

CHAPTER IV. BUILDINGS AND CONSTRUCTION

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ARTICLE 1. FIRE LIMITS

- 4-101. FIRE LIMITS ESTABLISHED. All that portion of the territory within the boundaries established by ordinance and annexation as recorded in the Office of the Register of Deeds of Jefferson County, Kansas, shall be deemed the fire limits for the City. (Code 1984, 7-301; Code 2012)

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 McLouth, 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 McLouth;
 - (c) Whenever the term building official is used in the building code, it shall be held to mean the City Administrator or his/her designee.
(Code 2012)
- 4-202. INTERNATIONAL BUILDING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Building Code, 2009 Edition, as recommended by the International Conference of Building Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. One copy of the International Building Code, 2009 Edition, shall be marked or stamped "Official Copy as Incorporated by the Code of the City of McLouth," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business. Any person violating any provision of such code shall be punished as provided in section 1-116 of this code. (Code 2012)
- 4-203. ADDITIONAL PROVISIONS. The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-202. (Code 2012)
- 4-204. BUILDING OFFICIAL; POWERS; DUTIES. (a) This and other articles of the city relating generally to building and structures shall be administered and enforced by the city administrator. The city administrator shall act as chief building official and may assume the responsibilities of or with the consent and approval of the governing body appoint a building inspector and such other assistants as may be advisable for the issuance of building permits and the inspection of building work.
- (b) The city administrator or city clerk shall prepare such application, permit, inspection and record forms as may be required for the purposes of the article. The city administrator may make and promulgate the necessary rules and regulations to obtain conformity with this article pertaining to the making of applications for building permits, issuing of building permits and inspecting of buildings and building works.
(Code 2012)
- 4-205. BUILDING INSPECTOR; APPOINTMENT. The city administrator may assume the responsibilities of or appoint some qualified officer or employee of the

city to be and perform the duties of building inspector as may be required, subject to the consent and approval of the governing body. (Code 2012)

- 4-206. SAME; DUTIES. The building inspector shall have the following duties:
- (a) To enforce all regulations relating to construction, alteration, repair, removal and demolition of building and structures;
 - (b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;
 - (c) To examine all buildings in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and;
 - (d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the building official without his or her written consent.
- (Code 2012)
- 4-207. SAME; POWERS. The building inspector shall have the following powers:
- (a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter;
 - (b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the city;
 - (c) May cause any work done in violation of this chapter to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the building regulations of the city, subject to the right of any builder or owner to appeal to the governing body.
- (Code 2012)
- 4-208. SAME; RIGHT OF ENTRY. The building inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter. (Code 2012)
- 4-209. CLARIFICATION; MODIFICATION. (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the building code which may be unclear, ambiguous, or requiring interpretation.
- (b) The building inspector shall have power to modify any of the provisions of the building code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the building inspector shall see that the spirit of the code is observed, public safety secured and substantial justice

done. The particulars of a modification when granted or allowed and the decision of the inspector thereon shall be entered upon the records of the building inspector and a signed copy shall be furnished to the applicant.
(Code 2012)

4-210. BUILDING PERMIT REQUIRED; APPLICATION; APPROVAL. It shall be unlawful for any person to hereafter erect or cause to be erected within the city any building or structure of any kind or enlarge or add to the outside dimension thereof, or relocate any building or structure already erected or which may hereafter be erected or remodel any building or structure within the city without a building permit being first obtained therefor from the city clerk, after approval by the chief building official or his or her duly authorized assistant. The application for such permit shall be made and the permit obtained before work is commenced upon any building or structure or the foundation thereof, or before the removal of any building begins. (Code 2012)

4-211. SAME; APPLICATION INFORMATION REQUIRED. (a) A building permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:

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

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

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

(d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee

shall have commenced, within the period so limited, the building work authorized by such permit. Building work commenced for the purpose of this section shall mean the beginning of building work other than the preparation of plans or the staking out of the building location or the letting of a building contract. (Code 2012)

- 4-212. SAME; PLANS AND SPECIFICATIONS. Whenever an application for a building permit is made, the chief building official may, if he or she finds it necessary to determine whether building work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed building as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the building official may require the applicant to file complete architectural and engineering plans and specifications for such building, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any building work for conformity with this article. (Code 2012)
- 4-213. SAME; POSTING. A copy of the building permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The building inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 2012)
- 4-214. CERTIFICATE OF APPROVAL. Upon the completion of any work under a building permit, the chief building official, the building inspector or his or her designee is authorized to issue a certificate of approval for the occupancy and use of the building or structure. The certificate shall show the number of inspections made and the orders and corrections required during the course of the work. A copy of such certificate shall be given the owner. (Code 2012)
- 4-215. 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 2012)

4-216. REQUEST FOR INSPECTION. Upon the completion of any building construction work covered by this article, it shall be the duty of the person doing such work to notify the City of McLouth to request an inspection; after which such work shall be inspected at a time designated by the building inspector. The permit holder must be present on the premises to be inspected at the time of inspection. The failure of a permit holder to be present at the time of inspection will result in the forfeiture of the inspection fee. The payment of a second fee shall be required before the scheduling of an inspection necessitated by the prior failure to appear by a permit holder. (Ord. 2012-09-01; Code 2012)

4-217. INSPECTION FEE. \$50 per inspection, fees shall be paid before any building or construction work will be approved or a certificate approval issued. (Ord. 2012-09-01; Code 2012)

4-218. WORK BY PROPERTY OWNERS. Nothing herein contained shall prohibit any property owner from personally performing any building or construction work within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the building inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal building or construction performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city. (Code 2012)

4-219. LIABILITY. This article shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection authorized herein, by reason of any certificate of inspection issued by it or by reason of any permit or license granted herein. (Code 2012)

4-220. SEVERABILITY. If any section of the International Building Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining sections, the section to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 2012)

ARTICLE 3. ELECTRICAL CODE

4-301.

DEFINITIONS. For the purpose of this article, the words and phrases used herein shall have the meanings ascribed to them in this section, unless the context clearly indicates to the contrary.

(a) Approved - shall mean approved by the chief building official, the electrical inspector or his or her designee.

(b) Authorized person - shall mean any individual, firm or corporation who or which is licensed under the provisions of this article to do the work as permitted under the specified provisions of this article.

(c) City - shall mean the territory within the corporate limits of this city.

(d) Conductor - shall mean a wire or cable or other form of metal suitable for carrying the electric current or potential.

(e) Electrical construction or installation - shall mean and include all work and materials used in installing, maintaining or extending a system of electrical wiring and all appurtenances, apparatus or equipment used in connection therewith, inside or attached to any building, structure, lot or premises, except industrial plants where fulltime maintenance is provided and other agencies providing inspections of installations and facilities. Electrical construction shall not be held to mean or include any of the following:

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

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

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

(f) Equipment - shall mean conductors, materials, fittings, devices, appliances, fixtures, apparatus, motors and the like, used as a part of or in connection with an electrical installation.

(g) Inspector - shall mean the chief building official or any individual who has been appointed by the city as electrical inspector.

(h) Person - shall mean a natural person, his or her heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors, assigns, or the agent of any of the aforesaid.

(i) Special permission - shall mean the written consent of the chief building official or the electrical inspector.

(j) Special ruling - shall mean a written ruling filed in the office of the chief building official or the electrical inspector.

(Code 2012)

4-302.

ADOPTION OF ELECTRICAL CODE BY REFERENCE. The standard code known as the National Electrical Code of 2011, a publication of the National Fire Protection Association, the same being a standard code for the installation of electrical wiring and apparatus and available in book and pamphlet form is hereby incorporated by reference herein and made a part of this article as authorized and in the manner prescribed by K.S.A. 12-3009:3012. One copy shall be marked or

stamped "Official Copy as Incorporated by the Code of the City of McLouth," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

Any person violating any provision of such code shall be punished as provided in section 1-116 of this code. (Code 2012)

4-303. ADDITIONAL PROVISIONS. The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-302. (Code 2012)

4-304. BUILDING OFFICIAL; AUTHORITY. The City Administrator or his or her designee shall be responsible for the administration and enforcement of this article and appointment of an electrical inspector in accordance with section 4-204 of this chapter, which shall apply in a like manner to this article. (Code 2012)

4-305. ELECTRICAL INSPECTOR; APPOINTMENT. The City Administrator or his or her designee may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of electrical inspector as may be required, subject to the consent and approval of the governing body. (Code 2012)

4-306. SAME; DUTIES. The electrical inspector shall have the following duties:

- (a) To enforce all regulations relating to electrical construction, alteration, repair or removal;
- (b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of electrical construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;
- (c) To examine all buildings requiring electrical construction in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and
- (d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the building official or electrical inspector without his or her written consent.

(Code 2012)

4-307. SAME; POWERS. The electrical inspector shall have the following powers:

- (a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter;
- (b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the city;

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

(Code 2012)

4-308. SAME; RIGHT OF ENTRY. The electrical inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter. (Code 2012)

4-309. CLARIFICATION; MODIFICATION. (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the electrical code which may be unclear, ambiguous, or requiring interpretation.

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

(Code 2012)

4-310. ELECTRICAL PERMIT REQUIRED; APPLICATION; APPROVAL. (a) Except as provided in subsection (b), it shall be unlawful for any person to engage in any electrical construction as defined in section 4-301 within the city without an electrical permit being first obtained therefor from the city clerk, after approval by the chief building official or his or her duly authorized assistant. The application for such permit shall be made and the permit obtained before any electrical construction work is commenced.

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

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

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

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

(Code 2012)

4-311. SAME; APPLICATION INFORMATION REQUIRED. (a) An electrical permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:

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

(2) The location of the building or structure;

(3) The electrical construction work proposed;

- (4) The class of occupancy;
- (5) The class of electrical construction;
- (6) The kind of materials to be used;
- (7) The estimated cost of the work;
- (8) The date work will commence;
- (9) Expected date of completion;
- (10) Name and address of electrical contractor or contractors doing the work;
- (11) Such other information as may be pertinent to the issuance of the required permit.

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

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

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

(Code 2012)

4-312. SAME; PLANS AND SPECIFICATIONS. Whenever an application for a electrical permit is made, the chief building official or the electrical inspector may, if he or she finds it necessary to determine whether electrical construction work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed electrical construction as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the building official may require the applicant to file complete electrical and engineering plans and specifications for such electrical construction, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any electrical construction work for conformity with this article. (Code 2012)

4-313. SAME; POSTING. A copy of the electrical permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The electrical inspector may require a certified copy of

the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 2012)

4-314. REQUEST FOR INSPECTION. Upon the completion of any electrical work covered by this article, it shall be the duty of the person doing such work to notify the electrical inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided. (Code 2012)

4-315. INSPECTION; CONCEALMENT OF PRIOR WORK. (a) When any electric equipment is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the building inspector and such equipment shall not be concealed until it has been inspected, approved or authorized by the 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 2012)

4-316. INSPECTION FEE. An initial inspection fee of \$50, and an inspection fee of \$50 for subsequent inspections required shall be paid before any electrical installation will be approved or a certificate of approval issued. (Code 2012)

4-317. CERTIFICATE OF APPROVAL. (a) When the electrical inspector finds an electrical construction or installation to be in conformity with the provisions of this article, he or she shall issue to the person, firm, or corporation performing the electrical construction work or making the installation, a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the installation and connection to the supply of electricity.

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

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

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

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

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

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

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

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

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

(Code 2012)

4-318. CONNECTION TO INSTALLATIONS. It shall be unlawful for any person, firm, or corporation to make connection to a supply of electricity to any building or electrical equipment for which an inspection is required, or which has been disconnected by the order of the 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 2012)

4-319. 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 2012)

4-320. 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 2012)

4-321. INTERFERENCE BY UNAUTHORIZED PERSON. It shall be unlawful for any unauthorized person to, in any manner, change or alter electrical conductors or equipment in or on any building. If in the course of the erection of a building or structure, electrical conductors or equipment are in such position as to interfere with the erection or completion of the structure, notice shall be immediately given the authorized person or firm installing the electrical conductors or equipment, and the needed change shall be made by such authorized person or firm. (Code 2012)

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

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

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

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

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

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

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

to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city.
(Code 2012)

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

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

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

(Code 2012)

4-324. SAME; APPLICATION; GRANTING. Application for an electrician's or electrical contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the electrician or electrical contractor or his or her authorized agent. The applications shall be, by the chief building official referred to the governing body at its next meeting for action thereon. Such license shall be issued by the city clerk, upon payment of the fees hereinafter provided after approval of the governing body. (Code 2012)

4-325. INSURANCE. Any electrician or contractor licensed to perform the duties of an electrician who undertakes work in this City shall maintain a policy of liability insurance with limits of at least \$100,000 for the death or injury of any one person and \$300,000 for the death or injury of any number of persons from a single accident, and \$50,000 for property damage in any one accident. Such policies shall be issue from a company authorized to do business in the State of Kansas. Any person performing work covered by this Chapter shall provide proof of insurance upon the demand of the Building Official or any other City Official.
(Code 2012)

4-326. LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

(a) The license of any electrician or electrical contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the chief building official upon his or her own motion or upon a complaint of the city

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

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

(5) Willful disregard of any violation of the electrical construction laws, or failure to comply with any lawful order of the city electrical inspector.

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

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

(Code 2012)

4-327. **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 2012)

4-328. **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 2012)

4-329. **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 2012)

4-330. 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 2012)

ARTICLE 4. PLUMBING AND GAS-FITTING CODE

- 4-401. DEFINITION OF PLUMBING. The term plumbing as used in this article shall be construed to mean the installation of gas or water pipes, fixtures, apparatus and the necessary connections either for supplying gas or water to premises or for the removing of liquid and water-borne wastes from premises in the city, or both such purposes, and shall also denote installed fixtures, drainage and vent systems and gas or water distribution systems as the case may be. (Code 2012)
- 4-402. UNIFORM PLUMBING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the practice of plumbing and gas-fitting, including the installation, maintenance, extension and alteration of all pipes, fixtures, appliances and appurtenances in connection with sanitary sewers and public and private water and fuel gas systems, the Uniform Plumbing Code, 2009 Edition, as recommended by the International Association of Plumbing and Mechanical Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. One copy of the uniform code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of McLouth," 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 2012)
- 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 2012)
- 4-404. BUILDING OFFICIAL; AUTHORITY. The City Administrator or his or her designee shall be responsible for the administration and enforcement of this article and appointment of a plumbing inspector in accordance with section 4-204 of this chapter, which apply in a like manner to this article. (Code 2012)
- 4-405. PLUMBING INSPECTOR; APPOINTMENT. The City Administrator or his or her designee may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of plumbing inspector as may be required, subject to the consent and approval of the governing body. (Code 2012)
- 4-406. SAME; DUTIES. The plumbing inspector shall have the following duties:
- (a) To enforce all regulations relating to plumbing construction, alteration, repair or removal;
 - (b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or

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

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

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

(Code 2012)

4-407. SAME; POWERS. The plumbing inspector shall have the following powers:

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

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

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

(Code 2012)

4-408. SAME; RIGHT OF ENTRY. The plumbing inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter. (Code 2012)

4-409. CLARIFICATION; MODIFICATION. (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the plumbing code which may be unclear, ambiguous, or requiring interpretation.

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

(Code 2012)

4-410. PLUMBING PERMIT REQUIRED; EXCEPTION. (a) It shall be unlawful to install, alter or reconstruct any plumbing or plumbing system, as defined by the plumbing code and section 4-401, in any building in the city without first making application to and receiving a permit therefor from the city clerk, after approval by the chief building official or his or her authorized assistant. The application for

such permit shall be made and the permit obtained before any plumbing work is commenced.

(b) No permit shall be required for making minor repairs of any plumbing including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste or supply pipes, traps or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repair work not involving original installation or reconstruction.
(Code 2012)

4-411. SAME; APPLICATION INFORMATION REQUIRED. (a) A plumbing permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:

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

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

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

(d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the plumbing work authorized by such permit. Plumbing work commenced for the purpose of this section shall mean the beginning of plumbing work other than the preparation of plans or the letting of a plumbing contract.
(Code 2012)

4-412. SAME; PLANS AND SPECIFICATIONS. Whenever an application for a plumbing permit is made, the chief building official or the plumbing inspector may,

if he or she finds it necessary to determine whether work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed plumbing construction as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the chief building official or the plumbing inspector may require the applicant to file complete architectural and engineering plans and specifications for such building or construction, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any plumbing work for conformity with this article. (Code 2012)

4-413. SAME; FEES. The fee for a plumbing permit shall be \$10. The fee herein shall be paid to the city clerk upon obtaining a plumbing permit and the same shall be credited to the general operating fund of the city. (Code 2012)

4-414. SAME; POSTING. A copy of the plumbing permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The plumbing inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 2012)

4-415. REQUEST FOR INSPECTION. Upon the completion of any plumbing work covered by this article, it shall be the duty of the person doing such work to notify the plumbing inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided. (Code 2012)

4-416. INSPECTION; CONCEALMENT OF PRIOR WORK. (a) When any plumbing is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the plumbing shall notify the plumbing inspector and such equipment shall not be concealed until it has been inspected, approved or authorized by the plumbing inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification. On large installations, where the concealment of plumbing proceeds continuously, the person, firm or corporation installing the plumbing shall give the plumbing inspector due notice and inspections shall be made periodically during the progress of the work.

(b) The plumbing inspector shall have the authority to require owners or contractors to open such work which, in any manner, conceals plumbing that has been closed without his or her knowledge or permission, and in no case shall the inspector issue a certificate of approval until satisfied that the work is in accordance with the provisions of this article. The inspector shall also have the right to refuse to issue a certificate of approval on any plumbing, that is concealed in such manner that it cannot be fully determined that it has been done in accordance with this article.
(Code 2012)

- 4-417. INSPECTION FEE. An initial inspection fee of \$50, and an inspection fee of \$50 for subsequent inspections required shall be paid before any plumbing will be approved or a certificate of approval issued. (Code 2012)
- 4-418. CERTIFICATE OF APPROVAL. (a) When the plumbing inspector finds plumbing construction to be in conformity with the provisions of this article, he or she shall issue to the person, firm, or corporation performing the plumbing construction, a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the plumbing system and connection to the supply of gas or water, as the case may be.
- (b) When a certificate of approval is issued authorizing the connection and use of a temporary gas or water supply, the certificate shall expire at a time to be stated therein and shall be revocable for cause by the plumbing inspector.
- (c) In no case shall certificates of approval be issued on plumbing or plumbing systems or parts of systems where the work installed does not conform to the requirements of this article.
- (d) If, upon inspection, the plumbing or plumbing system is not found to be fully in conformity with the provisions of this article, the plumbing inspector shall immediately notify the person, firm, or corporation making the installation of the existing defects.
- (e) No certificate of approval shall be issued unless the plumbing or plumbing system has been installed in strict conformity with the provisions of this article and unless the plumbing or plumbing system is made in compliance with nationally approved methods of construction for safety to life and property as herein set forth.
- (f) The plumbing inspector shall be deemed the judge of whether the plumbing or plumbing system has been made in accordance with the requirements of this article.
- (g) No certificate of approval shall be required for making minor repairs of any plumbing including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste or supply pipes, traps or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repair work not involving original installation or reconstruction.
(Code 2012)
- 4-419. CONNECTION TO GAS OR WATER SUPPLY. It shall be unlawful for any person, firm, or corporation to make connection to a supply of gas or water for which an inspection is required, or which has been disconnected by the order of the plumbing inspector, until a certificate of approval has been issued by the plumbing inspector authorizing the connection and use of such plumbing or plumbing system. The plumbing inspector may, at his or her discretion, authorize a temporary connection. (Code 2012)
- 4-420. CONDEMNATION; APPEAL. (a) If in the judgment of the plumbing inspector, after inspection, the plumbing or plumbing system in any building are unsafe or dangerous to persons or property, the inspector shall have the power to cause the plumbing or plumbing system to be disconnected from the supply of gas or water and may, at his or her discretion, seal the control valves for the same in a closed or disconnected position, whereupon he or she shall give notice to the

owner, or his or her agent, or by posting such notice at the site and shall also notify the utilities serving the premises. Thereafter, it shall be unlawful for any person to cause or permit gas or water to be supplied to the plumbing or plumbing system so sealed until they shall have been made safe and the inspector shall have issued a certificate of approval to that effect.

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

(Code 2012)

4-421. PLUMBER OR PLUMBING CONTRACTOR; DEFINED. (a) A plumber or plumbing contractor shall mean:

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

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

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

(Code 2012)

4-422. INSURANCE. Any electrician or contractor licensed to perform the duties of an electrician who undertakes work in this City shall maintain a policy of liability insurance with limits of at least \$100,000 for the death or injury of any one person and \$300,000 for the death or injury of any number of persons from a single accident, and \$50,000 for property damage in any one accident. Such policies shall be issued from a company authorized to do business in the State of Kansas. Any person performing work covered by this Chapter shall provide proof of insurance upon the demand of the Building Official or any other City Official.

(Code 2012)

4-423. LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

(a) The license of any plumber or plumbing contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the chief

building official upon his or her own motion or upon a complaint of the city plumbing inspector. Notice shall be given in writing to such plumber or plumbing contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such plumber or plumbing contractor involving any one or more of the following:

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

(5) Willful disregard of any violation of the plumbing laws, or failure to comply with any lawful order of the city plumbing inspector.

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

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

(Code 2012)

4-424.

EXCAVATIONS. When it appears that the laying or repairing of any water or sewer pipes or the making of any connection therewith shall require excavation in any street, alley or public way of the city or the cutting or removal of any pavement, curb or gutter or any sidewalk, during the course of such work, the application for a permit shall so state and describe the location and extent of the excavation, cutting or removal. Before the city clerk shall issue any permit for such work, the applicant shall pay any fee required by this code. All excavations shall be barricaded and guarded as provided by the appropriate sections of this code. Before any such excavation shall be backfilled, new plumbing work therein shall be inspected and the bottom of the excavation holding any sewer, drain or water pipe shall be so filled, leveled and tamped as to properly support the pipe and permit proper drainage when carrying sewage, and the excavation shall be backfilled and all paving, curbing, guttering or sidewalks shall be restored as near as possible to their last condition, subject always to the approval of the plumbing inspector or the superintendent of streets. (Code 2012)

4-425.

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 2012)

4-426. 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 2012)

4-427. 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 2012)

4-428. 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 2012)

ARTICLE 5. MOVING BUILDINGS

- 4-501. **BUILDING OFFICIAL; AUTHORITY.** The City Administrator or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an inspector in accordance with sections 4-204:209 of this chapter, which apply in a like manner to this article. (Code 2012)
- 4-502. **PERMIT REQUIRED.** No person, firm or corporation shall move, haul, or transport any house, building, derrick, or other structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more or which cannot be moved at a speed of four 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 2012)
- 4-503. **SAME: APPLICATION FOR PERMIT.** All applications for permits required under the provisions of this article shall be made in writing to the city clerk specifying the day and hour said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved and stating whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities. (K.S.A. 17-1915; Code 2012)
- 4-504. **SAME; BOND, INSURANCE REQUIRED.** (a) It shall be the duty of any person at the time of making application for a permit as provided in this article to give a good and sufficient surety bond to the city, to be approved by the governing body, indemnifying the city against any loss or damage resulting from the failure of any such person to comply with the provisions of this article or for any damage or injury caused in moving any such house or structure. The bond herein shall be in the sum of \$5,000, or cash may be deposited in lieu of such surety bond.
(b) A public liability insurance policy issued by an insurance company authorized to do business in the State of Kansas, in the amount of \$100,000 per person, \$300,000 per accident as to personal injury, and \$50,000 property damage may be permitted in lieu of a bond. (Code 2012)
- 4-505. **SAME; FEE.** Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee of not less than \$5.00 to the city clerk; plus the additional cost for the time for any city crews involved in such moving. (Code 2012)
- 4-506. **CONTRACTOR; LICENSE REQUIRED; FEE.** The provisions of sections 4-219:225 of this chapter shall apply in a like manner to this article. (Code 2012)
- 4-507. **ROUTE; DUTIES OF BUILDING OFFICIAL.** The city clerk shall, upon filing of the above application, refer the same to the chief building official or his or her authorized designee to check the proposed route and determine if it is practical to

move such house or other structure over the route proposed. If it shall appear that such route is not practical and another route may be used equally well with less danger to street and travel, then he or she may designate such other route as the one to be used and shall notify the applicant of the same. The building official may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto. It shall also be the duty of the chief building official or his or her authorized designee to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this article. (Code 2012)

4-508. NOTICE TO OWNERS. (a) Upon issuance of a moving permit the applicant shall give not less than 15 days written notice to any person owning or operating any wires, cables or other aerial equipment along the proposed route of the intent to move the structure, giving the time and location that the applicants moving operation shall necessitate the cutting, moving, raising or interfering of any wires, cables or other aerial equipment.

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

(c) Should the moving operation be delayed, the applicant shall give the owner or his or her agent not less than 24 hours advance notice of the actual operation.

(K.S.A. 17-1916; Code 2012)

4-509. DUTY OF OWNERS. (a) It shall be the duty of the person or the city owning or operating such poles or wires after service of notice as provided herein, to furnish competent lineman or workmen to remove such poles, or raise or cut such wires as will be necessary to facilitate the moving of such house or structure. The necessary expense which is incurred thereby shall be paid by the holder of the moving permit.

(b) The owner of any wires, cables or other aerial equipment, after service of notice as provided in section 4-508, 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 2012)

4-510. 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 2012)

4-511. DISPLAY OF LANTERNS. It shall be the duty of any person moving any of the structures mentioned in this article upon or across any street, alley or sidewalk or other public place, in this city, to display red lanterns thereon in such a manner as to show the extreme height and width thereof from sunset to sunrise. (Code 2012)

ARTICLE 6. DANGEROUS AND UNFIT STRUCTURES

- 4-601. PURPOSE. The governing body has found that there exist within the corporate limits of the city structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this article. (K.S.A. 12-1751; Code 1984, 4-401; Code 2012)
- 4-602. DEFINITIONS. For the purpose of this article, the following words and terms shall have the following meanings:
(a) Enforcing officer - means the City Administrator or his or her authorized representative.
(b) Structure - shall include any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground. (K.S.A. 12-1750; Code 2012)
- 4-603. ENFORCING OFFICER; DUTIES. The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article, including the following:
(a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation;
(b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the enforcing officer may seek an order for this purpose from a court of competent jurisdiction;
(c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body;
(d) Receive petitions as provided in this article. (Code 2012)
- 4-604. PROCEDURE; PETITION. Whenever a petition is filed with the enforcing officer by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the enforcing officer on his or her own motion that any structure is dangerous, unsafe or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body. (Code 2012)
- 4-605. SAME; NOTICE. The governing body upon receiving a report as provided in section 4-604 shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished. (K.S.A. 12-1752; Code 1984, 4-405; Code 2012)

- 4-606. SAME; PUBLICATION. (a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.
(b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence and shall be marked "deliver to addressee only."
(K.S.A. 12-1752; Code 1984, 4-406; Code 2012)
- 4-607. SAME; HEARING, ORDER. If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed. (Ord. 2011-07; Code 2012)
- 4-608. DUTY OF OWNER. Whenever any structure within the city shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same. (Code 1984, 4-408; Code 2012)
- 4-609. SAME; FAILURE TO COMPLY. (a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the enforcing officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.
(b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the enforcing officer may cause the structure to be removed and demolished.
(Code 1984, 4-409; Code 2012)
- 4-610. SAME; MAKE SITE SAFE. Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe. (Code 1984, 4-410; Code 2012)
- 4-611. ASSESSMENT OF COSTS. (a) The cost to the city of any repairs, alterations, improvements, vacating, removal or demolition by the enforcing officer, including making the site safe, shall be reported to the city clerk.
(b) The city shall give notice to the owner of the structure by restricted mail of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice.

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

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

(e) If there is no salvage material, or if the moneys received from the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901, *et seq.*, and amendments thereto, are insufficient to pay the costs of the work and the costs of providing notice, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid, out of the general fund or by the issuance of no-fund warrants.
(K.S.A. 12-1755; Ord. 2011-07; Code 2012)

4-612. IMMEDIATE HAZARD. When in the opinion of the governing body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in section 4-611. (K.S.A. 12-1756; Code 1984, 4-412; Code 2012)

4-613. APPEALS FROM ORDER. Any person affected by an order issued by the governing body under this article may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case. (Code 1984, 4-413; Code 2012)

4-614. SCOPE OF ARTICLE. Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or

abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750:1756. (Ord. 2011-07; Code 2012)

ARTICLE 7. TOWERS AND ANTENNAS

- 4-701. PERMIT REQUIRED. No person shall erect or cause to be erected or re-erected, within the city limits, any radio or television tower or antenna, without having first obtained a permit for such construction or erection from the city clerk. (Code 1984, 4-601; Code 2012)
- 4-702. PERMIT APPLICATION; FEE. Before a permit is issued by the city clerk, the applicant shall sign a written application showing the proposed location, size, nature and detail of construction of the antenna or tower, and any other information which the city clerk may reasonably require in connection therewith. If the antenna or tower to be erected, as shown by such application, conform with the provisions of this article, the city clerk shall issue a permit upon payment of \$250. (Ord. 2012-09-01; Code 2012)
- 4-703. ISOLATED TOWERS; CONSTRUCTION. (a) All isolated radio or television towers or masts shall be of metal construction or of pressure treated wood poles with a base diameter of not less than 1/30 of its height.
If of steel or iron, they shall be made rust and corrosion resistant shall be set upon foundations of sufficient size to allow for all loads imposed thereon as well as allowance for uplift forces. Unless the structures are designed as free standing, they shall be adequately guyed with not less than three cable guys of six strands, No. 20 gauge cable securely fastened to ground anchors and such guys shall have strain type insulators not more than 40 feet apart and one such insulator shall be installed not less than seven feet above the ground and so as to break contact between the tower and the ground.
(b) No guys shall cross over wires carrying electric current nor any public property or the property of another person. Towers shall not be erected closer than six feet from the electric power lines and when deemed necessary because of high voltage, this distance shall be increased. All such structures shall be equipped with grounds of not less than No. 8 copper or No. 6 aluminum, and shall be installed as set forth in the electric code of National Board of Fire Underwriters, approved lightning arrestor shall be installed on antenna lead - in at its entrance into the building, arrestor must be grounded.
(Code 1984, 4-603; Code 2012)
- 4-704. ROOF TOWERS; CONSTRUCTION. Towers placed upon roofs and supporting radio or television antennae shall be of incombustible materials. These towers shall be placed upon a solid bearing such as a wall or beam, and if placed on rafters they shall be placed so as to cause no excessive strain on the members upon which they rest, but shall not set upon or be supported by chimneys, such structures unless designed as free standing, shall be securely guyed with not less than three cable guys of six strands, No. 20 gauge cable. Guys shall not be attached to chimneys, plumbing vents or other pipes on the building nor shall they cross over any electric wires. All towers shall be equipped with proper grounds, not smaller than No. 8 copper or No. 6 aluminum and installed in a manner set forth in the National Electric Code of the National Board of Fire Underwriters. An

approved lightning arrestor shall be installed on the antenna lead-in at its entrance into the building. The arrestor must be grounded. (Code 1984, 4-604; Code 2012)

4-705. INSPECTIONS; CERTIFICATE OF APPROVAL. (a) The installation of the structures permitted under this article shall be completed within 60 days following the issuance of a permit therefore. Upon completion of the installation the permit holder shall immediately report the fact to the city clerk. Thereupon, the installation shall be finally inspected by the city inspector.

(b) If the installation complies with the provisions of this article then the city inspector shall issue a certificate of approval. If the installation does not comply with the requisites of the application for a permit and this article, then the deficiency shall be corrected forthwith or the installation shall be wholly removed. (Code 1984, 4-605; Code 2012)

4-706. SAME; UNSAFE CONDITIONS; REMOVAL. All radio or television towers shall be at all times subject to the inspection of the city inspector whenever any complaint has been made to him or her or whenever he or she deems such inspection necessary. If the inspector at any time finds such tower insecurely anchored or in any manner unsafe or in such condition that it or any support or part thereof is liable to fall or break, he or she shall have authority to either order the same to be repaired or entirely removed, whichever in his or her opinion is necessary to make the tower safe and secure it from falling. Any person, whether the owner of the tower or the premises on which it is erected, or in charge of such premises as the occupant thereof, or agent, representative, officer or member of any firm or corporation owning such tower or owning or occupying such premises, or in charge thereof, who refuses to comply with such order shall be deemed guilty of a violation of this article. (Code 1984, 4-606; Code 2012)

4-707. ANTENNAS; SAFETY WIRE REQUIRED. Whenever it is required for performance or mechanical reasons to install an antenna above the street or near power lines, or where damage would be caused by its falling, a separate safety wire must be attached to the antenna, and secured in a direction away from the hazard. (Code 1984, 4-607; Code 2012)

4-708. PENALTY. Upon conviction for violation of any provision of this article, a person shall be fined not less than \$10 nor more than \$200. Each day's continuance of any violation of this article shall constitute a separate offense. (Code 1984, 4-608; Code 2012)

ARTICLE 8. HEATING AND COOLING STANDARDS

4-801. DEFINITIONS. For the purpose of this article, the following rules of construction and definitions shall apply.

(a) ASHRAE refers to the American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc., of New York, New York.

(b) BTUs mean British Thermal Units.

(c) The heating space means that space within a building which is provided with a positive heat supply having a connected output capacity in excess of 10 BTUs/hr. per square foot.

(d) New commercial building shall mean any building used to provide, at wholesale or retail, storage, services, supplies, goods or products to the public, other than a building used for the purpose of manufacturing raw material into a finished product, but shall not be construed to apply to any such building whose foundation was completed by August 1, 1978.

(e) New residential dwelling shall mean all new hotels, motels, apartment houses, lodging houses, private homes and other residential dwellings, construction of which commences on or after the effective date of this ordinance, but shall not be construed to apply to mobile homes or any such new residential dwelling where the foundation was completed by August 1, 1978. This definition shall apply to buildings of mixed occupancy.

(f) Owner shall mean a person, as defined herein, holding legal title to the residential dwelling or commercial building. (Code 1984, 4-701; Code 2012)

4-802. CERTIFICATE OF COMPLIANCE REQUIRED. No connections or attachments of gas service to new residential dwellings or new commercial buildings shall be made until such service has received a certificate of compliance from the owner that the residential dwelling or commercial building meets the standards set forth in section 4-703. Such certificate of compliance shall include supporting statements from the architect and/or contractor, if either or both such persons were employed in the design and construction of the new residential dwelling or new commercial building. Receipt of such certificate of compliance shall be required for permanent gas service. (Ord. 308; Code 1984, 4-702; Code 2012)

4-803. STANDARDS TO BE MET. Certificates of compliance required by section 4-702 shall certify that the following heating and cooling standards have been met where applicable:

(a) A new residential dwelling must be equipped with storm windows and storm doors or other satisfactory window and door thermal treatment. Total heat loss, based on the ASHRAE "Handbook of Fundamentals" of a new residential dwelling shall not exceed 35 BTU's per square foot per hour of floor area of heated finished living space at a design temperature differential of 80 degrees Fahrenheit with a maximum of one and one-half air changes per hour.

(b) New commercial buildings shall be constructed so heat transmission loss of heated areas, based on the ASHRAE "Handbook of Fundamentals" does not exceed 35 BTUs per square foot per hour of floor area based on a design

temperature differential of 80 degrees Fahrenheit. (Ord. 308; Code 1984, 4-703; Code 2012)

4-804. STANDARDS EFFECTIVE. (a) Standards specified under the terms and conditions of this article shall be effective after August 30, 1978, residential dwellings and commercial buildings.

(b) Gas service shall not be afforded or connected to any new residential dwelling or new commercial building after September 30, 1978, until the requirements and regulations as contained within this article are complied with in all respects. (Ord. 308; Code 1984, 4-704; Code 2012)

4-805. ADMINISTRATION. The plumbing inspector of the city, or his or her designee, is the officer responsible for the enforcement of the standards set out in this article. The officer is authorized to enter any premises, during reasonable hours for purposes of making inspection or preventing violations of this article. (Code 1984, 4-705; Code 2012)

4-806. PENALTY. (a) Any person violating the terms and conditions of this article shall, upon conviction, be deemed guilty of a violation of this code and shall be punished by a fine not to exceed \$250, or by imprisonment not exceeding 10 days in the county jail, or by both such fine and imprisonment.

(b) In addition, the city may, after 30 days written notice, forward to the record owner at his or her last known address, take such action as may be necessary to terminate any gas service which may for any reason be connected in violation with the terms and conditions of this article. (Ord. 308; Code 1984, 4-706; Code 2012)

ARTICLE 9. OIL AND GAS DRILLING

4-901. PERMIT REQUIRED. It shall be unlawful for any person, partnership, association or corporation to drill a well for oil or gas within the city limits or to work upon or assist in any way in the drilling of any such well, without a permit for any such well, without a permit for such well, and for the prosecution of the development thereof having first been issued under and by the authority of the governing body in accordance with the terms of this article. (Ord. 153; Code 1984, 4-801; Code 2012)

4-902. DRILLING BLOCKS ESTABLISHED. Within the city limits there shall be only one permit issued for one well in each drilling block as hereinafter defined, except that where one or more producing oil or gas sands or formations shall be found in such drilling block, a permit may be granted for one well to each of such sands or formations in such drilling block, and that, with such exception, it shall be unlawful to drill more than one oil or gas well in a drilling block; and for the purposes of this article, the area contained in the boundaries set forth in section 4-801, hereof is hereby divided into 19 tracts each of which tracts shall constitute a drilling block within the terms of this article, and the drilling blocks are hereby established and designated as follows:

Drilling Block No. 1 shall be composed of all of Outlet No. 130; also a tract described as commencing at the southeast corner of Outlet 130, thence due south the northwest corner of Outlet 129, thence northwesterly following the northern boundary of Outlet 128 to a point on the boundary directly south of the southwest corner of Outlet 130, thence north to southwest corner of Outlet 130, thence southeasterly along the southern boundary of Outlet 130 to the place of beginning.

Drilling Block No. 2, shall be composed of all of Block "U" and "T" in Stout's addition, also Outlet No. 108, Outlet 103 and Outlet No. 104.

Drilling Block No. 3 shall be composed of all of Blocks Nos. 1, 2 and 3 in North Addition and all other land lying directly south thereof, formerly railroad rights of way, and north of the northern boundaries extended of Blocks 1 and 2 in the original town of McLouth.

Drilling of Block No. 4 shall be composed of all of Blocks "L" and "K" in Zabriskie's Addition, also Outlet No. 116 and all the following described tract: Commencing at the northeast corner of Outlet 119, thence west on the northern boundary of the outlet to a point due north of the northeast corner of Outlet 117, thence due south to the northeast corner of Outlet 117, thence due east to the center of Union Street, then north to a point due east of the southeast corner of Block "K", thence west along the south boundary of the block to the southwest corner thereof, thence north to the south line of Block L, thence west to the southwest corner of Block "L", thence north to the place of beginning.

Drilling Block No. 5 shall be composed of the following described tract: Commencing at the northwest corner of Outlet 119, thence due south to the northline of Outlet 118, thence easterly following the north line of Outlet 118 and 117 to the northeast corner of Outlet 117, thence north to the north line of Outlet 119, thence west along the north line of Outlet 119, to the place of beginning.

Drilling Block No. 6 shall be composed of the following described tract: Commencing at the northwest corner of Outlet 118, thence south on the west line

of Outlet 118 to a point due west of the center of Lucy Street, thence due east to a point due south of the southwest corner of Block 1, in J.H.

Zabriskie's Addition, thence north to the northwest corner of Outlet 110, thence westerly along the northern boundaries of Outlet 117 and 118 to the place of beginning.

Drilling Block No. 7 shall be composed of the following described tract: Commencing at the southwest corner of Block 3, J.H. Zabriskie's Addition, thence north to the center of Lucy Street, thence due west to west boundary of Outlet 118, thence south on the west line of Outlet 118, thence south on the west line of Outlet 118 to the southwest corner of Outlet 118, thence east to the place of beginning.

Drilling Block No. 8 shall be composed of all of Block 14 and 15 Bowman's Addition and all of Outlet "A" lying within the city limits.

Drilling Block No. 9 shall be composed of Block 13, Bowman's Addition and Blocks 1 and 2 in Fisher's Addition.

Drilling Block No. 10 shall be composed of Blocks 2 and 3, J.H. Zabriskie's Addition and Blocks 9 and 10 of the original town of McLouth.

Drilling Block No. 11 shall be composed of Outlet 110, Outlet 111 and Outlet 112 and Block I, J.H. Zabriskie's Addition, and Blocks 3 and 4 of the original town of McLouth.

Drilling Block No. 12 shall be composed of Blocks 1, 2, 5 and 6 of the original town of McLouth.

Drilling Block No. 13 shall be composed of Blocks 7, 8, 11 and 12 of the original town of McLouth.

Drilling Block No. 14 shall be composed of the following described tract: Commencing at the northwest corner of Outlet 131, thence south along the west line of Outlet 131 to the southline of the City of McLouth, thence east along the south line of the city to a point due south of the center of Granite Street, thence north to the north line of Outlet 131, thence west along the north line of Outlet 131 to the place of beginning.

Drilling Block No. 15 shall be composed of the following described tract: Commencing at the northeast corner of Outlet 1133 thence west on the north line of Outlet 133 and 131 to a point due south of the center of Granite Street, thence due south to the south line of the City of McLouth, thence east to the southeast corner of Outlet 132, thence north to the place of beginning.

Drilling Block No. 16 shall be composed of Blocks "C," "D," and "F", Wolcott's Addition and Outlet No. 106.

Drilling Block No. 17 shall be composed of all of Blocks "A", "B", and "G", to Wolcott's Addition, also the following described tract: Commencing at the northeast corner of Block "A", thence east to a point due north of the northeast corner of Block "F", thence south to the northeast corner of Block "G", thence west to the northeast corner of Block "B", thence due north to the place of beginning.

Drilling Block No. 18 shall be composed of all of Blocks "H" and "I" in Wolcott's Addition, also the following described tract: Commencing at the northeast corner of Block "G", thence east to the east line of the city, thence north to the north boundary of Outlet 129 and Outlet 128 to a point due north of the

northeast corner of Block "G", thence due south to the place of beginning, also all that tract of land lying due north of Outlet 129 and within the limits of the city.

Drilling Block No. 19 shall be composed of all of Outlets 109, 121, 122, 123, 124, 125, 126, and 127, also described as follows: Commencing at a point 135 feet east of northeast corner of Block "F", Wolcott's Addition, thence south to the north line of Lake Street, thence east to the east line of the city, thence north to the south line of Lucy Street, thence west to the place of beginning.

In determining the area designated as any drilling block all lands included in streets and alleys and land in which no oil and gas rights can be granted shall be disregarded, and wherever a street, alley or highway is designated as a boundary of the restricted drilling area, the boundary line, unless otherwise specified, shall be deemed to be the centerline of such street, alley or highway. (Ord. 153; Code 1984, 4-802; Code 2012)

4-903. **DISTRIBUTION TO NONLEASED PROPERTY OWNERS.** In case a permit for the drilling of a well be issued to a person, persons, or corporation not holding oil and gas leases or drilling contracts with the owners of all the lots in the drilling block, it shall be a condition of the permit that the permittee, its successors and assigns, shall deliver to the credit of each of such owners, whose land shall not be under lease, free of costs, in the pipeline to which the well may be connected, a share of all oil or gas produced and saved from such well, equal to one-eighth of the proportion of the whole production that the square feet of ground so owned bears to the square feet contained in such drilling block, exclusive of the streets and alleys, and a like proportion of the proceeds of gas and casing head gas produced from the well and used off the premises. (Ord. 153; Code 1984, 4-803; Code 2012)

4-904. **DRILLING NEAR CITY BOUNDARY.** It shall be unlawful for any person, association or corporation to drill an oil or gas well, or to extend or deepen one already drilling in the city, at a point nearer than 150 feet of the boundary lines of the city. (Ord. 153; Code 1984, 4-804; Code 2012)

4-905. **POOLING.** In case there be application filed with the city clerk and pending at the same time, for permits to drill in any one drilling block in the city, by more than one applicant, that application shall be granted if otherwise sufficient which shall be made by the person, association or corporation holding the greater area of the ground in the drilling block, by lease or other contract with the owner, permitting the drilling thereon for oil or gas; but, in case a permit be issued to persons or corporations who do not hold leases or other valid drilling contracts in writing from the owners of all of the land within the block, other than streets or alleys, any owner of unleased land in the block, and any person or corporation other than the permittee, holding oil and gas leases on land in the block, shall have the right to share in the ownership and benefits of such oil or gas well in the proportion that the area of his, her or its land or lease bears to the area of the block, exclusive of streets and alleys, provided that within 10 days from the date of the issuance of such permit, he, she or it shall file with the city his, her or its election in writing to pay the holder of the permit, or his, her or its assigns, a like proportion or the total cost and expense of drilling, completing and operating the well, and shall within

that time make and file with the city clerk a bond with an authorized surety company as surety, and in an amount representing that portion of the estimated maximum cost of the well that the area of ground owned or held under lease by the principal bears to the whole area of the drilling block, conditioned that the principal in the bond will pay to the permittee and his or her assigns such proportion of the cost and operations of the well, from time to time, as required in the operations, such bond to be approved by the mayor and held by the city clerk for the benefit of all persons interested. (Ord. 153; Code 1984, 4-805; Code 2012)

4-906. DRILLING UPON STREETS. It shall be unlawful to drill any oil or gas well within any of the streets or alleys of the city, or to block or incumber or close up any street or alley in any drilling or production operations, except by special permit by order of the governing body, and then only temporarily. (Ord. 153; Code 1984, 4-806; Code 2012)

4-907. PERMIT APPLICATION. Every application for permit to drill a well shall be in writing signed by the applicant or some person in his, her or its behalf; it shall be filed with the city clerk and be accompanied with a deposit of \$100 in cash. The application shall state the drilling block and the particular lot and location in the drilling block where the proposed well is to be located and have attached to it certified copies of all oil and gas leases or other drilling contracts with the owners of land in the drilling block which the applicant may have together with abstracts of title or certificates of title satisfactory to the governing body to the end that the application will show what proportion and what parts of the block the applicant holds under lease or contract from the owner.

The application shall also be accompanied with a plat or map of the drilling block showing the exact location of the proposed well, which shall be as nearly as practicable at the center of the drilling block. The application shall also be accompanied with a duly executed bond in the penal sum of from \$5,000 to \$20,000 given by applicant as principal and a surety company authorized to do business in the State of Kansas as surety running to the city for the benefit of the city, and all persons, firms, and corporations concerned, conditioned that if the permit be granted the applicant and his, her or its assigns will comply with the terms and conditions of this article in the drilling and operation of the well and will pay to the city and to any owners of land in the drilling block to which the applicant shall not hold oil and gas leases or contracts the oil and gas royalties as herein provided, that the applicant will restore the streets and sidewalks and other public places of the city which may be disturbed in the operations, to their former condition, will clear the blocks and lots of all litter, machinery, derricks, buildings, oil and other substances erected, used, or allowed in the drilling or producing operations whenever the well shall be abandoned or the operation thereof discontinued and that he, she or it will pay all damages suffered by inhabitants of the city or to property therein by fire, or from oil, gas, or water caused by or originated from the operations connected with such well, and will hold the city harmless from any and all liability growing out of granting of such permits. (Ord. 153; Code 1984, 4-807; Code 2012)

4-908. DRILLING REGULATIONS. It shall be unlawful to erect or use within the city within 300 feet of a residence, or business or public building, in the drilling or

operation of any oil or gas well, any drilling rig without enclosing it in on all sides, and every such drilling plant shall be equipped with fire extinguishers maintained in good order. No storage of oil or facilities therefor shall be kept, erected or maintained within the boundaries defined in section 4-801 of this ordinance, except to the extent of not to exceed 500 barrels for each well. (Ord. 153; Code 1984, 4-808; Code 2012)

4-909. DRILLING BY PERMIT HOLDER. No permit shall be granted or issued for the drilling of a well except upon ground held by the applicant under oil and gas lease or drilling contract from the owner, giving the owner's permission to drill the well; and when a permit shall have been issued, the same shall terminate and become inoperative without any action on the part of the governing body of the city, unless within 30 days from the date of issue, actual drilling of the well shall have commenced, and after the drilling of a well shall have commenced, the cessation for a like period of the drilling operations, or the cessation of production of oil or gas from the well after production shall have commenced, shall operate to terminate and cancel the permit, and the well shall be considered as abandoned for all purposes of this article, and it shall be unlawful thereafter to continue the operation or drilling of such well without the issuance of another permit. (Ord. 153; Code 1984, 4-809; Code 2012)

4-910. ENTRY ONTO PROPERTY. Neither this article, nor any permit issued hereunder, shall be interpreted to grant any right or license to the permittee to enter upon or occupy in any respect in the drilling or production operations, any land except by the written consent of the owner; nor shall it limit or prevent the free right of any lot owner to contract for the amount of royalty to be paid with respect to his or her own land, or for damages, rights or privileges with respect thereto. (Ord. 153; Code 1984, 4-810; Code 2012)

4-911. REMOVAL OF EXTRACTED LIQUIDS. In operating under any permit issued under this ordinance or any amendment thereto, all oil, gas and water produced or arising from the operations, shall be piped or otherwise conveyed or removed from the territory of the city except the ordinary use of a slush pond, and all excavations in or use of the streets and alleys in such operations shall be under the reasonable direction of the governing body, and done without unreasonable obstructions of the streets and without expense or cost to the city. (Ord. 153; Code 1984, 4-811; Code 2012)

4-912. TERM OF PERMIT. No permit which shall be issued under this article or any amendment hereto, nor any rights, privileges or franchise granted hereby or hereunder shall exist longer than for a period of 20 years from the date of issuance of the permit. (Ord. 153; Code 1984, 4-812; Code 2012)

4-913. PENALTY. Any violation of any of the terms of this article whether herein denominated as unlawful or not, shall be deemed a misdemeanor, and any person or corporation convicted of any such violation shall be fined in a sum not exceeding \$100. Each day of the continuance of any such violation shall be considered a separate offense and be punishable separately, and any person,

agent or employee engaged in any such violation shall on conviction be so punished therefor. (Ord. 153; Code 1984, 4-813; Code 2012)

ARTICLE 10. SWIMMING POOLS

- 4-1001. "SWIMMING POOL" DEFINED. The term "swimming pool," as used in this article, means any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches deep at any point. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools. (Ord. 2012-04; Code 2012)
- 4-1002. PERMIT REQUIRED. It shall be unlawful for any person, partnership, association, or corporation to construct any swimming pool within the boundaries of McLouth, Kansas, without first having obtained a permit for such construction. Permits shall be issued by the City Administrator upon approved application and the payment of a \$50 fee. Permits shall be approved only upon submission of a construction plan that meets the requirements of this Article. (Ord. 2012-04; Code 2012)
- 4-1003. BARRIERS. Any residential swimming pool existing within the boundaries of McLouth, Kansas, shall be completely surrounded by a barrier not less than four feet in height. The space between the barrier and the ground shall not exceed two inches. The space between any openings in the barrier shall not exceed four inches. The barrier may consist of a fence, wall, or any combination of both. Access to the swimming pool must be through a fixed gate that complies with the mandates of this Article. A barrier may consist of a fence surrounding the land housing the swimming pool, if the fence complies with the provisions of this Article. (Ord. 2012-04; Code 2012)
- 4-1004. GATES. All barriers surrounding a swimming pool must provide access only through a properly secured gate. All gates shall be self-latching, with the latch affixed to the pool side of the barrier. The gate shall be at least four feet in height. The space between the gate and the ground shall not exceed two inches. The space between any openings in the gate shall not exceed four inches. All gates shall be secured with a lock. (Ord. 2012-04; Code 2012)
- 4-1005. CONSTRUCTION STANDARDS. All in-ground swimming pools shall be constructed in accordance with ANSI/APSP/ICC-5 2011 Standard for Residential In-Ground Swimming Pools. All above-ground swimming pools shall be constructed in accordance with ANSI/APSP-4 2007 Standard for Residential Above-Ground/On-Ground Swimming Pools. All swimming pools shall comply with ANSI/APSP-7 2006 Standard for Suction Entrapment Avoidance. (Ord. 2012-04; Code 2012)
- 4-1006. MAINTENANCE REQUIREMENTS. All swimming pools shall be maintained in a clean, sanitary, and mechanically sound manner. (Ord. 2012-04; Code 2012)