5-318; Code 1999)

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 1993, 5-317; Code 1999)

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 1999)

4-410 ELECTRICAL PERMIT; APPLICATION; ISSUANCE; FEE. Before any licensed electrician or nonresident contractor granted a temporary license shall enter upon any construction or erection of any electric light, heat or power wiring in any new building or in any material alteration of any existing building, application shall be made to the electrical inspector in writing for a construction permit, upon forms to be furnished by the City, describing the proposed work, owner and location of the work, and any other information required by the inspector. No residential home, business establishment or other structure within the City shall be wired nor shall any major extensions or alterations be made in the electrical wiring, nor fixtures and appliances be placed therein unless a permit first be granted therefor by the Public Utility Commission; provided, however, that for new work upon the main distribution panel, it shall be permissible for the permit to be obtained from the Public Utility Commission within 48 hours after the performance of such work. For each permit, the person applying for such permit shall be charged in accordance with the following schedule, which fees shall include the inspection of the installation: For new work up to the main distribution panel, the sum of \$10.00. For work involving the main distribution panel, the sum of \$10.00, plus \$.20 per amp for service up to and including 200 amp, or \$.50 per amp for service in excess of 200 amp. (Ord. #2185 - 11/05)

4-411 NOTICE TO INSPECTOR; APPROVAL OR DISAPPROVAL OF WORK. Upon the completion of the installation of any electric light, heat or power wiring, or appliances under any such permit or from time to time, as shall be necessary, before the same shall be covered or concealed, it shall be the duty of the person installing same, to notify the electrical inspector, who shall, in person or by his or her deputy, inspect the same; provided, that all orders for inspection must reach such inspector on or before 1:00 p.m. of the date the inspection is to be made; later than 1:00 p.m. may not be inspected until the following day. If such electric wiring apparatus or appliance be found to be in strict conformity with the provisions of this article then the electrical inspector shall notify in writing the person doing the work of his or her inspection, until such notices have been issued. No electric light, heat or power wire, or equipment shall be covered or concealed (except wires run in armored cable, loom, metal molding or metal conduit) until it shall have been inspected and approved by the electrical inspector and the electrical inspector shall have authority to remove, or cause to be removed, any lath, plaster or other finish which may interfere with the proper inspection thereof. In case such electric wiring or appliance be found not to be in strict conformity with the provisions of this article, it shall be the duty of the electrical inspector to post a notice of such defects at the main cutout center, and to notify the person installing same, of such defects, with instructions to remedy same before such wiring apparatus or appliance can be approved. (Code 1993, 5-320)

4-412 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 1999)

4-413 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 1999)

4-414 NOTICE OF DEFECTIVE WORK; REMOVAL. In case any work which the electrical inspector is required to inspect, by the provisions of this article, is found not to comply with the requirements hereof, and to be unsafe and defective, the electrical inspector shall at once notify the owner or agent of the building in which such work has been done, of such defect, and order him or her to change, rearrange or remove the same, and upon the owner's or agent's failure or refusal so to do, within a reasonable time, such owner shall be deemed guilty of a violation of the provisions of this article, and each and every day which shall elapse after the expiration of the time, as same shall be fixed by the electrical inspector, without a compliance with the order, shall be considered a separate offense. (Code 1993, 5-323)

4-415 INSPECTION FEE. (Reserved)

4-416 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 electricCity.

(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 1999)

4-417 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 1999)

4-418 CONTRACTOR'S TEMPORARY SERVICE CONNECTION. Any service connection of a temporary nature required by building contractors or persons requiring single phase 120/240 volt electrical energy to drive floor sanders, power saws, and the like, or for concession stands, shall be made by employees of the power and light plant. Such temporary single phase services will be connected to main secondary voltage feeders or suitable service leads. In no case will it be permissible to use existing convenience outlets installed in any existing building having a permanent service connection. Any person requiring a temporary service connection must make application for such to the Public Utility Commission at least 24 hours in advance of their need for the service. The light and power plant will furnish and install a suitable switch or protective breaker of a proper size for their needs up to 60 amperes capacity when service is made. A weather-tight 120 volt and a 240 volt outlet will be installed. Temporary service shall not be provided for longer than six months. (Ord. #2185 - 11/05)

4-419 CARNIVAL, CIRCUS, TENT SHOW, TEMPORARY SERVICE CONNECTION. Any special temporary primary voltage or secondary voltage service connection required by tent shows, carnivals, circus show, or the like, must be made by employees of the light and power plant of the City. Any person of this type must make application to the Public Utility Commission at least 24 hours in advance of their need for the service, and file a cash deposit of \$50.00 for 25 KVA capacity or fraction thereof, and \$5.00 for each additional 25 KVA of transformer capacity, or fraction thereof. Any person requiring a special temporary service must furnish a suitable switch or protective breaker of a proper size for their needs before service will be made. Temporary service shall not be provided for longer than six months. (Ord. #2185 - 11/05)

4-420 REINSPECTION. The electrical inspector shall periodically reinspect 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 1999)

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 1993, 5-321; Code 1999)

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 1999)

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 1999)

4-424 BOARD OF ELECTRICAL EXAMINERS. There is hereby established for the City a board of electrical examiners. The board shall consist of two persons licensed as journeyman or master electricians in the City and one member of the governing body. The members of the board shall be appointed by and serve at the pleasure of the Mayor, with the approval of the governing body. The initial terms for the members shall be as follows:

Journeyman or master electrician - position number one - one year.

Journeyman or master electrician - position number two - two years.

Council member - position number three - two years.

After the expiration of the initial terms all appointments to the board shall be for a term of two years. In the event any position becomes vacant by reason of resignation or removal for cause, the appointment of the successor member shall be for the portion of the unexpired term. (Ord. 2016, Sec. 1)

4-425 SAME; DUTIES. The board of electrical examiners is responsible for testing all persons applying for a license to engage in electrical work. Every applicant for an electrical license is required to furnish proof of completion of the appropriate block test or other test approved by the board of electrical examiners, to the board of electrical examiners. The board may establish reasonable fees to defray the cost of administering such examination. Upon successful completion of the examination, and upon the filing of the insurance certificate and the bond, the board shall recommend to the governing body that the license be issued, upon payment of the license fee. It shall be the further duty of the board to conduct hearings upon written complaints filed with the board alleging that because of defective work or other violations, the license issued to any person pursuant to section 4-426 be revoked. The written complaint shall be in the form prescribed by the board. The person charged by the complaint shall be entitled to all due process safeguards, including reasonable notice of the hearing and the opportunity to present all relevant testimony at the hearing. After hearing all parties and considering any other material evidence (including an inspection of the work alleged effective if desired by the board) the board may recommend to the governing body that the license in question be revoked. The final decision as to whether the license shall be revoked shall rest with and be in the discretion of the governing body. It shall be the further duty of the board to act as a board of appeals to hear and determine any controversy arising through the action of the electrical inspector. The board shall annually elect a chairperson, from its members, who shall preside at all meetings. The board shall keep a written record of all action taken and shall submit a copy of such record to the public utilities commission after each meeting. (Ord. 2015, Sec. 2; Code 1993, 5-303)

4-426 LICENSE TO ENGAGE IN ELECTRICAL WORK. Any person desiring to engage in the business of placing or installing electrical light, heat or power wires, fixtures, appliances, conductors, apparatus or their supports in or upon buildings or structures of any kind within the City, shall first obtain a license to engage in such electrical work; provided, however, that no

provisions of this article shall be construed to require any person to hold a license before doing electrical work on such person's own property or residence, if such property or residence does not share a common wall with another owner's property or residence, and such property is not intended for sale or resale or not intended to be utilized as rental property. If the non-licensed property owner intends to install wiring, fixtures, or appliances in a new building or make material alterations in existing building, he or she shall first obtain a permit and pay the permit fees, prior to commencement of the work. All work requiring a permit shall be subject to inspection. Electrical work to be performed on buildings or property intended for sale or resale, or on buildings and property to be occupied by tenants for lodging, transit or permanent, shall be performed by a person licensed pursuant to the electrical code. The owner of rental property desiring to perform work on his or her own rental property shall pass the journeyman Block examination with a 75 percent or better score and be found competent to perform electrical work by the board of electrical examiners. The requirements of a two year apprenticeship and obtaining and posting the usual insurance and bond coverage shall not be required of the property owner, but the license issued shall restrict the property owner to work on his or her buildings or property only. All work performed under the restricted license shall be subject to the permit procedures and the payment of permit fees. All work requiring a permit shall be subject to an inspection.

Qualifications for License. Prior to the issuance of the license, the applicant shall satisfy the board of electrical examiners that he or she is qualified for the performance of that type of electrical work for which he or she has applied to perform. Current holders of electrical licenses in the City are exempt from the examination requirement. All other persons seeking a license to perform electrical work with the City must satisfactorily complete the examination, file the insurance certificate and the bond. Upon completion of these requirements, issuance of the license shall be recommended by the board of electrical examiners and approved by the governing body of the City. The board of electrical examiners shall be allowed to restrict the work to be performed under any license, consistent with the demonstrated abilities of the licensee. (Ord. 2015, Sec. 4; Ord. 2016, Sec. 2)

4-427 CLASSIFICATION OF ELECTRICIANS. The board of electrical examiners shall classify each applicant for an electrician's license as:

Apprentice - Shall be allowed to perform any type of electrical work without being tested, provided the work is performed under the direct supervision of a journeyman or a master electrician, while employed in a licensed firm or business; the apprentice shall not be required to furnish insurance or bond coverage.

Journeyman - Shall be allowed to perform all types of electrical work in the City, provided that the applicant for the journeyman's license shall have worked under an apprentice's license while employed in a licensed firm or business for a period of at least two years and pass the journeyman examination with a 75 percent or better score; or graduation from an accredited trade-vocational school with a "B" or better average plus one year of documented practical field experience under the supervision of a journeyman or master while employed in a licensed firm or business and pass the journeyman examination with a 75 percent or better score.

Master - Shall be allowed to perform all types of electrical work in the City; provided that, the applicant for the master's license shall have 2,000 documented hours of practical field experience working as a journeyman under the supervision of a licensed master while employed in a licensed firm or business and pass the master examination with a score of 75 percent or better. (Ord. 2015, Sec. 5)

4-428 LICENSE AND LICENSE RENEWAL FEE. Every business desiring to engage in electrical work in the City must pay an annual fee of \$100.00 to the City Clerk. Every business must certify that all electrical work in the City will be performed under the general supervision of a master electrician license. At the time of issuance of either an apprentice, journeyman or master electrician's license, the City Clerk shall collect a fee of \$10.00. All licenses: business, apprentice, journeyman or master, shall be renewable annually after review by the board of electrical examiners to insure compliance with the insurance and bond requirements for a license. The above fees shall be collected by the City Clerk upon renewal of the license. (Ord. 2016, Sec. 3)

4-429 EXEMPTIONS. Those persons currently allowed to do electrical work without a license shall be exempt from the provisions of this article. The board of electrical examiners may in its discretion waive the two year apprentice period and allow any person otherwise qualified to be examined for a master electrician license. (Code 1993, 5-307)

4-430 PLANT ELECTRICIANS. When an electrician is working for an employer which is an industrial or commercial firm, he or she may work for his or her employer on or in his or her employer's industrial or commercial structures as a plant electrician without obtaining a license; however, he or she cannot do electrical work on any other property without a license. (Code 1993, 5-309)

4-431 ELECTRIC DEPARTMENT EMPLOYEES. Employees of the electrical department of the City may do electrical work in their normal line of duty, including trouble shooting on customer's property, without a license. (Code 1993, 5-310)

4-432 LIST OF ELECTRICIANS UNDER LICENSE; FEE. Each holder of a business license to engage in electrical work shall certify to the City Clerk on or before January 1st of each year, the name and residence address of all licensed electricians in their employ who will do electrical work under his, her or its license and shall notify the City Clerk of any change in this list if a change or addition is made other than at the beginning of the year. Anyone other than the electricians who are listed with the City Clerk to do electrical work under a regularly issued license as set forth herein, is prohibited from doing any electrical maintenance or construction work in the City except as hereinabove provided. (Ord. 2015, 5-311)

4-433 ELECTRICIAN'S OR ELECTRICAL CONTRACTOR'S BOND REQUIRED;
CONDITIONS; APPROVAL; RIGHTS RESERVED.

(a) Before any license shall be issued to any electrician or electrical contractor required by this article to obtain a license and pay a fee to the City, the electrician or electrical contractor shall secure and file with the City Clerk a good and sufficient corporate surety bond in the principal sum of \$1,000.00 conditioned that the principal named therein shall faithfully and fully observe all laws of the City relating to the business or occupation for which a license is desired and further conditioned to hold and save the City harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the City, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents, servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the City, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the State of

Kansas and shall be executed by an agent of the company residing in the County of Clay, Kansas and further conditioned that in the event of cancellation or expiration that the company or agent will give 10 days notice of such fact to the City Clerk. Each such bond shall be approved as to form by the City attorney and approved as to surety by the City treasurer and the approval thereof shall be endorsed on the bond by the City attorney and by the chairperson of the City Council over their signatures.

(b) Each bond shall be dated to run from the first day of any license issued by the City to the principal and may cover the period of not to exceed two years. No bond shall be renewed by an extension certificate but a new bond shall be filed by the principal for each successive period following the renewal thereof. The City reserves the right to furnish the form of all surety bonds as may be required by this article. (Code 1993, 5-313; Code 1999)

4-434 INSURANCE. In addition to obtaining a corporate surety bond as required by section 4-427 of this article, an electrician or electrical contractor must procure and maintain a liability insurance policy in the amount of \$100,000.00 for the death or injury of any one person and \$300,000.00 for the death or injury of any number of persons in any one accident and \$100,000.00 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 1993, 5-312; Code 1999)

4-435 DOING ELECTRICAL WORK WITHOUT A LICENSE. It shall be unlawful for any person to engage in or continue to do electrical work until a license has been issued to him or her and until the insurance certificate and the bond are filed with the City and approved by the board of electrical examiners. Any person violating this section shall be deemed guilty of a misdemeanor and shall be subject to fine. (Code 1993, 5-314)

4-436 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) Wilful 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 1999)

4-437 **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 1999)

4-438 **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 1999)

4-439 **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 reinspection 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 1999)

4-440 **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 1999)

ARTICLE 5 PLUMBING CODE

4-501 **DEFINITION OF PLUMBING.** The term plumbing as used in this article shall be construed to mean the installation of water pipes, fixtures, apparatus and the necessary connections either for supplying 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 water distribution systems as the case may be. (Code 1993, 5-414; Code 1999)

4-502 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, 2000 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. No fewer than three copies of the uniform code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Clay Center," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business. Any person violating any provisions of such code shall be punished as provided in section 1-116 of this code. (Code 2001)

4-503 ADDITIONAL PROVISIONS. The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-502. (Code 1999)

4-504 FEE FOR SEWER CONNECTIONS. For a sewer connection, the city clerk shall charge and collect from the person applying for such inspection, the sum of \$100.00, which shall include the cost of making the sewer tap. In addition to the connection fee, if the construction of the sewer tap requires the removal of paving on hard surfaced streets or alleys, the party requesting the connection shall also pay for the cost of material and labor to repair and restore the paving to its original condition.
(Code 1993, 5-422)

4-505 PLUMBER OR PLUMBING CONTRACTOR; LICENSE; LICENSE RENEWAL FEE. Every business desiring to engage in plumbing in the city must pay an annual fee of \$100.00 to the city clerk. Every business must certify that all Class I plumbing work in the city will be performed under the general supervision of a master plumber or Class II plumbing work will be performed under the general supervision of a Class II plumber before that business will be provided a business license. At the time of issuance of either an apprentice, journeyman or master Class I plumber's license or Class II or apprentice Class I plumber's license, the city clerk shall collect the fee of \$10.00. All licenses: business, Class I: apprentice, journeyman or master, or Class II or apprentice Class II shall be renewable annually after review by the board of plumber examiners to ensure compliance with the insurance and bond requirements for a license. The above fee shall be collected by the city clerk upon renewal of the license. (Ord. 2018, Sec. 1)

4-506 CLASSIFICATION OF PLUMBERS. The board of plumbing examiners shall classify each applicant for a plumber's license as Class I - classified to do all plumbing without restrictions, or Class II - classified to do only appliance hookup and installation, but not permitted to do plumbing involving disposal of wastes or water. Each holder of a business license to engage in plumbing shall certify to the city clerk on or before January 1st of each year, the name and residence address of all licensed plumbers in their employ who will do plumbing work under his, her or its license and shall notify the city clerk of any change in this list if a change or addition is made other than at the beginning of the year. Anyone other than the plumbers who are listed with the city clerk to do plumbing work under a regularly issued license as set forth herein, is prohibited from doing any plumbing in the city except as herein provided. (Ord. 2018, Sec. 2)

4-507 QUALIFICATION OF PLUMBERS; DEFINITION OF PLUMBERS. A licensed plumber is a person or business who, or which, may conduct, carry on or engage in the business of plumbing.

(a) Plumber Class I. A Class I plumber is a person employed in a licensed firm or business who may conduct, carry on or engage in the business of installing, altering or repairing sewers and private sewage disposal systems and do any general plumbing, having no restrictions. Class I plumbers shall further be designated by the board of plumber examiners:

Apprentice - shall be allowed to perform any type of plumbing work without being tested, provided the work is performed under the direct supervision of a journeyman or master plumber, while employed in a licensed firm or business; the apprentice shall not be required to furnish insurance or bond coverage.

Journeyman - shall be allowed to perform all types of plumbing work in the city; provided, that the applicant for the journeyman's license shall have worked under an apprentice's license while employed in a licensed firm or business for a period of at least two years and passed the journeyman examination with a 75 percent or better score; or graduation from an accredited trade-vocational school with a "B" or better average plus one year of documented practical field experience under the supervision of a journeyman or master while employed in a licensed firm or business and passed the journeyman examination with a 75 percent or better score; or

Master - shall be allowed to perform all types of plumbing work in the city, provided that the applicant for the master's license shall have 2,000 documented hours of practical field experience working as a journeyman under the supervision of a licensed master while employed in a licensed firm or business and passed the master examination with a score of 75 percent or better.

(b) Plumber Class II. A Class II plumber is a person employed in a licensed firm or business, serving as an apprentice for at least two years and successfully passing the Class II plumber's examination, who may engage in the business of installing, altering or repairing appliances only, but not in the disposal of waste or water.

Apprentice Class II - An apprentice shall be allowed to perform Class II plumbing work without being tested provided the work is performed under the direct supervision of a Class II plumber while employed in a licensed firm or business. (Ord. 2018, Sec. 3)

4-508 CERTIFICATE OF QUALIFICATION OR REGISTRATION REQUIRED. It shall be unlawful for any person to conduct, carry on or engage in the business of plumbing or act in the capacity of a plumbing contractor, without first having had issued to him or her a valid plumbing certificate of qualification or registration by the board of plumber examiners. It shall be unlawful for any person to labor at the trade of plumbing in the capacity of a Class I or Class II plumber without first having had issued to him or her a valid plumbers certificate of qualification or registration by the board of plumber examiners. (Code 1993, 5-404)

4-509 APPLICATION FOR CERTIFICATE OF QUALIFICATION; REGISTRATION. Any person who is required by this article to possess a plumber's certificate of qualification or registration shall make application therefor to the board of plumber examiners on application blanks provided for that purpose by the secretary of the board and pay the fee as hereinafter provided.

(Code 1993, 5-405)

4-510 BOARD OF PLUMBER EXAMINERS. The board of plumber examiners shall be under the light, water and sewer committee of the governing body and shall consist of four members: two qualified Class I journeyman or master plumbers, the city plumbing inspector and the chairperson of the light, water and sewer committee. One member of the board shall act as secretary. The board shall be appointed by and serve at the pleasure of the mayor with the approval of the council. The members of the board shall serve for one year, unless sooner removed for cause. (Ord. 2018, Sec. 4)

4-511 DUTIES OF BOARD OF EXAMINERS. The board of plumber examiners shall issue plumber's certificates of qualification or registration to such persons as may be entitled thereto and conduct examinations for the purpose of determining the competency and knowledge of plumbing and drainage work of persons who are required by this article to take such examination. Every applicant for a plumber's license is required to furnish proof of completion of the appropriate Block test, or other tests approved by the board of plumber examiners, to the board of plumber examiners. The board may establish reasonable fees to defray the cost of administering such examination. Upon successful completion of the examination, and upon the fling of the insurance certificate and bond, the board shall recommend to the governing body that the license be issued upon payment of the license fee. It shall be the duty of the board to act as a board of appeals in making a correct determination of any appeal arising from actions of the administrative authority. The board shall keep an accurate record of all their transactions and render such reports and statistics as the department having jurisdiction may require and direct. The board shall elect annually, a chairperson, from the members, who shall preside at all meetings. They shall adopt such rules and regulations as they see fit for the proper and efficient discharge of their official duties. (Ord. 2018, Sec. 5)

4-512 APPLICATION FEE. Every person applying for a plumber's certificate of qualification or registration shall pay to the city clerk the following fees: Plumber's certificate Class I Apprentice - \$10.00. Plumber's certificate Class I Journeyman - \$10.00. Plumber's certificate Class I Master - \$10.00. Plumber's certificate Class II - \$10.00. Plumber's certificate Class II Apprentice - \$10.00. (Ord. 2018, Sec. 6)

4-513 ISSUANCE OF CERTIFICATE OF QUALIFICATION; REGISTRATION. The board of plumber examiners shall issue certificates of qualification or registration pursuant to the following provisions:

- (a) Prior to the issuance of a certificate of qualification or registration, the applicant shall satisfy the board of plumber examiners that he or she is qualified for the performance of that type of plumbing work for which he or she has applied to perform. Current holders of plumber's certificates in the city are exempt from the examination requirement. All other persons seeking a license to perform plumbing work within the city must satisfactorily complete the examination, file the insurance certificate and the bond. Upon completion of these requirements, issuance of the license shall be recommended by the board of plumber examiners and approved by the governing body . The board of plumber examiners shall be allowed to restrict the work to be performed under any license, consistent with the demonstrated abilities of the licensee. In lieu of an examination, the board may issue a certificate to any person who makes application therefore, pays the required fee and possess and presents to the board a valid certificate of qualification or registration issued by any other governmental agency giving an

examination the scope and character of which, in the opinion of the board, is at least equal to that given by the board of plumber examiners.

(b) The owner of rental property desiring to perform plumbing work on his or her own rental property shall be tested as outlined above and found competent to perform such plumbing by the board of plumber examiners. The requirements of a two year apprenticeship and obtaining and posting the usual insurance and bond coverages shall not be required of the property owner, but the license issued shall restrict the property owner to work on his or her buildings or property only. All plumbing work performed under the restricted licensee shall be subject to the permit procedures and the payment of permit fees as required herein. All work requiring a permit shall be inspected by the city inspector. (Ord. 2018, Sec. 7)

4-514 RE-EXAMINATIONS. Any person who fails to pass the examination as prescribed by the board of plumber examiners, may apply for re-examination after the expiration of 30 days. Should such person fail to pass the second time, the board may refuse a third application until after the expiration of six months. (Code 1993, 5-410)

4-515 EXPIRATION OF CERTIFICATES OF QUALIFICATION. Every certificate of qualification or registration shall remain in force and effect until its expiration date unless canceled or revoked.

(a) Class I plumber's certificates of qualification or registration shall expire on January 1st of each year;

(b) Class II plumber's certificates of qualification or registration shall expire on January 1st of each year. (Code 1993, 5-411)

4-516 FEES FOR THE RENEWAL OF CERTIFICATES. All certificates of qualification or registration, except certificate which have been canceled or revoked, may be renewed from year to year upon request and payment of the required renewal fee. If a renewal of a certificate be requested and the required fee paid within 30 days of the expiration day of such certificate, the renewal fee shall be \$10.00. If such renewal be requested and the required fee paid more than 30 days, but less than 90 days after the expiration date of such certificate, the renewal fee shall be \$12.00. No certificate may be renewed more than 90 days after the expiration date of such certificate except by compliance with this article. (Ord. 2018, Sec. 8)

4-517 REVOCATION OF CERTIFICATES OF QUALIFICATION. The board of plumber examiners may cancel or revoke any certificate of qualification or registration issued by it to any person, if such person later shows incompetency or lack of knowledge in matters relevant to such certificate or if such certificate was obtained by fraud. If the certificate of qualification or registration of any person be so canceled or revoked another such certificate shall not be granted to such person within 12 months after the date of cancellation or revocation. Certificates of qualification or registration are not transferable from one person to another and the lending of any certificate or the obtaining of permits thereunder for any other person shall be deemed cause for revocation.

(Code 1993, 5-413)

4-518 PLUMBER'S OR PLUMBING CONTRACTOR'S BOND REQUIRED; CONDITIONS; APPROVAL; RIGHTS RESERVED.

(a) Before any license shall be issued to any plumber or plumbing contractor required by this article to obtain a license and pay a fee to the city, the plumber or plumbing contractor shall secure and file with the city clerk a good and sufficient corporate surety

bond in the principal sum of \$1,000.00 conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents, servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the city, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the State of Kansas and shall be executed by an agent of the company residing in the County of Clay, Kansas and further conditioned that in the event of cancellation or expiration that the company or agent will give 10 days notice of such fact to the city clerk. Each such bond shall be approved as to form by the city attorney and approved as to surety by the city treasurer and the approval thereof shall be endorsed on the bond by the city attorney and by the chairperson of the city council over their signatures.

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

(c) All plumbers who have heretofore deposited cash with the city in lieu of a plumber's bond shall be entitled to receive repayment of the sum from the city upon filing the bond and the approval thereof as herein provided. (Code 1993, 5-415, 417; Code 1999)

4-519 INSURANCE. In addition to obtaining a corporate surety bond as required by section 4-537 of this article, a plumber or plumbing contractor must procure and maintain a liability insurance policy in the amount of \$100,000.00 for the death or injury of any one person and \$300,000.00 for the death or injury of any number of persons in any one accident and \$50,000.00 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 1993, 5-416; Code 1999)

4-520 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 cuffing or removal of any pavement, curb or gutter or any sidewalk, during the course of such work, the application for a permit shall so state and describe the location and extent of the excavation, cutting or removal. Before the city clerk shall issue any permit for such work, the applicant shall pay any fee required by this code. All excavations shall be barricaded and guarded as provided by the appropriate sections of this code. Before any such excavation shall be backfilled, new plumbing work therein shall be inspected and the bottom of the excavation holding any sewer, drain or water pipe shall be so filled, leveled and tamped as to

properly support the pipe and permit proper drainage when carrying sewage, and the excavation shall be backfilled and all paving, curbing, guttering or sidewalks shall be restored as near as possible to their last condition, subject always to the approval of the plumbing inspector or the superintendent of streets. (Code 1999)

4-521 **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 1999)

4-522 **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 1999)

4-523 **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 reinspection 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 1999)

4-524 **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 1999)

ARTICLE 6 GAS PIPING CODE

4-601 **LICENSE AND BOND.** Before engaging in the business of gas fitting and plumbing in the City, every person so engaging therein shall be licensed by and give to the City a good and sufficient surety company bond in the sum of \$1,000.00 to be approved by the governing body of the City, conditioned that such person will faithfully comply with the terms and provisions of this article and all the rules and regulations made in pursuance thereof and will indemnify and hold the City harmless against all costs, expenses, damages and injuries sustained by the City by reason of the carelessness or negligence of any such gas fitter or plumber in operating under the provisions of this article or the rules and regulations made in pursuance thereof. Such bond shall be executed to cover a period of two years and shall remain in full force and effect as to each piece of work done for two years after the same has been completed. (Code 1993, 5-507)

4-602 BRACKET ELLS; SQUARE BENDS; PIPE GRADES. All drops or branch lines and openings for side brackets must be of bracket ells or square bends where practicable. No nipples will be allowed on side bracket lights. In order to avoid trapping, all pipes must be graded to rise or drop. (Code 1993, 5-508)

4-603 INSTALLATION RULES. No pipe shall be laid so as to support any weight except fixtures, or be subject to any strain. All outlets shall be securely fastened in place and properly capped. No split pipes or broken fittings repaired with cement or other material will be permitted. All pipes in buildings shall be laid above timbers instead of beneath them, when possible to do so. No second hand gas pipe or fitting shall be used in any building without a written permit from the gas inspector. No cast iron fittings smaller than three inches shall be used in gas piping. All pipes laid in cold or damp places must be covered with red lead or tar and properly protected. No pipe shall be laid in cement unless covered with tar. (Code 1993, 5-509)

4-604 CONNECTIONS; VENTS. It shall be unlawful for any person to connect any gas appliances with gas hose, copper tubing or other flexible connection, except as hereinafter provided. A licensed plumber may install AGA approved flexible tubing for gas appliances, not to exceed 36 inches in length. The flexible tube shall not go through a floor or wall. In connecting gas appliances, the City gas inspector must approve the hook-up. Each gas appliance must have a separate shut off valve ahead of such appliance. All gas heaters, water heaters, furnaces and space heaters must have a vent connected to an approved flue. (Ord. 2019, Sec. 1)

4-605 TURNING GAS ON OR OFF; METERS. No person, except the gas company, shall turn on the gas into any building. No person shall disconnect or remove any gas meter except a duly authorized representative of the gas company owning such meter. (Code 1993, 5-511; Ord. 2078)

4-606 SIZE OF PIPE; FITTINGS; QUALITY; INSTALLATION. Ordinary dwellings must be piped with the following sized pipes for all connections made, to wit:

- (a) Service pipe shall not be less than one and one-fourth inches from the street main to the foundation wall.
- (b) To hot air furnaces or small boilers, not less than one and one-fourth inch pipe can be used from the meter to the furnace or boiler.
- (c) For three or more fires stoves or grates, one and one-fourth inch pipe to the first fire; one inch to the second and third, and three-fourth inch pipe to the fourth fire. Only one fire will be permitted on any one-half inch pipe. Outlets for ranges shall have a diameter of not less than three-fourths inch.
- (d) A one-half inch key valve must be used whenever directed by the gas inspector.
- (e) For less than three fires, ordinary stoves or grates, a one inch pipe from the foundation wall to the first fire must be used.
- (f) For large buildings, hotels, business buildings, etc., applications must be made to the gas inspector for the size of the piping to be used.
- (g) No elbow shall be put on the bottom of any riser but the bottoms of all risers shall have "T". No house riser shall be less than three fourths inch pipe. Ahead of brass entrance cock a "T" must be used with six inch nipple and cap for water trap.
- (h) The riser pipe for all buildings shall be carried upon inside partitions out of reach of frost.
- (i) No riser shall be placed further than two feet from basement entrance wall.
- (j) No gasket union shall be used in any concealed work. (Code 1993, 5-512)

4-607 SCHEDULE FOR LIGHT AND FIRE OPENINGS. The following schedule for the size

and quality of pipe and fittings, length of runs for lights, fire and openings, must be rigidly followed in gas fitting for all new work done, to wit:

<u>Sizes</u>	<u>Length</u>	<u>Light Openings</u>
3/8inch	20 feet	2
1/2 inch	30 feet	3
3/4 inch	50 feet	10
1 inch	70 feet	15
1 1/4 inch	100 feet	25
1 1/2 inch	150 feet	50
2 inch	200 feet	100
2 1/2 inch	250 feet	200
3 inch	300 feet	300

<u>Sizes</u>	<u>Length</u>	<u>Fire Openings</u>
½ inch	10 feet	1
¾inch	20 feet	1
1 inch	60 feet	1
1¼ inch	200 feet	1
1 inch	40 feet	2
1¼ inch	80 feet	3
1¼inch	70 feet	4
1½ inch	180 feet	4
1¼inch	50 feet	5
1½ inch	100 feet	5
1¼inch	20 feet	8
1½ inch	60 feet	6
1½ inch	50 feet	7
1½ inch	40 feet	8

(Code 1993, 5-513)

4-608 PIPE FITTINGS; KIND AND QUALITY. Gas pipe shall be of the best quality wrought iron and steel and of the kind known as the standard pipe. All fittings except cocks, valves, nozzles and swing joints shall be of malleable iron. All fittings such as cocks, swing joints, center nozzles, etc., shall be of heavy brass. A heavy valve of iron body with brass core, shall be placed on service pipe outside the foundation wall. All brass pipe must be 18 standard gauge full outside so as to cut full threads; provided, however, that flexible annular stainless steel gas pipe may be installed by a licensed plumber, certified by an American National Standards Institute (ANSI) approved training program. The flexible annular stainless steel gas pipe must comply with the following codes or their equivalents: ANSI/AGA, National Fuel Gas Code and BOCA-National Mechanical Code.

(Ord. 2049, Sec. 1)

ARTICLE 7

MOBILE HOME PARKS

- 4-701 DEFINITIONS. The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:
- (a) Driveway shall mean a minor private way used by vehicles and pedestrians on a mobile home lot or used for common access to a small group of lots or facilities.
 - (b) Health authority shall mean the Clay County Health Department or its authorized representative.
 - (c) License shall mean a written license issued by the City allowing a person to operate and maintain a mobile home park under the provisions of this article and regulations issued hereunder.
 - (d) Mobile home shall mean a vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to utilities.
 - (e) Mobile home lot shall mean a parcel of land for the placement of a mobile home for single-family occupancy and the exclusive use of its occupants.
 - (f) Mobile home park shall mean a tract of real estate not less than five acres under single ownership, which has been developed, subdivided, planned and improved for the

placement of mobile homes for non-transient use, but shall not include mobile home sales lots on which unoccupied mobile homes are parked for the sole purposes of display, inspection, sale or storage.

(g) Mobile home stand shall mean that part of an individual lot on which the mobile home unit shall be placed and shall include that area which will be enclosed when skirts are applied below the outside walls of the mobile home.

(h) Park management shall mean the person who owns or has charge, care or control of a mobile home park.

(i) Park street shall mean a private way which affords principal means of access to individual mobile home lots or auxiliary buildings.

(j) Permit shall mean a written permit or certification issued by the City permitting the construction, alteration and extension of a mobile home park under the provisions of this article and regulations issued hereunder.

(k) Service building shall mean a structure housing facilities as may be required by this article.

(l) Sewer connection shall mean the connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.

(m) Sewer riser pipe shall mean that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

(n) Skirting shall mean the enclosing of the area between the mobile home and the ground with a material designed to obscure from view the chassis of the mobile home.

(o) Water connection shall mean the connection of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

(p) Water riser pipe shall mean that portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

4-702 CONFLICTS. In any case where a provision of this article is found to be in conflict with a provision of any ordinance or code of this City, the provision which, established a higher standard for the promotion and protection of the health and safety of the people shall prevail.

4-703 LOCATION; MOBILE HOMES. It shall be unlawful for any person to place or occupy a mobile home or house trailer inside the City limits unless such mobile home or house trailer is located in a mobile home park.

4-704 PARK LICENCE. It shall be unlawful for any person to construct, alter or extend any mobile home park within the City limits unless permitted by zoning regulations and he holds a valid license issued by the City of Clay Center in the name of such person for the specific construction, alteration or extension proposed. Such license shall only be issued after approval of the required application by the Building Inspector, along with the proper City Department Heads, and only after payment of the required fee. Park licenses for both existing and new parks shall be renewed annually, twelve (12) months from the date of the previous license, after approval by the Building Inspector, along with the proper City Department Heads, and after the payment of the required fee. No person shall operate any mobile home park without a license.

4-705 APPLICATION; FEES.

(a) All applications for license under this division shall contain the following:

(1) Name and address of the applicant;

- (2) Location and legal description of the mobile home park;
 - (3) Three complete sets of engineering plans, drawn to scale, and specifications of the proposed park showing but not limited to the following:
 - a. The area and dimensions of the tract of land;
 - b. The number, location and size of all mobile home lots;
 - c. The location and width of roadways and walkways, parking and easements;
 - d. The name of each roadway (not to duplicate names of other roadways in the City);
 - e. The location of water and sewer lines and riser pipes;
 - f. Plans and specifications of the water supply and refuse and sewage disposal facilities;
 - g. Plans and specifications of all buildings constructed or to be constructed within the mobile home park;
 - h. The location and details of lighting and electrical systems;
 - i. Landscaping, screening and recreation area;
 - j. The location of each mobile home stand;
 - k. The location and specification of any sewage disposal system and water supply wells. Those parks in operation at the time of the passage and approval of this article shall not be subject to the regulations hereinafter provided, until such time as those person operating the parks desire to have the parks zoned pursuant to the provisions of Chapter 16 of this article or the persons acquiring additional real estate with the purpose of expanding those parks presently in operation; provided, that those persons operating parks upon the passage and approval of this code shall be required to obtain the annual license as provided in Chapter 4, and remit the annual license fee.
 - l. The existing topography and a drainage grading plan. The submitted plans may be approved for construction only after review by the inspection officer. One set of approved plans shall be retained by the inspection officer, one by the City clerk, and one will be returned to the applicant. Approval and issuance of a park license for such new parks shall not be made until construction in accordance with the approved plans has been completed.
- (b) All applications for permits shall be accompanied by the payment of a fee of \$6.00 per mobile home lot.
- (c) The application shall be on forms provided by the City.

4-706 PREREQUISITES TO ISSUANCE. No permit to construct, alter or extend any mobile home park, shall be issued, by the City Building Inspector, unless and until satisfied that the construction, alteration or extension shall be in compliance with the plot plan filed with the City at the time the mobile home park was zoned or rezoned and the terms of this article.

4-707 HEARING ON DENIALS. Any person whose application for a license under this division has been denied may request and shall be granted a hearing on the matter before the governing body under the procedure provided by division 5 of this article.

4-708 RENEWAL. Applications for renewals of licenses shall be made in writing by the holders of the licenses, shall be accompanied by payment of the fee and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.

4-709 NOTICE OF SALE. Every person holding a license under this division shall give notice in writing to the City clerk within 24 hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home park.

4-710 SUSPENSION. Whenever, upon inspection of any mobile home park, the Building Inspector, any Department Head or the appointed Public Officer finds that conditions or practices exist which are in violation of any provision of this article, the City shall give notice in writing in accordance to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the Building Inspector or any Department Head the license shall be suspended. At the end of such period, the Building Inspector or any Department Head shall reinspect such mobile home park and, if such conditions or practices have not been corrected, he shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such mobile home park.

4-711 PERMIT REVOCATION. The City is hereby authorized to revoke any Park permit issued, pursuant to the terms of this Article. If after due investigation, the City determines the holder of said permit has violated any of the provisions of this Article or that any mobile home is being maintained in an unsanitary or unsafe manner or is a nuisance, or if an existing license is not renewed, or the permit fee not paid, said permit may be revoked. Permit holder shall be notified pursuant to section 4-717 and a hearing, pursuant to 4-717 may be held if so requested.

4-712 INSPECTIONS. Authority of Building Inspector or any Department Head generally. The Building Inspector or any Department Head is hereby authorized and directed to inspect mobile home units and parks not less than annually to determine satisfactory compliance with this article.

4-713 RIGHT OF ENTRY. The Building Inspector or any Department Head shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this article.

4-714 INSPECTION OF REGISTER.

(a) The Building Inspector or any Department Head shall have the power to inspect the register containing a record of all residents of the mobile home park.

(b) It shall be the duty of the person operating each park to keep a register containing a record of all mobile home owners and tenants located within each park. The register shall contain the name and address of each occupant; the make, model, year, and manufacturer of each mobile home, the dates of arrival and departure of each mobile home and in addition thereto, the register shall contain the make, model and year of all motor vehicles owned or operated by each occupant. The person operating each park shall keep the register available for inspection at all times by law enforcement officers, assessors, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The original records of the register shall not be destroyed for a period of three (3) years following the date of registration.

4-715 DUTY OF PARK MANAGEMENT. It shall be the duty of the park management to give the Building Inspector or any Department Head free access to all lots at reasonable times for the purpose of inspection.

4-716 DUTY OF OCCUPANT. It shall be the duty of every occupant of a mobile home park to give the owner thereof or an agent or employee access to any part of such mobile home park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this article.

4-717 NOTICES, HEARINGS AND ORDERS.

(a) Notice of violations. Whenever the Building Inspector or any Department Head determines that there are reasonable grounds to believe that there has been a violation of any provision of this article, the Building Inspector or any Department Head shall give notice of such alleged violation to the person to whom the permit or license was issued as hereinafter provided. Such notice shall:

- (1) Be in writing;
- (2) Include a statement of the reasons for its issuance;
- (3) Allow a reasonable time for the performance of any act it requires;
- (4) Be served upon the owner or an agent as the case may require; provided, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to the last known address, or when the owner or agent has been served with such notice by any method authorized or required by the laws of this state;
- (5) Contain an outline of remedial action which, if taken will effect compliance with the provisions of this article.

(b) Hearing. The owner, or tenant affected by any notice which has been issued in connection with the enforcement of any provision of this article may request and shall be granted a hearing on the matter before the governing body; provided that such person shall file in the office of the City Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued under section 20-59. Upon receipt of such petition, the governing body shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

(c) Orders. After the hearing provided in section 20-57 the governing body shall make findings as to compliance with the provisions of this article and shall issue an order in writing sustaining, modifying or withdrawing the notice which shall be served as provided in section 20-56(4). Upon failure to comply with any notice of the Building Inspector or any Department Head or any order of the governing body, sustaining or modifying a notice, the license or permit of the mobile home park affected by the notice or order shall be revoked and the construction or operation of the mobile home park shall be terminated on the terms and conditions then specified by the Building Inspector or any Department Head or as the case may be.

(d) Emergency orders. Whenever the Building Inspector, any Department Head or the appointed Public Officer finds that an emergency exists which requires immediate action to protect the public health, the public officer may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this article, such order shall be effective immediately.

4-718 PARK LAYOUT; REQUIRED SETBACKS.

(a) Area. All mobile home spaces shall contain a minimum of 1,500 square feet, with boundaries properly marked.

(b) Setback.

(1) All mobile homes shall be located at least 25 feet from any park property boundary line abutting upon a public street or highway

(2) All mobile homes shall be so located on the mobile home space as to maintain no less than five (5) feet setback clearance from any side boundary line.

(3) All mobile homes shall be so located on the mobile home space as to maintain no less than 20 feet side clearance from another mobile home or other building.

(4) Front Setback. All mobile homes shall be so located on the mobile home space as to maintain a front setback of not less than 20 feet from the centerline of a park roadway or 25 feet from any public street or highway right-of-way, and in no instance, shall such setback be less than five feet from the edge of the park roadway.

(5) Rear Setback. All mobile homes shall be so located in the mobile home space as to maintain no less than five feet setback clearance from the rear boundary of the mobile home space and no less than 12 feet rear clearance from another mobile home.

4-719 STREET SYSTEM AND CAR PARKING.

(a) General requirements: All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means. No individual mobile home shall have direct access to a public street.

(b) Park entrance: Entrances to mobile home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 25 feet from the property line.

(c) Internal streets: All park roadways and mobile home spaces shall be clearly identified with letters or numerals of a light reflecting material. Such letters or numerals are to be a minimum of two inches in height. Surfaced roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following requirements:

(1) All streets will be a minimum of 30 feet in width measured from back of curb to back of curb.

(2) All streets shall have concrete curb and guttering of a design acceptable to the City.

(3) Dead end streets shall be limited in length to 1,000 feet and shall be provided at the closed end with a turn around having an outside roadway diameter of at least 60 feet.

(d) Off-Street Parking. Off-street parking shall be provided so that at least 2 space, per mobile home, is provided. Park roadways shall not be used to provide the required off-street parking.

(e) Required illumination of park street system: All mobile home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

(1) All parts of the park street systems: a minimum of 0.6 footcandle at the source with a minimum of 0.1 footcandle at any point along the street;

(2) Potentially hazardous location, such as major street intersections and steps or

stepped ramps: individually illuminated, with a minimum of 0.3 footcandle.

(f) Recreation Area. All parks shall have a recreational area which is equal to ten percent (10%) of the total park area. The recreational area must be located in only one place within the park area.

4-720 MOBILE HOME STANDS. The area of the mobile home stand shall be improved to provide adequate drainage for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and over turning as provided in K.S.A. 75-1226-75-1234.

4-721 WATER SUPPLY.

(a) Source of supply. The City water supply shall be the source of water for each mobile home park.

(b) Water distribution system.

(1) The water supply shall be a minimum of 3/4 inch in diameter and equipped with 3/4 inch valve outlet. The outlet shall be located at least four inches above ground surface and protected from surface water flooding. Water service pipes shall be protected against freezing. All water service connections must be capped when not in use. All lines shall be capable of supplying a minimum of 250 gallons per day per mobile home.

(2) The water supply system of the mobile home park shall be connected by pipes to all mobile homes, buildings and other facilities requiring water.

(3) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the City.

(4) The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage.

(5) The system shall be so designed and maintained as to provide a pressure of not less than 30 pounds per square inch under normal operating conditions at service buildings and other locations requiring potable water supply.

4-722 SEWAGE DISPOSAL. An adequate and safe sewage system shall be designed, constructed and maintained in accordance with state and local laws and shall connect to the City sewage system.

(a) Sewer lines. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the mobile home park water supply system at a safe distance. Sewers shall be at a grade which will insure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials approved by the City, shall be adequately vented, and shall have watertight joints.

(b) Individual sewer connections.

(1) Each mobile home stand shall be provided with a four inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position. The riser pipe shall be located within the mobile home stand.

(2) The sewer connection shall have a nominal inside diameter of at least three inches, and the slope of any portion thereof shall be at least one-fourth inch per foot. The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be watertight.

(3) All materials used for sewer connections shall be semirigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

(4) Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser.

The rim of the riser pipe shall extend at least four inches above ground elevation.

(c) Inspection. The sewage disposal system shall be subject to inspection by the Building Inspector and the property Department Head, with an inspection fee of three percent of the construction cost of the system.

4-723 UTILITY DISTRIBUTION SYSTEMS. All utilities within the mobile home park shall be underground systems, except the primary electrical lines (electric, telephone, cable TV, etc.), and shall be installed and maintained in accordance with applicable codes and regulations governing such systems within the City.

4-724 POWER DISTRIBUTION LINES. All direct burial conductors or cable shall be buried at least 18 inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer and gas lines.

4-725 INDIVIDUAL ELECTRICAL CONNECTIONS.

(a) A weatherproof electrical outlet supplying an approved disconnecting device and over-current protective equipment. The minimum service shall be two 120-240 volts AC, 50 amperes per circuit.

(b) Outlets (receptacles or pressure connectors) shall be housed in a weatherproof outlet box, and shall be located not more than 25 feet from the over-current protective device in the mobile home. A three-pole, four-wire grounding type shall be used.

(c) Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-73.1.

(d) The mobile home shall be connected to the outlet box by an approved type of flexible supply cord with a male attachment plug or with pressure connectors.

(e) No power lines shall be permitted to lie on the ground or to be suspended less than 15 feet above the ground over any roadway or service area.

(f) Required grounding. All exposed concurrent carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

(g) Inspection. The utility distribution system shall be subject to inspection by the Building Inspector and the property Department Heads with an inspection fee of three percent of the construction cost of the system.

4-726 GARBAGE AND REFUSE. Provisions for garbage and refuse storage, collection and disposal shall be maintained so as to create no health hazards or air pollution and shall comply with the ordinances of the City of Clay Center.

4-727 HEALTH HAZARDS PROHIBITED. The storage, collection and disposal of refuse in a mobile home park shall be so constructed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

4-728 CONTAINERS AND TRASH RECEPTACLES. All refuse shall be stored in flytight,

watertight, rodent-proof containers, each mobile home lot shall be provided with individual containers. Containers shall be screened from view.

4-729 MAINTENANCE OF PARK. It shall be the licensee's responsibility to see that measures are taken to maintain the grounds, building and structures free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the health authority.

4-730 ACCUMULATIONS OF DEBRIS PROHIBITED. Mobile home parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

4-731 STORAGE AREAS. Storage areas in mobile home parks shall be so maintained as to prevent rodent harborage. Lumber, pipe and other building material shall be stored at least one foot above the ground.

4-732 GRASS AND OTHER VEGETATION. The growth of brush, weeds and grass in mobile home parks shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Mobile home parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

4-733 NATURAL GAS. Natural gas may be connected to mobile homes under the following conditions:

- (a) All gas lines supplying mobile homes shall be of adequate size to provide a sufficient supply of gas that will allow all appliances in the mobile home to operate at their normal rate of efficiency.
- (b) Where a gas utility company supplies gas to individual mobile homes, the service line to the mobile home shall be sized as required by the utility serving the same and meter loop shall be made in accordance with the requirements of the utility company.
- (c) All gas lines, including gas service lines serving the mobile home shall be buried not less than 18 inches below the ground to a point at or below the mobile home.
- (d) All gas lines including gas service lines shall be connected to the individual mobile home with those necessary safety precautions which conform with the regulations of the gas utility company supplying the material.

4-734 FLAMMABLE MATERIALS PROHIBITED. Mobile home parks shall be kept free of litter, rubbish and other flammable materials.

4-735 COMPLIANCE WITH ARTICLE PROVISIONS; SUPERVISION. The person to whom a license for a mobile home park is issued shall operate the park in compliance with this article and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

4-736 MAINTENANCE OF REGISTER. The park management shall maintain a register containing the names of all park occupants identified by lot number or street address. Such register shall be available to any authorized person inspecting the park.

4-737 COMPLIANCE WITH ARTICLE PROVISIONS; MAINTENANCE OF LOT. Each park occupant shall comply with all applicable requirements of this article and shall maintain

such occupant's mobile home lot, its facilities and equipment in good repair and in clean and sanitary condition.

4-738 PETS. Pets, if permitted in the mobile home park, shall not be permitted to run at large or to commit any nuisance within the limits of any mobile home lot.

4-739 SKIRTING. Skirting shall be required on all mobile homes with materials harmonious to the color of the home and acceptable to the park management.

4-740 PORCHES, AWNINGS AND OTHER ADDITIONS; STORAGE UNDERNEATH. Porches, awnings and other additions shall be installed only if permitted and of approved materials. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the park management. If permitted, stored items shall be located so as not to interfere with the underneath inspection of the mobile home.

4-741 DISPOSAL OF GARBAGE AND RUBBISH. The mobile home park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent-proof, insect-proof, watertight and screened from view.

4-742 FIRE EXTINGUISHERS. First aid fire extinguishers for class B and C fires shall be kept at each mobile home premises and maintained in working condition. (Code 2007)

ARTICLE 8 MOVING BUILDINGS

4-801 BUILDING OFFICIAL; AUTHORITY. The building inspector or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an inspector in accordance with sections 4-204:209 of this chapter, which apply in a like manner to this article. (Code 1999)

4-802 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 1993, 5-701; Code 1999)

4-803 SAME: APPLICATION FOR PERMIT. All applications for permits required under the provisions of this article shall be made in writing to the City Clerk specifying the day and hour said moving is to commence and the route through the City's streets over which the house, building, derrick or other structure shall be moved and stating whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities. (K.S.A. 17-1915; Code 1993, 5-702; Code 1999)

4-804 SAME; FEE; BOND, INSURANCE REQUIRED. It shall be the duty of any person at

the time of making application for a permit as provided in this article to pay a \$10.00 application fee and 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 \$5,000.00, or cash may be deposited in lieu of such surety bond. (Code 1993, 5-702; Code 1999)

4-805 SAME; BUILDING SIZE LIMIT; SPECIAL AUTHORIZATION. It shall be unlawful for any person to move or cause to be moved any house or other building, which is more than 26 feet in width or more than 15 feet in height at the eaves or more than 25 feet in height at the highest point, from one point to another in the City over, along, across or upon any of the public streets or alleys of the City; provided, that the governing body of the City may authorize such person, to move or cause to be moved a larger house or other building from one point to another in the City, over, along, across or upon the public streets or alleys thereof, in, in the opinion of such governing body, such moving can be done without injury to public or private property. (Code 1993, 5-707)

4-806 BUILDER OR BUILDING CONTRACTOR DEFINED.

(a) A builder or building contractor for purposes of this ordinance 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 ordinance, and apply for an inspection and receive approval. Personal building construction by an owner 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;

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

4-807 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.

4-808 SAME; APPLICATION; GRANTING.

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

4-809 SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

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

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

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

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

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

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 ordinance without having a valid license issued by the City to perform such contracts.

4-810 BUILDER'S OR BUILDING CONTRACTOR'S BOND REQUIRED; CONDITIONS; APPROVAL; RIGHTS RESERVED.

(a) Before any license shall be issued, to any builder or building contractor required by this ordinance to obtain a license and pay a fee to the City, the builder or building contractor shall secure and file with the City Clerk a good and sufficient corporate surety bond in the principal sum of \$_____ conditioned that the principal named therein shall faithfully and fully observe all laws of the City relating to the business or occupation for which a license is desired and further conditioned to hold and save the City harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the City, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents, servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the City, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the State of Kansas and shall be executed by an agent of the company residing in the County of Clay, Kansas and further conditioned that in the event of cancellation or expiration that the company or agent will give 10 days notice of such fact to the City Clerk. Each such bond shall be approved as to form by the City Attorney and approved as to surety by the City and the approval thereof shall be endorsed on the bond by the City Attorney and by the City Council.

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

4-811 INSURANCE. In addition to obtaining a corporate surety bond as required by Section 10, a builder or building contractor must procure and maintain a liability insurance policy in the amount of \$100,000.00 for the death or injury of any one person and \$300,000.00 for the death or injury of any number of persons in any one accident and \$50,000.00 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the State of Kansas. A builder or building contractor may qualify as to the insurance requirements by filing a certificate with the City Clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this ordinance 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.

4-812 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) Wilful 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 2007)

4-813 ROUTE; DUTIES OF BUILDING OFFICIAL. The City Clerk shall, upon filing of the above application, refer the same to the chief building official or his or her authorized designee to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that such route is not practical and another route may be used equally well with less danger to street and travel, then he or she may designate such other route as the one to be used and shall notify the applicant of the same. The building official may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto. It shall also be the duty of the chief building official or his or her authorized designee to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this article. (Code 1999)

4-814 NOTICE TO OWNERS. 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. (Code 2001)

4-815 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 hereby 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 4-502, 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 1993, 5-704; Code 1999)

4-816 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 1993, 5-705; Code 1999)

4-817 TREES AND SHRUBS; AUTHORITY. It shall be unlawful for the owner of any house or other building being moved, or to be moved, or for any employee thereof, to cut down, trim, peel, sever or otherwise injure or destroy any fruit, shade or ornamental tree or shrub, vine or bush whatever, the property of another, without lawful authority having first been obtained from the owner thereof, regardless of whatever such tree, shrub, vine or bush shall be on private property or on any street, alley or public grounds of the City, and if such tree, shrub, vine or bush shall be situated in the parking of a public street or alley, then such authority to cut down, trim, peel, sever or otherwise injure or destroy the same shall first be obtained from both the owner of the abutting real estate and from the governing body of the City. (Code 1993, 5-706)

4-818 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 1999)

ARTICLE 9 MANUFACTURED HOUSING

4-901 DEFINITIONS.

(a) MANUFACTURED HOME. A Manufactured Home may also be known as a factory-built structure, constructed under the authority of 42 U.S.C. 5401, and is defined as a dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, bearing a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards (24 CFR 3280 et seq.) Promulgated by the U.S. Department of Housing and Urban Development. A manufactured, or factory-built structure is different from a mobile home which is a vehicular, portable structure built on a chassis and primarily intended and designed to be used without a permanent foundation.

(b) MANUFACTURED HOUSE, CLASS A. A manufactured house constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the criteria as set out in 4-902.

4-902 COMPLIANCE WITH CONSTRUCTION CODES. Manufactured Homes or factory-built structures of a prefabricated, panelized or modular nature may be erected in the city; provided, that they comply with the requirements of this article and of the City plumbing and gas fitting codes, the electrical code and the building code, and meet the National Manufactured Home Construction and Safety Standards, and shall be set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1987" (NCS BCS A225.1) and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home, as well as the following criteria:

- (a) All Manufactured Homes, erected within the City limits, shall not have a length exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis, or a minimum of _____ square feet of enclosed and heated living area; or has minimum dimensions of 24 feet in width and 40 feet in length.
- (b) All Manufactured Homes, erected within the City limits, shall have a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction in the City.
- (c) All Manufactured Homes, erected within the City limits, shall have roof structures which provide an eave projection of no less than six (6) inches, which may include a gutter.
- (d) All Manufactured Homes, erected within the City limits, shall use exterior siding consisting predominantly of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City.
- (e) All Manufactured Homes, erected within the City limits, shall include stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home which are installed or constructed in accordance with the standards set by the City Building Code and attached firmly to the primary structure and anchored securely to the ground.
- (f) All Manufactured Homes, erected within the City limits, shall have the moving hitch, wheels and axles, and transporting lights removed.
- (g) All Manufactured Homes, erected within the City limits, shall be set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1987" (NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home.

It is the purpose of these criteria to ensure that a Manufactured Home, when installed, have substantially the appearance of an on-site, conventionally built, single-family dwelling.

4-903 PLANS. Two complete sets of plans and specifications shall be filed with the City of Clay Center, for examination and approval by the City Building Inspector along with the proper Department heads, showing that the proposed factory-built structure meets the building, plumbing, gas, electrical and mechanical codes incorporated by the City, before construction commences at the factory. One set of plans and specifications will be returned to the applicant with any revisions that are needed, the other set will remain at City Hall. Should the City find that the proposed structure does not meet the requirements of the codes, the City shall require that the manufacturer of the factory-built structure obtain endorsement from the research committee of the International Conference of Building Officials, that the structure is built to specifications which are acceptable to the requirements of the Uniform Building Code.

4-906 CERTIFICATE. Prior to leaving the factory, a certificate shall be furnished to the building official for every factory-built structure, which shall certify that the structure has been inspected and conforms to the plans as approved. The certificate must be presented to the City prior to the erection of the structure on the job site. If plumbing, wiring or mechanical equipment are factory installed, each installation shall also be certified as meeting the plumbing, electrical

or mechanical codes of the City. To be acceptable, each certificate of approval must be made by an agency approved by the City. Approved agency shall mean a licensed architect, professional engineer or agency regularly engaged in the work of inspections.

4-907 PERMITS AND FEES. Building Permits issued for any factory built home as stated in 4-214 "Fee for Building Permit Application and Inspection." All permits required by the codes of the City shall be obtained prior to starting any construction on-site for a factory-built structure and permit shall be issued only if a licensed general contractor is erecting the structure. Building permit fees shall be charged on the same schedule as for on-site construction. Inspection fees, and any other fees, shall be charged on the same schedule as for on-site construction on the basis of inspection and other services actually performed on-site.

4-908 OWNER CERTIFICATION. Once installation and construction is complete and the necessary inspections have been performed, and before occupancy and use, the owner(s) of the structure will sign a certification stating that all applicable conditions and requirements have been met, and that the owner(s) are responsible for assuring that all applicable conditions and requirements continue to be satisfied, and that appropriate enforcement actions will be taken if violations occur or have occurred.

4-909 VIOLATIONS.

(a) A person who shall violate a provision of this article or fails to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter or repair, or has erected, constructed or repaired a building or structure, in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be guilty of an offense punishable as provided in Chapter 4, Article 2.

(b) The owner of a building or structure or portion thereof, or of the premises where anything in violation of this article shall be placed or shall exist, and an architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof, be punished as provided in section 4-910.

4-910 PENALTY. Any person, firm or corporation who violates, neglects or refuses to comply with any provision of this ordinance, or who shall maintain, use or construct any building or premises in violation of any of the provisions of this ordinance shall, upon conviction, be fined a sum not exceeding \$50.00 for each offense. Each day that a violation is committed, caused or continues to exist, shall constitute a separate offense. (Code 2007)

ARTICLE 10 SIGNS, AWNINGS AND BILLBOARDS

4-1001 DEFINITIONS; INSTALLATION. It shall be unlawful for any person to construct, erect, enlarge, alter, repair, use or maintain any awning, marquee or permanent awning, which projects into any public area in the city, except as follows:

(a) Awnings, hereby defined as roof-like shelters carried by a supporting frame or arms attached to a building and so arranged that the shelter and frame may be folded or rolled up to the face of such buildings, shall be arranged without posts and shall provide a clearance of not less than seven feet from the sidewalk to the lowest point of such

awning, including any fringe, apron, skirt, valance or drop, when the awning is lowered for use. No awning less than 13 feet above the street or sidewalk shall extend closer to the vertical plan of the curb than two feet and in no case shall any awning project from the face of the building more than eight feet. All awnings shall be covered with substantial material.

(b) Marquees, hereby defined as overhanging flat roof-like protections or coverings of rigid material and construction, extending over public property, shall have their main framework and support of noncombustible material and shall be designed by a structural engineer and approved by the building inspector of the city. They shall have a clearance of at least 10 feet above the sidewalk, and shall not extend closer to the vertical plan of the curb than two feet. The roof shall be so drained as not to discharge water upon the sidewalk.

(c) Permanent awnings, hereby defined as sloping or flat roof-like protections of light weight rigid construction supported without posts from a building and used for the outside protection of a door, window or other opening, extended over public property, shall be of rigid construction, of either combustible or non-combustible material, so designed that the roof portion shall be partly open to insure release of air pressure built up under the awning. The structure shall be well braced and securely fastened to the building. The method of construction and attachment shall be approved by the building inspector of the city. They shall have a clearance of not less than eight feet above the sidewalk, shall not extend closer to the vertical plan of the curb than two feet, nor extend more than eight feet from the face of the building. (Code 1993, 5-601)

4-1002 INTERFERENCE WITH FIRE ESCAPES; UTILITIES. No awning, marquee or permanent awning shall be erected so as to interfere with a fire escape or public utility. (Code 1993, 5-602)

4-1003 HEIGHT OVER ALLEY. All awnings, marquees and permanent awnings which project over public alleys shall in addition to the foregoing requirements, be at least 13 feet above the surface of the alley. (Code 1993, 5-603)

4-1004 NOT RETROACTIVE. Provisions of this article shall not apply to awnings, marquees or permanent awnings erected before August 21, 1952, in accordance with ordinances then in effect, but when recovers, renewals, replacements, repairs or structural changes are made to such awnings, marquees or permanent awnings, they shall be brought into full compliance with the provisions of this article. (Code 1993, 5-604)

4-1005 SIGNS AND SIGNBOARDS. It shall be unlawful for any person to maintain, fasten, suspend, hang or in any other manner place across or along any street or sidewalk of the city, any sign, signboard or obstruction of any kind, whether the same be attached to posts or to any building; provided, that this section shall not apply to signs or signboards which do not project into the street and which are not less than eight feet above such sidewalk, nor shall it apply to the erection or maintenance of a marquee or canopy on a theater building, hotel or city hall building. (Code 1993, 5-605)

4-1006 BILLBOARDS IN FIRE LIMITS. It shall be unlawful for any person to erect or maintain any billboard within the fire limits of the city. (Code 1993, 5-606)

ARTICLE 11

COMMUNICATION TOWERS

4-1101 STATEMENT OF PURPOSE. The purpose of these regulations is to establish reasonable restrictions for the siting and screening of communication towers and their related equipment in order to accommodate the growth of wireless communication systems while protecting the public against any adverse impacts on the community's aesthetic resources and the public welfare. To balance the growth of wireless communication systems while protecting the public health, safety and welfare, these regulations establish minimum standards for construction and facility siting to minimize adverse visual effects of towers through careful design, siting, lighting and screening, avoid potential damage to adjacent properties from tower failure through engineering and appropriate siting of tower structures, encourage the joint use of any new communication tower to reduce the number of such towers needed in the future, and require the removal of abandoned towers.

4-1102 ZONING. No permit shall be approved for any communication antenna or communication tower, unless said structure is to be constructed within Zone No. 1, the business zone.

4-1103 APPLICATION, PERMIT. No person shall erect or construct any communication antenna or communication tower, or like structure in the City or cause the same to be done without first obtaining a building permit. To obtain a permit, the person desiring to construct or build any communication tower, or like structure, shall first file an application therefor in writing on the form furnished for that purpose. At the time of making such application, the applicant shall submit information as set out in 4-1105. If the application, plans and specifications are found by the Building Inspector to be in violation of the codes or regulations, the building permits committee shall be so advised and no permit shall be issued until the plans and specifications comply to the satisfaction of the Building Inspector or a variance is approved by the Planning Commission and the City Council.

4-1104 FEE.

- (a) A permit for construction of any communication antenna or communication tower, or like structure shall not be issued until the application and fee have been received by the City Clerk.
- (b) The application fee for each communication tower permit shall be \$50.00.
- (c) If construction begins prior to the issuance of a permit, construction shall cease immediately, until a permit is issued.
- (d) Where work, for which a permit is required, has been started prior to issuance of a permit, the fee shall be doubled.

4-1105 APPEALS. If a permit for communication antenna or communication tower or like structure is denied by the Building Inspector and building committee, within 10 calendar days, the property owner may appeal, in writing, to the City Planning Commission using the following process.

- (a) Upon receipt of the written request for variance or of the regulations contained in the zoning ordinances of the City, the Planning Commission shall meet with the property owner, review the recommendations of the Building Inspector and the reasons for denial of the permit, consider the impact of granting the permit on current and future property in the City and provide a recommendation to the City Council.
- (b) The City Council, upon reviewing the recommendation of the Planning Commission, shall determine whether to grant the permit or deny same.

(c) The permit shall not be issued unless a majority of all the members-elect of the Council vote in favor thereof, provided, that where the number of favorable votes is one less than required, the Mayor shall have the power to cast the deciding vote in favor of passage.

4-1106 REGULATIONS. Each application for a conditional use permit for a communication antenna or communication tower, or like structure, or where the same is permitted as a provisional use and where the location of the proposed communication antenna or communication tower is within the incorporated boundaries of the City, shall be accompanied by a development plan which shall include the following information:

(a) **SITE DEVELOPMENT PLAN:** A site plan or plans drawn to scale of one inch equals 30 feet or larger and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation and proposed landscaping; and uses, structures, and land-use designations on the site and abutting parcels.

(b) **ENGINEER'S REPORT:** A report from a registered professional engineer which describes the tower's design standards and structural capacity, including the number and type of antennas it can accommodate.

(c) **SITE STUDY:** A study comparing all potential host sites within an approximate one-half mile radius of the subject site. Potential sites shall include existing structures and towers in excess of 100 feet and properties where towers are permitted under existing regulations or by conditional use permit. The study shall include a description of the surrounding sites, a discussion of the ability or inability of the site/tower to host a communications facility and the reasons why the site/tower was excluded from consideration. The Planning Commission or the City Council may require the review of additional sites pending review of the initial study. The applicant shall demonstrate to the City's satisfaction that the alternative site or tower is not available due to one or more of the following reasons:

1. Unwillingness of the owner to entertain a communications facility proposal.
2. Topographic limitations of the site.
3. Adjacent impediments that would obstruct adequate communication tower transmission.
4. Physical site constraints that would preclude the construction of a communication tower.
5. Technical limitation of the system.
6. The planned equipment would exceed the structural capacity of existing and approved towers and facilities, considering existing and planned use for those facilities.
7. The planned equipment would cause frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
8. Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably.
9. The applicant demonstrates that there are other limiting factors that render the use of existing towers and structures unsuitable.

(d) **PHOTO SIMULATION:** A photo simulation of the proposed facility from the perspective of affected residential properties and public rights-of-way as may be required by the Planning Commission.

(e) **JUSTIFICATION:** An explanation of the need for the facility to maintain the integrity of the communication system. A map showing the service area of the proposed tower shall be made available to the staff, the Planning Commission and/or the City

Council upon request.

(f) **INTENTION TO UTILIZE SPACE:** A signed statement from the applicant indicating their intention to share space on the tower with other providers subject to reasonable, acceptable terms and the total anticipated number of providers the communication tower can support.

(g) **PROPERTY LEASE AGREEMENT:** If said communication tower shall be built upon property not owned by the applicant, a copy of the lease between the applicant and the landowner. The lease shall contain the following provisions:

1. The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.

2. The landowner shall be responsible for the removal of the communication tower or facility in the event the lessee fails to remove it upon abandonment as required by these regulations.

3. **CONDITIONAL USE PERMIT:** Initial request for a conditional use permit shall be limited to five years. At the time of renewal the applicant shall demonstrate to the satisfaction of the Planning Commission that a good-faith effort has been made to cooperate with other providers to establish co-location at the tower site. Good-faith effort shall include, but is not limited to, timely response to co-location inquiries from other providers and sharing of technical information to evaluate the feasibility of establishing co-location. Failure to demonstrate that a good-faith effort has been made may result in the denial of the request for a renewal. Renewal of a conditional use permit is not required as set forth herein upon a finding by the Planning Commission that

A. the communication tower has the capacity to support collocation of additional providers and/or collocation of additional providers has occurred during the preceding five years, and

B. that the tower and site continues to be in conformity with the development plan approved for the original conditional use permit.

4. **HEIGHT:** The maximum height which may be approved for a communications tower is 320 feet. A lightning rod shall not be included within the height limitations. All new towers in excess of 250 feet shall be designed to accommodate at least three additional providers. The location of additional antenna on a legally existing tower shall not require additional approval from the Planning Commission or City Council. The height limitation for towers may be waived as recommended by the Planning Commission and approved by the City Council.

5. **TOWER DESIGN:** All communication towers shall be designed and engineering sealed by a registered professional engineer and conform to the design standards of the Electronic Industry Association's EIA/TIA-222-E, as amended. All communication towers of 150 feet or less shall be of a monopole design unless otherwise recommended by the Planning Commission and approved by the City Council. Communication towers under 150 feet may be lattice or guyed tower construction provided the tower is designed to accommodate one or more providers. Communication towers in excess of 150 feet may be a self-supporting lattice tower or guyed tower.

6. **SETBACKS:** All communication towers shall be set back from all property lines, easements and existing utilities a minimum of 1.5 times the total structure height. In the event the adjacent residentially zoned property is un-platted and not developed or used as residential property then the set back may be reduced, by the Planning Commission, at the request of the applicant for cause shown,

subject to approval by the City Council, if documentation from a registered professional engineer is submitted certifying that in the event of a tower failure or collapse, the fall zone of the tower will be contained within the proposed set back area. All guy wire anchors shall be no closer than 20 feet from any lot line wherein the adjacent property is zoned for residential use.

7. SEPARATION REQUIREMENTS: All communication towers, except those designed as an architecturally compatible element in terms of the material, design and height to the existing or proposed use of the property, shall comply with the following separation requirements:

Towers in excess of 100' tall = 1,500' of separation

Towers less than 100' tall = 1,000' of separation

8. SEPARATION DEVIATIONS: The Planning Commission may recommend to the City Council which shall have the authority to grant a deviation from the separation standards. In support of a deviation request from the separation requirements, the applicant shall submit a technical study acceptable to the City which confirms that there are not other suitable sites available within the separation requirements. The Planning Commission may also recommend to the City Council that a deviation be granted to allow two or more communication towers within a 200-foot radius be clustered for the purpose of lessening the overall visual impacts of such towers on the community.

9. TOWERS ON STRUCTURES: The location of towers and antennas on existing buildings and other structures is encouraged as an alternative to placement on the ground and may be upon buildings and other structures within any zoning district where such is a lawful use subject to the following:

A. The height of the tower or antenna does not extend more than 20 feet above the height of the structure.

B. The setback of the tower from a building roof edge shall be at least ten feet.

The location of communication towers or communication antenna on existing structures pursuant to this subsection shall not require a conditional use permit or other approval from the Planning Commission or City Council provided, structural information is provided to the planning department which indicates the structure is physically capable of supporting the communication tower or communication antenna.

10. PARKING AREAS AND DRIVES: All parking areas and drives associated with the communication tower shall comply with applicable city design criteria except that the Planning Commission may recommend that the City Council waive the requirements for curbing and drainage facilities when they are not needed for drainage purposes.

11. COMPLIANCE WITH NATIONAL BUILDING CODE: Building permit applications shall be accompanied by standard drawings of the structural components of the communication tower or antenna including support structures, tower, base and footings. Drawings and any necessary calculations shall be certified, in writing, by a licensed professional engineer that the system complies with the National Building Code. Where the structural components or installation vary from the standard design or specifications, the proposed modifications shall be certified by a licensed, registered professional engineer.

12. COMPLIANCE WITH NATIONAL ELECTRICAL CODE: Building

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

13. **EQUIPMENT STORAGE:** Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the communication tower unless repairs to the tower are being made.

14. **ACCESSORY USES:** Accessory uses shall include only such buildings and facilities necessary for transmission functions and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage area, nor other similar uses not necessary for the transmission function. All accessory building shall be constructed of building materials consistent with the primary use of the site and shall be subject to site plan approval. Where there is not primary use other than the tower, the building materials for the accessory building shall be subject to the review and approval of the Planning Commission and/or City Council.

15. **LIGHTING:** Communication towers shall not be lighted except to insure public safety as required by the Federal Aviation Administration (FAA). Security lighting around the base of a tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or rights-of-way. Any lighting required by the FAA shall consist of a white flashing light during the daytime and a red flashing light during the nighttime.

16. **SCREENING:** The base of the tower shall be screened from view with a solid screening fence a minimum of six (6) feet in height. The materials of the fence, including security wire, shall be specified in the development plan and subject to the review and approval of the Planning Commission and the City Council. The Planning Commission and the City Council may waive the required screening where the design of the accessory building is architecturally compatible to the primary use of the property.

17. **AESTHETICS AND ADVERTISING:** All towers and accessory facilities shall be sited, designed, screened and landscaped to have the least practical adverse visual effect on the environment. Appropriate landscaping shall be provided to buffer the facility from adjacent residential areas and public streets. Existing plant material shall be preserved to the extent possible. No portion of the communication tower, antenna, or perimeter fence, shall be used for commercial advertising, provided, a sign not exceeding four square feet shall be posted on the tower, or the exterior fence around the base of the tower, noting the name and telephone number of the tower owner and operator.

18. **SAFETY SIGNAGE:** At least one sign shall be posted at the base of the tower or on the protective fences provided herein, warning of electrical shock or high voltage.

19. **REMOVAL OF ABANDONED ANTENNAS AND TOWERS:** Any antenna or tower that is not operated for a period of 12 continuous months or which was operated under a conditional use permit which has expired and not renewed shall be considered abandoned, and the owner of such antenna or tower

shall remove the same within 90 days of a receipt of notice from the City Clerk notifying the owner of such required abandonment. If such antenna or tower is not removed within said 90 days, the City Council may cause the removal of such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users have ceased using the tower for a period of 12 continuous months.

20. APPLICATION OF REGULATIONS to existing communication towers, communication antenna or accessory facilities. For purposes of determining fair market value, it shall be based upon the combined value of the communication tower(s), communication antenna(s) and on-site principal building(s) to which accessory.

21. PLATTING REQUIREMENTS: Nothing in this ordinance/resolution shall be construed to require the platting or replatting of separate lots for the location of towers that may be unrelated to another principal use located on such lot."

ARTICLE 12 WIND ENERGY CONVERSION SYSTEMS

4-1201 DEFINITIONS.

- (a) Wind Energy Conversion System (WECS): A machine that converts the kinetic energy in the wind into a usable form (commonly known as a wind turbine or windmill). The WECS include all parts of the system except the tower and the transmission equipment.
- (b) Overspeed Control: A mechanism used to limit the speed of blade rotation to below the design limits of the WECS.
- (c) Swept Area: The largest area of the WECS which extracts energy from the wind stream. In a conventional propeller-type WECS there is a direct relationship between the swept area and the rotor diameter.
- (d) Total Height: The height of the tower and the furthest vertical extension of the WECS.
- (e) Site: The plot of land where the WECS is to be placed. The site could be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties.

4-1202 WIND ENERGY CONVERSION SYSTEM REQUIREMENTS. Wind energy conversion systems shall be permitted in all zones subject to the following requirements:

- (a) Building Permit Application for a WECS: Building permits for a wind energy conversion system shall be accompanied by a plot plan drawn, by a licensed engineer, in sufficient detail to clearly describe the following:
 - (1) Property lines and physical dimensions of the site.
 - (2) Location, approximate dimensions, and types of major existing structures and uses on site.
 - (3) Location and elevation of the proposed WECS.
 - (4) Location of all above-ground utility lines on-site or within one mile radius of the total height of the WECS.
 - (5) Location and size of structures and trees above 35 feet, within a 500 feet radius of the proposed WECS. For purposes of this requirement, electrical transmission and distribution lines, antennas, slender or open lattice towers are not considered structures.

(6) Show the zoning designation of immediate and adjacent sites as set forth in the general plan.

4-1203 GENERAL PROVISIONS. Installation of all wind energy conversion systems shall comply with the following requirements:

- (a) WECS SIZE: This article covers those WECS whose swept area is 1,000 square feet or less. (For conventional propeller WECS, this would be approximately 35 feet or less in diameter.) Larger WECS, intended for commercial usage shall not be erected within the City limits of the City of Clay Center.
- (b) HEIGHT: The total height of any single turbine shall not exceed 200 feet. Total height means the highest point reached by the rotor blades. Any private wind energy facility taller than 200 feet shall require approval of a conditional use permit.
- (c) GROUND CLEARANCE: The lowest point of the rotor blades shall be at least thirty (30) feet above ground level at the base of the facility.
- (d) SET BACK: WECS shall be set back from all property lines, easements and existing utilities a minimum of 1.5 times the total structure height.
- (e) POWER LINES: All power lines shall be installed underground within a distance equal to 1.5 times the height of the WECS.
- (f) NOISE: The WECS shall not create excessive noise.
- (g) ROTOR SAFETY: Each WECS must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a licensed registered professional engineer certifying that rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. The engineer should also certify the structural compatibility of portable towers with available rotors. This certification would normally be supplied by the manufacturer.
- (h) GUY WIRES: Anchor points for guy wires for the WECS tower shall not be located within six feet of the site lines and not on or across any above-ground electric transmission or distribution line. The point of ground attachment for the guy wires shall be set back from the property line or site parameters the total height of the WECS.
- (i) TOWER ACCESS: WECS should have either: a) tower-climbing apparatus located no closer than twelve (12) feet from the ground; b) a locked anti-climb device installed on the tower; or c) the tower shall be completely enclosed by a locked, protective fence at least six (6) feet high.
- (j) FAA REQUIREMENTS: WECS lighting and markings shall comply with, but not exceed, FAA requirements. If lighting of turbines or other structures is required, "daytime white/nighttime red" shall be the only type of lighting allowed with shielding from the ground and area residences.
- (k) SAFETY SIGNAGE: At least one sign shall be posted at the base of the tower or on the protective fences provided herein, warning of electrical shock or high voltage.

4-1204 APPLICATION, PERMIT, REQUIREMENTS. No person shall erect or construct any WECS, or like structure in the City or cause the same to be done without first obtaining a building permit. To obtain a permit, the person desiring to construct or build any WECS, or like structure, shall first file an application therefor in writing on the form furnished for that purpose. At the time of making such application, the applicant shall submit information as set out herein. If the application, plans and specifications are found by the Building Inspector to be in violation of codes or regulations, the building permits committee shall be so advised and no permit shall be issued until the plans and specifications comply to the satisfaction of the Building Inspector or a variance is approved by the Planning Commission and the City Council.

- (a) Scale site plan with sufficient detail to understand the nature and scope of the proposed project and the attributes of the specific location. The specific location shall include at a minimum the entire area within 1.5 times the height of the proposed structure. Per the Planning Commission, the specific location may include additional area if necessary due to the location.
- (b) Standard drawings of the WECS, including the tower, base and footings. An engineering analysis and certification by a licensed professional engineer for the tower, base and footings shall also be provided. This analysis may be supplied by the manufacturer.
- (c) Manufacturer's specification sheets; all WECS shall be constructed according to manufacturer's specifications.
- (d) Compliance With National Building Code: Building permit applications shall be accompanied by standard drawings of the structural components of the WECS including support structures, tower, base and footings. Drawings and any necessary calculations shall be certified, in writing, by a licensed professional engineer that the system complies with the National Building Code. Where the structural components or installation vary from the standard design or specifications, the proposed modifications shall be certified by a licensed, registered professional engineer, for compliance with the seismic and structural design provisions of the National Building Code.
- (f) Compliance With National Electrical Code: Building permit applications shall be accompanied by a line drawing identifying the electrical components of the wind system to be installed in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. The application shall include a statement from a licensed registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electrical Code. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.
- (g) Certificate of completion provided by a licensed electrical contractor certifying that all electrical work has been completed in accordance with the manufacturer's specifications and/or the National Electric Code.
- (h) Electromagnetic Interference: The WECS shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to a City building official that a WECS is causing harmful interference, the operator shall promptly mitigate the harmful interference.
- (i) Liability Insurance: The applicant, owner, leasee, or assignee shall show proof of and maintain a current insurance policy which will cover installation and operation of the WECS at all times. Said policy shall provide a minimum of three hundred thousand dollars (\$300,000.00) property and personal liability coverage.
- (j) EFFECT OF CONSTRUCTION: Any proposed WECS shall not create a detrimental effect on nearby properties through electromagnetic interference, physical appearances or noise, either by loudness or frequency. Further, any proposed WECS shall not substantially or permanently injure the appropriate use of adjacent conforming property.
- (k) Any proposed WECS that does not meet all of the above requirements must be approved through appeal and request for a conditional use permit process, by application to the Planning Commission.

4-1205 FEE.

- (a) A permit for construction of any WECS, or like structure shall not be issued until

the application and fee have been received by the City Clerk.

(b) The application fee for each WECS permit shall be \$50.00.

(c) If construction begins prior to the issuance of a permit, construction shall cease immediately, until a permit is issued.

(d) Where work, for which a permit is required, has been started prior to issuance of a permit, the fee shall be doubled.

4-1206 APPEALS.

(a) If a permit for a WECS or like structure is denied by the Building Inspector and City Council, within 10 calendar days, the property owner may appeal, in writing, to the City Planning Commission using the following process.

(b) Upon receipt of the written request for variance or of the regulations contained within the building code or within the zoning ordinances of the City, the Planning Commission shall meet with the property owner, review the recommendations of the Building Inspector and the reasons for denial of the permit, consider the impact of granting the permit on current and future property in the City and provide a recommendation to the City Council.

(c) The City Council, upon reviewing the recommendation of the Planning Commission, shall determine whether to grant the permit or deny same.

(d) The permit shall not be issued unless a majority of all the members-elect of the Council vote in favor thereof, provided, that where the number of favorable votes is one less than required, the Mayor shall have the power to cast the deciding vote in favor of passage.

4-1207 NUISANCE MANAGEMENT. Wind energy conversion systems shall be located in areas where there are adequate setbacks from residential areas and adjacent homes so that noise from the turbines is not an intrusion.

(a) Upon receipt by the City of Clay Center of a complaint regarding an existing WECS, the property owner may be required, at the owner's expense, to mitigate any violations or make any necessary repairs to the facility at the owner's expense.

(b) Upon receipt by the City of Clay Center of a complaint regarding noise from an existing WECS, the property owner may be required, at the owner's expense, to have prepared by an independent acoustical consultant an acoustical study that shall demonstrate that the noise level caused by the operation of the project, measured at five feet above ground level at the property line of the subject property, shall not exceed 60 decibels.

(c) Abatement: If any WECS is not maintained in operational condition for a period of one (1) year and poses a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. The City of Clay Center reserves the authority to abate any hazardous situation and to pass the cost of such abatement on to the owner or operator of the system. Further, if the City determines that the WECS has been abandoned and poses a safety hazard, the system shall be removed within forty-five (45) days of written notice to the owner or operator of the system.