

## CHAPTER IV. BUILDINGS AND CONSTRUCTION

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### ARTICLE 1. ADMINISTRATIVE CODE

4-101.

INTERNATIONAL BUILDING CODE INCORPORATED. (a) The code known as the International Building Code, 2003 Edition, with Appendix Chapters C, E, F, G, H and I, recommended by the International Code Council, Incorporated, is hereby incorporated by reference herein and made a part of this article, save and except such portions as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the statutes of the State of Kansas.

(b) Section 1007 of Chapter 10 of the International Existing Building Code, 2003, as adopted by the City of Augusta, shall be amended by adding the following subsections as follows:

(1) 1007.12 Canopies/Awnings. Canopies/awnings shall reflect historic character, shall be fabricated of modern cloth material, may have a fixed metal frame, or a historic flexible frame that can be rolled in or out. Projection shall be a minimum of 2' and a maximum of 8'. Existing flat metal awnings directly above the storefront may be retained if a modern cloth valance or skirt is added to the face of the metal awning.

(2) 1007.13 Historic Colors. Historic colors- All new building exterior paint colors and awning colors shall be based on historic colors as developed by various paint manufacturers, such as Sherwin Williams "Victorian Color Chart" colors.

(c) Section 1008 of Chapter 10 (Existing Construction) of the International Existing Building Code, 2003, as adopted by the City of Augusta, shall be amended by changing the following subsections as follows:

(1) 1008 Signs. Historically, signs used in the designated main street area were relatively simple. They varied in size and location, but most were basic painted panels with simple lettering types. Others were painted directly on the building wall. If it was illuminated, an indirect light source was typical. These general features of sign design shall be continued.

(2) 1008.3.1. Flush-mounted wall signs may be considered. Maximum 2" projection from wall measured front-to-back of sign.

(3) 1008.5.4 The use of plastic on the exterior of a sign shall be considered only when it is compatible with the surrounding architecture and that architecture is no longer judged to be historic by the Main Street Design Committee.

(Ord. 1868, Sec. 1A; Code 2010)

4-102. DELETIONS. The International building Code, incorporated by reference in 4-101 herein shall have the following sections deleted:

(a) Section 101.4.7 Energy.

(b) Section 105.2; Item 2; Fences.

(c) Section 105.2; Item 6; Sidewalks & Driveways.

(d) Section 105.7; Placement of Permit and Section

(e) 109.3.5 Lath or gypsum board inspection shall be deleted in their entirety.

(f) Section 109.3.7; Energy Efficiency Inspections.

(Ord. 1820; Ord. 1868; Code 2010)

4-103. AMENDMENTS. The International Building Code, Incorporated by reference in 4-101 herein shall have the following section amended:

(a) Section 101.4.1 shall be amended to read National Electrical Code, 1999 Edition.

(b) Designated Main Street Area. The designated Main Street area shall be encompassed by the following boundaries: on the north by the old railroad right of way; on the south by Second Avenue; on the west by the north-south alley between Walnut Street and State Street; and on the east by School Street.

(c) Permit For Work Within Main Street Area. Any application for a building permit for work within the designated Main Street area shall contain a detailed scope of work showing all proposed alterations and changes. Upon receipt of such an application, the Building Official shall submit the application to the Main Street Design Committee of the City for review.

(d) Review of Application. The Main Street Design Committee shall review the application to determine if the proposed work complies with the building code regulations which apply to the Main Street area. Within fifteen days of the receipt of said application, the committee shall submit to the Building Official a written summary of their review containing their proposed changes and alterations of the scope of work, if any. The scope of work within the application shall be amended by the applicant to comply with the written summary of the Main Street Design Committee.

(e) Issuance of Permit. The building permit may be issued only after the Building Official finds the scope of work complies with the recommendations of the Main Street Design Committee.

(f) Section 106.5 Retention of Construction Documents. Shall be amended to read: "One set of approved construction documents shall be retained by the code official until such construction receives its final inspection and an occupancy permit is issued. The construction documents shall be forwarded to the Fire Department or the owner of the building at the determination of the Fire Chief."

(g) Designated Main Street Area. The designated Main Street area shall be encompassed by the following boundaries: on the north by the old railroad right of way; on the south by Second Avenue; on the west by the north-south alley between Walnut Street and State Street; and on the east by School Street.

(h) Permit For Work Within Main Street Area. Any application for a building permit for work within the designated Main Street area shall contain a detailed scope of work showing all proposed alterations and changes. Upon receipt of such an application, the Building Official shall submit the application to the Main Street Design Committee of the City for review.

(i) Review of Application. The Main Street Design Committee shall review the application to determine if the proposed work complies with the building code regulations which apply to the Main Street area. Within fifteen days of the receipt of said application, the committee shall submit to the Building Official a written summary of their review containing their proposed changes and alterations of the scope of work, if any. The scope of work within the application shall be amended by the applicant to comply with the written summary of the Main Street Design Committee.

(j) Issuance of Permit. The building permit may be issued only after the Building Official finds the scope of work complies with the recommendations of the Main Street Design Committee.

(Ord. 1928; Ord. 1868; Code 2010)

4-104. ADDITIONS. The International Building Code, Incorporated by reference in Section 4-101 herein shall have the following additions:

(a) Section 102.7 LOCATION OF USED STRUCTURES PROHIBITED. No person, firm or corporation shall transport, ship, haul or move any used or previously occupied building, shed, duplex, residence or any other type of used structure onto any lot in any subdivision to the City of Augusta, except that such prohibition shall not apply to any area which is zoned Industrial District.

(b) Section 102.7.1 REMOVAL OF STRUCTURE. If determined by the Building Official that a prohibited structure has been illegally located in violation of this section, then notice shall be given to the owner of the lot and the contractor responsible for placing the structure on the lot giving each of them a reasonable time, not to exceed thirty (30) days, to remove the structure. If the parties notified shall fail to act within the specified period, then the City shall have the right to cause the structure to be removed. The City shall have the further right to recover the cost of removal from either party in a court of competent jurisdiction.

(c) Section 102.8 MOVING BUILDINGS. All applications to move a building, house, derrick or other structure shall specify the day and hour said moving is to commence and the route through the city streets over which the building, house, 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.

(d) Section 102.9 DEMOLITION AND CONSTRUCTION WASTE. The occupant of each premises and/or contractor of a construction or demolition project shall collect and remove or arrange for the collection and removal of all demolition and construction waste produced on such premises or in relation to a demolition or construction project. Demolition and construction waste shall be collected and removed on a continuing basis as produced on the premises or in relation to a demolition construction project. In no case shall such waste remain on the premises or in relation to demolition or construction project for a period longer than thirty days. All demolition and construction waste collected shall be covered prior to disposal. Such demolition and construction waste shall be disposed of at a licensed solid waste processing or licensed disposal facility.

(e) Section 105.3.3 PERMIT ISSUING. Permits shall be issued to authorized licensed contractors and home owners working under Section 116.8. Section 105.3.4 WORKING UNDER PERMIT. No person shall allow any other person to do or cause to be done any work under a permit secured by a contractor except personnel in his/her employ. Home owners may not obtain a permit under Section 116 and hire any individual, company, firm or corporation to do the actual work.

Section 105.3.5 CONTRACTOR WORKING UNDER PERMIT. The General, Building or Residential Contractor is permitted to obtain the plumbing, electrical and mechanical permits as well as the building permit before start of construction. The Inspection Department will mail a copy of the permit to the appropriate sub-contractor. The General, Building or Residential Contractor is responsible for the notification to the Inspection Department should the subcontractor be changed for any reason. The subcontractor shall contact the Inspection Department and request inspections. The Building Official may refuse to accept a General, Building or Residential Contractor from purchasing the sub-contractor's permits for failure to comply with the provisions of this article.

(f) Section 108.1.1 CONTRACTOR PAYING PERMIT FEES. The General, Building or Residential Contractor may pay the permit fees for plumbing, electrical and mechanical permits when applying for the permits under Section 105.3.3.

(g) Section 108.2 SCHEDULE OF PERMIT FEES. Section 108.2.1 BUILDING PERMIT FEES. Building Valuation Data shall be determined by (1) the Contractor's Bid Price, or (2) the Building Valuation Data Tables, based on the April 2000 Valuation rounded to the nearest whole dollar based on (.01 to .49 shall be rounded down and .50 to .99 shall be rounded up) printed in the "Building Standards" magazine published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298. The charges and fees for permits shall be established from time to time by Resolution of the Governing Body of the City of Augusta, Kansas.

(h) Section 112.4 BOARD OF APPEALS. The Board of Appeals shall consist of five (5) members, appointed by the Mayor of the City of Augusta, Kansas. The Board shall consist of the Senior Electrician, Plumber, Mechanic and building/Residential Contractor of the Building Trades Board; plus one (1) licensed Architect, Structural Engineer or Public Engineer and one (1) licensed Real Estate Agent. Such appointment shall be made before the first day of May, every three years. The Board of Appeals shall use the guidelines set fourth in the

various international codes as adopted by the City relating to the general topics of Building, Plumbing, Electrical, Mechanical and Property Maintenance. The Board shall meet on call of the Building Official. The Board shall appoint one (1) of its members to be Secretary of the Board.

(i) Section 113.4.1 PENALTIES. Any person, firm or corporation violating or failing to comply with the provisions of this code, the technical codes or ordinances provided for in Chapter IV of the City Code, shall be fined in Municipal Court a sum:

First Conviction - not less than \$50 nor more than \$100

Second Conviction - not less than \$100 nor more than \$300

Each Subsequent Conviction - not less than \$300 nor more than \$500 and/or be confined for a period not to exceed ten (10) days and/or have his/her contractor license suspended for a period of thirty (30) to one hundred eighty (180) days.

Section 113.4.2 COURT BOND. The Municipal Court Bond shall be the maximum amount listed for each conviction and has been set by the Municipal Court Judge. The Inspection Department shall keep a record of all court cases and convictions.

(j) Section 116. BOARD OF BUILDING TRADES. There is hereby established in this jurisdiction a Board of Building Trades consisting of nine (9) members appointed by the Mayor of the City of Augusta, Kansas. Such appointments shall be made before the first day of May, every three (3) years. The Board shall include one (1) City Council Member who shall be the President of the Board; three members of the Board shall be a licensed Master Plumbing Contractor, a licensed Master Electrical Contractor and a licensed Master Mechanical Contractor; three members of the Board shall be either a Master or Journeyman Plumbing Contractor, Electrical Contractor and Mechanical Contractor; one (1) member shall be a licensed Building Contractor and one (1) member shall be either a licensed Building or Residential Contractor. The Inspection Department shall act as Secretary to the Board and have custody of its records.

The Board shall meet on call of the President or the Building Official.

(k) Section 116.1 POWERS AND DUTIES OF THE BOARD OF BUILDING TRADES.

Section 116.1.1 The Board is authorized to review and make recommendations to the Governing Body concerning the City Codes of building, plumbing, electrical, mechanical, housing and other related codes and ordinances.

Section 116.1.2 The Board is authorized to formulate City Policies concerning the building trades and model codes as adopted by the City upon review by the Governing Body.

Section 116.1.3 The Board shall set the qualifications required for an individual to take the State of Kansas Trade Examinations.

Section 116.1.4 The Board is authorized to review and make recommendations to the Governing Body concerning the examination fees and licensing fees.

Section 116.1.5 The Board is authorized to conduct public hearings concerning trade licensing removal and make recommendations to the Governing

Body concerning an individual's or company's violation of the codes, rules, regulations, policies and ordinances.

(l) Section 116.2 POLICIES. All City Policies concerning the building trades shall be in effect after approval of the Governing Body and having been published once in the official city newspaper. The Inspection Department shall mail a copy of all new policies to each licensed individual contractor. The Inspection Department shall keep an official record of all City Policies and make the same available to the general public during regular business hours.

(m) Section 116.3 BUILDING TRADES LICENSES REQUIRED. Any person, firm, or corporation desiring to engage in or work at the business of Electrical, Plumbing, Mechanical (Heating and Air Conditioning and/or Refrigeration), Building, Siding, Roofing, Fencing, Swimming Pool Installer, Building Mover or Lawn Sprinkler Installer shall be required to obtain the proper license from the City of Augusta prior to engaging in such work and/or business.

(n) Section 116.3.1 LICENSE TYPES. There is hereby created the following categories of Licenses required by the City of Augusta, Kansas:

Section 116.3.1.1 MASTER ELECTRICIAN. A person who is qualified, licensed and equipped to properly lay out and plan the installation, repair and maintenance of electrical systems.

Section 116.3.1.2 JOURNEYMAN ELECTRICIAN. A person who is qualified, licensed and equipped to properly install and repair electrical systems, for and under the direction of a qualified Master Electrician.

Section 116.3.1.3 HELPER ELECTRICIAN. A person who is eighteen (18) years or older who is licensed to learn the electrical trade under the direct supervision of a Journeyman or Master Electrician.

Section 116.3.1.4 MASTER PLUMBER. A person who is qualified, licensed and equipped to properly lay out and plan the installation, repair and maintenance of plumbing systems.

Section 116.3.1.5 JOURNEYMAN PLUMBER. A person who is qualified, licensed and equipped to properly install and repair plumbing systems under the direction of a qualified Master Plumber.

Section 116.3.1.6 HELPER PLUMBER. A person who is eighteen (18) years or older who is licensed to learn the plumbing trade under the direct supervision of a Journeyman or Master Plumber.

Section 116.3.1.7 MASTER MECHANICAL SPECIALIST. A person who is qualified, licensed and equipped to properly lay out and plan the installation, repair and maintenance of Heating, Air Conditioning and Refrigeration systems.

Section 116.3.1.8 JOURNEYMAN MECHANICAL SPECIALIST. A person who is qualified, licensed and equipped to properly install and repair Heating, Air Conditioning and Refrigeration systems.

Section 116.3.1.9 HELPER MECHANICAL SPECIALIST. A person who is eighteen (18) years or older who is licensed to learn the mechanical trade under the direct supervision of a Journeyman or Master Mechanical Specialist.

Section 116.3.1.10 GENERAL BUILDING CONTRACTOR. A person who is qualified, licensed and equipped to build, construct, alter, repair, add to, remodel or wreck any building or structure, or any portion thereof, for which a permit is required and unlimited in scope, including high rise construction.

Section 116.3.1.11 BUILDING CONTRACTOR. A person who is qualified, licensed and equipped to build, construct, alter, repair, add to, remodel or wreck

any building or structure, or any portion thereof, for which a permit is required. Limited to commercial, industrial, residential building, not to exceed three (3) stories in height.

Section 116.3.1.12 RESIDENTIAL CONTRACTOR. A person who is qualified, licensed and equipped to build, construct, alter, repair, add to, remodel or wreck any residential building or structure, or any portion thereof for which a permit is required. Limited to one-, two- and three-family residential buildings not exceeding two (2) stories in height.

NOTE: General, Building and Residential Contractors are not required to obtain the following separate types of contractor licenses; except for the House Moving Contractor's License. The work allowed by these licenses is understood to be included as part of the General, Building and Residential Contractor's License.

Section 116.3.1.13 FENCE CONTRACTOR. A person who is qualified, licensed and equipped to build, construct, alter, repair, add to or wreck any fence for which a permit is required. A Fence Contractor must successfully complete a Fence Contractor's Examination provided by the Inspection Department that covers the fence regulations.

Section 116.3.1.14 ROOFING CONTRACTOR. A person who is qualified, licensed and equipped to install, repair and replace roof covering. Work may include, but not limited to, roof deck insulation, roof coating, painting and covering, including use of sheet metal and installation of other sheet metal products incidental to roofing work.

Section 116.3.1.15 SWIMMING POOL CONTRACTOR. A person who is qualified, licensed and equipped to install, repair and replace swimming pools, including the pumps, pool heater, solar pool heaters, filter, chlorinators and that piping incidental to the recirculating system and concrete slab work.

Section 116.3.1.16 HOUSE MOVING CONTRACTOR. A person who is qualified, licensed and equipped to move, haul or transport any house, building, derrick, or other structure of the height, when loaded for movement, of sixteen (16) feet or more from the surface of the highway, road, street or alley, or a width of eight (8) feet or more or which cannot be moved at a speed of four (4) miles per hour or faster, upon, across or over any street, alley or sidewalk. No examination is required to obtain the House Moving Contractor's License.

Section 116.3.1.17 LAWN SPRINKLER CONTRACTOR. A person who is qualified, licensed and equipped to lay out, design, install, test and repair lawn sprinkler systems. Including, but not limited to, piping, low voltage electrical system and back flow installation. A lawn sprinkler contractor must have successfully completed the State Certification for Backflow Prevention and Testing of Backflow Devices.

(o) Section 116.3.2 CONTRACTOR LICENSE AND EXAMINATION FEES. The charges and fees for Contractor Licenses and Examination Fees shall be established from time to time by Resolution of the Governing Body of the City of Augusta, Kansas.

(p) Section 116.3.3 LICENSE EXPIRATION. All trade licenses shall be valid for a period of one year from the date the license was issued. Failure to renew a license after one hundred eighty (180) days shall require a review by the Board of Building Trades. The Board may require the individual license holder to take the State Examination (if not holding a State Certificate) or ICBO Building Contractor's Examination for that trade and/or double the license fee. Any

contractor who does not have the State Certification will have to have the back flow prevention device tested and certified by a licensed contractor who has the State Certification. Any contractor who does not have the State Certification as provided in section 116.4.3 shall have the back flow prevention device tested and certified by a licensed contractor with the State Certification.

(q) Section 116.4 BUILDING TRADES EXAMINATIONS REQUIRED. All building trades licenses shall require testing by a nationally recognized testing agency or major jurisdiction acceptable to the Inspection Department.

Section 116.4.1 BLOCK STATE EXAMINATION AND CERTIFICATION. Master and Journeymen Electrical, Plumbing and Mechanical (Heating & Air Conditioning) contractors shall have successfully passed the Block State Examination with a minimum score of 75% and received a certification from the sponsoring jurisdiction. EXCEPTION: Those contractors who hold a valid contractor's license do not have to obtain the Block Certification so long as they maintain their license on a yearly basis. Any contractor who fails to maintain their license within one hundred eighty (180) days of the license due date shall be required to either take the Block Certification Examination or appeal to the Building Trades Board to be reinstated.

Section 116.4.2 BLOCK, ICBO OR MAJOR JURISDICTION EXAMINATION. General, Building, Residential, Roofing, Siding, Swimming Pool Installers shall have successfully passed the Block or ICBO State Examination with a minimum score of 75% and received a certification from the sponsoring jurisdiction. The Inspection Department may accept a major jurisdiction's examination based on information concerning the examination given. Individuals may appeal the decision of the Inspection Department if refused a license based on the major jurisdiction's examination. The provisions of this section shall become effective on May 1, 2001. EXCEPTION: Those contractors who hold a valid contractor's license do not have to obtain the Block or ICBO Certification so long as they maintain their license on a yearly basis. Any contractor who fails to maintain their license within one hundred eighty (180) days of the license due date shall be required to either take the Block Certification Examination or appeal to the Building Trades Board to be reinstated.

Section 116.4.3 STATE CERTIFIED BACK FLOW PREVENTION INSTALLER AND TESTER.

Any contractor requesting a Lawn Sprinkler Installer License must have successfully completed the State of Kansas Back Flow Prevention Installer and Testing certification. The provisions of this section shall become effective on May 1, 2001.

EXCEPTION: Those contractors who hold a valid Lawn Sprinkler Installer's contractor's license do not have to obtain the State Certification so long as they maintain their license on a yearly basis. Any contractor who fails to maintain their license within one hundred eighty (180) days of the license due date shall be required to either take the Block Certification Examination or appeal to the Building Trades Board to be reinstated.

Section 116.4.4 FENCE CONTRACTOR'S EXAMINATION AND CERTIFICATION. Any contractor requesting a Fence Contractor's License shall take and successfully complete with a score of not less than 75% an examination provided by the Inspection Department covering the fence regulations adopted by this jurisdiction. The provisions of this section shall become effective on May 1, 2001.

(r) Section 116.5 INSURANCE COVERAGE REQUIRED. Any person, firm or corporation having a contractors license or obtaining a permit as set forth in this section shall maintain a minimum liability insurance coverage of three hundred thousand dollars (\$300,000).

(s) Section 116.6 WORK BY CONTRACTOR.

Section 116.6.1 PERMITS, LICENSES, INSURANCE AND INSPECTIONS. General, Building, Residential, House Moving, Roofing, Siding, Fence, Swimming Pool and Lawn Sprinkler Contractors require one (1) individual be licensed to procure the proper permits from the Inspection Department. The contractor license holder shall be responsible for each project which requires a permit and inspection; to insure that all subcontractors obtain proper licenses and insurance coverage as required by this section, insure to the best of his/her ability that the project complies with all the technical codes and ordinances adopted by the City; and all required inspections are made by the Inspection Department at the proper time of construction.

Section 116.6.2 MASTER LICENSED CONTRACTOR RESPONSIBILITIES. Master Licensed Electrical, Plumbing and Mechanical Specialist shall procure the proper permits from the Inspection Department. The State of Kansas Trade Examination Certification is required to obtain a Master or Journeyman license from this jurisdiction. Helper electrical, plumbing and mechanical licenses are issued without any testing required. The master shall be responsible for each project which requires a permit and inspection; to insure that all employees are properly licensed; that all helpers have direct supervision at all times by either a Master or Journeyman licensed employee; shall inspect all work done by a journeyman and/or helper to insure all work complies with all the technical codes and ordinances adopted by the City; and all required inspections are made by the Inspection Department at the proper time of construction.

Section 116.6.3 CONTRACTORS WORKING TOGETHER ON THE SAME JOB.

Electrical, Plumbing and Mechanical Contractors obtaining permits for companies or individuals not in the direct employment of the contractor and the use of the second companies or individuals subcontractors, journeymen and helper licensed individuals shall be responsible for each project; insuring that all individuals on the job are licensed as Helpers; ensuring the proper permits are obtained from the Inspection Department; all required inspections are made by the Inspection Department; shall be required to be on the project job site during the time of construction or installation of building service equipment; personally inspect the project for compliance with all the technical codes and ordinances adopted by the City; and shall be on the job site when the Inspection Department makes all inspections.

Section 116.6.4 SUBCONTRACTING. Licensed contractors may subcontract certain major jobs which require additional manpower, under the following conditions:

1. Approval by the Building Official shall be required in writing prior to issuing any permits.

2. A Master or Journeyman in his/her employ shall be on the job site at all times.

3. The subcontractor shall obtain journeymen and/or helper licenses as required by the City.

4. The Master contractor shall inspect all work prior to the call for inspection by the Inspection Department.

(t) Section 116.7 WORK BY OWNER OF A SINGLE-FAMILY RESIDENTIAL DWELLING.

Section 116.7.1 PERMITS, INSPECTIONS, EXCEPTIONS AND LIMITATIONS. The owner of a single-family dwelling, who occupies said dwelling shall not be required to pass any examination, obtain any license or post insurance coverage in order to construct, enlarge, alter, repair, improve, convert or perform any work on the dwelling, including such work on the electrical, plumbing, heating and air conditioning and structure contained therein. The owner is required to obtain the proper permits from the Inspection Department. Such permits shall be marked "WORK BY OWNER." The permit shall clearly state and set out all work to be done by the owner and such work shall be inspected by the Inspection Department as is normally required for such work. Inspections made by the Inspection Department shall not exceed what is normally required for said work and any additional inspections required will precipitate an additional charge to the owner. The Inspection Department and it's personnel shall not teach, instruct, design or lay out any work to be done by the owner. All work done by the owner shall comply with the technical codes and ordinances adopted by the City.

Section 116.7.2 EXCEPTIONS to Section 116.6.1. The home owner shall not tap the City Main Sewer Line. The tap of the City Main Sewer Line shall be done by a licensed Master Plumber under a separate plumbing permit. The home owner shall not install the Electrical Service Entrance consisting of the electrical panel, main breaker, meter enclosure, riser and weather head or underground conduit to a pad mount transformer. The service entrance shall be installed by a licensed Master Electrician under a separate electrical permit.

Section 116.7.3 LIMITATIONS. The home owner is permitted to build one (1) single-family dwelling every five (5) years. The home owner is permitted one (1) major electrical wiring project every three (3) years. The home owner is not permitted to hire any individual, firm, company or corporation to accomplish any work under his/her permits. Any work not accomplished by the owner must be by a licensed individual, firm, company or corporation and a separate permit shall be issued by the Inspection Department to cover the scope of the work. No property owner is allowed to build, construct, repair, replace, remodel, add to, or do any work which requires a permit in any dwelling he or she owns, but does not live in, including rental single-, two- or multiple-family dwellings, commercial or industrial buildings and structures. All work accomplished on the above mentioned dwellings, buildings and structures must be done by properly licensed individuals, firms, companies and corporations.

(u) CHAPTER 36 FENCES.

Section 3601 BUILDING PERMIT REQUIRED.

Section 3601.1 A building permit shall be required to install and/or replace an existing fence in the City of Augusta, Kansas. The property owner may obtain the building permit for a fence when he/she is doing the actual construction. A property owner shall not be permitted to obtain a building permit for any fence and hire an unlicensed contractor to install the fence.

Section 3601.2 Building Permit Fees:

The charges and fees for Building permit Fees shall be established from time to time by Resolution of the Governing Body of the City of Augusta, Kansas.

(v) Section 3602 REQUIRED INSPECTIONS.

Section 3602.1 PROPERTY STAKES TO DETERMINE PROPERTY LINES. The Inspection Department may require a licensed survey be made to determine the property lines, when the corner bars cannot be located, or when there is any doubt as to the location of the property line.

Section 3602.2 FINAL INSPECTION. Final inspection on privacy and chain link fences to determine compliance with these regulations.

Section 3602.3 MASONRY FENCES. Masonry fences shall require a footing inspections, wall inspections and drainage openings.

(w) Section 3603 CONSTRUCTION REQUIREMENTS. New and Replacement Fences.

Section 3603.1 DISTANCES FROM PROPERTY LINES. All types of fences shall be constructed adjacent or on the property lines. The Inspection Department may grant an exception based on a plot plan for those fences that are not intended to cover the entire yard. For example, fences around patios and swimming pools. Parallel fences are not permitted unless approved by the Inspection Department and only if the two fences are of different construction materials.

Section 3603.2 CHAIN LINK FENCES. All chain link fences shall be constructed according to the manufacturer's recommendations and instructions. Chain link fences with privacy inserts shall comply with the requirements for wood privacy fences.

Section 3603.3 ELEVATIONS. All wood and chain link privacy fences shall maintain a minimum elevation above grade of three inches. ( a three inch distance between the ground [soil] and the bottom of the fence ) The fence may have open mesh fencing material to fill in the three inch separation between the bottom of the fence and the ground [soil].

Section 3603.4 PROPERTY PIN PROTECTION. No fence support post shall be installed within two feet of any property pin. No masonry fence shall be installed within two feet of any property pin.

Section 3603.5 SOLID MASONRY FENCES. All solid masonry fences shall have drainage openings approved by the Inspection Department that will permit the passage of storm water. No solid masonry fence shall be installed or constructed on a utility and drainage easement without approval of the Inspection Department and the City Engineer.

Section 3603.6 UTILITY and DRAINAGE EASEMENTS. Wood and chain link privacy fences may be installed or constructed on a utility and drainage easement under the following requirements:

Section 3603.6.1 FENCE CONSTRUCTION BELOW MINIMUM ELEVATIONS. The bottom edge of the fence shall maintain the required three inch elevation above grade (ground) and shall maintain such grade to the property line. The area between the grade and the bottom of the drainage swale shall consist of a minimum two inch lattice work, two inch open chain link, 1/2 inch rebars on two inch centers or one inch nominal treated or fir lumber spaced two inches on center with the edge of the boards facing the drainage swale.

Section 3603.6.2 MAJOR DRAINAGE EASEMENT RESTRICTIONS. No fence shall be constructed in a drainage easement that constricts, diverts, dams or in any way impedes the natural flow of water onto, through or out of any yard or property.

Section 3603.6.3 No fence of any design shall be placed in a Major Drainage Easement. Said fence shall stop at the edge of the drainage easement.

(x) Section 3604 REQUIRED GATES AND REMOVABLE SECTIONS.

Section 3604.1 PERSONNEL GATES. All fences are required to have a personnel gate facing the principal street for the use of City Utility Meter Readers. All fences that do not cross a utility or drainage easement shall be required to install a minimum four foot gate onto the utility or drainage easement.

Section 3604.2 UTILITY and DRAINAGE EASEMENT GATES. All fences that cross a utility or drainage easement shall have gates or removable sections the width of the easement on each side property line. All fences enclosing a utility electrical transformer or manhole shall provide an access gate or lift out section that will provide adequate egress for utility crews.

(y) Section 3605 STAKING REQUIREMENTS.

Section 3605.1 RESPONSIBILITY. It is the contractor's or property owner's responsibility to locate the property pins for the lot prior to staking and calling for an inspection.

Section 3605.2 SURVEY. The Inspection Department may require a lot survey to determine the property corners if they cannot be determined by the contractor or home owner.

(z) Section 3606 REQUIRED SETBACKS AND WORKING CLEARANCES

Section 3606.1 PROPERTY PINS. All fence posts shall maintain a two-foot clearance from all property pins. The Inspection Department may grant permission to construct a fence three inches or higher above a property pin.

Section 3606.2 ELECTRIC TRANSFORMER. All fences shall maintain a three-foot clearance from the sides and back and a four foot clearance from the front of an electric transformer.

Section 3606.3 UTILITY MANHOLE. All fences shall maintain a one-foot clearance from the rim of any utility manhole.

Section 3606.4 BUILDING SETBACK LINES. Privacy fences shall not be constructed past the front building setback line facing the principle street. Privacy fences located on a corner lot may construct the fence to the side property line. Fences located in the front building set back shall not be over three foot in height. Fences may taper from the six foot allowance at the building set back line to three foot at the front property line. No fence shall be constructed that will block any Public or Shared driveway or sidewalk.

(aa) A new appendix "K", entitled New Construction and Signs;

Designated Main Street Area, shall be added to the International Building Code and shall read as follows:

#### APPENDIX K

#### NEW CONSTRUCTION AND SIGNS; DESIGNATED MAIN STREET AREA

K101 NEW CONSTRUCTION. It is intended this appendix shall set forth design principles for all new construction of buildings and structures of any kind within the designated Main Street area. New buildings and additions to existing buildings, shall be compatible with and promote the historic character of Main Street area. Creativity in design is encouraged so long as it is compatible with the overall design goals of the area. The replication of historic styles, typical for the relative time period of surrounding buildings, is permitted. Interpretations of traditional building of the same era of surrounding buildings, which are similar in scale and overall character, are acceptable.

K102 SITE PLAN. All new construction shall orient the new building on the lot so that the walls of the building are parallel to the lot lines and the front façade of the building faces the street in a manner similar to historic pattern in this area. In addition, the alignment of the front façade shall be on the front lot line as was the practice historically.

K103 MASS AND SCALE. New construction shall appear similar in mass and scale to historic structures found in the designated area. Floor-to-floor heights, especially the first floor height, shall appear to be similar to those seen historically in the block, as seen from the exterior.

K104 ROOF SHAPE. The roof of a new building shall be visually compatible and not contrast greatly with the roof shape and orientation of surrounding building.

K105 WINDOWS. Upper story windows with vertical emphasis are required. Windows should be trimmed with painted wood or other historically compatible material. This trim shall have a dimension similar to that used historically. Window dimensions that are similar to those used traditionally are required. If they are used, the dividing frame elements, or muntins, in a window should be similar in dimension to those used traditionally. Windows on lower floors shall appear to have divided lights. Snap-in muntins, used on both sides of the glass may be considered also. Muntins located between two panes of glass shall not be permitted.

K106 ENTRANCES. New building entrances shall have a similar appearance to those seen historically in the designated area and shall be in scale with the overall façade. The primary entrance shall face the street. Contemporary interpretations of historic building entrances are acceptable, provided they maintain a similar scale and character as historic buildings. Doors shall be rimmed with wood or painted metal. The trim shall be of a dimension similar to that used historically.

K107 LOADING DOCKS AND DOORS. New construction shall incorporate loading docks of a design similar to those of traditional and historic design. Openings from the docks shall be similar in size and depth to loading docks seen in the designated area. Contemporary interpretations of loading dock doors which are similar in scale and character as those seen in the area are acceptable.

K108 MATERIALS. Simple material finishes are mandatory and matte finishes are preferred. Polished stone is not permitted. Materials shall appear similar to those used historically and traditional materials are mandatory. New, state-of-the-art materials may be considered for limited applications. New materials shall have a demonstrated durability in this environment.

K109 SOLID-TO-VOID RATIO. The ratio of window-to-wall shall be similar to that seen traditionally on commercial storefront buildings in the area.

K110 ALIGNMENT OF FAÇADE MATTER. New buildings shall maintain the alignment of horizontal elements along the block, including building cornices. Window sills, moldings and cornices are among those elements that may be seen to align.

K201 SIGNS. Historically, signs used in the designated Main Street area were relatively simple. They varied in size and location, but most were basic painted panels with simple lettering types. Others were painted directly on the building wall. If it was illuminated, an indirect light source was typical. These features of sign design shall be continued.

K202 SIGN CONTEXT. Sign design should consider the building front as a part of overall sign design and integrate façade composition into the sign. Signs should be proportionate to the building so as not to dominate the appearance of the building. A master sign plan should be developed to use for sign design decisions. Signs should be mounted to fit within existing architectural features and be in scale with façade of the building.

K203 PERMITTED SIGNS. The types of signs allowed in the designated Main Street area are as follows:

1. flush mounted
2. pole mounted/monument
3. projecting
4. window
5. directory

K203.1 FLUSH MOUNTED SIGNS. Such signs should be mounted flat to the wall or façade and, when feasible, aligned with other signs on the block. When using decorative mouldings to outline a sign, the sign should fit within the mouldings. In no case should a sign hide or obscure significant architectural features of the façade or wall.

K203.2 POLE MOUNTED SIGNS. A pole mounted or monument sign may be used as long as it does not interfere with movement on a public way. No pole mounted or monument signs shall have an effective area greater than fifteen (15) square feet and not more than fifteen (15) feet in height.

K203.3 PROJECTING SIGNS. A projecting sign should be located near the business entrance and should be located near the business entrance and should be at least eight feet above the sidewalk. Other restrictions and approval may be required by other ordinances of the City if the sign overhangs a public way.

K203.4 WINDOW SIGNS. Signs may be painted on windows provided the sign covers no more than twenty five percent of the glass surface of the window.

K203.5 DIRECTORY SIGNS. Where several businesses share a building, smaller single panel should be aligned into a single arrangement to form a directory. When possible, the signs combined to make a directory should be of a similar background and lettering.

K203.6 INAPPROPRIATE SIGNS. Signs which are out of character with typical signs of the historic period of surrounding buildings shall not be permitted. No sign shall move, rotate, flash or change brightness unless the sign already exists and has historic significance.

K204 SIGN MATERIAL. Signs in the designated Main Street area shall be made of materials which were commonly used during the time period of the surrounding buildings such as painted wood and metal. No unfinished materials including unpainted wood are permitted and no plastic exterior signs are permitted.

K205 SIGN CONTENT. Colors for signs must be compatible with the color scheme of the building. In general, no more than three colors should be used in a sign. Lettering or typeface shall be compatible and in keeping with the historic character of the area. Lettering should not exceed ten inches in height. Hard to read and overly intricate lettering are not permitted. Historic painted signs which exist now shall be preserved.

K206 SIGN LIGHTING. All sign lighting shall be compatible with the historic character of the area and shall originate from an indirect source. The light source shall be directed at the sign from an external shielded lamp. Internal illumination of a sign is not permitted. No sign shall be illuminated by fluorescent lights or backlighting. The use of neon and/or incandescent bulbs is recommended unless an excessive amount of neon lighting becomes visually obtrusive.

(bb) Chapter 1. Administration, Section 101 General, Section 101.9 Restrictions. The use of the International Existing Building Code is restricted to buildings and structures located in Assembly, Commercial and Industrial zoned areas and such building or structure was constructed before 1950.  
(Ord. 1820; Ord. 1868; Ord. 1920; Code 2010)

**ARTICLE 2. BUILDING CODE, BUILDING STANDARDS, DWELLING CONSTRUCTION  
UNDER THE BUILDING CODE, HOUSING STANDARDS**

- 4-201. INTERNATIONAL RESIDENTIAL CODE INCORPORATED. The code known as the International Residential Code, 2003 Edition, recommended by the International Code Council, Incorporated, is hereby incorporated by reference herein and made a part of this article, save and except such portions as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the statutes of the State of Kansas. (Ord. 1868, Sec. 1B; Code 2010)
- 4-202. AMENDMENTS. The International Residential Code incorporated by reference in section 4-201 herein shall be amended as follows:
- (a) Section 703.2 of Chapter 7 shall be amended to read as follows:  
Water-resistive barrier. One layer of No. 15 asphalt felt, free from holes and breaks, complying with ASTM D 226 for Type I felt or other approved water-resistive barrier shall be applied over studs or sheathing of all exterior walls prior to window or door installation. Such felt or material shall be applied horizontally, with the upper layer lapped over the lower layer not less than 2 inches (51 mm). Where joints occur, felt shall be lapped not less than 6 inches (51 mm) material other than felt shall be installed as per manufacturer's directions. The felt or other approved material shall be continuous to the top of walls and terminated at penetrations and building appendages in a manner to meet the requirements of the exterior wall envelope as described in Section R703.1.
- Exception: Omission of the water-resistive barrier is permitted in the following situations:
1. In detached accessory buildings.
  2. Under exterior wall finish materials as permitted in Table R703.4.
  3. Under paperbacked stucco lath when the paper backing is an approved weather-resistive sheathing paper.
- (b) Table R703.4 of Chapter 7 of the International Residential Code, 2003, as adopted by the City of Augusta, shall be amended to read as follows:  
Change the Column heading "Sheathing Paper Required" to "Water-Resistive Barrier Required". Remove all "No's" to "Yes's" under this column. Remove all references to "Note g" in the table. Remove "g" under the legend descriptions for this table. (Ord. 1952; Code 2010)
- 4-203. ADDITION. The International Residential Code, 2003 Edition, shall have the following additions:
- (a) Section R108.2 Fee Schedule shall have the following addition at the end of the section, "See the International Building Code, Section 108.2.2."
- (b) Section R112.1 General shall have the following addition at the end of the section, "See the International Building Code, Section 112.4."
- (c) Section R113.4 Violation Penalties shall have the following addition at the end of the section, "See the International Building Code, Section 113.4.1."
- (d) Chapter 44 FENCES. See Chapter 36 FENCES in the International Building Code, 2003 Edition.  
(Ord. 1820; Code 2010)

- 4-204. DELETIONS. The International Residential Code, 2003 Edition, incorporated by reference in Section 4-201 shall have the following deletions:  
 (a) Section R105.2 Items #2 Fences and #5 Sidewalks and Driveways shall be deleted in its entirety. (Ord. 1820; Code 2010)
- 4-205. DWELLING CONSTRUCTION UNDER THE UNIFORM BUILDING CODE INCORPORATED. That certain uniform code known as the "Dwelling Construction Under the Uniform Building Code, 1991 Edition," recommended by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, is hereby incorporated by reference herein and made a part of this article, save and except such portions as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the statutes of the State of Kansas. (Ord. 1629; Code 2010)
- 4-206. DELETIONS. None. (Ord. 1629; Code 2010)
- 4-207. AMENDMENT. None. (Ord. 1629; Code 2010)
- 4-208. ADDITION. None. (Ord. 1629; Code 2010)
- 4-209. GUIDELINES FOR MANUFACTURED HOUSING INSTALLATIONS INCORPORATED. The guideline known as the "Guidelines for Manufactured Housing Installations, 1991 Edition, with Appendix A and B," recommended by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, is hereby incorporated by reference herein and made a part of this article save and except such portions as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the statutes of the State of Kansas. (Ord. 1629; Code 2010)
- 4-210. DELETIONS. The Guidelines for Manufactured Housing Installations, incorporated by reference in section 4-209 herein shall have the following sections deleted:  
 (a) Section 305(c) INSPECTION RECORD CARD  
 (b) Section 503(a) SKIRTING OR PERMANENT PERIMETER ENCLOSURES.  
 (Ord. 1692; Code 2010)
- 4-211. AMENDMENT. None. (Ord. 1692; Code 2010)
- 4-212. ADDITION. The guidelines for manufactured housing installations, incorporated by reference in section 4-209 herein shall have the following additions:  
 Section 503(a) SKIRTING OR PERMANENT PERIMETER ENCLOSURES. Skirting or permanent perimeter enclosures shall read as follows: Skirting or permanent perimeter enclosures shall be installed when a permanent concrete foundation around the perimeter of the manufactured home is not provided. Skirting shall be of material suitable for exterior exposure and contact with the ground. Permanent perimeter enclosures shall be constructed of materials as required by the building code for regular foundation construction. Skirting shall be

installed in accordance with the skirting manufacturer's installation instructions. Skirting shall be adequately secured to assure stability, to minimize vibration and susceptibility to wind damage, and to compensate for possible frost heave. Skirting shall be installed not later than 30 days after the manufactured home is placed on the permanent foundation.

(Ord. 1692; Code 2010)

### ARTICLE 3. ELECTRICAL CODE

- 4-301. NATIONAL ELECTRICAL CODE INCORPORATED. The code known as the "National Electrical Code, 2005 Edition," recommended by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, is hereby incorporated by reference herein and made a part of this article, save and except such portions as are hereinafter or may hereafter be deleted or amended, as authorized an in the manner prescribed by the statutes of the State of Kansas. (Ord. 1861; Code 2010)
- 4-302. DELETIONS. The National Electrical Code, 2005 Edition, shall have the following sections deleted:
- (a) Table 300.5, Column 1, Direct Burial Cables or Conductors shall be deleted in its entirety.
  - (b) Article 527.6(A) Ground-Fault Protection for Personnel. (A) Receptacle Outlets. Shall have the reference to 30-amprere receptacle outlets deleted. (Ord. 1861; Code 2010)
- 4-303. ADDITIONS. The National Electrical Code, 2005 Edition, shall have the following additions:
- Article 210.23(A) 15- and 20-Amprere Branch Circuits. No more than eight (8) devices shall be installed on any 15-Amprere Branch Circuit nor more than twelve (12) devices shall be installed on any 20-Ampere Branch Circuit. For the purpose of this article, switches and devices which do not utilize or supply power shall not be counted as devices.
- Article 230.27 Means of Attachment. It shall be the responsibility of the electrical contractor to provide and install the means of attachment for the service entrance conductors.
- Article 230.70(A)4 Commercial and Industrial Locations:
- 1. Located inside the building within six (6) feet of an unlocked exit door to the exterior of the building. The exit door shall be marked "Electrical Main Disconnect" and an arrow pointing the direction of the disconnect from the door. The Safety Department shall be provided a key to this door if it is to be locked.
  - 2. Located on the exterior of the building in a rain tight enclosure. The disconnects may be locked, provide the Safety Department can use standard bolt cutters to open the enclosure (panel).
  - 3. Located at the utility pole or pad mounted transformer. The disconnects may be locked, provided the Safety Department can use standard bolt cutters to open the enclosure (panel).
- Article 230.70(A) 4 Residential Locations. Where the main electrical panel is located as to require more than fifteen (15) feet of unfused service entrance conductors inside a residential dwelling or structure, there shall be installed a main disconnecting device on the exterior of the dwelling or structure. (FPN) The electrical panel is considered a subfed panel and must be connected to the main disconnect on the exterior of the dwelling or structure with four (4) wire grounded conductors.

Article 300.5(A) Direct Buried Cable. Direct Buried Power Cables are not permitted in this jurisdiction. All Power cables installed underground shall be installed in raceways approved (Listed) for Direct Burial.

Article 300.5(A) 1 Conduit Sizing. All service conductors shall be installed in conduit as follows:

100 Ampere, Single-Phase - 2 inch conduit.

200 Ampere, Single-Phase - 3 inch conduit.

Three-Phase shall be installed in accordance with Electrical Distribution Department Requirements.

Article 590.4(D) Receptacles. All temporary construction services shall have installed a standard NEMA L6, 30-Ampere, 250-volt, 2 pole, 3 wire receptacle and all cords shall have installed a standard NEMA L6, 30-Ampere, 250-volt, 2 pole, 3 wire grounding type twist lock cap.

Article 430.1(A) Horsepower Rating. All motors of three (3) horse power or larger shall be three-phase rated where three-phase power is supplied by this jurisdiction. Existing motors of three horsepower or larger which are single-phase shall remain in service until such time as the motor or unit is replaced by a three-phase motor or unit. Written permission by the Building Official is required to install or replace single-phase motors or units when three-phase power is available.

Article 336-4 uses not permitted. Occupancies in districts zoned Commercial or Industrial except for Single-Family Dwellings.

Section 1206 – Inspections. (A) All mobile home and manufactured home units moved into the City of Augusta, Kansas, shall require a gas connection inspection. The mobile and manufactured home unit's internal gas piping shall be tested according to the provisions set forth in Section 1206 (c)(2) by a Master Plumber as licensed by the City of Augusta, Kansas.  
(Ord. 1861; Ord. 1663; Code 2010)

4-304. AMENDMENTS. The National Electrical Code, 2005 Edition, shall have the following amendments:

(a) Article 527.6(A) Receptacle Outlets. Shall have the first sentence amended to read: "All 125 volt, single-phase, 15- and 20-ampere receptacle outlets that are not part of the permanent wiring of the building or structure and that are in use by personnel shall have ground-fault circuit interrupter protection for personnel."

(Ord. 1861; Code 2010)

## ARTICLE 4. PLUMBING CODE

4-401. INTERNATIONAL PLUMBING CODE INCORPORATED. The code known as the International Plumbing Code, 2003 Edition, recommended by the International Code Council, Incorporated, is hereby incorporated by reference herein and made a part of this article, save and except such portions as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the statutes of the State of Kansas. (Ord. 1868, Sec. C; Code 2010)

4-402. ADDITION. The International Plumbing Code, incorporated by reference in section 4-401 herein shall have the following additions:

(a) Section 106.5.2 Fee Schedule shall have the following added to the end of the section, "See the International Building Code, Section 108.2.2."

(b) Section 108.4 Violation Penalties shall have the following added to the end of the section, "See the International Building Code, Section 113.4.1."

(c) Section 109.1 Appeals board. Add "See the International Building Code, Section 112 Appeals Board."

(d) Section 107.1.4 All mobile home and manufactured home units moved into the City of Augusta shall require a gas connection inspection. The mobile and manufactured home unit's internal gas piping shall be tested according to the provisions set forth in the International Fuel Gas Code, 2000 Edition.

(e) Section 608.8 LAWN SPRINKLER SYSTEMS. All lawn sprinkler systems receiving potable water from the City or receiving non-potable water from a private well shall be protected against back flow by the installation of an approved pressure-vacuum breaker installed a minimum of 12 inches above the highest point on the lawn sprinkler system and before any branch lines.

Section 608.8.1 TESTING. All new lawn sprinkler systems shall have the pressure-vacuum breaker tested before the system is approved by the Inspection Department. All existing back flow prevention devices, including pressure-vacuum breakers shall be tested annually. All test results shall be documented on an official form provided by the Inspection Department. The Inspection Department shall maintain all testing records in the Address Folder File.

(f) Section 701.1.2 SEWER LINE ELEVATIONS. All basement drain piping shall have a minimum five (5) foot fall (elevation) between the bottom of the lowest drain piping to the top of the main sewer line. Where this condition can not be met, the installation of an approved sewer ejector with check valve is mandatory. Manual shut-off valves or backflow prevention valves are not considered a substitute for the required sewer ejector.

Section 701.1.3 SEWER TAPS. All sewer taps shall be made with an approved saddle and clamps or epoxy bonding and concrete back fill.

(g) Section 917.1 GENERAL. Add to the end of the section, "Permission shall be required from the Inspection Department and noted on the Plumbing Permit."

(Ord. 1820; Code 2010)

4-403. DELETIONS. The International Plumbing Code, 2003 Edition, shall have the following deletions:

(a) Section 109.2 Membership of board, Section 109.2.1 Qualifications, Section 109.2.2 Alternate members, and Section 109.2.3 Chairman shall be deleted in their entirety.

(b) Section 605.4 Water service pipe. Delete the sentence, "Plastic water service piping shall terminate within 5 feet (1524mm) inside the point of entry into a building."

(c) Section 606.2 Location of shutoff valves. Delete item #2 in it's entirety. (Ord. 1820; Code 2010)

4-404.

AMENDMENTS. The International Plumbing Code, 2003 Edition, shall have the following amendments:

(a) Section 305.5 Pipes through or under footings or foundation walls. The last sentence in the section shall be amended to read "Such sleeve shall be 1/2 pipe size greater than the pipe passing through the wall."

(b) Section 606.1 Location of full-open valves. Amend Item #2 to read, "On the discharge side of every water meter larger than one-inch."

(c) Section 904.1 Roof extensions. Amend to read twelve (12) inches. (Ord. 1820; Code 2010)

## ARTICLE 5. MECHANICAL CODE

- 4-501. INTERNATIONAL MECHANICAL CODE INCORPORATED. The code known as the International Mechanical Code, 2003 Edition, recommended by the International Code Council, Incorporated, is hereby incorporated by reference herein and made a part of this article, save and except such portions as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the statutes of the State of Kansas. (Ord. 1868, Sec. 1E; Code 2010)
- 4-502. DELETION. The International Plumbing Code, 2003 Edition, shall have the following deletions:  
(a) Section 109 MEANS OF APPEAL shall be deleted in its entirety.  
(Ord. 1868; Code 2010)
- 4-503. AMENDMENT. None. (Ord. 1868; Code 2010)
- 4-504. ADDITIONS. The International Plumbing Code, 2003 Edition, shall have the following additions:  
(a) Section 106.5.2 Fee Schedule shall have the following added, "See the International Building Code, Section 108.2.2."  
(b) Section 108.4 Violation Penalties shall have the following added, "See the International Building Code, Section 113.4.1."  
(c) Section 109 Means of Appeal shall have the following added, "See the International Building Code, Section 112.4."  
(Ord. 1820; Code 2010)

## ARTICLE 6. HOUSING CODE

4-601. UNIFORM HOUSING CODE INCORPORATED. That certain code known as the "Uniform Housing Code, 1991 Edition," recommended by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601, is hereby incorporated by reference herein and made a part of this article, save and except such portions as are hereinafter or may hereafter be deleted or amended as authorized by and in the manner prescribed by the statutes of the State of Kansas. (Ord. 1629; Code 2010)

4-602. DELETIONS. Deletions to the Uniform Housing Code incorporated by reference in section 4-601 herein shall be as follows:

- (a) Section 1102 Recording of Notice and Order.
- (b) Section 1602 Report Transmitted to Council – Set for Hearing.
- (c) Section 1603 Protest and Objections – How Made.
- (d) Section 1604 Hearing of Protests.
- (e) Section 1605 Personal Obligation or Special Assessment.
- (f) Section 1606 Contest.
- (g) Section 1607 Authority for Installment Payment of Assessments with Interest.

(Ord. 1629; Code 2010)

4-603. AMENDMENTS. None. (Ord. 1629; Code 2010)

4-604. ADDITIONS. The Uniform Housing Code, incorporated by reference in section 4-601 herein shall have the following additions:

A. Section 201(c)1 WEEDS, GRASS AND OTHER VEGETATION. The owner of any lot or piece of land within the City shall keep the lot or pieces of land free and clear of all weeds, grass and other vegetation by cutting or destroying all such weeds, grass and other vegetation before the same blossoms or matures or attains a size of six (6) inches on occupied property or twelve (12) inches on unoccupied property. Nothing in this section shall affect or impair the rights of the City under the provisions of the Kansas Statutes Annotated, Chapter 2, Article 13 and amendments thereto, relating to the control and eradication of certain noxious weeds.

B. Section 303(a) INSPECTION STANDARDS. No person shall be found in violation of this code unless the building official or his representative, after a reasonable inquiry and inspection of the premises, believes that the conditions exist of a quality and appearance prohibited by this code and/or contrary to the health, safety and general welfare of the community exists on the premises in question. Such belief shall be supported by evidence of the unsightly conditions or other acts prohibited by this code, the technical codes or other regulations of the City.

C. Section 401 DEFINITIONS.

1. ABANDONED MOTOR VEHICLE shall mean any motor vehicle which is not currently registered or tagged pursuant to KSA 8-126 to 8-149 inclusive, as amended; or parked in violation of the code; or incapable of moving under its own power; or in a junked or wrecked condition.

2. ACCESSORY STRUCTURE shall mean a secondary structure detached from the principal structure but on the same premises, including but not limited to, garages, sheds, barns or out-buildings.

3. COMMERCIAL or INDUSTRIAL shall mean used or intended to be used primarily for other than residential purposes.

4. GARBAGE shall mean without limitation any accumulation of animal, fruit or vegetable waste matter that results from the handling, preparations, cooking, serving, delivering, storage or use of foodstuffs.

5. PREMISES shall mean any lot, plot or parcel of land including the structures thereon. Premises shall also mean any lot, plot or parcel of land without any structures thereon.

6. REFUSE shall mean garbage, trash and any other discarded material of whatever description or composition.

7. RESIDENTIAL shall mean used or intended to be used primarily for human habitation.

8. TRASH shall mean combustible waste consisting of, but not limited to: papers, cartons, boxes, barrels, wood, excelsior, furniture, bedding, rags, leaves, yard trimmings, or tree branches and non-combustible waste consisting of, but not limited to: metal, tin, cans, glass crockery, plastics, mineral matter, ashes or street rubbish and sweepings.

D. Section 1001(k1). UNLAWFUL ACTS. It shall be unlawful for any person to allow to exist on any residential, commercial or industrial premises conditions which are detrimental to adjoining property, the neighborhood or the City. For the purposes of this section the unlawful acts shall be allowing to be scattered over the parking, leaving, depositing or accumulating on the yard of any premises the following described materials but not in limitation thereof: lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, abandoned motor vehicles, furniture, stoves, refrigerators, televisions, sinks, bicycles, lawn mowers, junk, refuse, garbage, trash or other such items of personal property.

E. Section 1101(b)3(iv). If the building official has determined that an unlawful act exist on the premises, lot or parcel of land in violation of Section 1001k1 the order to abate the conditions causing the violation to be corrected within fifteen (15) days from the date of the mailing of the notice to alleviate the exterior conditions and/or fifteen (15) days from the date of the mailing of the notice to request a hearing before the Board of Appeals.

F. Section 1101(b)3(v). If the building official has determined that weeds, grass and other vegetation are not kept cut or are not destroyed in violation of Section 201(c)1 of this article, the order shall require five (5) days written notice if the owner or agent is known or ten (10) days notice in the official city newspaper if the owner or agent is unknown. Where the owner shall refuse to comply with said notice, or where the owner is unknown, the building official shall have such weeds, grass or other vegetation cut or destroyed by a private contractor.

## ARTICLE 7. LANDSCAPING AND URBAN FORESTRY CODE

- 4-701. PURPOSE. The Governing Body of the city recognizes the importance of the urban forest to the quality of life in the city. The Governing Body declare it to be a policy of the city that city property be landscaped to enhance the natural beauty of the city; that the street environment be made hospitable through landscaping; and that residents of the city be encouraged to participate in beautification efforts through installing and maintaining quality landscaping on private property. (Ord. 1877, Sec. 2; Code 2010)
- 4-702. DEFINITIONS. The following terms shall have the meanings respectively ascribed to them in this section, unless the context clearly requires otherwise:
- (a) Community Forest - means all park trees, private trees and street trees as a total resource.
  - (b) Diseased Tree - means a tree that by reason of injury or disease constitutes a hazard to life and property, or harbors insects or disease which represent a threat to other trees within the city.
  - (c) Landscaping - means to change the natural features of a plot of ground so as to make it more attractive, as by adding lawns, trees, bushes, earthen works, rocks, boulders, other natural materials and lighting.
  - (d) Landscaping Plan - means a plan designed by a landscape architect describing the changes and additions that are proposed to change the natural features of a plot of ground.
  - (e) Park Trees - means trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all, other areas owned by, or under the control of, the city.
  - (f) Parking - means that portion of street right-of-way lying between the back of the curb or the edge of the traveled way, and the adjacent private property line on the same side of the street.
  - (g) Private Trees - means trees, shrubs, bushes and all other woody vegetation located on private property.
  - (h) Sight Triangle - means a triangle area at a street intersection in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede driver vision between a height of 2 1/2 feet to 8 feet above the grades of the outside edge of the street surface of the intersecting streets, measured from the point of intersection of the property lines 30 feet in both directions along the streets.
  - (i) Street Trees - mean trees, shrubs, bushes, and all other woody vegetation on land lying between the property lines on either side of all arterial and collector streets within the city.
  - (j) Top - means to cut back limbs to stubs larger than three inches in diameter within the trees crown, to such a degree as to remove the normal canopy and disfigure the tree.
- (Ord. 1877, Sec. 2; Code 2010)
- 4-703. STREET TREES; LIST. A list of preferred and recommended street trees species, which shall consist of small, medium and large trees, shall be established from time to time by the Park Department, and a copy of the current list shall be

maintained in the Inspection Department and the Butler County Extension Office. Copies of the list shall be provided without charge to persons requesting the same. (Ord. 1877, Sec. 2; Code 2010)

- 4-704. ON-SITE INSPECTIONS. The Park Superintendent, Inspection Department, or other duly authorized agent of the city may inspect the work along arterial and collector streets to determine that the work is accomplished according to the approved landscaping plan. (Ord. 1877, Sec. 2; Code 2010)
- 4-705. INTERFERENCE WITH COMMUNITY FOREST DUTIES. It is unlawful for any person to prevent, delay or interfere with the city or any of its representatives or agents while engaged in planting, cultivating, mulching, pruning, spraying or removing any tree within the community forest, or performing any other duties or responsibilities prescribed by this chapter. (Ord. 1877, Sec. 2; Code 2010)
- 4-706. CARE OF COMMUNITY FOREST. (a) The city may, in its discretion, plant, prune, maintain and remove trees, plants and shrubs within all rights-of-way, public easements, streets, alleys, lanes squares and public grounds, as may be necessary to insure the public safety or to preserve or enhance the beauty of such public grounds.  
(b) The city may remove any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is seriously affected by insects or disease.  
(Ord. 1877, Sec. 2; Code 2010)
- 4-707. TREE PROTECTION. It shall be unlawful for any person to attach wire, rope, chain, sign or any other material to any tree on any public street, alley or public property; except when used as a preservation practice. The Inspection Department may exempt certain trees on any street, alley or public property from protection and have them removed when in the way of public improvements. (Ord. 1877, Sec. 2; Code 2010)
- 4-708. TRIMMING TREES BY PUBLIC OR PRIVATE UTILITIES. It shall be lawful for public and private utility companies owning transmission lines in the City to cut or trim trees or other growths in the parking, public ways, utility or drainage easements of the City which shall interfere with the transmission lines or utility meters. The public or private utility shall first notify the owner or occupant of the abutting property either verbally or in writing before work is commenced. (Ord. 1877, Sec. 2; Code 2010)
- 4-709. TREE TOPPING. It is unlawful for any person, to top any street tree, park tree, or other tree on public property; provided, that trees severely damaged by storms or other causes, and trees under utility wires or other obstructions where other pruning practices are impractical, may be topped when authorized by the City of Augusta. (Ord. 1877, Sec. 2; Code 2010)
- 4-710. INFECTED OR INFESTED TREES ON PRIVATE PROPERTY. Whenever the City or a State or Federal authority finds that tree(s) located upon private

property within the City are infected or infested with or harbors any tree or plant disease or insect pest or larvae, the uncontrolled presence of which may constitute a hazard to or result in the damage or destruction of other trees in the community, the property owner shall treat or remove any such designated tree within a time specified by written notice of the City. The property owner shall treat said tree within 10 days after notification or remove the same within 15 days after notification. (Ord. 1877, Sec. 2; Code 2010)

4-711. DEAD TREES ON PRIVATE PROPERTY. Property owners shall be responsible for the removal of any dead tree posing a hazard to any structure, fence, utility, street or alley, or pose a danger as an attractive nuisance to children. Said tree shall be removed within 15 days after notification. (Ord. 1877, Sec. 2; Code 2010)

4-712. TREE SCULPTURES. Upon written approval of the City of Augusta, private property owners may elect to remove the upper portion of any tree and reserve the bottom of the tree including the trunk to be made into a tree sculpture. The tree sculpture must be commenced within thirty days and completed within sixty days after the upper tree has been removed. Any tree sculpture, which becomes damaged, infected or infested must be removed according to the provisions of this article. Tree sculptures shall only apply to trees located on private property. No tree located in the street parking shall be made into a tree sculpture and shall be removed in its entirety. (Ord. 1877, Sec. 2; Code 2010)

4-713. REMOVAL OF TREE STUMPS. If any tree, shrubbery or hedge in the parking is cut down, it shall be the duty of the person or persons doing such work to take out the entire tree, shrubbery or hedge, including the trunk and stump and to remove the debris from the parking and property and to fill the hole(s) left by the removal of the stump(s) with dirt in such a manner that no hole shall be left in the parking. (Ord. 1877, Sec. 2; Code 2010)

4-714. PRIVATE LIMITATIONS TOP URBAN FORESTRY AND LANDSCAPING. No owner of property abutting upon any Residential Street, Alley, Utility or Drainage Easements shall plant any tree, shrubbery or hedge nor construct any landscaping in the street parking, alley or utility and drainage easements. No owner or occupant in the city shall replant any tree, shrubbery or hedge currently existing on any street parking, alley or utility and drainage easements which is removed for any reason. No owner or occupant in the city shall plant, grow, care for, keep or cultivate any mulberry or thorny locust trees. (Ord. 1877, Sec. 2; Code 2010)

4-715. STREET TREE REQUIREMENTS. The following requirements shall guide the planting of street trees in the parking of all arterial and collector streets, and private trees located adjacent to the street parking:

(a) Arterial and Collector street requirements.

(1) The developer or home owners association located along an arterial and collector street must provide liability insurance in the amount of \$300,000. The insurance policy shall add the City of Augusta as an additional insured as its interests may appear pertaining to the planting of street trees.

The liability, insurance, policy must be maintained for the life of the street landscaping and tree planting. The City reserves the right upon failure of the developer or home owner's association to maintain the liability insurance, to have all landscaping and tree planting removed from the street parking at the expense of the developer or home owner's association.

(2) The developer or home owner's association shall have prepared a landscaping plan to include the location and species of trees to be planted in the street parking. Said plan shall be prepared by a licensed landscape architect.

(3) The landscaping plan and liability insurance policy shall be presented to the Inspection Department for approval prior to planting.

(4) All tree planting shall be accomplished by a professional landscaping company or an individual or company with sufficient equipment and knowledge to accomplish the work under the supervision of the City park supervisor.

(5) The City park supervisor shall report all progress on the project to the Inspection Department.

(6) The developer or home owner's association shall be responsible for the maintenance and upkeep of all landscaping and urban forestry located in the street parking on arterial and collector streets which have been approved by the City. The City reserves the right upon failure of the developer or home owner's association to maintain the landscaping and urban forestry, to have all landscaping and urban forestry removed from the street parking at the expense of the developer or home owner's association.

(b) Spacing and location of street trees.

(1) Street trees shall not be planted in the sight triangle as defined by this article.

(2) Street trees may be planted no closer together than 30 feet between small trees; 40 feet between medium trees; and 50 feet between large trees. Exceptions can be granted by the Inspection Department.

(3) Street trees may be planted in the parking where there is more than 6 feet between the edge of the sidewalk and the curb of the street. Street trees shall be planted no closer than 3 feet from a sidewalk or a street. Exceptions can be granted by the Inspection Department.

(4) No street tree shall be planted closer than 10 feet from any fire hydrant.

(5) No street tree shall be planted closer than 35 feet from any street light.

(Ord. 1877, Sec. 2; Code 2010)

4-716. CLEARANCE OVER STREETS, ALLEYS, PUBLIC WAYS, WALKWAYS AND SIDEWALKS. Maintenance of adequate clearance over streets and walkways shall be the responsibility of the abutting property owner. A clearance of 8 feet must be maintained over walkways and sidewalks. A clearance of 14 feet must be maintained over streets, alleys and public ways subject to truck traffic.

(Ord. 1877, Sec. 2; Code 2010)

4-717. UTILITIES. No street trees other than those species listed as small trees may be planted under or within 10 feet of any overhead utility wire, or over or within 5

feet of any overhead utility wire, or over or within 5 feet of any underground municipal water line, sewer line, transmission line or other public utility. The City shall have the right to prune any tree or shrub on private property when it obstructs the view of drivers to observe traffic, traffic control devices, or signs. (Ord. 1877, Sec. 2; Code 2010)

4-718. ABUTTING PROPERTY OWNER RIGHTS. The owner of property abutting upon any street, alley, utility or drainage easements shall have such title in and property in growing trees, shrubbery and hedges upon his/her own property, and upon existing trees, shrubbery and hedges currently growing upon the parking situated in front of such real estate between the curb line and the property line. An abutting property owner shall have the right to perform normal tree care on street trees in conformity with this chapter and any other applicable regulations. The abutting property owner shall also have the right to maintain existing landscaping upon the parking. No new landscaping shall be permitted to be installed in the street parking, alley, utility or drainage easement. (Ord. 1877, Sec. 2; Code 2010)

4-719. ABUTTING PROPERTY OWNER RESPONSIBILITIES. It shall be the duty of every property owner of lots abutting upon any sidewalk or public way of the city, or adjacent to the street parking, alley, utility or drainage easement to plant, care for, grow, keep or cultivate any trees, shrubbery or hedge on such adjoining property or upon the parking abutting upon or adjacent thereto in violation of this ordinance.

It is hereby made the duty of the owner or occupant of any premises abutting on any street, avenue or alley in the city to cut, trim or remove, in accordance with the provisions of this article, all trees and shrubbery growing in the city and existing landscaping, which may constitute any hazard or any sight obstruction to any vehicular or pedestrian traffic upon the streets and sidewalks. (Ord. 1877, Sec. 2; Code 2010)

4-720. NOTICE TO OWNER, OCCUPANT. Notice to cut any trees, boughs, shrubbery or limbs to conform to the provisions of this article shall be served by the duly appointed public officer upon the owner or occupant of the abutting premises by both regular mail and registered mail. (Ord. 1877, Sec. 2; Code 2010)

4-721. ABATEMENT BY THE CITY. If such owner or occupant shall not within 30 days thereafter cause such damaged, diseased or obstructing trees, boughs, shrubbery or limbs to be removed as provided in accordance with the provisions of this article, then the City shall forthwith remove them. Proper pruning season will be taken into consideration. This section, however, shall not be construed as waiving the rights of the City to prosecute under the provisions of this article. (Ord. 1877, Sec. 2; Code 2010)

4-722. ASSESSMENT OF COSTS. The costs of abatement of any condition prohibited by this article by the City shall be assessed and charged against the lot or parcel of land on which the condition existed. The City Clerk shall, at the time of certifying other City taxes to the County Clerk, certify the costs of abatement of any condition prohibited by this article by the City; and the County Clerk shall

extend the same on the tax roll of the County against the property upon which such condition existed. Such costs shall be collected by the County Treasurer and paid to the City as other city taxes are collected and paid. (Ord. 1877, Sec. 2; Code 2010)

- 4-723. VIOLATION; PENALTY. Any person, firm or corporation violating any provisions of this chapter shall, upon conviction or a plea of guilty, be subject to a fine not to exceed five hundred dollars or equivalent community service. For the purpose of this chapter, a separate offense shall be deemed committed for each tree on which such violation exists. (Ord. 1877, Sec. 2; Code 2010)

## ARTICLE 8. ADDRESSING CODE

- 4-801 INSPECTION DEPARTMENT AUTHORIZED TO ASSIGN NUMBERS. The City Inspection Department shall decide the correct number to assign each dwelling, building or lot. The Inspection Department shall provide each city department, postal authority and serving utilities with a correct list of address numbers. (Ord. 1820; Code 2010)
- 4-802 FORMULA FOR ASSIGNING STREET ADDRESS NUMBERS.
- (a) Odd numbers shall be given to lots, buildings and structures on the South side of East-West streets and on the West side of North-South streets.
  - (b) Even numbers shall be given to lots, buildings and structures on the North side of East-West streets and on the East side of North-South streets.
  - (c) Address numbers shall commence at Second Avenue and each block shall receive 100 numbers. Blocks in excess of 1,000 feet shall be assigned 100 numbers for each 600 feet.
  - (d) Address numbers for East-West streets shall commence with the center line of State street and an imaginary line running North from the center line of State street where it intersects Kelly Avenue, and each block shall receive 100 numbers. Blocks in excess of 1,000 feet shall be assigned 100 numbers for each 600 feet.
  - (e) East-West Prefixes. All streets running East of State street shall be designated with the prefix "East," and all streets running West of State street shall be designated with the prefix "West."
  - (f) All streets, avenues, etc., within a specific platted subdivision which are not laid out according to East-West or North-South directions, may be numbered according to the lots and blocks, provided the numbers are consecutive with all odd numbers on one side of the street and even numbers on the opposite side of the street.
  - (g) If at all possible, no address shall be numbered A, B, C, etc.
  - (h) Special housing units may have one street address and have building or apartment numbers assigned to each unit.
  - (i) The owner(s) of a Manufactured Home Park, Mobile Home Park or Recreational Vehicle Park shall assign lot numbers to each rental space. The park owner shall provide the Inspection Department with an address map of the park. The Inspection Department will provide copies of the map to all city departments, postal authorities and serving utilities. (Ord. 1820; Code 2010)
- 4-803 PLACING NUMBERS. The figures of each number put on any dwelling, building or other structure shall not be less than four (4) inches in height and shall be conspicuously placed on the front of the dwelling, building or structure facing the street. Manufactured homes and mobile homes shall have the figures of each number not less than three (3) inches in height and shall be conspicuously placed on the end of the manufactured/mobile home facing the common street. The placing of numbers on the lots in a recreational vehicle park shall have figures of each number not less than three (3) inches in height

and shall be conspicuously placed on a sign or placed on the electrical service panel. (Ord. 1820; Code 2010)

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BUILDING TO BE NUMBERED BEFORE OCCUPIED. All new dwellings, buildings or structures requiring a number under this article shall be numbered before said building is occupied. (Ord. 1820; Code 2010)

## ARTICLE 9. MOVING BUILDINGS

- 4-901. BUILDING OFFICIAL; AUTHORITY. The city manager or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an inspector. (Code 1991)
- 4-902. PERMIT REQUIRED. No person, firm or corporation shall move, haul, or transport any house, building, derrick, or other structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more or which cannot be moved at a speed of four miles per hour or faster, upon, across or over any street, alley or sidewalk in this city without first obtaining a permit therefor. (K.S.A. 17-1914; Code 1991)
- 4-903. SAME: APPLICATION FOR PERMIT. All applications for permits required under the provisions of this article shall be made in writing to the inspection department 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 1991)
- 4-904. SAME; INSURANCE REQUIRED. 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 1991)
- 4-905. SAME; FEE. Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee of not less than \$25 to the city clerk; plus the additional cost for the time for any city crews involved in such moving. (Code 1991)
- 4-906. ROUTE; DUTIES OF BUILDING OFFICIAL. The inspection department 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 1991)

- 4-907. 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 1991)
- 4-908. 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 4-907, shall be liable to the permit holder for damages in an amount not to exceed \$100 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 1991)
- 4-909. 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 1991)
- 4-910. DISPLAY OF WARNING LIGHTS. 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 light thereon in such a manner as to show the extreme height and width thereof from 30 minutes after sunset to 30 minutes before sunrise. (Code 1991)

## ARTICLE 10. DANGEROUS AND UNFIT STRUCTURES

- 4-1001. 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 1991)
- 4-1002. DEFINITIONS. For the purpose of this article, the following words and terms shall have the following meanings:  
(a) Public Officer means the city manager 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 1991)
- 4-1003. PUBLIC OFFICER; DUTIES. The public 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 public 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 1991)
- 4-1004. PROCEDURE; PETITION. Whenever a petition is filed with the public officer by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the public 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 1991)
- 4-1005. SAME; NOTICE. The governing body upon receiving a report as provided in section 4-1004 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 1991)

- 4-1006. 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 1991)
- 4-1007. SAME; HEARING, ORDER. (a) If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed.
- (b) If the repair, alteration, or improvement of the structure can be made at a cost which shall not exceed 50 percent of the fair market value of the structure, the owner of the property shall, within the time specified in the order, repair, alter or improve the structure to render it safe and fit for human use or habitation, or shall vacate and close the structure until such time as he has complied with the order.
- (c) If the repair, alteration or improvement of the structure cannot be made at a cost of 50 percent or less of its fair market value, the owner shall, within the time specified in the order, remove or demolish the structure.  
(Code 1991)
- 4-1008. 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 1991)
- 4-1009. 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 public 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 public officer may cause the structure to be removed and demolished.  
(Code 1991)
- 4-1010. 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 public officer may proceed to make the site safe. (Code 1991)

4-1011. ASSESSMENT OF COSTS. (a) The cost to the city of any repairs, alterations, improvements, vacating, removal or demolition by the public 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 is insufficient to recover the cost, or if there is no salvage, the city clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the costs to the county clerk who shall extend the same on the tax roll of the county.

(K.S.A. 12-1755; Code 1991)

4-1012. 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 public 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 4-1012. (K.S.A. 12-1756; Code 1991)

4-1013. 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 public officer from carrying out the provisions of the order pending final disposition of the case. (Code 1991)

4-1014. 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. (Code 1991)

## ARTICLE 11. INTERNATIONAL PRIVATE DISPOSAL CODE

- 4-1101. INTERNATIONAL PRIVATE DISPOSAL CODE INCORPORATED. That certain international code known as the "International Private Disposal Code, 2003 Edition," recommended by the International Code Council, Incorporated, is hereby incorporated by reference herein and made a part of this article, save and except such portions as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the statutes of the State of Kansas. (Ord. 1820; Code 2010)
- 4-1102. DELETIONS. The International Private Disposal Code, 2003 Edition, shall have the following deletions:  
(a) Section 109.2 Membership of board, Section 109.2.1 Qualifications, Section 109.2.2 Alternate members, and Section 109.2.3 in their entirety. (Ord. 1820; Code 2010)
- 4-1103. AMENDMENTS. There are no amendments to the International Private Disposal Code, 2003 Edition. (Ord. 1820; Code 2010)
- 4-1104. ADDITIONS. The International Private Disposal Code, 2003 Edition, shall have the following additions:  
(a) Section 106.4.2 Fee Schedule. See the International Building Code, Section 108.2.2.  
(b) Section 108.4 Violation Penalties. See the International Building Code, Section 113.4.1.  
(c) Section 109.1 Appeals Board. Add "See the International Building Code, Section 112 Appeals Board." (Ord. 1820; Code 2010)

## ARTICLE 12. INTERNATIONAL FUEL GAS CODE

- 4-1201 INTERNATIONAL FUEL GAS CODE INCORPORATED. That certain international code known as the "International Fuel Gas Code, 2003 Edition," recommended by the International Code Council, Incorporated, is hereby incorporated by reference herein and made a part of this article, save and except such portions as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the statutes of the State of Kansas. (Ord. 1868; Code 2010)
- 4-1202 DELETIONS. The International Plumbing Code, 2003 Edition, shall have the following deletions:  
Section 109 MEANS OF APPEAL shall be deleted in it's entirety. (Ord. 1868; Code 2010)
- 4-1203 AMENDMENTS. There are no amendments to the International Fuel Gas Code, 2003 Edition. (Ord. 1868; Code 2010)
- 4-1204 ADDITIONS. The International Fuel Gas Code, 2003 Edition, shall have the following additions:  
(a) Section 106.5.2 Fee Schedule shall have the following added, "See the International Building Code, Section 108.2.2."  
(b) Section 108.4 Violation Penalties shall have the following added, "See the International Building Code, Section 113.4.1."  
(c) Section 109 Means of Appeal shall have the following added, "See the International Building Code, Section 112.4."  
(d) "Section 105.5 All mobile home and manufactured home units moved into the City of Augusta shall require a gas connection inspection. The mobile and manufactured home unit's internal gas piping shall be tested according to the provisions set forth in the International Fuel Gas Code, 2000 Edition. (Ord. 1868; Code 2010)

## ARTICLE 13. INTERNATIONAL PROPERTY MAINTENANCE CODE

- 4-1301 INTERNATIONAL PROPERTY MAINTENANCE CODE INCORPORATED.  
That certain international code known as the "International Property Maintenance Code, 2003 Edition," recommended by the International Code Council, Incorporated, is hereby incorporated by reference herein and made a part of this article, save and except such portions as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the statutes of the State of Kansas. (Ord. 1888; Code 2010)
- 4-1302 DELETIONS. The International Property Maintenance Code, 2003 Edition, shall have the following deletions:  
(a) Section 103.1 General. Shall be deleted in its entirety.  
(b) Section 106.4 Violation penalties. Shall be deleted in its entirety.  
(c) Section 106.6.6 Court Review. Shall be deleted in its entirety.  
(d) Section 111 Means of Appeal. Shall be deleted in its entirety.  
(Ord. 1888; Code 2010)
- 4-1303 AMENDMENTS. The International Property Maintenance Code, 2003 Edition, shall have the following amendments:  
(a) Section 101.1 Title. Shall be amended to read "These regulations shall be known as the *Property Maintenance Code of the City of Augusta, Kansas*, hereinafter referred to as "This Code."  
(b) Section 102.3 Application of other codes. Shall be amended to read "Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Existing Building Code*. Nothing in this code shall be construed to cancel, modify or set aside any provision of the adopted *Zoning Regulations*."  
(c) Section 104.3 Inspections. Shall be amended to read "The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies, the Inspection Department, Safety Department, Public Works and other departments of the city. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority."  
(d) Section 104.4 Right of entry. Shall be amended to read "The code official, officer or employee charged with the enforcement of this code are authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law. It shall be unlawful to interfere with any such authorized officer or employee charged with the enforcement of this code."  
(e) Section 104.5 Identification. Shall be amended to read "The code official, officer or employee charged with the enforcement of this code shall carry proper identification when inspecting structures or premises in the performance of duties under this code."

(f) Section 104.7 Department records. Shall be amended to read "The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the premises, building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

(g) Section 106.3 Prosecution of violation. Shall be amended to read "Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto."

(h) Section 106.4.1 Penalties. Shall be amended to read "Section 106.4 Penalties."

(i) Section 107.2 Form. Shall be amended to read "Such notice prescribed in Section 107.1 shall be in accordance with all the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit, structure or premises into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal and/or request an informal hearing before the Code Official or Deputy Code Official as provided in Section 106.2.1 of this code.
6. Include a statement that if the violation is not abated as directed and no request for hearing is made within the prescribed time, a resolution will be presented to the Governing Body to abate such violation and assess the cost thereof against such property.

(j) Section 107.3 Method of service. Shall be amended to read "Such notice shall be deemed to be properly served if a copy thereof is:

1. One notice sent by regular mail and one notice sent by certified mail return receipt requested to the same responsible person at the same address.
2. If the certified mail is returned as unclaimed and the regular mail notice is not returned with the same, the responsible person is deemed to have been notified if the code official posts a copy of the notice on the property, hangs a copy of the notice on the door, delivers the notice personally or contacts the person by telephone.
3. In the event the name or address of the responsible person (s) are unknown and the official notice returns unclaimed and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the Code Official and filed with the City Clerk, and the serving of the official notice or resolution shall be made by publishing the same once each week for two consecutive weeks on the same day in the

official city newspaper and by posting a copy of the resolution on the premises where such conditions exist."

(k) Section 108.1 General. Shall be amended to read "When a structure is found by the Governing Body to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code. When equipment is found by the code official to be unsafe, such equipment shall be condemned pursuant to the provisions of this code.

(l) Section 108.1.3 Structures unfit for human occupancy. Shall be amended to read "A structure is unfit for human occupancy whenever the Governing Body finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public."

(m) Section 108.2 Closing of vacant structures. Shall be amended to read "If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Governing Body may authorize the code official to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Governing Body shall authorize the code official to cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource."

(n) Section 108.3 Notice. Shall be amended to read "Whenever the Governing Body has condemned a structure or the code official has condemned equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2."

(o) Section 108.5 Prohibited occupancy. Shall be amended to read "Any occupied structure condemned by the Governing Body and placarded by the code official shall be vacated as ordered by the Governing Body. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code."

(p) Section 109.1 Imminent danger. Shall be amended to read "When, in the opinion of the Governing Body, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the

presence of toxic fumes, gasses or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Governing Body." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same."

(q) Section 109.2 Temporary Safeguards. Shall be amended to read "Notwithstanding other provisions of this code, whenever, in the opinion of the Governing Body there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency."

(r) Section 110.1 General. Shall be amended to read "The Governing Body shall order the owner of any premises upon which is located any structure, which in the Governing Body's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure."

(s) Section 201.3 Terms defined in other codes. Shall be amended to read "Where terms are not defined in this code and are defined in *the International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Existing Building Code, National Electrical Code, Zoning and Subdivision Regulations*, such terms shall have the meanings ascribed to them as in those codes."

(t) Section 302.3 shall be amended to read "Section 302.3 Sidewalks, driveways, parking lots, street, street parking and alley ways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Each person in the city shall keep the sidewalks, gutters, and public alleys clean and clear of mud, filth, dirt, debris, trash, litter and other substances, and weeds and grass, and shall also keep any grass median area between the property line and the street curb in front of or adjacent to any such property mowed and free from filth, debris, trash, litter and weeds, and shall also keep the sidewalks in front of and adjacent to any such property free and clear of any accumulation of snow and ice which present a hazard to pedestrians. If any such building abuts directly upon a public street, that portion of such public street so abutting the building shall be kept clean and clear of filth, dirt, debris, trash, litter and other substances."

(u) Section 302.4 Weeds. Shall be amended to read "See Ordinance Number 1730."

(v) Section 302.9 Defacement of property. Shall be amended to read "No person shall willfully or wantonly damage, mutilate or deface any exterior surface

of any structure, building, sidewalk or street on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair."

(w) Section 604.2 Service. Shall be amended to read "The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120.240 volt, single-phase electrical service having a rating of not less than 100 amperes." (Ord. 1888; Code 2010)

4-1304

ADDITIONS. The International Property Maintenance Code, 2003 Edition, shall have the following additions:

(a) "Section 101.3.1 Purpose. The purpose of this code is to promote the health, safety and welfare of the residents of the City of Augusta, Kansas and to protect neighborhoods against physical, visual and economic deterioration."

(b) "Section 103.1 General. The code official shall be the City Manager of Augusta, Kansas."

(c) Section 103.5 Fees. Shall have the following sentence added "The department of property maintenance shall charge all administrative, publication, notifications and other fees to the property in violation."

(d) Section 104.1 General. Shall have the following sentence added "The code official may assign enforcement duties to the Inspection Department, the Safety Department, Public Works and other departments of the city."

(e) Section 106.1 Unlawful acts. Shall have the following sentence added "It shall be unlawful to cause, permit, maintain or allow the creation or maintenance of a nuisance, substandard property, building or structure maintenance."

(f) "Section 106.2.1 Informal Hearing. Whenever the Code Official or Deputy Code Official determines that there has been a violation of this Code, the Code Official or Deputy Code Official may arrange with the alleged violator for an informal discussion of violations, and whether repair, correction or demolition is justified. If a satisfactory solution to the violations, either by correction, demolition or removal, is not forthcoming, the Code Official shall abate the conditions as provided by this code."

(g) "Section 106.5.1 Municipal Judge may direct abatement and assess costs. If, upon trial and conviction for causing or maintaining any violation as defined and prohibited by this code and other ordinances of this city, it shall appear that the violation complained of continues to exist, the municipal judge may, in addition to the penalty imposed for causing or maintaining such violation, make an order directing the code official to abate the violation forthwith and report the expense thereof to the municipal judge, who may make such cost a part of the judgment in addition to the fine and/or imprisonment imposed. Such costs shall be collected in the same manner as other fines and penalties."

(h) "Section 106.6 Abatement by the Governing Body. If a person to whom a notice has been sent, pursuant to this code, has neither alleviated the conditions causing the alleged violation nor requested a hearing before the Governing Body within the time period specified, the Code Official may present in writing, to the City Clerk a request for a hearing before the Governing Body. In all cases involving condemnation, demolition and the forceful loss or removal of

private property, the Code Official shall request, in writing to the City Clerk, for a hearing before the Governing Body."

"Section 106.6.1 Hearing date and notification of the same. Upon receipt of a request for a hearing, the City Clerk shall notify, in writing, the Governing Body of such request at the next regularly scheduled meeting. The Governing Body shall, by resolution, determine a date for the hearing. The City Clerk shall publish the Resolution once each week for two consecutive weeks on the same day of the week in the official city newspaper. The hearing shall be at least 15 days after the first publication. A copy of the resolution shall be served upon the person or persons in violation as provided by Section 107.3 of this Code."

"Section 106.6.2 Hearing before the Governing Body. All hearings before the Governing Body shall be open to the public. The person to whom a notice has been sent and their legal counsel, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. The person to whom a notice was sent, legal counsel and Code Official may introduce such witnesses and evidence as is deemed necessary and proper by the Governing Body. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. A simple majority of the Governing Body shall constitute a quorum."

"Section 106.6.3 Disqualification of Council Member. A Council Member shall not hear a case in which that member has a personal, professional or financial interest."

"Section 106.6.4 Abatement resolution. Upon finding of fact, the Governing Body shall pass a resolution of abatement which shall be published once in the official city newspaper and serve notice on the person in violation as provided in Section 107.3 of this Code.

In cases involving vehicles on private property the resolution shall fix a reasonable time within which the violation(s) is to be corrected. The resolution shall further direct the code official to have the vehicle(s) removed from the property, impounded and disposed of according to Kansas Law at the owner's expense.

In cases involving the upkeep of premises (exterior yard), the resolution shall fix a reasonable time within which the violation(s) is to be corrected and a statement that if the owner of such violation(s) fails to commence abatement of the violation(s) within the time stated or fails to diligently prosecute the same until the violation(s) is abated the Governing Body shall direct the code official to either hire a private contractor or use city personnel and equipment to abate the violation(s) at the property owner's expense.

In cases involving buildings and structures, mandatory repair, condemnation or demolishing the resolution shall fix a reasonable time within which the owner shall obtain a building permit to repair or demolish the building or structure and fix a reasonable time to complete said repairs or removal. The resolution shall further direct the code official to hire a private contractor or use city personnel to demolish the building or structure if no building permit has been issued within the time established or the owner fails to diligently make the required repairs or demolition of the building or structure. Such demolition shall be at the expense of the property owner. The resolution shall further provide that the costs incurred by the

City shall be assessed against the property as a Special Assessment or lien against the property."

"Section 106.6.5 Special assessment. The Code Official shall submit all bills and expenses incurred in abating a violation to the City Clerk. The City Clerk shall send the property owner of record a copy of the assessment and allow 30 days for payment in full. The City Clerk shall have the resolution and special assessment recorded with the Butler County Register of Deeds and a copy of the special assessment recorded with the Butler County Clerk for inclusion on the property tax rolls if the property owner of record fails to pay the assessment at the end of the required 30 days."

(i) "Section 110.5 Costs of demolition by the Governing Body. The cost of demolition by the Governing Body shall be a lien upon the property upon which the cost was incurred and such lien, including as a part thereof an allowance of his or her costs and necessary attorney's fees and title search, shall be assessed as a special assessment upon the lot or parcel of land on which the structure was located as provided in Section 106.5 of this code."

(j) Section 111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Governing Body, provided that a written request for appeal shall be filed with the office of the City Clerk within the time specified in the notice. An application of appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 111.2 Hearing date and notification of the same. Upon receipt of a request for a hearing, the City Clerk shall notify, in writing, the Governing Body of such request at the next regularly scheduled meeting. The Governing Body shall, by resolution, determine a date for the hearing. The City Clerk shall publish the Resolution once each week on the same day of the week for two consecutive weeks in the official city newspaper. The hearing shall be at least 30 days after the second publication. A copy of the resolution shall be served upon the person or persons in violation as provided by Section 107.3 of this Code.

Section 111.3 Hearing before the Governing Body. All hearings before the Governing Body shall be open to the public. The person to whom a notice has been sent and their legal counsel, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. The person to whom a notice was sent, legal counsel and Code Official may introduce such witnesses and evidence as is deemed necessary and proper by the Governing Body. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. A simple majority of the Governing Body shall constitute a quorum.

Section 111.4 Disqualification of Council Member. A Council Member shall not hear a case in which that member has a personal, professional or financial interest.

Section 111.5 Abatement resolution. Upon finding of fact, the Governing Body shall pass a resolution of abatement which shall be published once in the official city newspaper and serve notice on the person in violation as provided in Section 107.3 of this Code.

In cases involving vehicles on private property the resolution shall fix a reasonable time within which the violation(s) is to be corrected. The resolution shall further direct the code official to have the vehicle(s) removed from the property, impounded and disposed of according to Kansas Law at the owner's expense.

In cases involving the upkeep of premises (exterior yard), the resolution shall fix a reasonable time within which the violation(s) is to be corrected and a statement that if the owner of such violation(s) fails to commence abatement of the violation(s) within the time stated or fails to diligently prosecute the same until the violation(s) is abated the Governing Body shall direct the code official to either hire a private contractor or use city personnel and equipment to abate the violation(s) at the property owner's expense.

In cases involving buildings and structures, mandatory repair, condemnation or demolishing the resolution shall fix a reasonable time within which the owner shall obtain a building permit to repair or demolish the building or structure and fix a reasonable time to complete said repairs or removal. The resolution shall further direct the code official to hire a private contractor or use city personnel to demolish the building or structure if no building permit has been issued within the time established or the owner fails to diligently make the required repairs or demolition of the building or structure. Such demolition shall be at the expense of the property owner. The resolution shall further provide that the costs incurred by the City shall be assessed against the property as a Special Assessment or lien against the property."

Section 111.6 Special assessment. The Code Official shall submit all bills and expenses incurred in abating a violation to the City Clerk. The City Clerk shall send the property owner of record a copy of the assessment and allow 30 days for payment in full. The City Clerk shall have the resolution and special assessment recorded with the Butler County Register of Deeds and a copy of the special assessment recorded with the Butler County Clerk for inclusion on the property tax rolls if the property owner of record fails to pay the assessment at the end of the required 30 days.

(k) "Section 202 General Definitions."

Cellar. Any portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Dilapidation, Deterioration or Disrepair. Any condition characterized by, but not limited to: holes, breaks, rot, decay, crumbling, cracking, peeling, or flaking paint, rusting, or other evidence of physical damage, neglect, lack of maintenance, excessive use or weathering.

Exterior structure. Those parts of a structure which are exposed to the weather or subject to contact with the elements; including, but not limited to: sidings, facings, veneers, masonry, roofs, foundations, porches, screens, shutters, windows, doors or sills.

Junk. The storage of all old appliances, equipment, or parts thereof, all old iron or other scrap metal, automobile tires, cardboard, old lumber, old wood and mattresses, which items are not being used for their intended purposes, and does not include orderly stacked firewood.

Motor Vehicle. Any automobile, truck, tractor, farm machinery, motorcycle, motorized bicycle or other device designed and used for transportation of persons or property which, as originally built, contained an engine, regardless of whether it contains an engine at any other time.

Motor Vehicle, Abandoned. Any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; any motor vehicle which does not carry motor vehicle liability insurance pursuant to K.S.A. 40-3101, as amended; or parked in violation of this code; or incapable of moving under its own power; placement of the vehicle or parts thereof upon jacks, blocks, or other supports; or in a junked or wrecked condition.

Motor Vehicle, Inoperable. Any motor vehicle which cannot be driven upon the public streets for reason including but not limited to being in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the function or purpose for which it was originally constructed.

Motor Vehicle, Junk. Any vehicle which is wrecked, scrapped, ruined, partially dismantled, inoperative, abandoned and/or without a valid automobile license tag.

Nuisances. Any condition which is injurious to health, or is a potential health hazard, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by a majority of persons subjected to the condition, such condition being no less a nuisance because the extent of the annoyance or damage inflicted is unequal. Nuisances shall include, but not limited to:

1. Garbage, junk, rubbish and trash deposited on the exterior of the property, street parking or alley way or stored in an accessory building on the property.
2. Abandoned, inoperable or junked motor vehicle.
3. Open storage of construction materials unless neatly stacked and covered.
4. Open storage of salvage materials in any residential or commercial district.
5. Open storage of appliances including refrigerators, freezers, stoves, microwaves, power tools, and similar tools.
6. Interior furniture stored, maintained or used on the exterior of a dwelling or dwelling unit which is so dilapidated and deteriorated as to be a potential accident hazard, a harborage for insects, rodents or vermin or which emits offensive odors.
7. Buildings, structures, privies, sheds, barns, garages, tool houses and vacant houses and commercial structures which have become so dilapidated and deteriorated as to be a potential accident hazard, rat harborage, attractive nuisance to children or to be offensive to the senses.
8. Dead animals or animal excrement not managed or disposed of in a sanitary manor.
9. Wastewater discharge or allowed to accumulate, improper water impoundments or lack of adequate drainage in such a manner that it does or may allow direct human contact with human or animal excrete, organic or

inorganic pollution of ground or surface water, breeding of insects, harboring or attraction of rodents, or the emission of offensive odors.

10. Excessive noise resulting from home hobby work, commercial or industrial processes.

11. The discharge into the atmosphere of any gaseous or particulate matter resulting from the combustion, reduction, processing or manufacturing of materials in industrial or commercial operations which cause or may cause injury to the health of individuals, damage to business or property or cause annoyance to a majority of persons so subjected.

12. Growth of noxious weeds and/or unwanted or unkempt vegetation over ten (10) inches high, and unkempt shrubs, hedges and trees on any premises and in streets and alleys in front of and abutting on any premises in the city.

Salvage Material. Materials of some value that are obtained from the disassembly of various kinds of machinery, mechanical appliance, and/or the demolition of buildings or structures.

Street or Highway. The entire width between property lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic. Where the word 'highway' or the word 'street' is used in this code, it means street, avenue, boulevard, thoroughfare, traffic way, alley and any other public way for vehicular travel by whatever name unless the context clearly indicates otherwise.

Temporary Housing. Any tent, trailer, recreational vehicle, motor home, camping trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, house or building or other structure, or to any utilities on the same premises for more than 30 consecutive days, except when located in a mobile home park zoned by the City.

Trash. Any combustible waste consisting of, but not limited to: papers, cartons, boxes, barrels, wood, excelsior, furniture, bedding, rags, leaves, yard trimmings, or tree branches and noncombustible waste consisting of, but not limited to: metal, tin cans, glass, crockery, plastics, mineral matter, ashes, bricks, masonry, rocks, or street rubbish and sweepings."

(l) "Section 301.4 Unlawful acts. It shall be unlawful for any person to allow to exist on any premises, conditions which are injurious to the health, safety or general welfare of the residents of the community or conditions which are detrimental to adjoining property, the neighborhood or the city."

(m) Section 302.1 Sanitation. Add the following sentence at the end of the section. "It shall be unlawful for any person to maintain or permit any nuisance within the city as defined by this code."

(n) 302.5 Rodent harborage. Add the following sentences at the end of the section. "Every occupant of a single dwelling shall be responsible for the extermination of any rodents, other vermin therein or on the premises. Wherever two or more occupants are in the same building, the owner or operator of the building shall be responsible for such extermination."

(o) Section 302.8 Motor vehicles. Add the following sentences at the end of the section. "Painting of vehicles is prohibited unless conducted inside a garage or similar accessory building in residential areas. Painting of vehicles is prohibited

in commercial or industrial areas unless conducted inside an approved spray booth."

(p) "Section 302.8.1 Off road title. For the purposes of these regulations, an "off road title or off road tag" shall not be an acceptable title or tag."

(q) "Section 302.8.2 Inspection. Vehicles which have been cited as being Abandoned, Inoperable or in a Junked condition, shall be driven to the Inspection Department during normal working hours to be inspected. The inspector shall insure the vehicle is properly tagged, registered and insured."

(r) "Section 303.2 Enclosures. Add the following exception at the end of the section. "A swimming pool, hot tub or spa shall be acceptable in lieu of fencing and gates so long as the cover is securely secured to the pool, hot tub or spa when not occupied."

(Ord. 1888; Code 2010)