

CHAPTER IV: BUILDINGS

Article

- 1. FIRE LIMITS**
- 2. BUILDING CODE**
- 3. ELECTRICAL CODE**
- 4. PLUMBING AND GAS-FITTING CODE**
- 5. MOVING BUILDINGS**
- 6. DANGEROUS AND UNFIT STRUCTURES**
- 7. HOUSE NUMBERING**

ARTICLE 1: FIRE LIMITS

Section

- 4-101 Fire limits established
- 4-102 Permit to move building within fire limits

' 4-101 FIRE LIMITS ESTABLISHED.

The following shall be and are hereby declared to be the fire limits of the city:

A space of 120 feet wide on each side of Third Street between Miami and Neosho Streets; also, the south half of Blocks 38, 39 and 40; and the east half of Lot 9 and all of Lots 10 through 14 in Block 41; the north half of Blocks 48 and 49; all of Block 50; and the north half of Blocks 51 and 55.

' 4-102 PERMIT TO MOVE BUILDING WITHIN FIRE LIMITS.

No building shall be erected or located, moved from one place to another within the fire limits or moved from outside to within the fire limits without a permit therefor granted by the governing body. (1997 Code, ' 4-102)

ARTICLE 2: BUILDING CODE

Section

4-201	Definitions
4-202	International Building Code incorporated
4-203	Additional provisions
4-204	Building Official; powers; duties
4-205	Building Inspector; appointment
4-206	Same; duties
4-207	Same; powers
4-208	Same; right of entry
4-209	Clarification; modification
4-210	Building permit required; application; approval
4-211	Same; application information required
4-212	Same; plans and specifications
4-213	Same; fees
4-214	Same; posting
4-215	Certificate of approval
4-216	Inspections of building; layout of building; foundations and footings; notice to Inspector
4-217	Request for inspection
4-218	Builder or building contractor defined
4-219	Work by property owners
4-220	Liability
4-221	Severability

4-201 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING OFFICIAL. The person designated by the city or his or her authorized designee.

CORPORATION COUNSEL. The City Attorney of the City of Burlington.

MUNICIPALITY. The City of Burlington, Kansas.

‘ 4-202 INTERNATIONAL BUILDING CODE INCORPORATED.

(a) There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Building Code, current edition, as recommended by the International Conference of Building Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. One copy of the International Building Code, Current Edition, shall be marked or stamped AOfficial Copy as Incorporated by the Code of the City of Burlington@, and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

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

‘ 4-203 ADDITIONAL PROVISIONS.

The following sections of this article are in addition to the provisions of the standard code incorporated by reference in ‘ 4-202.

‘ 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 person designated by the city. The person designated by the city 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 person designated by the city shall prepare such application, permit, inspection and record forms as may be required for the purposes of the article. The person designated by the city 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.

‘ 4-205 BUILDING INSPECTOR; APPOINTMENT.

The person designated by the city may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of Building Inspector as may be required, subject to the consent and approval of the governing body.

‘ 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.

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 article;

(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; and

(c) May cause any work done in violation of this article 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.

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 article.

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.

' 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 within the city without a building permit being first obtained therefor from the Zoning and Grant Clerk or authorized designee. 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.

(1997 Code, ' 4-210)

' 4-211 SAME; APPLICATION INFORMATION REQUIRED.

(a) (1) 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, contingent of site approval.

(2) This application shall, among other things, disclose the following:

- (A) The name of the owner of the lot or tract of ground;
- (B) The location of the building or structure;
- (C) The building work proposed;
- (D) The outside dimensions of the building by floors and dimensions of the basement (if any);
- (E) The class of occupancy;
- (F) The class of construction;
- (G) The kind of materials to be used for walls, floors, ceilings, roofs and foundations;
- (H) The estimated cost of the work;
- (I) The date work will commence;

(J) Expected date of completion;

(K) Name and address of contractor or contractors doing the work; and

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

(b) (1) 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.

(2) If an application for a building permit indicates that it is for commercial or residential roofing services, including construction, installation, renovation, repair, maintenance, alteration or water-proofing, the application shall include the contractor=s name, the contractor=s place of business within the city (and home office if not a resident), the contractor=s state registration number as issued under the State Roofing Registration Act (K.S.A. 50-6,121 et seq.), and shall also be signed by the roofing contractor or contractor=s authorized agent; provided, however, that this division (b)(2) shall not apply to:

(A) An actual owner of commercial or residential property who physically performs, or has employees who perform, roofing services on such owner=s own dwelling or other structures located on the residential property without the assistance of a registered roofing contractor;

(B) To those persons identified in K.S.A. 50-6,129(a)(1) through 50-6,129(a)(8), and amendments there to; or

(C) To an Aexempt general contractor@, as defined in K.S.A. 50-6,122, and amendments thereto.

(3) If the application for a building permit indicates that it involves renovation, repairing or painting of a home or child-occupied facility, including day care centers and schools, built before 1978 and will disturb six square feet of painted interior surfaces or 20 square feet of painted exterior surfaces, the contractor performing the services must furnish proof of state certification as a licensed renovation firm or renovator; provided, however, that this division (b)(3) does not apply to a home owner performing work on an owner-occupied residence. In addition, this division (b)(3) does not apply to any other exception or exemption set forth in the State Department of Health and Environment Renovation, Repair and Painting Rule, as described in K.A.R. 28-72-1:54 and in 40 C.F.R. pt. 745, and amendments thereto.

(c) Upon approval of the completed application, including, if required, the verification of state roofer registration or other state certification, 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. If applicable, the permit shall include the roofer registration number or any other certification or license number issued by the state.

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

‘ **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.

‘ **4-213 SAME; FEES.**

The fee for a building permit shall be \$0.01 per square foot with a minimum of \$1. 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) 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.

(b) 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.

‘ **4-215 CERTIFICATE OF APPROVAL.**

Upon the completion of any work under a building permit, the Chief Building Official or 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.

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.

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.

4-218 BUILDER OR BUILDING CONTRACTOR DEFINED.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BUILDER* or *BUILDING CONTRACTOR*.**

(1) Any person, firm, co-partnership, corporation, association or any combination thereof, whether a resident or not of the city:

(A) 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;

Burlington - Buildings

(B) 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

(C) 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.

(2) A **BUILDER** or **BUILDING CONTRACTOR** shall not mean or include:

(A) Any subcontractor, except for a roofing contractor, working under the supervision of a general contractor;

(B) Any plumbers, gas-fitters, electricians or other specialized occupation for which special licenses or bonds are required by other city laws;

(C) 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

(D) 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.

‘ **4-219 WORK BY PROPERTY OWNERS.**

Nothing herein contained shall prohibit any property owner from personally performing any building or construction work within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the Building Inspector as to his or her ability to perform such work, secure a permit, pay required fees, 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.

‘ **4-220 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.

' 4-221 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

Section

- 4-301 Definitions
- 4-302 Adoption of Electrical Code by reference
- 4-303 Additional provisions
- 4-304 Building Official; authority
- 4-305 Electric Inspector; appointment
- 4-306 Same; duties
- 4-307 Same; powers
- 4-308 Same; right of entry
- 4-309 Clarification; modification
- 4-310 Electrical permit required; application; approval
- 4-311 Same; application information required
- 4-312 Same; plans and specifications
- 4-313 Same; fees
- 4-314 Same; posting
- 4-315 Request for inspection
- 4-316 Inspection; concealment of prior work
- 4-317 Unsafe and defective installations
- 4-318 Inspection fee
- 4-319 Certificate of approval
- 4-320 Connection to installations
- 4-321 Reinspection
- 4-322 Condemnation; appeal
- 4-323 Interference by unauthorized person
- 4-324 Electrician or electrical contractors defined
- 4-325 Electrician=s Examining Board
- 4-326 Electrician=s or electrical contractor=s license required; electrical permits; unlawful acts
- 4-327 Same; application; granting
- 4-328 Same; license fees; conditions; renewal; unlawful acts
- 4-329 Electrician=s or electrical contractor=s bond required; conditions; approval; rights reserved
- 4-330 Insurance
- 4-331 License suspension; revocation; appeal; unlawful acts
- 4-332 Unregistered electricians or workers
- 4-333 Work by property owners
- 4-334 Approved materials

- 4-335 Liability
- 4-336 Severability

4-301 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVED. Approved by the Electric Inspector or his or her designee.

AUTHORIZED PERSON. 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.

CITY. The territory within the corporate limits of this city.

CONDUCTOR. A wire or cable or other form of metal suitable for carrying the electric current or potential.

ELECTRICAL CONSTRUCTION OR INSTALLATION.

(1) Includes all work and materials used in installing, maintaining or extending a system of electrical wiring and all appurtenances, apparatus or equipment used in connection therewith, inside or attached to any building, structure, lot or premises, except industrial plants where full-time maintenance is provided and other agencies provide inspections of installations and facilities.

(2) **ELECTRICAL CONSTRUCTION** shall not be held to mean or include any of the following:

(A) 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;

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

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

EQUIPMENT. Conductors, materials, fittings, devices, appliances, fixtures, apparatus, motors and the like, used as a part of or in connection with an electrical installation.

INSPECTOR. The Electric Superintendent or any individual who has been appointed by the city as Electric Inspector.

PERSON. 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.

SPECIAL PERMISSION. The written consent of the Electric Superintendent or the Electric Inspector.

SPECIAL RULING. A written ruling filed in the office of the Electric Superintendent or the Electric Inspector.

‘ 4-302 ADOPTION OF ELECTRICAL CODE BY REFERENCE.

(a) The standard code known as the National Electrical Code, current edition, 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 through 12-3012. One copy shall be marked or stamped AOfficial Copy as Incorporated by the Code of the City of Burlington@, and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

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

(Ord. 693, adopted 11-28-2001)

‘ 4-303 ADDITIONAL PROVISIONS.

(a) The following sections of this article are in addition to the provisions of the standard code incorporated by reference in ‘ 4-302.

(b) All electrical wiring for lights, heat or power in all commercial-classified buildings shall be wired in approved rigid conduit, flexible metal cable or metallic tubing and raceway. The Electric Superintendent or the Electric Inspector may grant permission to use some other approved type of metallic construction.

‘ 4-304 BUILDING OFFICIAL; AUTHORITY.

The Electric Superintendent or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an Electric Inspector in accordance with ‘ 4-204, which shall apply in a like manner to this article.

‘ 4-305 ELECTRIC INSPECTOR; APPOINTMENT.

The Electric Superintendent may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of Electric Inspector as may be required, subject to the consent and approval of the governing body.

4-306 SAME; DUTIES.

The Electric 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;

(d) May condemn and cause the removal or necessary repair of any electric wiring, fixtures, appliances, conductors, apparatus or supports in or upon any building, shop, outhouse, shed or other structure within the city which may be considered as dangerous to life or property, and he or she shall have the authority to require the cutting off of the electric current therefrom until such repairs or changes are made. The enforcement officer may refuse electrical service on any premises until the wiring and electrical installations have been inspected and approved by him or her and no current shall be turned on until the wiring installation meets the requirements of this article;

(e) May cause the immediate removal of all wires, or turning off all electricity, where the same shall interfere with the work of a fire department during the progress of a fire;

(f) 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 Electric Inspector without his or her written consent. All necessary blanks and record books shall be provided by the city; and

(g) Shall decide all questions not provided for in this article or the rules provided herein pertaining to the information and use of electrical wires, appliances or apparatus. In such cases the owner of the premises may within ten days request a hearing of the matter before the governing body and the decision of the governing body shall be final.

4-307 SAME; POWERS.

The Electric 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 article;

(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; and

(c) May cause any work done in violation of this article 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.

' 4-308 SAME; RIGHT OF ENTRY.

The Electric 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 article.

' 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 Electric 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 Electric 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 Electric Inspector and a signed copy shall be furnished to the applicant.

(c) Electrical inspection form:

City of Burlington	
Electrical Inspection	
Items to be inspected are in accordance to Code of the City of Burlington, Kansas, ' 4-309	
Permit Holder and Property ID/Location:	_____

Permit Number and Date:	_____
Inspection checklist	
Approved _____ Rejected _____	Service entrance wire from meter box to main panel is properly sized and installed to the main breaker.
Approved _____ Rejected _____	Ground wire is correctly sized to the service entry cable.

Burlington - Buildings

Approved _____ Rejected _____ Main panel is UL rated and properly grounded. Corrective actions required: _____ _____ _____
I, _____, acknowledge and accept this inspection as being in accordance with above referenced code and that the City of Burlington is in no way to be held liable for any and all subsequent damages of any kind. Signature of Permit Holder: _____ Title: _____ Issued by: _____ Date: _____ Title: _____

4-310 ELECTRICAL PERMIT REQUIRED; APPLICATION; APPROVAL.

(a) Except as provided in division (b) below, it shall be unlawful for any person to engage in any electrical construction as defined in ' 4-301 within the city without an electrical permit being first obtained therefor from the City Clerk, after approval by the Electric Inspector 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:

(A) Permanent wiring; or

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

4-311 SAME; APPLICATION INFORMATION REQUIRED.

(a) (1) 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.

(2) This application shall, among other things, disclose the following:

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

- (B) The location of the building or structure;
- (C) The electrical construction work proposed;
- (D) The class of occupancy;
- (E) The class of electrical construction;
- (F) The kind of materials to be used;
- (G) The estimated cost of the work;
- (H) The date work will commence;
- (I) Expected date of completion;
- (J) Name and address of electrical contractor or contractors doing the work; and
- (K) 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 Electric Inspector for work performed.

(c) Upon approval of the completed application and a determination that a permit should be issued, the Electric Inspector 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. The permit shall describe the work that it authorizes.

(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.

4-312 SAME; PLANS AND SPECIFICATIONS.

Whenever an application for a electrical permit is made, the Electric Superintendent or the Electric 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 Electric Inspector 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 Electric 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.

‘ **4-313 SAME; FEES.**

The fee for an electrical permit shall be \$15. 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. (Ord. 847, FEES adopted 1-18-2017)

‘ **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 Electric 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.

‘ **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 Electric Inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided.

‘ **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 Electric Inspector and such equipment shall not be concealed until it has been inspected, approved or authorized by the Electric 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 Electric Inspector due notice and inspections shall be made periodically during the progress of the work.

(b) The Electric 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.

‘ **4-317 UNSAFE AND DEFECTIVE INSTALLATIONS.**

When work which the enforcement officer is required to inspect, is found not to comply with the requirements of this article, and to be unsafe and defective, the enforcement officer shall notify the party doing such work, of the defect, and order him or her to change, rearrange or remove the same, and upon the person=s failure or refusal so to do within a reasonable time such party shall be guilty of an offense, and every day which elapses after the expiration of such reasonable time as fixed by the enforcement officer without compliance with such order shall be considered a separate offense.

‘ **4-318 INSPECTION FEE.**

An initial inspection fee, as set by the governing body, and an inspection fee, as set by the governing body, for subsequent inspections required shall be paid before any electrical installation will be approved or a certificate of approval issued.

‘ **4-319 CERTIFICATE OF APPROVAL.**

(a) When the Electric Inspector finds an electrical construction or installation to be in conformity with the provisions of this article, he or she shall inform the person, firm, or corporation performing the electrical construction work or making the installation, and authorize the use of the installation and connection to the supply of electricity.

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

(c) 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.

(d) The electric conductor or equipment shall be installed in strict conformity with the provisions of this article and electrical construction shall be in compliance with nationally approved methods of construction for safety to life and property as herein set forth.

(e) No electric inspections 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.

(1997 Code, ' 4-318)

' 4-320 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 Electric Inspector, until a certificate of approval has been issued by the Electric Inspector authorizing the connection and use of such electric supply. The Electric Inspector may, at his or her discretion, authorize a temporary connection.

' 4-321 REINSPECTION.

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

' 4-322 CONDEMNATION; APPEAL.

(a) If, in the judgment of the Electric 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 Electric 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 Electric Inspector condemns all or part of any electrical installation, the owner may, within ten 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 ten days from receiving the petition make a decision in accordance with their findings.

4-323 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.

4-324 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;

(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 Electric 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.

4-325 ELECTRICIAN=S EXAMINING BOARD.

The Mayor, with the consent and approval of the City Council, may appoint a Board to examine and license electricians and electrical wiring contractors. The Board shall consist of the Electric Superintendent who shall be chairperson, one member from the City Council and one qualified and practicing electrician in the city.

(1997 Code, ' 4-324)

' 4-326 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.

' 4-327 SAME; APPLICATION; GRANTING.

(a) Application for an electrician=s license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of electrical contracting work engaged in, the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the electrician or electrical contractor or his or her authorized agent.

(b) Before an electrician=s license may be issued to a person, the person proposing to perform electrical wiring work, either in his or her own name or as an employee of an electrical wiring contractor, will be required to provide the following:

(1) Proof of four years of experience of practical electrical construction;

(2) Current license from another jurisdiction that requires testing with the appropriate Experior Assessments LLC (formerly Block & Associates) test;

(3) Approval by the Electric Superintendent; and

(4) Filing of application(s), fee(s), surety bond, proof of general liability insurance and worker=s compensation coverage.

(c) The process:

(1) The applicant must submit the following to the Electric Superintendent:

(A) Reciprocal license application;

(B) An original letter from the city or state sponsoring the exam, on letterhead and signed by a local building official. The letter should state that it was an Experior/Block test, the test number, the exam type, exam date, exam score, the passing grade required for that jurisdiction, current status of the license, and that the municipality reciprocates with Burlington. No copies. The letter verifying the test, current status and reciprocity of the license must be mailed to the City of Burlington Electric Superintendent;

(C) An original grade verification and equivalency letter Experior Assessment LLC (formerly Block & Associates) stating that the exam is equivalent to the city=s exam. Experior=s phone number is 800-280-3926;

(D) Resume with work experience;

(E) At least three signed letters of reference from employers on original letterhead stationary, including dates of employment (start and end dates) and a description of the job responsibilities. (If not available, letters of reference citing dates, description of the job responsibilities from suppliers or general contractors/builders who have employed you as an electrician may be submitted. Corporation or business license documents, including founding date, should be submitted. W-2s, copies of check stubs, or other relevant tax documents which record years of experience in the electrical field may be submitted, may be used in conjunction with other documents. If these references are not available, letters from customers may be submitted, but are not the preferred reference.) The letters of reference must document at least six years of electrical construction experience for the individual (not company);

(F) Copies of current licenses, technical certificates from university or trade school courses, and union cards, if applicable. Copy of a certificate for completion of an apprenticeship may be included; and

(G) Photocopy of his or her driver=s license.

(2) The applicant must appear before the Electric Superintendent for an interview. The Electric Superintendent shall determine if the applicant meets the requirements for a reciprocal license; and

Burlington - Buildings

(3) The applicant may immediately apply for the licensee(s) upon submitting proof of surety bond, general liability insurance, and worker=s compensation coverage with fee(s) and application(s) for the license(s) to the City Clerk=s office. The applicant may submit the required licensing information at a later date, but the applicant will not be licensed until the paperwork supporting all requirements of the application process are filed with the city at Burlington City Hall, 301 Neosho Street, Burlington, Kansas.

(d) Licensure as an electrician:

(1) Licensure as an electrician is required to accomplish the connection of electrical power for on-site construction activity to install, alter, replace, service or repair a system distributing electrical power, to service equipment supplying power to factory-constructed dwellings located in a mobile home park and to install, modernize, replace, service or repair all or any part of an electrical power distribution system. An electrician shall also be entitled to install, modernize, replace, service or repair space heating equipment or space cooling equipment using electricity as its primary source of energy, excluding work on any refrigerant cycle; and

(2) An electrician=s license is not required for those persons installing or repairing electrical wiring, devices, appliances, apparatus, equipment, wiring for computers, data systems, or security cameras, if such equipment is operated at less than 25 volts and capable of supplying less than 50 watts of energy, except for fire detection or fire alarms, as defined by the state.

(Ord. 742, adopted 3-1-2006)

4-328 SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

(a) The following license fees shall be paid: for each electrician=s license, \$75.

(Ord. 847, FEES adopted 1-18-2017)

(b) Each such license shall set forth the kind of electrical construction work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in contract work or produce the same on demand of any city officer. All licenses shall be renewable annually from the date the license was issued.

(c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts.

(d) No license shall be issued to a firm or contractor unless such entity has a licensed electrician in its employ.

4-329 ELECTRICIAN=S OR ELECTRICAL CONTRACTOR=S BOND REQUIRED; CONDITIONS; APPROVAL; RIGHTS RESERVED.

(a) Before any license shall be issued to any electrician or electrical contractor required by this

article to obtain a license and pay a fee to the city, the electrician or electrical contractor shall secure and file with the City Clerk a good and sufficient corporate surety bond in the principal sum, as set by the governing body conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents or servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the city, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the state and shall be executed by an agent of the company residing in the county and further conditioned that in the event of cancellation or expiration that the company or agent will give ten days= notice of such fact to the City Clerk. Each such bond shall be approved as to form by the City Attorney and approved as to surety by the City Treasurer and the approval thereof shall be endorsed on the bond by the City Attorney and by the Mayor over their signatures.

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

' 4-330 INSURANCE.

In addition to obtaining a corporate surety bond as required by ' 4-328, an electrician or electrical contractor must procure and maintain a liability insurance policy in the amount of \$100,000 for the death or injury of any one person and \$300,000 for the death or injury of any number of persons in any one accident and \$50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the State of Kansas. An electrician or electrical contractor may qualify as to the insurance requirements by filing a certificate with the City Clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days= notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.

' 4-331 LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

(a) (1) The license of any electrician or electrical contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, upon a complaint of the City Electric Inspector.

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

(A) Misrepresentation of a material fact by applicant in obtaining a license;

(B) Use of license to obtain an electrical permit for another;

(C) Failure or neglect to observe conditions of permit authorizing encumbering of streets or sidewalks for safety of public;

(D) Performance of any electrical construction work without a permit where one is required by law; or

(E) Willful disregard of any violation of the electrical construction laws, or failure to comply with any lawful order of the City Electric Inspector.

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

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

4-332 UNREGISTERED ELECTRICIANS OR WORKERS.

Any person licensed as an electrical contractor or employer under the provisions of this article may employ unregistered electricians to perform electrical work under the direction and supervision of a licensed electrician. The electrical examining board may suspend the license of any such person for a period not to exceed 60 days, when it is found that the unregistered electrical worker is incompetent or untrustworthy or is not doing the electrical work under the immediate direction and supervision of a registered electrician. All such electrical work installed or completed by any such unregistered person may be condemned by the enforcement officer and ordered removed, or the work may be stopped until the same can be done in accordance with the provisions of this article.

4-333 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 Electric 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.

‘ **4-334 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.

‘ **4-335 LIABILITY.**

This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or re-inspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein.

‘ **4-336 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.

ARTICLE 4: PLUMBING AND GAS-FITTING CODE

Section

- 4-401 Definitions
- 4-402 Uniform Plumbing Code incorporated
- 4-403 Additional provisions
- 4-404 Building Official; authority
- 4-405 Plumbing Inspector; appointment
- 4-406 Same; duties
- 4-407 Same; powers
- 4-408 Same; right of entry
- 4-409 Clarification; modification
- 4-410 Plumbing permit required; exception
- 4-411 Same; application information required
- 4-412 Same; plans and specifications
- 4-413 Same; fees
- 4-414 Same; posting
- 4-415 Request for inspection
- 4-416 Inspection; concealment of prior work
- 4-417 Inspection fee
- 4-418 Certificate of approval
- 4-419 Connection to gas or water supply
- 4-420 Condemnation; appeal
- 4-421 Plumber or plumbing contractor; defined
- 4-422 Plumber=s or plumbing contractor=s license required; plumbing permits; unlawful acts
- 4-423 Same; application; granting
- 4-424 Same; license fees; conditions; renewal; unlawful acts
- 4-425 Plumber=s or plumbing contractor=s bond required; conditions; approval; rights reserved
- 4-426 Insurance
- 4-427 License suspension; revocation; appeal; unlawful acts
- 4-428 Plumber=s Examining Board
- 4-429 Unlicensed plumbers and workers
- 4-430 Excavations
- 4-431 Work by property owners
- 4-432 Approved materials
- 4-433 Liability
- 4-434 Severability

‘ 4-401 DEFINITIONS.

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

EMPLOYING PLUMBER. A master plumber or a person employing other plumbers.

JOURNEYMAN PLUMBER. Any person who does plumbing work for others who is not a master plumber or employing plumber.

MASTER PLUMBER. Any person who has charge of plumbing work either as a foreman or contractor or any other person who employs other plumbers to do work for a third person.

PLUMBING. 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.

‘ 4-402 UNIFORM PLUMBING CODE INCORPORATED.

(a) 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, latest edition, as recommended by the International Association of Plumbing and Mechanical Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. One copy of the uniform code shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Burlington”, and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

(b) Any person violating any provisions of such code shall be punished as provided in ‘ 1-116 of this code.

‘ 4-403 ADDITIONAL PROVISIONS.

The following sections of this article are in addition to the provisions of the standard code incorporated by reference in ‘ 4-402.

‘ 4-404 BUILDING OFFICIAL; AUTHORITY.

The Mayor with the consent of Council 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 ‘ 4-204, which apply in a like manner to this article.

‘ **4-405 PLUMBING INSPECTOR; APPOINTMENT.**

The person designated by the city 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.

‘ **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) To 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.

‘ **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 article;

(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; and

(c) May cause any work done in violation of this article 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.

' 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 article.

' 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.

' 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 ' 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 Water and Wastewater Superintendent 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.

' 4-411 SAME; APPLICATION INFORMATION REQUIRED.

(a) (1) 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.

(2) This application shall, among other things, disclose the following:

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

(B) The location of the building or structure;

(C) The plumbing work proposed;

- (D) The class of occupancy;
- (E) The class of construction;
- (F) The kind of materials to be used;
- (G) The estimated cost of the work;
- (H) The date work will commence;
- (I) Expected date of completion;
- (J) Name and address of plumber, plumbing contractor or contractors doing the work;

and

- (K) 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 Water and Wastewater Superintendent 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.

4-412 SAME; PLANS AND SPECIFICATIONS.

Whenever an application for a plumbing permit is made, the Water and Wastewater Superintendent 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 Water and Wastewater Superintendent 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.

‘ **4-413 SAME; FEES.**

The fee for a plumbing permit shall be \$15. 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. (Ord. 847, FEES adopted 1-18-2017)

‘ **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.

‘ **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.

‘ **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.

‘ **4-417 INSPECTION FEE.**

An initial inspection fee, as set by the governing body, and an inspection fee, as set by the governing body, for subsequent inspections required shall be paid before any plumbing will be approved or a certificate of approval issued.

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.

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.

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 ten 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 ten days from receiving the petition make a decision in accordance with their findings.

4-421 PLUMBER OR PLUMBING CONTRACTOR; DEFINED.

(a) For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PLUMBER or PLUMBING CONTRACTOR.

(A) 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; and

(B) Any gas-fitter 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 division (a) above 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.

4-422 PLUMBER=S OR PLUMBING CONTRACTOR=S LICENSE REQUIRED;

PLUMBING PERMITS; UNLAWFUL ACTS.

(a) Each plumber or plumbing contractor shall, before entering upon any plumbing work subject to regulation by city laws, apply to the City Clerk for a plumber=s or plumbing contractor=s license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of a plumber or plumbing contractor in the city.

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

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

' 4-423 SAME; APPLICATION; GRANTING.

(a) Application for a plumber=s or plumbing contractor=s license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in, the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the plumber or plumbing contractor or his or her authorized agent.

(b) Before any license shall be issued to a journeyman plumber or a master plumber or employing plumber doing work as a plumber, the Plumber=s Examining Board may require such person to take an examination to show his or her qualifications to do plumbing work. The examination may be both written and oral and shall consist of practical plumbing questions, problems, or demonstrations and shall be based on the provisions of this article and a knowledge of the skills commonly associated with the plumbing occupation. Any person receiving a grade of 75% or more may be entitled to a license. A license shall be granted by the Plumber=s Examining Board to any person proposing to do plumbing work as a master plumber or employing plumber upon a showing that such person has licensed journeymen plumbers as its employees or that members of the firm or corporation proposing to do plumbing work are themselves licensed journeymen plumbers.

(c) A person shall pay a fee of \$10 to the city for taking the journeyman plumber=s examination, such fee shall entitle the person to take a second examination for a license within a six months period after payment of the fee.

(d) Such license shall be issued by the City Clerk, upon payment of the fees.
(1997 Code, ' 4-421) (Ord. 487, FEES adopted 1-18-2017)

' 4-424 SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

(a) The following license fees shall be paid and valid for one year from date of issue.

(1) A person shall pay to the City Clerk for a journeyman plumber=s license the sum of \$75.

(2) All such fees collected by the City Clerk shall be deposited in the general operating fund of the city.

(b) Each such license shall set forth the kind of plumbing work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in plumbing work or produce the same on demand of any city officer. Licenses shall be renewed one year from the issue date.

(c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts. (1997 Code, ' 4-422) (Ord. 487, FEES adopted 1-18-2017)

' 4-425 PLUMBER=S OR PLUMBING CONTRACTOR=S BOND REQUIRED; CONDITIONS; APPROVAL; RIGHTS RESERVED.

(a) Before any license shall be issued to any plumber or plumbing contractor required by this article to obtain a license and pay a fee to the city, the plumber or plumbing contractor shall secure and file with the City Clerk a good and sufficient corporate surety bond in the principal sum of \$10,000, as set by the governing body conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents or servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the city, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the state and shall be executed by an agent of the company residing in the county and further conditioned that in the event of cancellation or expiration that the company or agent will give ten days= notice of such fact to the City Clerk. Each such bond shall be approved as to form by the City Attorney and approved as to surety by the City Clerk and the approval thereof shall be endorsed on the bond by the City Attorney and by the Mayor over their signatures.

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

(1997 Code, ' 4-423)

' 4-426 INSURANCE.

In addition to obtaining a corporate surety bond as required by ' 4-425, a plumber or plumbing contractor must procure and maintain a liability insurance policy in the amount of \$250,000 for the death or injury of any one person and \$500,000 for the death or injury of any number of persons in any one accident and \$100,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the state. A plumber or plumbing contractor may qualify as to the insurance requirements by filing a certificate with the City Clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days= notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.

' 4-427 LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

(a) (1) The license of any plumber or plumbing contractor may be suspended temporarily, for a period of not to exceed 60 days at any one time, by the Water and Wastewater Superintendent upon his or her own motion or upon a complaint of the City Plumbing Inspector.

(2) Notice shall be given in writing to such plumber or plumbing contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such plumber or plumbing contractor involving any one or more of the following:

(A) Misrepresentation of a material fact by applicant in obtaining a license;

(B) Use of license to obtain a plumbing permit for another;

(C) Failure or neglect to observe conditions of a permit authorizing encumbering of streets or sidewalks for safety of public;

(D) Performance of any plumbing work without a permit where one is required by law; or

(E) Willful disregard of any violation of the plumbing laws, or failure to comply with any lawful order of the City Plumbing Inspector.

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

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

' 4-428 PLUMBER=S EXAMINING BOARD.

The Mayor with the consent and approval of the City Council may appoint a board to examine and license the journeyman plumbers or any person doing plumbing work in the city either for himself or herself or as an employing plumber or master plumber. The Board shall consist of the Plumbing Inspector of the city who shall be Chairperson, one member from the City Council and a qualified and practicing plumber in the city.

(1997 Code, ' 4-419)

' 4-429 UNLICENSED PLUMBERS AND WORKERS.

Any person licensed under the provisions of this article may employ unlicensed workers to perform plumbing work under his or her direction and supervision. The Plumber=s Examining Board may suspend the license of any such person for a period not to exceed 60 days, when it is made to appear to the Board that the unlicensed worker is incompetent or untrustworthy or is not doing plumbing work under the immediate direction and supervision of a licensed journeyman plumber. All such work completed or done by any such unlicensed plumber may be condemned by the Plumbing Inspector and ordered removed, or the work may be stopped until the same can be done in accordance with the provisions of this article.

(1997 Code, ' 4-426)

' 4-430 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. The city shall not supply barricades or be responsible for accidents related to improper barricading. Costs associated with the excavation is solely the responsibility of the plumber/contractor. 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 Street Superintendent.

' 4-431 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.

4-432 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.

4-433 LIABILITY.

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

4-434 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.

ARTICLE 5: MOVING BUILDINGS

Section

- 4-501 Building Official; authority
- 4-502 Permit required
- 4-503 Same: application for permit
- 4-504 Same; bond, insurance required
- 4-505 Same; fee
- 4-506 Route; duties of Building Official
- 4-507 Notice to owners
- 4-508 Duty of owners
- 4-509 Interfering with poles; wires
- 4-510 Display of lanterns

4-501 BUILDING OFFICIAL; AUTHORITY.

The person designated by the city 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 4-204 through 4-209, which apply in a like manner to this article.

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 mph 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)

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's office 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)

4-504 SAME; BOND, INSURANCE REQUIRED.

(a) It shall be the duty of any person at the time of making application for a permit as provided in this article to give a good and sufficient surety bond to the city, to be approved by the governing body, indemnifying the city against any loss or damage resulting from the failure of any such person to comply with the provisions of this article or for any damage or injury caused in moving any such house or structure. The bond herein shall be in the sum of \$5,000, or cash may be deposited in lieu of such surety bond.

(b) A public liability insurance policy issued by an insurance company authorized to do business in the state, in the amount of \$100,000 per person, \$300,000 per accident as to personal injury, and \$50,000 property damage per incident may be permitted in lieu of a bond.

4-505 SAME; FEE.

Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee of not less than \$10 to the City Clerk, plus the additional cost for the time for any city crews involved in such moving.

(Ord. 847, FEES adopted 1-18-2017)

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.

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 division (a) above shall not apply where the person owning or operating any wires, cables or other aerial equipment has waived his or her 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)

‘ 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 workers 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 ‘ 4-507, shall be liable to the permit holder for damages in an amount not to exceed \$100 per day for each day the owner shall fail or refuse to accommodate the permit holder=s moving operations.

(K.S.A. 17-1917)

‘ 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)

‘ 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.

ARTICLE 6: DANGEROUS AND UNFIT STRUCTURES

Section

4-601	Purpose
4-602	Definitions
4-603	Enforcing officer; duties
4-604	Procedure; petition
4-605	Same; notice
4-606	Same; publication
4-607	Same; hearing, order
4-608	Duty of owner
4-609	Same; failure to comply
4-610	Same; make site safe
4-611	Assessment of costs
4-612	Immediate hazard
4-613	Appeals from order
4-614	Scope of article

‘ 4-601 PURPOSE.

The governing body has found that there exists within the corporate limits of the city structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this article.

(K.S.A. 12-1751) (Ord. 568, adopted 7-20-1994)

‘ 4-602 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ENFORCING OFFICER. The person designated by the city or his or her authorized representative.

STRUCTURE. Includes any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground.
(K.S.A. 12-1750) (Ord. 568, adopted 7-20-1994)

‘ **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; and

(d) Receive petitions as provided in this article.

(Ord. 568, adopted 7-20-1994)

‘ **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.

(Ord. 568, adopted 7-20-1994)

‘ **4-605 SAME; NOTICE.**

The governing body, upon receiving a report as provided in ‘ 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) (Ord. 568, adopted 7-20-1994)

‘ **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) (Ord. 568, adopted 7-20-1994)

4-607 SAME; HEARING, ORDER.

If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed.

(Ord. 568, adopted 7-20-1994)

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.

(Ord. 568, adopted 7-20-1994)

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.

(Ord. 568, adopted 7-20-1994)

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.

4-611 ASSESSMENT OF COSTS.

(a) The cost to the city of any repairs, alterations, improvements, vacating, removal or demolition

by the enforcing officer, including making the site safe, shall be reported to the City Clerk.

(b) The city shall give notice to the owner of the structure by restricted mail of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice.

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

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

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

(K.S.A. 12-1755) (Ord. 568, adopted 7-20-1994)

' 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 ' 4-611.

(K.S.A. 12-1756)

' 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.

' 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 to 1756.

ARTICLE 7: HOUSE NUMBERING

Section

4-701	Required
4-702	Scheme
4-703	Numbers to be placed on buildings
4-704	Specifications for numbers
4-705	Functions of Clerk
4-706	Destroying numbers

' 4-701 REQUIRED.

All buildings fronting on any public street in this city shall be numbered as provided in this article.
(1997 Code, ' 4-701)

' 4-702 SCHEME.

The system of numbering herein adopted shall be known as the Philadelphia system. One hundred numbers shall be allowed to each block, each number representing 25 feet frontage on the streets running north and south and 25 feet frontage on the streets running east and west. The numbers on streets running north and south shall be numbered commencing at number 101 on the east side and numbered 100 on the west side, from Neosho Street each way; and the streets running east and west shall be numbered commencing at city limits on east and numbered 100 on the north side and numbered 101 on the south side; the odd numbers to be on the east and south and the even numbers on the west and north sides of the streets respectively. On those streets that do not connect with north or south streets or east and west streets numbering shall begin at the end of such streets nearest to north and south streets or east and west streets as the case may be, and shall correspond in number with the streets parallel therewith.

(1997 Code, ' 4-702)

' 4-703 NUMBERS TO BE PLACED ON BUILDINGS.

All buildings fronting on any street or alley shall have conspicuously placed on such buildings the number provided by this article.

(1997 Code, ' 4-703)

' 4-704 SPECIFICATIONS FOR NUMBERS.

The number plate placed upon any building shall be of metal or other suitable durable material and may be placed upon the front of the building, door, post, transom or other place. The numbers shall be at least three inches so as to be easily seen from the street.

(1997 Code, ' 4-704)

' 4-705 FUNCTIONS OF CLERK.

In case of doubt or where a question arises as to the proper number to be assigned to any lot or building, the City Clerk shall decide the question and fix the number of such lot or building.

(1997 Code, ' 4-705)

' 4-706 DESTROYING NUMBERS.

Any person who shall remove, destroy, or in any way injure any number put on any building shall be guilty of a misdemeanor.

(1997 Code, ' 4-706)