

CHAPTER IV. BUILDINGS AND CONSTRUCTION

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ARTICLE 1. FIRE LIMITS

- 4-101. FIRE LIMITS ESTABLISHED. The corporate limits of the City of Ozawkie, Kansas are hereby declared to be the fire limits of the city. (Code 2007)

ARTICLE 2. BUILDING CODE

- 4-201. DEFINITIONS. As used in this article, the words and phrases herein defined shall have the following meanings unless the context otherwise requires:
- (a) Whenever the word municipality is used in the building code, it shall be held to mean the City of Ozawkie, Kansas;
 - (b) Whenever the term corporation counsel is used in the building code, it shall be held to mean the city attorney of the City of Ozawkie;
 - (c) Whenever the term building official is used in the building code, it shall be held to mean the mayor or his or her authorized designee.
- (Code 2007)
- 4-202. INTERNATIONAL BUILDING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Building Code, as recommended by the International Conference of Building Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the most current edition as recommended by the League of Kansas Municipalities, International Building Code, shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Ozawkie," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.
- Any person violating any provision of such code shall be punished as provided in section 1-116 of this code.
- (Code 2007)

- 4-202(B). OZAWKIE BUILDING CODE AMENDED; INCORPORATED.
- (a) There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolitions, equipment, use and occupancy, location and maintenance of buildings and structures, and to supplement the Residential Building Codes (R.B.C.), with rules specific to the City of Ozawkie, An Ozawkie Building Code, Amended, as if the same had been set out in full within, all as authorized in the manner prescribed by K.S.A. 12-3009 thru 12-3012 including any amendments thereto.
 - (b) No fewer than three (3) copies of the “Ozawkie Building Code, Amended” shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Ozawkie”, and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.
 - (c) Copies of said Code shall be presented to and maintained by all members of the City Council, all members of the Planning and Zoning Board, all members of the Board of Appeals and may be made available, for a reasonable fee, to any interested parties (ie. builders, contractors, etc.)

(Code 2007)

- 4-203. ADDITIONAL PROVISIONS. The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-202. (Code 2007)

- 4-204. BUILDING OFFICIAL; POWERS; DUTIES.
- (a) This and other articles of the city relating generally to building and structures shall be administered and enforced by the building inspector. The Mayor shall act as chief building official and may assume the responsibilities of or with the consent and approval of the governing body appoint a building inspector and such other assistants as may be advisable for the issuance of building permits and the inspection of building work.
 - (b) The city clerk shall prepare such application, permit, inspection and record forms as may be required for the purposes of the article. The city council may make and promulgate the necessary rules and regulations to obtain conformity with this article pertaining to the making of applications for building permits, issuing of building permits and inspecting of buildings and building works.

(Code 2007)

- 4-205. BUILDING INSPECTOR; APPOINTMENT. The Mayor may assume the responsibilities of or appoint some qualified individual to be and perform the duties of building inspector as may be required, subject to the consent and approval of the governing body. (Code 2007)

- 4-206. SAME; DUTIES. The building inspector shall have the following duties:
- (a) To enforce all regulations relating to construction, alteration, repair, removal and demolition of building and structures;
 - (b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;
 - (c) To examine all buildings in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in

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

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

(Code 2007)

4-207. SAME; POWERS. The building inspector shall have the following powers:

- (a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter;
- (b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the city;
- (c) May cause any work done in violation of this chapter to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the building regulations of the city, subject to the right of any builder or owner to appeal to the governing body.
- (d) Exceptions can be made for material updates as long as it has been recognized and certified by the I.B.C.'s, as recommended by their International Conference of Building Inspectors.

(Code 2007)

4-208. SAME; RIGHT OF ENTRY. The building inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter.

(Code 2007)

4-209. CLARIFICATION; MODIFICATION.

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

(Code 2007)

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

(Code 2007)

4-211.

SAME; APPLICATION INFORMATION REQUIRED.

- (a) A building permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:
- (1) The name of the owner of the lot or tract of ground;
 - (2) The location of the building or structure;
 - (3) The building work proposed;
 - (4) The outside dimensions of the building by floors and dimensions of the basement (if any);
 - (5) The class of occupancy;
 - (6) The class of construction;
 - (7) The kind of materials to be used for walls, floors, ceilings, roofs, and foundations;
 - (8) The estimated cost of the work;
 - (9) Name and address of contractor or contractors doing the work;
 - (10) Such other information as may be pertinent to the issuance of the required permit.
- (b) An application for a building permit shall be signed by the owner or his or her duly authorized agent, or a building contractor licensed by the city. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed contractor or contractors doing the work described, or a building permit may be issued to the owner upon his or her application disclosing satisfactory evidence that the proposed work will be performed by the owner, himself or herself and not by a licensed contractor, and likewise subject to the final approval of the building inspector for work performed.
- (c) Upon approval of the completed application and a determination that a permit should be issued, the chief building official or his or her assistant shall issue a permit to the owner or contractor authorizing the building work covered by the application.
- (d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the building work authorized by such permit. This does not apply to auxiliary or garden sheds, in which the completion time is not to exceed 90 days. Building work commenced for the purpose of this section shall mean the beginning of building work other than the preparation of plans or the staking out of the building location or the letting of a building contract.

(Code 2007)

4-211A.

BUILDING PERMIT: TYPES. In order to have input into the design, construction and placement of different types of structures and landscaping, the following "Types" of Building Permits are established:

- (A) Building Permit #1 (BP-1) For: New Construction (Residences and or Business Buildings)
- (1) Requirements:
 - (a) Permit completed, signed and submitted.
 - (b) Applicable blue print and/or plan attached.
 - (c) Site Plan submitted.
 - (d) Review of Planning and Zoning board with a recommendation for approval or disapproval to the City Council.

- (e) Application approved or rejected by City Council.
- (f) City Clerk notifies applicant and collects fees.
- (2) Fees:
 - (a) Administration Fee: (See Ord 1-118)
 - (b) Inspection Fee:(See Ord 1-118)
 - (c) Water Connection Fee: (See Ord 1-118)
 - (d) Sewer Connection Fee: (See Ord 1-118)
- (B) Building Permit #2 (BP-2) For: Additions to existing dwelling and / or business: (Room additions, Porch's, some Enclosed Decks, etc.)
 - (1) Requirements:
 - (a) Permit completed, signed and submitted.
 - (b) Applicable blue print and/or plan attached.
 - (c) Site Plan submitted.
 - (d) Review by Planning and Zoning Board with a recommendation to approve or disapprove, to the City Council.
 - (e) Application approved or rejected by the City Council.
 - (f) City Clerk notifies applicant and collects fees.
 - (2) Fees:
 - (a) Administration Fee (See Ord 1-118)
 - (b) Inspection Fee(See Ord 1-118)
 - (c) Water Connection Fee (*1) (See Ord 1-118)
 - (d) Sewer Connection Fee (*2) (See Ord 1-118)

(*1) and (*2): Only applies if a new water connection (with meter) and / or new sewer connection is required.
- (C) Building Permit #3 (BP-3) For: Permanent Out-Buildings (Detached Garage, Storage, etc. - Constructed on and attached to a frost free footer and/or slab).
 - (1) Requirements:
 - (a) Permit completed, signed and submitted.
 - (b) Framing Sketch and Building Materials list included.
 - (c) Site plan submitted.
 - (d) Application reviewed by the Planning and Zoning Board and a recommendation for approval or disapproval to the City Council.
 - (e) Application approved or rejected by City Council.
 - (f) City clerk notify applicant and collects fees.
 - (2) Fees:
 - (a) Administration fee (See Ord 1-118)
 - (b) Inspection Fee(See Ord 1-118)(for Construction/Concrete/Electro Mechanical)
 - (c) Water Connection Fee (*3) (See Ord 1-118)
 - (d) Sewer Connection Fee (*4) (See Ord 1-118)

(*3) and (*4): Only if this is a new water connection, with meter or a new sewer tap.
- (D) Building Permit #4 (BP-4) For: Temporary / Movable Buildings. (Storage/Garden Shed Etc.) constructed on "skids". (See also: Ord 4-211B, (e).
 - (1) Requirements:
 - (a) Permit completed, signed and submitted.
 - (b) Framing Sketch and Building Materials list attached.
 - (c) Site Plan submitted.
 - (d) Application reviewed by the Planning and Zoning Board and recommended for approval or disapproval to the City Council.

- (e) Application approved or rejected by City Council.
 - (f) City Clerk notifies applicant and collects fees.
 - (g) The work is to be completed within 90 days from the permit issuance date.
- (2) Fees:
- (a) Administrative (Only) (See Ord 1-118)
- (E) Building Permit #5 (BP-5) For the following: Decks, Patios (permanent / poured), Dog Runs (permanent / poured), Sidewalks, Driveways, Fences, Breezeways and Accessory Structures.
- (1) Requirements:
- (a) Permit completed, signed and submitted.
 - (b) General description or basic plan along with materials list attached.
 - (c) Site Plan submitted.
 - (d) Application reviewed by the Planning and Zoning Board and recommended for approval or disapproval to the City Council.
 - (e) Application approved or rejected by the City Council.
 - (f) City Clerk notifies applicant and collects fees.
- (2) Fees
- (a) Administrative (only) (See Ord 1-118)
- (F) Building Permit #6 (BP-6) For: Pools: Above ground or in ground. This does not include temporary (summer) pools.
- (1) Requirements:
- (a) Permit completed, signed and submitted.
 - (b) General description or basic plan with materials list attached.
 - (c) Site Plan submitted.
 - (d) Application reviewed by the Planning and Zoning Board and recommended for approval or disapproval to the City Council.
 - (e) Application approved or rejected by the City Council.
 - (f) City clerk notifies applicant and collects fees.
- (2) Fees:
- (a) Administrative(See Ord 1-118)
 - (b) Inspection Fee(See Ord 1-118) (Concrete / Electro Mechanical)
 - (c) Water Connection Fee (*5) (See Ord 1-118)

*5; Only if this is a new water connection with meter.

There is no sewer connection fee as it is unlawful to connect discharge tubes to the sewer, however a connection is allowed, if possible, to the storm drainage system.

(Code 2007)

4-211B.

BUILDING PERMITS: CONTINUED.

- (a) Water connection fees are material base charges only. (cost of meter / meter base / meter pit). The applicant is responsible for all charges incurred in reaching the established meter, mains and or service lines. Additional costs incurred by the City in providing services will be billed to the customer and are payable prior to issuance of an occupancy permit.
- (b) All “fees” (with the exception of “additional” water connection costs) shall be paid before a permit is issued.
- (c) The Building Inspectors final inspection and signature is considered to be an Occupancy Permit.
- (d) All “new construction, additions and or permanent out buildings” are subject to all of the appropriate “set back” and “easement” rules and restrictions as established by

- the zoning regulations. This also applies to breeze ways, patios and accessory structures.
- (e) Temporary / Movable buildings are not subject to “set back” requirements and may be placed on the property line, however they must not encroach on any “easements” and shall not extend beyond or forward of the “foot print” of the dwelling, on any side of the residence bordered by a city street. All out-buildings should, at a minimum, be esthetically pleasing, and enhance the appearance of the property and the city in general. Under no circumstance shall the following items or structures be allowed as a substitute for a garden or storage shed:
 - (1) Shipping Container
 - (2) Conex Container
 - (3) “Boxes” – ie. The structures that are placed on the frame of a truck for transportation or shipping.
 - (4) “Trailers”- ie. Semi-Tractor Trailers.
 - (5) Any other item or structure whose original use or intent was other than that of a garden shed, storage shed or similar purpose.
 - (f) Decks are not subject to “set back” requirements except on the “front” and/or “street side(s)” of the dwelling, and may otherwise be placed on the property line. Decks too should be designed, at a minimum, to enhance the appearance of the property. No deck shall encroach on any “easement”, either city, or utilities. Decks may be attached to a dwelling or “free standing”. Enclosed decks, attached to a dwelling, may fall under other rule interpretations. (see sub paragraphs “g” and “h” below).
 - (g) Any new structure attached to the “front” and/or “street side” of a dwelling and is open or enclosed with glass or transparent screening, is considered a “porch” and requires Permit #2 (BP-2) as it is an addition. Similarly any such structure that is fully enclosed (walled), with a roof and with or without windows, is considered a “room addition” and also required Permit #2 (BP-2). Inspection requirements shall be based on the type of construction and any use of electro-mechanical additions.
 - (h) Any glass or screen enclosed structure, attached to the “back” or non-street portion of the dwelling may be considered either a “porch” and require Permit #2 (BP-2), or as a “enclosed deck” and requires Permit #5 (BP-5). The Planning and Zoning Board will make final determination as to which Permit is needed and shall notify the applicant if sufficient information has been submitted.
 - (i) Fences are not subject to “set back” but may not encroach on any “easement”. No fence, shrub or bush located on the “street side(s)” of any dwelling may extend beyond six (6) feet in height. No fence, shrub or bush located on the “street side(s)” of a dwelling on “corner” lots, shall be allowed to restrict the view of motor vehicle operators approaching said corners. No trees or shrubs are allowed on City Easements except after consultation with and approval by the City Council. While the City will not approve or disapprove any specific “type” or “style” of fence, all fences should be designed, at a minimum, to enhance the appearance of the owners property as well the adjoining properties.
 - (j) Dog runs are not subject to setback, but shall not encroach on any easements. They are further restricted to the “back yard” of the dwelling. Persons building dog runs should ensure that they are in compliance with city ordinances, regarding the number of animals permitted, and should take into consideration the recommendations of the A.S.P.C.A. and /or the Area Humane Society regarding such structures.
 - (k) Poured / Permanent patios are subject to all setback and easement restrictions. Persons constructing “poured concrete patios” that may cover utility easements should be aware that said constructs may be damaged during any repairs or

replacement operations of said utility lines. "Paver" style patios and other "semi-permanent" types of patios are considered "landscaping" and do not require permits.

- (l) Sidewalks and driveways are not subject to setback requirements and may cross any easement. Sidewalks and driveways may be of any material (concrete, gravel, asphalt etc.) but should, at the minimum, conform to the general style, material and construction methods of the home and enhance the appearance of not only the owners property but nearby properties.
 - (m) Children's play areas and constructs do not require permits, but any person constructing such areas are reminded of the necessity of not encroaching on any city or other utilities easements. It is recommended but not mandatory that play areas be restricted to the side or back yards of dwellings. Child safety should be paramount in any design.
 - (n) In general, permits are required only so that the City Council may have minimal input in these decisions.
 - (o) It should be noted that while a building inspector, appointed by the Mayor, is necessary for BP-1, BP-2 and BP-3, at the discretion of the Mayor, the Public Works Supervisor may act as an inspector for BP-4, BP-5 and BP-6.
- (Code 2007)

4-212. SAME; PLANS AND SPECIFICATIONS. Whenever an application for a building permit is made, the chief building official may, if he or she finds it necessary to determine whether building work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed building as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the building official may require the applicant to file complete architectural and engineering plans and specifications for such building, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any building work for conformity with this article. (Code 2007)

4-212A. SITE PLAN. In order to insure that the highest quality of land planning and design are incorporated into new developments, there is hereby established the requirements for a "site plan". Site plans shall be submitted for all improvements within the City of Ozawkie that meets the provisions requiring a building permit. This process is used to guide design of new projects so that they may be compatible with existing neighborhoods in terms of scale, style and construction materials. Site Plans are also used by the Planning and Zoning Board to ensure that any encroachment on easements or modification on setback rules are covered by the appropriate ordinances. (Code 2007)

4-212B. CONTENTS; SAME.

- (a) All site plans shall contain and conform to the following minimum requirements, and be approved by members of the Planning and Zoning Board, before they make their recommendations to the City Council:
 - (1) Name of property owner, current address and telephone #.
 - (2) Lot and Block number within the City of Ozawkie.
 - (3) All Drawings shall indicate "north", with an arrow.
 - (4) All dimensions may be in feet and inches or feet and decimals of a foot, so long as the method used is clearly indicated on the site plan.
 - (5) All lettering shall be neat and legible.

- (6) Driveways and access improvements shall be shown.
 - (7) All public and private right-of-ways and easement lines located on or adjacent to the subject property, shall be so indicated.
 - (8) All property lines and dimensions of the lot to be built upon shall show directional bearings and distances, streets and locations with reference to identifiable streets and or intersections.
 - (9) Footprints of existing and proposed structures, showing all dimensions of buildings and distances from property lines, streets and easements shall be indicated.
 - (10) Location of all existing and proposed water, sanitary sewer, storm drain and their easements shall be indicated.
 - (11) All existing and proposed lines for electrical, telephone and gas service will be indicated and their locations clearly marked. DigSafe (1-800-DIG-SAFE) should be contacted for any and all underground utilities, as well as the Public Works Supervisor, for all city owned utilities.
 - (12) Locations for any external utility accessory (ie AC condensers, wells, back-up power, etc.) shall be indicated, along with their proposed dimensions.
 - (13) The Site Plans may be hand drawn but must meet the criteria listed above for clarity and legibility.
- (b) Information pertaining to lot dimensions and utility locations may be obtained from the Ozawkie City Offices, during routine office hours. The Ozawkie Planning and Zoning Board shall review all site plans to ensure all developments within the city meet the required Ordinances.
 - (c) The Building and Zoning Committee requests that all building plans and a site map be turned into the City Office five (5) working days prior to the scheduled meeting so that the members may make a thorough study of the building plans and visit the proposed building site. The plans and site map will be available in the City Office during office hours. After hours, the plans and site map will be at the Building and Zoning Chairperson's house or at a designated committee member's home.

(Code 2007)

4-213. SAME; FEES. The fee for a building permit shall be set by a fee schedule ordinance. The fee herein shall be paid to the city clerk upon obtaining a building permit and the same shall be credited to the general operating fund of the city.

4-214. SAME; POSTING. A copy of the building permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The building inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 2007)

4-215. CERTIFICATE OF APPROVAL. Upon the completion of any work under a building permit, the chief building official, the building inspector or his or her designee is authorized to issue a certificate of approval for the occupancy and use of the building or structure. The certificate shall show the number of inspections made and the orders and corrections required during the course of the work. A copy of such certificate shall be given the owner. (Code 2007)

4-216. INSPECTIONS OF BUILDING; LAYOUT OF BUILDING; FOUNDATIONS AND FOOTINGS; NOTICE TO INSPECTOR.

- (a) The contractor or builder having a permit for new construction, or additions to existing buildings, shall notify the chief building official or building inspector

immediately upon the marking or laying out of the site and foundation for such work.

The official or inspector shall inspect the layout for conformity with this article and with respect to lot lines, setbacks and location of the proposed buildings to determine conformity with the city zoning regulations. In case of doubt respecting the required location, the chief building official may require an official survey of the lot lines to determine conformity, at the expense of the permit holder.

- (b) Upon completion of the excavation for the building foundation and footings and the construction of the necessary forms thereof and before the foundation and footings are poured or laid, the official or inspector shall be notified as in the first case, and it shall be his or her duty to inspect all such work for conformity with laws respecting location of the building foundations and footings.
- (c) The building inspector shall during the course of all building make such other inspections as may be directed by the chief building official to be made during any successive stage of the construction or other work covered by a permit in order to secure compliance with laws pertaining thereto.

(Code 2007)

4-217. **REQUEST FOR INSPECTION.** Upon the completion of any building construction work covered by this article, it shall be the duty of the person doing such work to notify the building inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided. (Code 2007)

4-218. **INSPECTION FEE.** An initial inspection fee, as set by a fee schedule ordinance, and an inspection fee, as set by fee schedule ordinance for subsequent inspections required shall be paid before any building or construction work will be approved or a certificate of approval issued. (Code 2007)

4-219. **BUILDER OR BUILDING CONTRACTOR DEFINED.**

- (a) A builder or building contractor for purposes of this article shall be any person, firm, co- partnership, corporation, association, or any combination thereof, whether a resident or not of the city:
 - (1) Who or which undertakes with or for another, for a fixed sum, price, fee or any compensation other than wages, to build, construct, alter, repair, add to, wreck or move any building or structure (or any portion thereof), or any sidewalk, driveway entrance or structure in any street, or any advertising sign, panel poster or billboard, or any other structure, in the city, for which a building or construction permit may now or hereafter be required by the laws of the city; or
 - (2) Who or which advertises or represents himself, herself, or itself to the public to have the capacity or ability to undertake, or submit a bid or offer to build, construct, alter, repair, add to or wreck, remove, restore or replace any building, structure or construction work or any portion thereof; or
 - (3) Who or which builds, constructs, alters, adds to or wrecks any buildings or structures either on his or her own or other property for purposes of sale or speculation.
- (b) A builder or building contractor as defined shall not mean or include:
 - (1) Any subcontractor working under the supervision of a general contractor; or
 - (2) Any plumbers, gas fitters, electricians, or other specialized occupation for which special licenses or bonds are required by other city laws; or
 - (3) Any owner or his or her authorized agents or employees making ordinary repairs to his, her or its own building or structure not involving the structural

- parts of the building for which a permit is not required or on which a contractor, as defined, is not required, employed or engaged to perform; or
- (4) Any property owner personally performing any improvements, alterations or building construction within or upon his or her own residence and intended for his or her own personal use and permanent occupancy; provided, the owner shall satisfy the building official as to his or her ability to perform such work secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal building construction by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city;
- 4-220. **WORK BY PROPERTY OWNERS.** Nothing herein contained shall prohibit any property owner from personally performing any building or construction work within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the building inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal building or construction performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city. (Code 2007)
- 4-221. **LIABILITY.** This article shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection authorized herein, by reason of any certificate of inspection issued by it or by reason of any permit or license granted herein. (Code 2007)
- 4-222. **SEVERABILITY.** If any section of the International Building Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining sections, the section to be completely severable from the remaining provisions which shall continue in full force and effect.

ARTICLE 3. ELECTRICAL CODE

4-301. **DEFINITIONS.** For the purpose of this article, the words and phrases used herein shall have the meanings ascribed to them in this section, unless the context clearly indicates to the contrary.

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

(Code 2007)

4-302. **ADOPTION OF ELECTRICAL CODE BY REFERENCE.** The standard code known as the National Electrical Code, the most recent edition, as recommended by the League of Kansas Municipalities, a publication of the National Fire Protection Association, the same being a standard code for the installation of electrical wiring and apparatus and available in book and pamphlet form is hereby incorporated by reference herein and made a part of this article as authorized and in the manner prescribed by K.S.A. 12-3009:3012. Three copies shall be marked or stamped

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

Any person violating any provision of such code shall be punished as provided in section 1-116 of this code.
(Code 2007)

4-303. ADDITIONAL PROVISIONS. The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-302. (Code 2007)

4-304. BUILDING OFFICIAL; AUTHORITY. The Mayor or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an electrical inspector in accordance with section 4-204 of this chapter, which shall apply in a like manner to this article. (Code 2007)

4-305. ELECTRICAL INSPECTOR; APPOINTMENT. The Mayor may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of electrical inspector as may be required, subject to the consent and approval of the governing body. (Code 2007)

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

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

(Code 2007)

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

- (a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter;
- (b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the city;
- (c) May cause any work done in violation of this chapter to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the electrical regulations of the city, subject to the right of any installer or owner to appeal to the governing body.

(Code 2007)

4-308. SAME; RIGHT OF ENTRY. The electrical inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter.
(Code 2007)

4-309. CLARIFICATION; MODIFICATION.

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

(Code 2007)

4-310. ELECTRICAL PERMIT REQUIRED; APPLICATION; APPROVAL.

- (a) Except as provided in subsection (b), it shall be unlawful for any person to engage in any electrical construction as defined in section 4-301 within the city without an electrical permit being first obtained therefor from the city clerk, after approval by the chief building official or his or her duly authorized assistant. The application for such permit shall be made and the permit obtained before any electrical construction work is commenced.
- (b) No electrical permit shall be required for any of the following:
 - (1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;
 - (2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or
 - (3) Any work in industrial establishments where the issuance of electrical permits come under the scope of other agencies.

(Code 2007)

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

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

- (b) An application for an electrical permit shall be signed by the owner or his or her duly authorized agent, or an electrician or electrical contractor licensed by the city. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed electrician or electrical contractor or contractors doing the work described, or an electrical permit may be issued to the owner upon his or her application disclosing satisfactory evidence that the proposed work will be performed by the owner, himself or herself and not by a licensed electrical contractor, and likewise subject to the final approval of the electrical inspector for work performed.
- (c) Upon approval of the completed application and a determination that a permit should be issued, the chief building official or his or her assistant shall issue a permit to the owner, electrician or electrical contractor authorizing the electrical construction work covered by the application.
- (d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the electrical construction work authorized by such permit. Electrical construction work commenced, for the purpose of this section, shall mean the beginning of electrical construction work other than the preparation of plans or the letting of an electrical contract.

(Code 2007)

- 4-312. SAME; PLANS AND SPECIFICATIONS. Whenever an application for a electrical permit is made, the chief building official or the electrical inspector may, if he or she finds it necessary to determine whether electrical construction work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed electrical construction as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the building official may require the applicant to file complete electrical and engineering plans and specifications for such electrical construction, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any electrical construction work for conformity with this article. (Code 2007)
- 4-313. SAME; FEES. The fee for an electrical permit shall be set by a fee schedule ordinance. The fee herein shall be paid to the city clerk upon obtaining an electrical permit and the same shall be credited to the general operating fund of the city. (Code 2007)
- 4-314. SAME; POSTING. A copy of the electrical permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The electrical inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 2007)
- 4-315. REQUEST FOR INSPECTION. Upon the completion of any electrical work covered by this article, it shall be the duty of the person doing such work to notify the electrical inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided. (Code 2007)

- 4-316. INSPECTION; CONCEALMENT OF PRIOR WORK.
- (a) When any electric equipment is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the building inspector and such equipment shall not be concealed until it has been inspected, approved or authorized by the electrical inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification. On large installations, where the concealment of equipment proceeds continuously, the person, firm or corporation installing the electrical equipment shall give the electrical inspector due notice and inspections shall be made periodically during the progress of the work.
 - (b) The electrical inspector shall have the authority to require building contractors to open such work which, in any manner, conceals electrical wiring that has been closed without his or her knowledge or permission, and in no case shall the inspector issue a certificate of approval until satisfied that the work is in accordance with the provisions of this article. The inspector shall also have the right to refuse to issue a certificate of approval on any wiring, that is concealed in such manner that it cannot be fully determined that it has been done in accordance with this article.

(Code 2007)

- 4-317. INSPECTION FEE. An initial inspection fee, and an inspection fee of for subsequent inspections required shall be paid before any electrical installation will be approved or a certificate of approval issued. Such fee shall be set forth in a fee schedule ordinance. (Code 2007)

- 4-318. CERTIFICATE OF APPROVAL.
- (a) When the electrical inspector finds an electrical construction or installation to be in conformity with the provisions of this article, he or she shall issue to the person, firm, or corporation performing the electrical construction work or making the installation, a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the installation and connection to the supply of electricity.
 - (b) When a certificate of approval is issued authorizing the connection and use of a temporary installation, the certificate shall expire at a time to be stated therein and shall be revocable for cause by the electrical inspector.
 - (c) In no case shall certificates of approval be issued on electrical construction, installations or parts of installations where the work installed does not conform to the requirements of this article.
 - (d) If, upon inspection, the installation is not found to be fully in conformity with the provisions of this article, the electrical inspector shall immediately notify the person, firm, or corporation performing the electrical construction work or making the installation of the existing defects.
 - (e) No certificate of approval shall be issued unless the electric conductor or equipment has been installed in strict conformity with the provisions of this article and unless the electrical construction or installation is made in compliance with nationally approved methods of construction for safety to life and property as herein set forth.
 - (f) The electrical inspector shall be deemed the judge of whether the installation of electric conductors and equipment has been made in accordance with the requirements of this article.
 - (g) No certificate of approval shall be required for any of the following:
 - (1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and

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

- (2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or
- (3) Any work in industrial establishments where inspections come under the scope of other inspection agencies.

(Code 2007)

4-319. CONNECTION TO INSTALLATIONS. It shall be unlawful for any person, firm, or corporation to make connection to a supply of electricity to any building or electrical equipment for which an inspection is required, or which has been disconnected by the order of the electrical inspector, until a certificate of approval has been issued by the electrical inspector authorizing the connection and use of such electric supply. The electrical inspector may, at his or her discretion, authorize a temporary connection. (Code 2007)

4-320. REINSPECTION. The electrical inspector shall periodically reinspect existing installations of electrical conductors and equipment. When the installation of any conductors or equipment is found to be in a dangerous or unsafe condition, the person, firm, or corporation owning, using, or operating the installation shall be notified in writing and shall make the necessary repairs or changes required to place the conductors or equipment in safe condition and have the work completed within the period specified by the electrical inspector. (Code 2007)

4-321. CONDEMNATION; APPEAL.

- (a) If in the judgment of the electrical inspector, after an inspection, any electrical conductors, appliances or equipment in any building are unsafe or dangerous to persons or property, the inspector shall have the power to cause the wires or appliances to be disconnected from the source of electrical energy supplying these conductors or equipment, and may, at his or her discretion, seal the control switches for the same in an open or disconnected position, whereupon he or she shall give notice to the owner, or his or her agent, or by posting such notice at the site and shall also notify the utilities serving the premises. Thereafter, it shall be unlawful for any person to cause or permit electric current to be supplied to the electrical conductors, appliances or equipment so sealed until they shall have been made safe and the inspector shall have issued a certificate of approval to that effect.
- (b) It shall be the duty of the electrical inspector to cause all dead wires, unused poles or electric apparatus on the outside of the buildings or in streets or alleys to be removed at the expense of the owners thereof by giving the owners written notice.
- (c) When the electrical inspector condemns all or part of any electrical installation, the owner may, within 10 days after receiving written notice thereof, file a petition in writing for review of the action of the building inspector by the governing body, upon the receipt of which the governing body shall at once proceed to determine the facts, and within 10 days from receiving the petition make a decision in accordance with their findings.

(Code 2007)

4-322. INTERFERENCE BY UNAUTHORIZED PERSON. It shall be unlawful for any unauthorized person to, in any manner, change or alter electrical conductors or equipment in or on any building. If in the course of the erection of a building or structure, electrical conductors or equipment are in such position as to interfere with the erection or completion of the structure, notice shall be immediately given the authorized person or firm installing the

electrical conductors or equipment, and the needed change shall be made by such authorized person or firm. (Code 2007)

4-323. ELECTRICIAN OR ELECTRICAL CONTRACTORS DEFINED.

- (a) An electrician or electrical contractor for purposes of this article shall be any person, firm, co-partnership, corporation, association, or any combination thereof, whether a resident or not of the city:
- (1) Who or which undertakes with or for another, for a fixed sum, price, fee or any other compensation to install, construct, alter, repair, add to, or move any electrical installation or performs any electrical construction work in the city, for which an electrical construction permit may now or hereafter be required by the laws of the city; or
 - (2) Who or which advertises or represents himself, herself, or itself to the public to have the capacity or ability to undertake, or submit a bid or offer to install, construct, alter, repair, add to, remove, restore or replace any electrical installation or perform any electrical construction work; or
 - (3) Who or which installs, constructs, alters, adds to or removes any electrical installation or performs any electrical construction work either on his or her own or other property for purposes of sale or speculation.
- (b) An electrician or electrical contractor as defined shall not mean or include:
- (1) Any owner or his or her authorized agents or employees making ordinary repairs to his, her or its own building or structure not involving electrical construction and for which a permit is not required or on which an electrician or electrical contractor, as defined, is not required, employed or engaged to perform; or
 - (2) Any property owner personally performing any improvements, alterations or electrical construction within or upon his or her own residence and intended for his or her own personal use and permanent occupancy; provided, the owner shall satisfy the electrical inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal electrical construction by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city.

(Code 2007)

4-324. ELECTRICIAN'S OR ELECTRICAL CONTRACTOR'S LICENSE REQUIRED; ELECTRICAL PERMITS; UNLAWFUL ACTS.

- (a) Each electrician or electrical contractor shall before entering upon any electrical construction work subject to regulation by city laws, apply to the city clerk for an electrician's or electrical contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of electrician or electrical contractor in the city.
- (b) No permit for any electrical construction work shall be issued for any such work to be performed by an electrician or electrical contractor, as defined, who has not first obtained a license upon making a proper application and payment of the license fee as required.
- (c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself, or

itself under the definition of an electrician or electrical contractor herein, or to perform any work as an electrician or electrical contractor or any work under a contract for any work involving electrical construction, without first having obtained an electrician's or electrical contractor's license issued by the city.

(Code 2007)

- 4-325. **WORK BY PROPERTY OWNERS.** Nothing herein contained shall prohibit any property owner from personally performing any electrical construction or installing electrical wiring or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the electrical inspector as to his or her ability to perform such work or install such electrical wiring, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal electrical construction or installation performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city. (Code 2007)
- 4-326. **APPROVED MATERIALS.** No electric materials for wiring of appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for wiring appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article. (Code 2007)
- 4-327. **LIABILITY.** This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or reinspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein. (Code 2007)
- 4-328. **SEVERABILITY.** If any section of the National Electrical Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the National Electrical Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 2007)

ARTICLE 4. PLUMBING AND GAS-FITTING CODE

- 4-401. **DEFINITION OF PLUMBING.** The term plumbing as used in this article shall be construed to mean the installation of gas or water pipes, fixtures, apparatus and the necessary connections either for supplying gas or water to premises or for the removing of liquid and water-borne wastes from premises in the city, or both such purposes, and shall also denote installed fixtures, drainage and vent systems and gas or water distribution systems as the case may be. (Code 2007)
- 4-402. **UNIFORM PLUMBING CODE INCORPORATED.** There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the practice of plumbing and gas-fitting, including the installation, maintenance, extension and alteration of all pipes, fixtures, appliances and appurtenances in connection with sanitary sewers and public and private water and fuel gas systems, the Uniform Plumbing Code, 2003 Edition, as recommended by the International Association of Plumbing and Mechanical Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the uniform code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Ozawkie," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.
Any person violating any provisions of such code shall be punished as provided in section 1-116 of this code.
(Code 2007)
- 4-403. **ADDITIONAL PROVISIONS.** The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-402. (Code 2007)
- 4-404. **BUILDING OFFICIAL; AUTHORITY.** The Mayor or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of a plumbing inspector in accordance with section 4-204 of this chapter, which apply in a like manner to this article. (Code 2007)
- 4-405. **PLUMBING INSPECTOR; APPOINTMENT.** The Mayor may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of plumbing inspector as may be required, subject to the consent and approval of the governing body. (Code 2007)
- 4-406. **SAME; DUTIES.** The plumbing inspector shall have the following duties:
- (a) To enforce all regulations relating to plumbing construction, alteration, repair or removal;
 - (b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;
 - (c) To examine all buildings in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the plumbing permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and

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

(Code 2007)

- 4-407. SAME; POWERS. The plumbing inspector shall have the following powers:
- (a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter;
 - (b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the city;
 - (c) May cause any work done in violation of this chapter to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the plumbing regulations of the city, subject to the right of any plumber, plumbing contractor or owner to appeal to the governing body.

(Code 2007)

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

(Code 2007)

- 4-409. CLARIFICATION; MODIFICATION.
- (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the plumbing code which may be unclear, ambiguous, or requiring interpretation.
 - (b) The plumbing inspector shall have power to modify any of the provisions of the plumbing code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the plumbing inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the inspector thereon shall be entered upon the records of the plumbing inspector and a signed copy shall be furnished to the applicant.

(Code 2007)

- 4-410. PLUMBING PERMIT REQUIRED; EXCEPTION.
- (a) It shall be unlawful to install, alter or reconstruct any plumbing or plumbing system, as defined by the plumbing code and section 4-401, in any building in the city without first making application to and receiving a permit therefor from the city clerk, after approval by the chief building official or his or her authorized assistant. The application for such permit shall be made and the permit obtained before any plumbing work is commenced.
 - (b) No permit shall be required for making minor repairs of any plumbing including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste or supply pipes, traps or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repair work not involving original installation or reconstruction.

(Code 2007)

4-411.

SAME; APPLICATION INFORMATION REQUIRED.

- (a) A plumbing permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:
- (1) The name of the owner of the lot or tract of ground;
 - (2) The location of the building or structure;
 - (3) The plumbing work proposed;
 - (4) The class of occupancy;
 - (5) The class of construction;
 - (6) Name and address of plumber, plumbing contractor or contractors doing the work;
 - (7) Such other information as may be pertinent to the issuance of the required permit.
- (b) An application for a plumbing permit shall be signed by the owner or his or her duly authorized agent, or a plumber or plumbing contractor licensed by the city. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed plumber, plumbing contractor or contractors doing the work described, or a plumbing permit may be issued to the owner upon his or her application disclosing satisfactory evidence that the proposed work will be performed by the owner, himself or herself and not by a licensed plumber or plumbing contractor, and likewise subject to the final approval of the plumbing inspector for work performed.
- (c) Upon approval of the completed application and a determination that a permit should be issued, the chief building official or his or her assistant shall issue a permit to the owner or contractor authorizing the plumbing work covered by the application.
- (d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the plumbing work authorized by such permit. Plumbing work commenced for the purpose of this section shall mean the beginning of plumbing work other than the preparation of plans or the letting of a plumbing contract.

(Code 2007)

4-412.

SAME; PLANS AND SPECIFICATIONS. Whenever an application for a plumbing permit is made, the chief building official or the plumbing inspector may, if he or she finds it necessary to determine whether work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed plumbing construction as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the chief building official or the plumbing inspector may require the applicant to file complete architectural and engineering plans and specifications for such building or construction, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any plumbing work for conformity with this article. (Code 2007)

4-413.

SAME; FEES. The fee for a plumbing permit shall be set by a fee schedule ordinance. The fee herein shall be paid to the city clerk upon obtaining a plumbing permit and the same shall be credited to the general operating fund of the city.

(Code 2007)

4-414. SAME; POSTING. A copy of the plumbing permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The plumbing inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 2007)

4-415. REQUEST FOR INSPECTION. Upon the completion of any plumbing work covered by this article, it shall be the duty of the person doing such work to notify the plumbing inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided. (Code 2007)

4-416. INSPECTION; CONCEALMENT OF PRIOR WORK.

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

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

(Code 2007)

4-417. INSPECTION FEE. An initial inspection fee and an inspection fee for subsequent inspections required shall be paid before any plumbing will be approved or a certificate of approval issued. Such fee shall be set by a fee schedule ordinance. (Code 2007)

4-418. CERTIFICATE OF APPROVAL.

(a) When the plumbing inspector finds plumbing construction to be in conformity with the provisions of this article, he or she shall issue to the person, firm, or corporation performing the plumbing construction, a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the plumbing system and connection to the supply of gas or water, as the case may be.

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

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

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

- (e) No certificate of approval shall be issued unless the plumbing or plumbing system has been installed in strict conformity with the provisions of this article and unless the plumbing or plumbing system is made in compliance with nationally approved methods of construction for safety to life and property as herein set forth.
- (f) The plumbing inspector shall be deemed the judge of whether the plumbing or plumbing system has been made in accordance with the requirements of this article.
- (g) No certificate of approval shall be required for making minor repairs of any plumbing including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste or supply pipes, traps or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repair work not involving original installation or reconstruction.

(Code 2007)

4-419. CONNECTION TO GAS OR WATER SUPPLY. It shall be unlawful for any person, firm, or corporation to make connection to a supply of gas or water for which an inspection is required, or which has been disconnected by the order of the plumbing inspector, until a certificate of approval has been issued by the plumbing inspector authorizing the connection and use of such plumbing or plumbing system. The plumbing inspector may, at his or her discretion, authorize a temporary connection. (Code 2007)

4-420. CONDEMNATION; APPEAL.

- (a) If in the judgment of the plumbing inspector, after inspection, the plumbing or plumbing system in any building are unsafe or dangerous to persons or property, the inspector shall have the power to cause the plumbing or plumbing system to be disconnected from the supply of gas or water and may, at his or her discretion, seal the control valves for the same in a closed or disconnected position, whereupon he or she shall give notice to the owner, or his or her agent, or by posting such notice at the site and shall also notify the utilities serving the premises. Thereafter, it shall be unlawful for any person to cause or permit gas or water to be supplied to the plumbing or plumbing system so sealed until they shall have been made safe and the inspector shall have issued a certificate of approval to that effect.
- (b) When the plumbing inspector condemns all or part of any plumbing system, the owner may, within 10 days after receiving written notice thereof, file a petition in writing for review of the action of the plumbing inspector by the governing body, upon the receipt of which the governing body shall at once proceed to determine the facts, and within 10 days from receiving the petition make a decision in accordance with their findings.

(Code 2007)

4-421. PLUMBER OR PLUMBING CONTRACTOR; DEFINED.

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

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

(Code 2007)

- 4-422. EXCAVATIONS. When it appears that the laying or repairing of any water or sewer pipes or the making of any connection therewith shall require excavation in any street, alley or public way of the city or the cutting or removal of any pavement, curb or gutter or any sidewalk, during the course of such work, the application for a permit shall so state and describe the location and extent of the excavation, cutting or removal. Before the city clerk shall issue any permit for such work, the applicant shall pay any fee required by this code. All excavations shall be barricaded and guarded as provided by the appropriate sections of this code. Before any such excavation shall be backfilled, new plumbing work therein shall be inspected and the bottom of the excavation holding any sewer, drain or water pipe shall be so filled, leveled and tamped as to properly support the pipe and permit proper drainage when carrying sewage, and the excavation shall be backfilled and all paving, curbing, guttering or sidewalks shall be restored as near as possible to their last condition, subject always to the approval of the plumbing inspector or the superintendent of streets. (Code 2007)
- 4-423. OTHER EXCAVATIONS. Whenever repairs or new construction shall require excavations on “city” or “utility” easements, or whenever there is a reasonable expectation of encountering any sewer, water, gas, electrical or communications lines, ie. CATV, telephone, etc., a “minimum fee” permit from the City of Ozawkie, shall be required. Before any excavation shall begin, the contractor, homeowner or other responsible party shall notify both “Dig Safe” and the “Public Works Supervisor” of the City of Ozawkie, and both shall have inspected and properly marked any of the aforementioned issues. The application for said permit will adequately indicate the location and extent of the excavation. (Code 2007)
- 4-424. SAME; FEES.
- (a) There shall be a fee of as set forth by a fee schedule ordinance for a permit to excavate on city or utility easements but where no impact should be felt on City Streets or any curbs or sidewalks. Said fee shall apply to administrative costs only.
 - (b) The fee for a permit allowing for excavations requiring “cutting” of any public way, ie. streets, alleys, sidewalks, curbs or guttering, shall be set forth by a fee schedule ordinance. Application for the permit and payment of said fee shall be made to the City Clerk and the permit issued before any excavations may begin.
 - (c) Before any permit is issued for excavations that will have an impact on any street, alley curb, sidewalk or guttering, the Mayor or his authorized representative shall obtain an estimate of the costs to restore said areas, as near as possible, to their

pre-excavation condition. If that cost is believed to be in excess of (See Ord 1-118), the person requesting said permit shall provide cash or an approved check in an amount of as set by resolution of the governing body, for the estimated cost of said repair, to the City Clerk. This "Bond" shall be returned , in its entirety, upon successful completion and inspection of all work.

(Code 2007)

- 4-425. SAME; BARRIERS.
- (a) It shall be the responsibility of every person who is in charge of any construction or excavation to secure the site with a "fence" in order to prevent accidental egress or injury.
 - (b) It is recommended that bright safety fencing, no less than three (3) feet in height, be used. It shall be firmly attached to metal or wooden posts that are securely fixed in place and no more than six (6) feet apart.
 - (c) Any excavation that intrudes on sidewalks or roads shall be illuminated with a sufficient number of battery operated safety lights or "flare pots" outlining the extent of the barricaded construction area. Such illumination shall operate from one half hour before sunset to one half hour after sunrise or until there is sufficient light to adequately see the excavation site. All considerations for both severe weather and fog should be undertaken.
 - (d) The City of Ozawkie shall maintain sufficient "rigid" barricades as to outline and define any normally expected excavations on the city property and public thoroughfares.

(Code 2007)

- 4-426. WORK BY PROPERTY OWNERS. Nothing herein contained shall prohibit any property owner from personally installing plumbing piping or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the plumbing inspector as to his or her ability to install such piping or equipment, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal installation by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the city. (Code 2007)

- 4-427. APPROVED MATERIALS. No plumbing materials, appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for plumbing materials, appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article. (Code 2007)

- 4-428. LIABILITY. This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or performing any plumbing construction for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or reinspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein. (Code 2007)

- 4-429. SEVERABILITY. If any section of the Uniform Plumbing Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the Uniform Plumbing Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 2007)

ARTICLE 5. MOVING BUILDINGS

- 4-501. **BUILDING OFFICIAL; AUTHORITY.** The Mayor or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an inspector in accordance with sections 4-204:209 of this chapter, which apply in a like manner to this article. (Code 2007)
- 4-502. **PERMIT REQUIRED.** No person, firm or corporation shall move, haul, or transport any house, building, derrick, or other structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more or which cannot be moved at a speed of four miles per hour or faster, upon, across or over any street, alley or sidewalk in this city without first obtaining a permit therefor. (K.S.A. 17-1914; Code 2007)
- 4-503. **SAME: APPLICATION FOR PERMIT.** All applications for permits required under the provisions of this article shall be made in writing to the city clerk specifying the day and hour said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved and stating whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities. (K.S.A. 17-1915; Code 2007)
- 4-504. **SAME; BOND, INSURANCE REQUIRED.**
- (a) It shall be the duty of any person at the time of making application for a permit as provided in this article to give a good and sufficient surety bond to the city, to be approved by the governing body, indemnifying the city against any loss or damage resulting from the failure of any such person to comply with the provisions of this article or for any damage or injury caused in moving any such house or structure. The bond herein shall be in a sum as set by ordinance, or cash may be deposited in lieu of such surety bond.
 - (b) A public liability insurance policy issued by an insurance company authorized to do business in the State of Kansas, in an amount as set by ordinance.
- (Code 2007)
- 4-505. **SAME; FEE.** Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee as set by a fee schedule ordinance to the city clerk; plus the additional cost for the time for any city crews involved in such moving. (Code 2007)
- 4-506. **ROUTE; DUTIES OF BUILDING OFFICIAL.** The city clerk shall, upon filing of the above application, refer the same to the chief building official or his or her authorized designee to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that such route is not practical and another route may be used equally well with less danger to street and travel, then he or she may designate such other route as the one to be used and shall notify the applicant of the same. The building official may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto. It shall also be the duty of the chief building official or his or her

authorized designee to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this article. (Code 2007)

4-507. 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 2007)

4-508. 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 4-507, shall be liable to the permit holder for damages in an amount as set by a fee schedule ordinance for each day the owner shall fail or refuse to accommodate the permit holder's moving operations.

(K.S.A. 17-1917; Code 2007)

4-509. 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 2007)

4-510. DISPLAY OF LANTERNS. It shall be the duty of any person moving any of the structures mentioned in this article upon or across any street, alley or sidewalk or other public place, in this city, to display red lanterns thereon in such a manner as to show the extreme height and width thereof from sunset to sunrise. (Code 2007)

4-511. PERMIT REQUIREMENTS. No person, firm or corporation shall move, haul or transport any house, building or other structure into the corporate limits of the City of Ozawkie unless and except that it shall meet all of the appropriate building codes. (Ie. I.B.C., and Ozawkie Amendments) (Code 2007)

4-512. TIME CONSTRAINTS. Any person, firm or corporation that applies for a permit to move, haul or transport a house, building or structure into the corporate limit of the City of Ozawkie shall be required to complete said move within 90 (ninety) days of the date of application for said permit. Further, they shall have 180 (one hundred and eighty) days from the date of application to make the place eligible for habitation (ie. all water, sewer, electrical and gas connections completed). (Code 2007)

ARTICLE 6. DANGEROUS AND UNFIT STRUCTURES

- 4-601. **PURPOSE.** The governing body has found that there exist within the corporate limits of the city structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this article. (K.S.A. 12-1751; Code 2007)
- 4-602. **DEFINITIONS.** For the purpose of this article, the following words and terms shall have the following meanings:
 (a) Enforcing officer - means the Mayor 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 2007)
- 4-603. **ENFORCING OFFICER; DUTIES.** The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article, including the following:
 (a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation;
 (b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the enforcing officer may seek an order for this purpose from a court of competent jurisdiction;
 (c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body;
 (d) Receive petitions as provided in this article.
 (Code 2007)
- 4-604. **PROCEDURE; PETITION.** Whenever a petition is filed with the enforcing officer by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the enforcing officer on his or her own motion that any structure is dangerous, unsafe or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body. (Code 2007)
- 4-605. **SAME; NOTICE.** The governing body upon receiving a report as provided in section 4-604 shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished. (K.S.A. 12-1752; Code 2007)

- 4-606. SAME; PUBLICATION.
- (a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.
 - (b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence and shall be marked "deliver to addressee only."
- (K.S.A. 12-1752; Code 2007)
- 4-607. SAME; HEARING, ORDER. If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed. (Code 2007)
- 4-608. DUTY OF OWNER. Whenever any structure within the city shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same. (Code 2007)
- 4-609. SAME; FAILURE TO COMPLY. (a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the enforcing officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.
- (b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the enforcing officer may cause the structure to be removed and demolished.
- (Code 2007)
- 4-610. SAME; MAKE SITE SAFE. Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe. (Code 2007)
- 4-611. ASSESSMENT OF COSTS.
- (a) The cost to the city of any repairs, alterations, improvements, vacating, removal or demolition by the enforcing officer, including making the site safe, shall be reported to the city clerk.
 - (b) The city shall give notice to the owner of the structure by registered mail of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice.
 - (c) If the costs remain unpaid after 30 days following receipt of notice, the city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.

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

(K.S.A. 12-1755; Code 2007)

- 4-612. IMMEDIATE HAZARD. When in the opinion of the governing body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in section 4-611. (K.S.A. 12-1756; Code 2007)
- 4-613. APPEALS FROM ORDER. Any person affected by an order issued by the governing body under this article may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case. (Code 2007)
- 4-614. SCOPE OF ARTICLE. Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750:1756. (Code 2007)

ARTICLE 7. EXPLOSIVES

- 4-701. USE OF EXPLOSIVES. No person shall use explosive materials, for construction purposes, inside the corporate limits of the City of Ozawkie, unless (a). they are properly licensed and (b). they are familiar with and abide by all of the appropriate Laws, Statutes, Regulations and Ordinances established by the individual Federal, State, County and City governments and agencies. (Code 2007)
- 4-702. SAME; USE OF SHIELDING. All persons authorized to use explosives, for construction purposes, shall use shielding of an approved type, such as good sound timbers, sheet metal or any specialized products, of sufficient weight, length, strength and thickness and so placed as to effectively prevent fragments of rock or other material from exiting the construction site, or creating a hazardous condition to exist around and inside said site. No material shall be allowed to ascend into the air or leave the construction site. (Code 2007)
- 4-703. SAME; PERMIT.
- (a) No person shall use explosives, for construction purposes, inside the corporate limits of the City of Ozawkie unless they have applied for a permit. The application shall be obtained from the City Clerk during normal working hours. The application shall contain the following:
 - (1) Dates and approximate times of the use of explosives.
 - (2) Site where the "construction" is proposed.
 - (3) Copies of any "appropriate" licenses or permits from the State of Kansas or any licenses or permits required by the Federal Government.
 - (b) The only fees for said permit shall be (See Ord 1-118), and shall be for "administrative" purposes only.
 - (c) The "Permit" shall be prominently displayed at the construction site, or be held by any competent person, who can show said permit, upon request, by the Mayor or his designated representative.
 - (d) A permit shall be issued "upon request" and may only be denied for cause. The City of Ozawkie shall be prepared to answer, in an any competent Court, any denial of a request for a permit.
- (Code 2007)
- 4-704. NOTIFICATION(S).
- (a) It shall be the responsibility of any person using explosives, for construction purposes, any contractor hiring "explosive experts" or any homeowner authorizing said contractors, to advise, by certified mail, all persons residing within five hundred (500) feet of the proposed "blasting" site, of the date(s) and approximate time(s) of all said uses of explosive materials. Notification should be made in sufficient time so that all interested parties shall have three (3)business days to file a "Stay of Use Request". In order to allow for timely responses it is recommended that notifications shall go out no less than five (5) business days prior to the proposed "blasting" date.
 - (b) It shall be the responsibility of such persons to notify the Public Works Supervisor of the City of Ozawkie of any proposed use of such explosives. This notification may be made by certified mail, by personal contact with the Public Works Supervisor or by notifying the City Clerk of the City of Ozawkie. These parties too should be given no less than three (3)business days to make any necessary responses or reviews.
 - (c) Any person planning to use explosive materials, for purposes of construction, shall notify "Dig Safe" as though they were planning for an excavation. As Dig Safe is an

independent non-advisory agency, no response, other than making any appropriate markings, is expected.

- (d) If “Dig Safe” and or the Public Works Supervisor of the City of Ozawkie find that either Kansas Gas or Westar Energy has utility lines in proximity of the proposed site of any explosive usage, said public utility companies shall also be notified and provided sufficient information that they may make an informed decision on their response to said proposal.

(Code 2007)

4-705.

STAY OF USE.

- (a) The Mayor, any member of the City Council, the Public Works Superintendent, Representatives of Public Utility Companies and any person residing within the five hundred (500) foot “notification” area, may request a “Stay of Use” of said explosive materials.
- (b) In order that no unreasonable delay shall be caused and that these ordinances shall not be made a vehicle to cause unnecessary delay or financial harm, to any person involved, the following rules shall apply.
- (1) Any person requesting a “stay of use” must make his request within three (3) business day of his notification. The request for a stay must be made in person or by telephone, to the City Clerk of the City of Ozawkie.
 - (2) This request will be accompanied by the name, address and telephone number, along with an “emergency” telephone number, of the person requesting the stay. The clerk may ask for a “reason” why the request is being made, but no specific cause need be given until the request is heard by the designated party.
 - (3) The City Clerk shall notify the Mayor or the Council President immediately and he shall direct that an “emergency session” of the City Council shall be held within two (2) business days.
 - (4) When the date and time of the emergency session is declared all interested parties shall be notified. Due to time constraints these notices shall be by telephone.
 - (5) The concerns of all parties shall be heard by the City Council and after deliberation they shall decide whether the proposed construction should proceed or should be stopped. Notification of their decision shall be made promptly to all concerned parties.
 - (6) The City Council should make every effort to ensure that there are no unnecessary delays and if permission is re-affirmed, make every attempt to assist the interested parties in meeting their original schedule.
 - (7) No portion of this Ordinance should be construed as to prevent or deny the use of the Court Systems by any of the involved parties. It is solely designed to prevent any unnecessary delays and to help reduce any unreasonable burdens on the affected parties.

(Code 2007)

ARTICLE 8. EROSION AND SEDIMENT CONTROL

Ozawkie Planning and Zoning Committee has based its Erosion and Sediment Control Ordinance in whole or in part on Overland Park Kansas' Ordinance number BC 2419, Chapter 16.200 through 16.200.80

- 4-800. **PURPOSE OF ORDINANCE.** The purpose of this Ordinance is to set forth procedures for controlling erosion and sedimentation caused by Land Disturbance during building construction activities, thereby providing for the protection and enhancement of the water quality of watercourses, water bodies, and wetlands.
- 4-801. **DEFINITIONS.** For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein:
- (a) "Best Management Practices" or "BMPs" mean physical facilities, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which, when properly designed, installed and maintained, will be effective to prevent or reduce the discharge of water or air pollution associated with Land Disturbance activities regulated by this Ordinance.
 - (b) "Code" means the City of Ozawkie Building Code.
 - (c) "Mayor" is the Mayor or his designated representative authorized to monitor and inspect the disturbed land.
 - (d) "Erosion" means the wearing away of land by the action of wind, water, gravity, ice or a combination thereof.
 - (e) "Erosion and Sediment Control Plan", or "Plan", means a Plan for the control of soil erosion and sedimentation resulting from land disturbing activity, and may include, without being limited to, the drawings, specifications, construction documents, schedules, or other related documents which establish the Best Management Practices (BMPs) on a project. The Plan shall include any information required to review the design of the BMPs and to ensure proper installation, maintenance, inspection, and removal of the BMPs, along with the details required to construct any portion of the final storm sewer system that was impeded by a BMP.
 - (f) "Erosion and Sediment Control Standards", or "Standards" means the Erosion and Sediment Control design criteria and specifications adopted in writing by the Planning and Zoning Committee of the City of Ozawkie.
 - (g) "Land Disturbance" means any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging and storing of materials.
 - (h) "Perennial Vegetation" means grass or other appropriate natural growing vegetation that provides substantial land cover, erosion protection and soil stability that is capable of sustained and healthy growth over multiple years under the constraints of shade, temperature, and moisture that will be prevalent on the site. For the purposes of this Ordinance, annual grasses that do not regenerate after winter, ornamental plants or shrubs that do not offer effective Erosion and Sediment protection, and plants that are not suitable for the expected growing conditions on the site shall not be considered Perennial Vegetation.
 - (i) "Permit" means a Building Permit for construction of a building, Site Development Permit or Land Disturbance Permit.
 - (j) "Permit Holder" means the owner or contractor who has been issued a Permit

pursuant to Planning and Zoning recommendation and City Council approval. The Permit Holder may designate a separate contact person regarding field issues related to erosion and sediment control.

- (k) "Person" means any individual, business, partnership, corporation, association, organization or legal entity of any kind including governmental entities.
- (l) "Sediment" means any solid material, organic, or inorganic, that has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by wind, water, ice or gravity as result of soil erosion. Sedimentation is the process by which eroded material is transported and deposited by the action of wind, water, ice or gravity
- (m) "Storm Sewer System" means any conveyance or system of conveyances for Storm Water, including road with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, as well as any system that meets the definition of a municipal separate Storm Sewer System or "MS4" as defined by the Environmental Protection Agency in 40 CFR 122.26.
- (n) "Storm Water" means Storm Water runoff, snowmelt runoff, and surface runoff and drainage.
- (o) "Water Bodies" means surface waters including rivers, streams, lakes and wetlands, including all areas designated by the federal government as water of the United States.

4-802.

ADMINISTRATION.

- (a) Authority: The City of Ozawkie shall be responsible for the administration and enforcement of this Ordinance. The City of Ozawkie shall have the authority to adopt regulations, policies and procedures as necessary for the enforcement of this Ordinance. The City Council, by majority vote, may waive the requirements for maps, plans, reports or drawings, if the City Council finds that the information otherwise submitted or to be submitted will be sufficient to show that the proposed work will conform to the requirements of this Ordinance.
- (b) Right of entry: Whenever the Mayor, has cause to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this Ordinance, the Mayor, City Inspector, or designated representative, is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this Ordinance. If entry is refused, the City of Ozawkie shall have recourse to the remedies provided by law to secure entry.
- (c) Erosion and Sediment Control Standards: The City of Ozawkie shall adopt and maintain Erosion and Sediment Control Standards to assist in the administration of this Ordinance. The Erosion and Sediment Control Standards shall be based on, but not limited to, the following principles:
 - (1) Fit the development to existing site conditions.
 - (2) Minimize the extent of exposure.
 - (3) Minimize duration of exposure.
 - (4) Break work activities into phases when possible.
 - (5) When possible, protect disturbed areas from any unnecessary run-on of storm water from adjacent sites, at least during the construction period.
 - (6) Stabilize disturbed areas.
 - (7) Keep runoff velocities low.
 - (8) Retain Sediment on the site.
 - (9) Inspect and maintain control measures.
 - (10) Use performance measures and outcomes.

(11) Timely employment and maintenance of all measures.

- (d) Time Requirement: Where Land Disturbance activities have temporarily or permanently ceased on a portion of a project site for over 21 consecutive days, the disturbed areas shall be protected from Erosion by stabilizing the areas with mulch or other similarly effective soil stabilizing BMPs, unless the period for compliance is extended by weather conditions. Where implementation of stabilization measures is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
- (e) Other Pollutants: In addition to Sediment, the Erosion and Sediment Control Plan shall provide for the control of other pollutants related to the Land Disturbance activity that might cause an adverse impact to water quality, including, but not limited to, discarded building materials, concrete truck washout, fuel, hydraulic fluids, chemicals, litter, and sanitary wastes.

4-803.

GENERAL PROVISIONS.

- (a) Any person undertaking Land Disturbance activities, including the clearing, grading, excavating, filling, storing, and disposing of soil and earth materials, shall comply with the requirements and standards set forth in this Chapter of the Code. Permit requirements for Land Disturbance activities are described in 4-801 (g) of the Code.
- (b) Applicability: Regardless of whether or not a Land Disturbance activity requires a permit, any person engaged in any Land Disturbance activity shall comply with the spirit and intent of this Ordinance. At a minimum, such persons shall employ BMP methods for Erosion and Sediment Control in proportion to the scale of the activity to reduce the amount of Sediment or other pollutants in storm water discharges associated with those activities.
- (c) Responsible Person(s): The responsible person(s) are the owner(s) of the property upon which a Land Disturbance takes place and any person(s) performing a Land Disturbance activity. When a Land Disturbance Permit or Site Development Permit has been issued, an owner is responsible for Land Disturbance activities from Permit issuance to closure, unless the City approves a transfer of responsibility to a new owner when land is sold. When Land Disturbance is authorized through the issuance of a Permit pursuant to the Building Code, the owner remains responsible until that Permit is closed and any open Land Disturbance Permits on the same property are closed.

4-804.

EROSION AND SEDIMENT CONTROL PLANS.

- (a) All proposed Land Disturbance activity that requires a permit in accordance with 4-801g of the Code shall be depicted on a site-specific Erosion and Sediment Control Plan. Land Disturbance activities that do not require a Permit in accordance with 4-801g of the Code are required to employ applicable BMPs included in standard details provided by the City. The Erosion and Sediment Control Plan shall be submitted to the Mayor for review. The Plan shall include, at a minimum, the following information:
 - (1) Proposed site map.
 - (2) Areas to be disturbed.
 - (3) Proposed Erosion and Sediment Control BMPs to be employed.
 - (4) Phasing of Erosion and control measures.
 - (5) Final stabilization plan for each phase.
 - (6) Details and specifications for any sections of the final storm sewer

system that must be constructed after the removal of BMPs such as temporary sediment basins.

(7) Work schedule.

(8) Maintenance and inspection requirements.

- (b) Planning and Zoning may require any additional information or data deemed appropriate to ensure compliance with the intent, purpose and provisions of this Section of the Code.
- (c) Review and Approval of Erosion and Sediment Control Plans: The Erosion and Sediment Control Plan shall be of sufficient clarity to indicate the location, manner, nature and extent of the work proposed. The plan shall clearly show that the proposed work will conform to the provisions of this Code, the Erosion and Sediment Control Standards, and other relevant laws, ordinances, policies, rules and regulations as determined by the Mayor. The Mayor shall review the submitted documents to determine compliance with the Erosion and Sediment Control Standards. If the Mayor finds that the Plan is in compliance, the applicant (s) shall be advised that they may request a Permit. If the Mayor finds that the Plan is not in compliance, the Mayor shall advise the Applicant which elements of the Plan are not in compliance.
- (d) Preparation of Plans: Erosion and Sediment Control Plans submitted to the City for review must be prepared under the supervision of and sealed by a licensed professional engineer or landscape architect or by a Certified Professional in Erosion and Sediment Control (CPESC). The engineer or landscape architect must be licensed to practice in the State of Kansas. The Mayor may waive this Plan preparation requirement if the Applicant's Plan consists entirely of utilizing standard plans and specifications as adopted in the City's Erosion and Sediment Control Standards.
- (e) Amended Plans: Work shall be installed and maintained in accordance with the approved Plan. Changes made during construction that do not comply with the approved Plan shall be resubmitted for approval as an amended set of construction documents. Minor modifications of the approved Plan may be authorized by the Mayor without formal review provided those modifications are consistent with the Erosion and Sediment Control Standards and standard industry practice.

4-805.

INSPECTION.

- (a) Initial Inspection: The permit holder shall notify the Mayor when initial Erosion and Sediment Control measures are installed in accordance with the Erosion and Sediment Control Plan. No Land Disturbance activities shall begin prior to approval from the Mayor that all pre-construction Erosion and Sediment Control measures are correctly installed per the approved Plan.
- (b) Maintenance of Control Measures: All prescribed Erosion and Sediment Control measures shall be maintained in good order and in compliance with the Erosion and Sediment Control Plan at all times.
- (c) Routine Inspection: It shall be the duty of the Permit Holder to routinely inspect the construction site and maintain effective Erosion and Sediment Control measures. Routine inspections shall be performed once per week or more frequently if required on the Plan and within twenty-four hours following each rainfall event of 1/2" or more within any twenty-four hour period. A log shall be kept of these inspections. Any deficiencies shall be noted in a report of the inspection and include the action taken to correct the deficiency. Inspection reports shall be submitted to the Mayor upon request. The inspection report shall include the following minimum

information:

- (1) Inspectors name.
- (2) Date of inspection.
- (3) Observations relative to the effectiveness of the Erosion and Sediment Control measures.
- (4) Actions necessary to correct deficiencies.
- (5) Signature of Person performing the inspection.

The Mayor may also perform inspections of the Land Disturbance site to verify compliance with the Erosion and Sediment Control Plan. Should it be found that Erosion and control methods are ineffective or are not being maintained properly, the Mayor may take enforcement actions described within this Chapter.

- (d) Closure of Land Disturbance Activities: Once the site is stabilized, a final inspection shall be requested. The site shall be considered stabilized when Perennial Vegetation, pavement, buildings or structures using permanent materials, cover all areas that have been disturbed. Perennial Vegetation shall be considered established and completed for stabilization when it has established a healthy and growing stand with a density of at least 75 percent of undisturbed areas at the site.
- (e) Removal of Temporary Erosion and Sediment Control Measures: Subsequent to a satisfactory final inspection of the Land Disturbance, all temporary Erosion and Sediment Control measures must be removed and the final segments of the storm sewer system i.e. culvert or 12" drain tube shall be constructed in the manner described within the approved plans. Such removal shall be complete prior to closure of the Permit, which authorized the Land Disturbance.

4-806

ENFORCEMENT.

- (a) In General. The Mayor shall handle enforcement of the provisions of this Chapter through routine activities that include receiving inspection reports from the Permit Holder when requested, inspections, and communication with contractors. However, if these methods fail, the City Council may proceed with any or all of the following enforcement measures:
 - (1) Refusal of Inspection. Request for an inspection of any permitted construction activity may be denied if it is found that Erosion and Sediment control measures have not been implemented, or are found to be ineffective or are not maintained. If an inspection is refused, a notice of violation or a stop work order may be issued. No further inspections will be performed until the Erosion and control measures have been implemented or violations of Chapter 4-801g abated.
 - (2) Notice of Violation. The Mayor is authorized to serve a Notice of Violation or order on any person found to be doing work in violation of the provisions of Chapter 4-803 and 4-804. Such order shall direct the discontinuance of the illegal action or condition and order the abatement of the violation by the responsible Person.
 - (3) Stop Work Order. The Mayor is authorized to issue a stop work order for any or all construction activity within the established boundary of the permit. The stop work order shall be in writing and shall be given to the owner of the property involved, or the owner's agent or to the Person doing the work. In addition, notice of the stop work order shall be posted on the site. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

- (4) Any person who shall continue to work after having been served with a stop work order, except such work as that person is directed by the City to perform to remove a violation or unsafe condition, is guilty of a public offense and may be subject to penalties as prescribed herein.
- (5) Abatement. Should any person fail to comply with the provisions of this Chapter, the City of Ozawkie is authorized to correct or abate such violation. This action can be taken in lieu of, or in conjunction with, any action taken under City of Ozawkie Ordinances, Chapter 4, or enforcement actions set forth in this Chapter and amended codes.
 - (a) City expenditures to correct or abate a violation shall be assessed as a fee against the Land Disturbance, Site Development, Building Permit or any other permit issued for work at the same site. The City will keep a record of the abatement costs. The fee shall be paid prior to recommencement of work on the site and prior to any further inspections. If the fee is not paid within 30 days of the date the invoice is sent to the Permit Holder, the Mayor is authorized, as the City Council deems appropriate, to expend additional abatement funds to provide permanent soil stabilization on the site. Such additional expenditures shall also be assessed as a fee against the Land Disturbance, Site Development, Building Permit, or other Permit issued for work on the same site.
 - (b) Should the permit become suspended, revoked, or expired with the fee not paid, all City expenditures to correct or abate the violation may be assessed as a lien and special assessment against the lot or parcel of land on which the permitted activity took place. The same abatement and collection procedure shall apply if work is done without the issuance of a Permit. The City Clerk, at the time of certifying other City taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against the lot or parcel of land.
- (b) Surety Funds. Prior to approval of Land Disturbance Permits (LDP) or Site Development Permits (SDP) that authorize the disturbance of the construction site, the City of Ozawkie shall require surety in the form of a cash deposit, see ordinance 1-118 approved by the City Council, to be used to offset the costs of abatement of erosion and sediment caused by the land disturbance, including removal of the temporary BMPs and where applicable, their replacement by the final segments of the storm sewer system. The surety amount, established and reviewed annually by the City Council, shall be based on the estimated cost to the City of providing temporary Erosion control and establishing Perennial Vegetation on typical project sites and may be increased to include costs associated with removing temporary BMPs and constructing the final segments of the storm sewer system.
- (c) Violations and penalties.
 - 1. Any Person who violates a provision of this ordinance, fails to comply with any of the requirements or fails to comply with a directive issued by the Mayor is guilty of a public offense and shall be subject to penalties as provided in the City of Ozawkie ordinances.
 - 2. The Mayor shall be permitted to cite the owner, or any/all persons identified on a permit as being legally responsible to the City for any violations of the ordinance pertaining to that permit.

4-807.

MISCELLANEOUS.

- (a) **Other Laws.** Neither this Ordinance nor any administrative decision made under it exempts, the permit holder or any other person from other requirements of this code, state and federal laws, or from procuring other required permits, including any state or federal storm water permits authorized under the National Pollutant Discharge Elimination System (NPDES), or limits the right of any person to maintain, at any time, any appropriate action at law or in equity, for relief or damages against the permit holder or any person arising from the activity regulated by this ordinance.
- (b) **Disclaimer of Liability.** The performance standards and design criteria set forth herein establish minimum requirements, which must be implemented with good engineering practice and workmanship. Use of the requirements contained herein, shall not constitute a representation, guarantee or warranty of any kind by the City, or its officers and employees, of the adequacy or safety of any best management practice or use of land, nor shall the approval and issuance of a permit imply that land uses permitted will be free from damages caused by storm water. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. Larger storms may occur or storm water runoff heights may be increased by man-made or natural causes. These regulations therefore shall not create liability on the part of the City or any officer with respect to any legislative or administrative decision lawfully made hereunder.
- (c) **Severability.** If any section, subsection, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.
- (d) **Effective Date.** The provisions of this Chapter shall apply to all Land Disturbance activities that take place on or after July 14, 2008.

Ozawkie Planning and Zoning Committee has based its Erosion and Sediment Control Ordinance in whole or in part on Overland Park Kansas' Ordinance number BC 2419, Chapter 16.200 through 16.200.80

*Courtesy of the
Planning and Development Services Department
City of Overland Park Kansas*

ARTICLE 9: MOVING CONTAINER ORDINANCE

Sections:

Purpose of Ordinance
 Definitions
 Regulations
 Limitations
 Fees and Fines
 Exceptions

- 4-900. **PURPOSE OF ORDINANCE.** The purpose of this ordinance is to regulate the use and proper placement of Moving Containers, such as, Portable On Demand Storage (PODS); Portable Storage Unit (PSU); Temporary Storage Units (TSU); Relocation Boxes (Relos), U-Loads or U-Packs, in order to promote the health and safety of the residents of the City of Ozawkie and to preserve the aesthetic value of the City.
- 4-901. **DEFINITIONS.**
- (a) Applicant: The person that owns, rents, occupies and/or controls the property and registers the Moving Container with the City of Ozawkie.
 - (b) Moving Container: Any portable above ground container, designed, but not limited to any container used for short term storage of personal property, which is delivered and removed by truck. For the purpose of this ordinance the unit shall not exceed 28 feet long, 8 feet wide, 9 feet high.
 - (c) Provider: Owner or vender that makes the moving container available for renting.
 - (d) Supplier: Company or vendor that supplies the moving container to the property.
 - (e) User: Owner or occupant of the dwelling and/or property who enters into an agreement with the moving container company for temporary placement on a property within the City of Ozawkie.
- 4-902. **REGULATIONS.**
- (a) Under no circumstance shall a moving container be used as an auxiliary or garden shed.
 - (b) A site permit is required. It shall be the responsibility of the user to obtain a site permit. There shall be a \$_____ fee for the permit application. See Ordinance 1-118
 - (c) The permit must be prominently displayed at the residence and be viewable from the street.
 - (d) The permit is issued for 14 days. Penalties will be assessed at \$_____ per day with an ascending rate after 21 days.
 - (e) The moving container must visibly post the suppliers name, address, telephone number and an unit identification number. It shall have no other signage or advertisement.
- 4-903. **LIMITATIONS.**
- (a) The moving container shall be no larger in size than 28 feet long, 8 feet wide, 9 feet high

- (b) Users are restricted to one (1) moving container at a time and no more than twice in one year per residence.
- (c) No moving container shall be located on any street, right of way or easement.
 - (1) The moving container must be located on the user's driveway and be a minimum of ten (10) feet from the street.
 - (2) In the case of multifamily dwelling, the moving container shall not encroach on the attached property.
 - (3) No flammable or hazardous materials shall be kept in the moving container.
 - (4) The moving container must be kept locked when not loading or unloading.

The City of Ozawkie is not responsible for any loss, theft or damage to the moving containers or the property stored in the moving containers.

4-904.

FEES AND FINES.

(a.) Permit Application Fee:.....\$10 - Good for 14 days

(b.) Fines:

(1) \$10 A day fine for 15 to 21 days

(2) Fine of \$25 a day after 21 days

(3) After 30 days, the City of Ozawkie will have the unit moved at the user's expense.

4-905.

EXTENSIONS. Extensions will be granted in cases of natural disasters declared by the Governor of Kansas, the Mayor of Ozawkie or the Ozawkie Fire Chief. The Mayor of Ozawkie, in conjunction with the Planning and Zoning Committee may grant an extension due to individual emergency circumstances.