

AN ORDINANCE AMENDING TITLE 9, CHAPTER 1 OF THE CODIFICATION OF THE ORDINANCES OF SCOTT CITY, KANSAS RELATING TO BUILDING CODE, BUILDING REGULATIONS, DEMOLITION OR PARTIAL DEMOLITION OF BUILDINGS, MOVING STRUCTURES AND REPEALING THE EXISTING SECTIONS.

BE IT ORDAINED by the Governing Body of the City of Scott City, Kansas:

1. Title 9, Chapter 1 of the Codification of Ordinances of Scott City, Kansas shall be amended to read:

9-1-1: DEFINITIONS. As used in this ordinance, the words and phrases herein defined shall have the following meanings unless the context otherwise requires:

- (a) Whenever the word municipality is used in the building code, it shall be held to mean the City of Scott City, Kansas;*
- (b) Whenever the term corporation counsel is used in the building code, it shall be held to mean the city attorney of the City of Scott City;*
- (c) Whenever the term building official is used in the building code, it shall be held to mean the city administrator for the City of Scott City or his or her authorized designee.*

9-1-2: INTERNATIONAL BUILDING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Building Code, 2006 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, 2006 Edition, shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Scott City," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

9-1-3: ADDITIONAL PROVISIONS. The following sections are in addition to the provisions of the standard code incorporated by reference in Section 2.

9-1-4: BUILDING OFFICIAL; POWERS; DUTIES.

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

9-1-5: BUILDING INSPECTOR; APPOINTMENT. The city administrator may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of building inspector as may be required, subject to the consent and approval of the governing body.

9-1-6: 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 ordinance, and may, for the purpose of carrying out the intent of this ordinance 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.

9-1-7: 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;

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

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

9-1-8: 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.*

9-1-9: 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.

9-1-10: BUILDING PERMIT REQUIRED; APPLICATION; APPROVAL. *It shall be unlawful for any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done within the city without a building permit being first obtained therefor from the city clerk, after approval by the chief building official or his or her duly authorized assistant. The application for such permit shall be made and the permit obtained before work is commenced upon any building or structure or the foundation thereof, or before the removal of any building begins.*

9-1-11: SAME; APPLICATION INFORMATION REQUIRED.

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

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

(b) (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 waterproofing, 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 Kansas 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 subsection shall not apply to:

(1) 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.

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

(3) to an "exempt 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 Kansas certification as a licensed renovation firm or renovator. Provided, however, that this subsection does not apply to a homeowner performing work on an owner-occupied residence. In addition, this subsection does not apply to any other exception or exemption set forth in the Kansas Department of Health and Environment Renovation, Repair and Painting Rule, as described in K.A.R. 28-72-1 through 28-72-53 and in 40 CFR Part 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.

9-1-12: 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. 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.

9-1-13: SAME; FEES. No permit as required by the Building Code shall be issued until the fee prescribed in this chapter or this Code shall have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, shall have been paid.

A. The following fee schedule is adopted:

1. New construction: Based on total square footage of entire project (including basement):

a. Residential:

Building permit (primary structure) - \$100.00 base fee plus \$7.50/100 sq. ft.

(1) Garages (any allowable size) \$100.00 flat fee

Electrical permit - \$100.00 base fee plus \$4.50/100 sq. ft.

(1) Garages \$25.00 flat fee

Mechanical permit - \$100.00 base fee plus \$4.50/100 sq. ft.

Plumbing permit - \$100.00 base fee plus \$4.50/100 sq. ft.

b. Commercial:

Building permit - \$100.00 base fee plus \$20.00/100 sq. ft.

Electrical permit - \$100.00 base fee plus \$4.50/100 sq. ft.

Fire alarm permit - \$100.00 flat fee

Mechanical permit - \$100.00 base fee plus \$4.50/100 sq. ft.

Plumbing permit - \$100.00 base fee plus \$4.50/100 sq. ft.

Fire sprinkler system - \$100.00 base fee plus \$4.50/100 sq. ft.

2. Major additions or alterations (more than 400 sq. ft.):

a. Residential:

Building permit - \$50.00 base fee plus \$7.50/100 sq. ft.

Electrical permit - \$50.00 base fee plus \$4.50/100 sq. ft.

Mechanical permit - \$50.00 base fee plus \$4.50/100 sq. ft.

Plumbing permit - \$50.00 base fee plus \$4.50/100 sq. ft.

b. Commercial:

*Building permit - \$50.00 base fee plus \$20.00/100 sq. ft.
Electrical permit - \$50.00 base fee plus \$4.50/100 sq. ft.
Mechanical permit - \$50.00 base fee plus \$4.50/100 sq. ft.
Plumbing permit - \$50.00 base fee plus \$4.50/100 sq. ft.*

3. Minor additions/alterations (less than 400 sq. ft.):

a. Residential:

*Building permit - \$45.00 flat fee
(1) Moving a trailer (includes inspection fees)
(2) Patio/patio covers
(3) Sheds
(4) Decks
(5) Carports
(6) Porches
(7) Windows (enlarge or escape windows)
Curb cut - \$15.00
Roof permits - \$45.00 plus \$1.00/100 sq. ft. of roof (sq. of shingles)
Electrical permits - \$35.00 (includes breaker box)
New or replacement electrical service - \$35.00
New or replacement HVAC - \$35.00/unit
Plumbing permit - \$35.00
Water heater - \$35.00*

b. Commercial:

*Building permit - \$100.00
Roof permit - \$100.00 plus \$4.00/100 sq. ft. (sq. of shingles)
Electrical permit - \$50.00 (includes breaker box)
New or replacement HVAC - \$100.00/unit
Commercial kitchen exhaust hoods - \$50.00
Commercial kitchen hood suppression systems - \$50.00
Plumbing permit - \$50.00*

4. Flat fee exceptions to the above:

a. Building:

*Cell towers - \$250.00
Siding/stucco (partial structure <400 sq. ft.) - \$45.00
Siding/stucco (>400 sq. ft.) - \$45.00 base plus \$1.00/100 sq. ft.
Fence - \$45.00
Ramp - \$25.00
Demolition permits - \$15.00 (owner or contractor is required to have a \$1,000,000.00 insurance policy for commercial or industrial structures)
Pool (in-ground) - \$150.00 includes electrical and plumbing inspections
Pool (above-ground) - \$25.00
Signs (all sizes) - \$50.00/each
Electrical installation for signs - \$50.00
Temporary signs (any size - 30 day duration) - \$25.00 each sign*

b. Electrical:

Generator (residential) - \$100.00

Generator (commercial) - \$250.00
Solar Panels (residential) - \$100.00
Solar Panels (commercial) - \$250.00

c. Plumbing:

Lawn sprinkler systems - \$50.00
Lawn sprinkler systems (partial) - \$25.00
Backflow device - \$25.00
Sewer tap - \$25.00
Replace sewer line - \$35.00 plus sewer tap fee if needed

5. Miscellaneous:

- a. Extensions of active permits - \$15.00/6-month extension
- b. Renewal of expired permits - 1/2 the cost of the original permit
- c. Work begun before permit obtained - Add 1/2 cost of the permit fee

9-1-14: *SAME; POSTING.* A copy of the building permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The building inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.

9-1-15: *CERTIFICATE OF APPROVAL.* Upon the completion of any work under a building permit, the chief building official, the building inspector or his or her designee is authorized to issue a certificate of approval for the occupancy and use of the building or structure. The certificate shall show the number of inspections made and the orders and corrections required during the course of the work. A copy of such certificate shall be given the owner.

9-1-16: *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 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.

9-1-17: *REQUEST FOR INSPECTION.* Upon the completion of any building construction work, 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.

9-1-18: *BUILDER OR BUILDING CONTRACTOR DEFINED.*

(a) A builder or building contractor for purposes of this ordinance shall be any person, firm, co- partnership, corporation, association, or any combination thereof, whether a resident or not of the city:

(1) Who or which undertakes with or for another, for a fixed sum, price, fee or any compensation other than wages, to build, construct, alter, repair, add to, wreck or move any building or structure (or any portion thereof), or any sidewalk, driveway entrance or structure in any street, or any advertising sign, panel poster or billboard, or any other structure, in the city, for which a building or construction permit may now or hereafter be required by the laws of the city; or

(2) Who or which advertises or represents himself, herself, or itself to the public to have the capacity or ability to undertake, or submit a bid or offer to build, construct, alter, repair, add to or wreck, remove, restore or replace any building, structure or construction work or any portion thereof; or

(3) Who or which builds, constructs, alters, adds to or wrecks any buildings or structures either on his or her own or other property for purposes of sale or speculation.

(b) A builder or building contractor as defined shall not mean or include:

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

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

(3) Any owner or his or her authorized agents or employees making ordinary repairs to his, her or its own building or structure not involving the structural parts of the building for which a permit is not required or on which a contractor, as defined, is not required, employed or engaged to perform; or

(4) Any property owner personally performing any improvements, alterations or building construction within or upon his or her own residence and intended for his or her own personal use and permanent occupancy; provided, the owner shall satisfy the building official as to his or her ability to perform such work secure a permit, pay required fees, do work in accordance with this ordinance, and apply for an inspection and receive approval. Personal building construction by an owner 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;

(5) Any person engaged in construction work not involving a total cost of greater than \$500, exclusive of labor.

9-1-19: BUILDER'S OR BUILDING CONTRACTOR'S LICENSE REQUIRED; BUILDING PERMITS; UNLAWFUL ACTS.

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

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

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

9-1-20: SAME; APPLICATION; GRANTING. (a) Application for a builder's or building contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or

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

(b) If the applicant is in the business of a roofing contractor, as defined by the "Kansas Roofing Registration Act" (KRRRA), K.S.A. 50-6,121, et seq., and amendments thereto, the applicant shall be required to have a valid state registration as required under the KRRRA and shall present such certificate to the city clerk when applying for a builder's or building contractor's license. No such license shall be issued until it is verified that the roofing contractor is in good standing pursuant to the KRRRA. Provided, however, that this subsection does not apply to an "exempt general contractor" as defined in K.S.A. 50-6,122, and amendments thereto.

9-1-21: SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

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

- (1) General Builder or Building Contractor, who shall qualify to engage in more than one kind of contract work, except house moving, the sum of \$75;
- (2) Limited Builder or Building Contractor, who shall qualify to engage in not more than one kind of contract work, the sum of \$75;
- (3) House Wreckers or Movers, the sum of \$75;
- (4) Sign Hangers and Panel Posters, the sum of \$75.
- (5) Roofing Contractor, the sum of \$75.

Any license issued on or after July 1 of each year shall be issued upon payment of one-half the annual license fee.

(b) Each such license shall set forth the kind of contract work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in contract work or produce the same on demand of any city officer. All licenses shall be renewable annually as in the case of an original license on or before the first day of January of the year for which issued.

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

9-1-22: INSURANCE. A builder or building 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. A builder or building contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required 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 of such year.

9-1-23: LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS. (a) The license of any builder or building contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the chief building official upon his or her own motion or upon a complaint of the city building inspector.

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

- (1) Misrepresentation of a material fact by applicant in obtaining a license;
- (2) Use of license to obtain a building permit for another;
- (3) Failure or neglect to observe conditions of permit authorizing encumbering of streets or sidewalks for safety of public;
- (4) Performance of any building or construction work without a permit where one is required by law;
or
- (5) Willful disregard of any violation of the building and construction laws, or failure to comply with any lawful order of the city building inspector.

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

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

9-1-24: **WORK BY PROPERTY OWNERS.** Nothing herein contained shall prohibit any property owner from personally performing any building or construction work within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the building inspector as to his or her ability to perform such work, secure a permit, pay required fees, and apply for an inspection and receive a certificate of approval. Personal building or construction performed by an owner shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city.

9-1-25: **LIABILITY.** This shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection authorized herein, by reason of any certificate of inspection issued by it or by reason of any permit or license granted herein.

9-1-26: **SEVERABILITY.** If any section of the International Building Code shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining sections, the section to be completely severable from the remaining provisions which shall continue in full force and effect.

9-1-27: **DEMOLITION OF STRUCTURE; PERMIT REQUIRED.** No person, firm or corporation shall demolish or partial demolish any house, building, derrick, or other structure without first obtaining a permit therefor.

9-1-28: **SAME: APPLICATION FOR PERMIT.** All applications for permits required under the provisions of this ordinance shall be made in writing to the city clerk as specified in Section 11 of this Chapter and including the day said demolition is to commence.

9-1-29: **SAME; INSURANCE REQUIRED.**

(a) Any commercial or industrial structure to be demolished or partial demolished thereto will require a certificate of insurance showing that said person is insured for the demolishing or removing in the amount of not less than one million dollars (\$1,000,000.00), insuring the city for any damage as a result of demolition or partial demolishing any commercial or industrial building within the city limits. The applicant may petition the City Council for this requirement to be waived or the amount of insurance be reduced.

(b) For all non-commercial and non-industrial structures to be demolished or partially demolished thereto, the chief building official or his or her authorized designee shall make the determination if any amount of insurance, insuring the city for any damage as a result of demolition or partial demolition, is required before the permit is approved. The chief building official or his or her authorized designee must provide in writing, specific reasoning as to why insurance is required. The applicant may petition the City Council for this requirement to be waived or the amount of insurance be reduced.

9-1-30: SAME; FEE. Before any permit to demolish or partial demolish any house or structure is given under the provisions of this ordinance, the applicant shall pay a fee of \$15 to the city clerk.

9-1-31: DEMOLITION OF STRUCTURE; 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 inspect the proposed building to be demolished or partially demolished to make note of any potential hazards (proximity to other structures, fences, utilities or anything else that the chief building official or his or her authorized designee feels is important to note to the applicant before proceeding with demolition; and determine if, in the case of non-commercial and non-industrial structures, that insurance be required before demolition may proceed. It shall also be the duty of the chief building official or his or her authorized designee to inspect the progress of demolition or partial demolition of the structure to see that the same is being demolished safely and in accordance with the provisions of this ordinance.

9-1-32: MOVING STRUCTURE; PERMIT REQUIRED. No person, firm or corporation shall move, haul, or transport any house, building, derrick, or other structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more or which cannot be moved at a speed of four miles per hour or faster, upon, across or over any street, alley or sidewalk in this city without first obtaining a permit therefor.

9-1-33: SAME; APPLICATION FOR PERMIT. All applications for permits required under the provisions of this ordinance shall be made in writing to the city clerk specifying the day and hour said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved and stating whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities.

9-1-34: 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 ordinance 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 ordinance or for any damage or injury caused in moving any such house or structure. The bond herein shall be in the sum of \$5,000, or cash may be deposited in lieu of such surety

bond.

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

9-1-35: SAME; FEE. Before any permit to move any house or structure is given under the provisions of this ordinance, the applicant shall pay a fee of not less than \$5 to the city clerk; plus the additional cost for the time for any city crews involved in such moving.

9-1-36: 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 or his or her authorized designee 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 ordinance.

9-1-37: NOTICE TO OWNERS.

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

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

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

9-1-38: DUTY OF OWNERS.

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

(b) The owner of any wires, cables or other aerial equipment, after service of notice as provided in Section 38, 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.

9-1-39: 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.

9-1-40: DISPLAY OF LANTERNS. It shall be the duty of any person moving any of the structures mentioned in this ordinance 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.

9-1-41: PENALTY: Unless otherwise provided in the building code, adopted by the city in section 1 of this chapter, any person violating any of the provisions of this chapter shall be subject to penalty as provided in section 1-4-1 of this code.

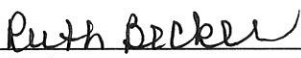
2. The existing Title 9, Chapter 1 of the Codification of Ordinances of Scott City, Kansas is repealed.
3. This ordinance shall take effect and be in force from and after its passage and publication of the ordinance or approved summary in the official city paper.

ADOPTED this 20th day of December 2021, by the City Council of the City of Scott City, Scott County, Kansas.



Everett M. Green
Mayor

ATTEST:



Ruth Becker
City Clerk

ORDINANCE SUMMARY FOR PUBLICATION:

CITY OF SCOTT CITY, KANSAS - ORDINANCE 1228: An ordinance amending Title 9, Chapter 1 of the Scott City, Kansas, Code of Ordinances, specifically:

- Adopting the 2006 International Building Code.
- Providing for the City Administrator as building official, laying out powers and duties of such.
- Providing for the appointment of a building inspector, laying out powers and duties of such.
- Giving the governing body authority to interpret the building code and the building official to vary from such in certain circumstances.
- Requiring a building permit; setting a permit length; setting the requirements of the application, and fees for such; requiring posting of the permit; special requirements for roofers and some renovations of pre-1978 structures.
- Requiring a certificate of occupancy, and periodic inspections during a project.
- Defining a builder or contractor. Requiring a license for builders or contractors; setting application requirements and fees for such; requiring insurance; and providing for license suspension.
- Allowing for work by property owners on their own residence.
- Providing rules for liability, severability.
- Requiring a permit for demolition; setting fees and requirements of such; requiring insurance; and providing for inspection.
- Requiring a permit for moving a structure; setting fees and requirements of such; requiring insurance; providing for inspection, notice to owners, and approval of route; and setting guidelines for moving.
- Providing a penalty.