

CHAPTER IV. BUILDING, CONSTRUCTION AND INSTALLATIONS

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ARTICLE 1. GENERAL REGULATIONS/SUPPLEMENTS

4-101. **BUILDING STANDARDS.** No person, firm or corporation shall hereafter design, construct, erect, remodel, alter, demolish, locate, relocate or remove any building or structure, or place or install service equipment therein in the city except in accordance with this article, and all other applicable codes and ordinances of this City relating to such buildings or structures.

4-101A. **Site Address, Premises Identification.** Approved numbers or addresses shall be provided for all new residential and commercial buildings.

(a.) **Residential Buildings.** Address shall be mounted or installed on the principal structure with numbers or letters, 3" minimum in height. Such numbers or letters shall be visible from the street or right-of-way which gives the property its address. Such numbers or letters shall be of contrasting color from the structure.

(b.) **Commercial and Industrial Buildings.** Address shall be mounted or installed on the principal structure with numbers or letters 6" minimum in height. Such numbers or letter shall be visible from the street or right-of-way which gives the property its address. Such number or letter shall be of a contrasting color from the structure.

(Code 1971, Sec. 4-101; Code 2012)

4-102 **LICENSES.** All contractors and tradesmen shall provide proof to the City of both a current and valid Metropolitan Area Building and Construction Department [hereinafter "MABCD" or "Metropolitan Area Building and Construction Department"] Contractor's License and a City of Haysville Contractor's License prior to being issued a permit to design, construct, erect, remodel, alter, demolish, locate, relocate or remove any building or structure, or place or install service equipment within the City.

(a.) **License of City of Haysville.** City of Haysville licenses for all trades and

construction for building, mechanical, electrical, plumbing and manufactured housing installation shall be issued exclusively through City.

(b). License of Metropolitan Area Building and Construction Department. Metropolitan Area Building and Construction Department licenses for all trades and construction for building, mechanical, electrical, plumbing and manufactured housing installation shall be issued exclusively through MABCD.
(Code 2011)

4-103. PERMIT.

(a). City of Haysville Permit: Prior to any person, firm or corporation designing, constructing, erecting, remodeling, enlarging, altering, demolishing, locating, relocating or removing any building or structure, or changing the occupancy of a building or structure, or placing or installing service equipment within the City of Haysville, a permit to do such work shall be obtained from the City. Such permit shall be issued through the Department of Public Works.

(b). In the event a contractor does not complete work for which a valid permit has been issued and such individual no longer holds a valid contract for the work, a second permit must be obtained by a contractor to complete the balance of the work. A fee shall be charged for the second permit that is ten percent of the original permit fee, but in no case less than the minimum fee for a building permit. Building permits are nontransferable.

(c). In those areas of the city having a high ground water table, which areas are not served by an approved water course or storm sewer for surface water disposal, building permit applications require a special approval by the building official. The application, in addition to providing the information required on the standard application form, shall indicate the lowest floor elevation of the proposed building, whether groundwater may be required to be pumped as a matter of waterproofing below-grade structure and, if so, the manner of water disposal. Topographic and groundwater elevations for reference purposes are shown on the most current Hydrogeologic Map of Sedgwick County, Kansas, prepared by the State Geological Survey of Kansas.

(d). Expiration. Every permit issued by the City under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty days from the date of such permit, or if work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty days, or one hundred eighty days have expired since an inspection was requested and such inspection was approved by the building official. Provided, that the building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected and may authorize the refunding of not more than eighty percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code. No refund shall be paid except upon written application filed by the original permittee not later than one hundred eighty days after the date of fee payment.

(e). Whenever any work for which a permit is required by this Code has commenced without first obtaining said permit, an administrative penalty equal to the amount of the permit fee, as determined by the Code Official, shall be collected in addition to the permit fee. Such administrative penalty shall be paid prior to issuance of any permit for construction upon these premises.

4-104. **SUPPLEMENTAL TO THE STANDARD PROVISIONS OF THE METROPOLITAN AREA BUILDING AND CONSTRUCTION DEPARTMENT BUILDING, ELECTRICAL, PLUMBING, MECHANICAL AND MANUFACTURED HOUSING INSTALLATION CODES.**

Section 112, Board of Appeals associated with City of Haysville Inspections.

In order to hear and decide appeals of decisions, determinations, or orders of the City's inspector(s) relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the city. The building inspector shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the Governing Body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

The owner of any permitted project, the construction of which has been rejected by the City's building inspector and who may feel aggrieved respecting such order, may by agent or personally appeal to the City's board of appeals, to have such order reviewed. The decision of the board can be appealed to the governing body for review and the decision of the governing body shall be final when the matter shall have been heard by it.
(Code 2011)

4-105. RESERVED.

(Code 2011)

4-106. PERMIT FEES. The schedule of permit fees shall be those set forth in the approved schedule of fees as incorporated into Chapter 17 of the Haysville Municipal Code.

(Code 2003)

4-107. DEFINITIONS. Definitions of terms used in this Article shall be as follows:

- (a) Agricultural Building: A structure designed and constructed to house hay, grain, poultry, livestock, or other horticulture products and for farm storage of farming implements. Such structure or structures shall not be a place for human habitation or place of employment where agriculture products are processed, treated or packaged; nor

shall it be a building or structure for use by the public.

- (b) Contractors: A contractor, within the meaning of this chapter, is any person who undertakes with or for another to build, construct, alter, repair, add to, wreck or move any building or structure, or any portion thereof, within the city, for which a permit is required under this article, for a fixed price, fee, percentage or other compensation other than wages, or who advertises or otherwise represents to the public to have the capacity or ability to undertake to build, construct, alter, repair, add to, wreck or move any building or structure or any portion thereof; or who builds, constructs, alters, adds to, wrecks or moves any building or structure, either on his or her own or other property, for the purpose of speculation.
- (c) A One and/or Two Family Dwelling is a structure having one (1) or two (2), but not more than two (2), units providing independent living facilities, (for one or more persons constituting a family,) including permanent provisions for living, sleeping, eating, cooking and sanitation. A family is an individual of two (2) or more persons related by blood, marriage or law, or a group of not more than four (4) persons (excluding servants), who need not be related, living together in a dwelling unit.
- (d) Commercial Building. A commercial building is a building in which is conducted a business, trade or profession and is not used primarily for residential purposes.
(Ord. 379, Sec.5; Code 2003)

4-108.

CONTRACTORS, CONTRACTOR'S LICENSES, FEES, INSURANCE. Every Licensed Contractor who has obtained a license as set forth in this Code shall have and maintain an established place of business at a definite address and with his/her registered company name and license number displayed as it appears on his/her license. Licensed Contractors operating out of their home must conform to the requirements set forth in the Zoning Code.

(a) Contractor's licenses and fees for the city shall be as follows:

(b) Classification: Fees.

- (1) Contractor's License Class A shall be issued for a construction project with a value more than \$30,000 and the fee shall be as set out in Chapter 17.
- (2) Contractor's License Class B shall be issued for a construction project valued at \$30,000 or below and the fee shall be as set out in Chapter 17.
- (3) Contractor's License Class C shall be issued for roofing and siding construction projects and the fee shall be as set out in Chapter 17.
- (4) Contractor's License Class D shall be issued for fencing construction projects and the fee shall be as set out in Chapter 17.

(c) All contractors are to maintain a policy of general liability insurance covering the activities of the contractor, and the contractor's employees, while engaged in contracting within the City. Such insurance policy shall be written with an insurance company licensed to do business in the State of Kansas and shall have minimum limits of coverage of three hundred thousand dollars per occurrence.

(d) In addition, every contractor shall procure and maintain worker's compensation insurance as required by Kansas law and automobile liability insurance as required by Kansas law.

(e) All such insurance requirements shall conform to the insurance requirements of the MABCD, and all contractors who lose their license to contract as issued by the MABCD shall immediately have all City issued licenses revoked.

(Ord. 75, Code 1984; Code 2003; Code 2015)

4-109. **FEE SCHEDULE.** There is hereby established a fee schedule for contractors performing work within the city, such contractor fees are as set out in Chapter 17 of this Code. License fees will not be pro-rated. Licenses will expire January 1st of each year.
(Ord. 644; Ord. 644-A; Code 2003)

4-110. **PAYMENTS.** All fees, permits, licenses, etc., referred to in this article shall be paid and/or registered at the Office of the City Clerk.
(Code 1971, Sec. 4-107; Code 2003)

4-111. **ADVERTISING.** (a) It shall be unlawful for any person, firm, company, corporation or other entity to advertise as a contractor within the City unless, at the time such advertisement occurs, such person, firm, company, corporation or other entity has a then valid contractor's license issued hereunder.

(b) Any advertisement by such person, firm, company, corporation or other entity to advertise as a contractor which is placed or published in any publication or other print medium which is circulated, displayed or distributed within the city or which is placed upon vehicles or is broadcast by radio or television or any other means to persons within the city shall include the full name of the licensed person, firm, company, corporation or other entity and the license number assigned by any office of any municipality having inspection control over any such person, firm, company, corporation or other entity.

(c) As used herein, the words "advertise" or "advertisement" shall include, but not be limited to, a business card, contract bid proposal form, printed letterhead, or any other printed or written material designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and meant to solicit business from such persons or any broadcast statement designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and to solicit business from such persons. Such words are intended to include telephone directory display ads but not basic white and yellow page telephone listings.

(Ord. 713; Code 2003)

4-112. **VIOLATIONS AND PENALTIES.** (a) Any person who shall violate the provisions of this chapter or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be guilty of an unclassified misdemeanor and shall be punished by a fine of not more than five-hundred dollars (\$500.00) for each violation or thirty (30) day confinement in the county jail for each violation or by both such fine and imprisonment. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(b) **Penalty Clause not Exclusive.** The Imposition of the penalties herein prescribed

shall not preclude the city from instituting an appropriate action to restrain, correct, or abate a violation of this article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by state law or this code, or this article.

(Code 1971, Sec. 4-324; Code 1984; Code 2003, Ord. 881)

4-113. ENFORCEMENT. Enforcement of this chapter within the boundaries of the city shall be by the building official(s) designated by the Director of Public Works, and jurisdiction for prosecution of any violations of this code shall be in the Haysville municipal court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code.

(Ord. 881)

4-114. LIABILITY. Requirements of this article shall not be construed as imposing on the city, its officers, agents or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

(Ord. 881)

4-115. SEVERABILITY. If any part or parts of this article shall be held to be invalid such invalidity shall not affect the validity of the remaining parts of this article.

(Ord. 881)

ARTICLE 2. INSPECTIONS BY CITY OFFICIALS

4-201. BUILDING INSPECTOR: AUTHORITY AND APPEALS. The duties for the building inspector shall be as follows:

(a) The building inspector is hereby authorized to enter upon premises for all such purposes to perform the duty imposed upon him or her, and may apply to a court of competent jurisdiction for an order granting such entry in the event entry is denied. It shall be the duty of the building inspector to inspect all construction done in the city for which a permit is required. The building inspector shall cooperate with the board of health of the county in performance of any duty imposed upon such board by the health laws of the city.

(b) The building inspector shall keep a record of inspections made by him or her and in connection therewith a record of his or her orders of all buildings being erected, altered, or repaired with regard to construction therein to see that all construction work conforms to the building regulation of the city. He or she shall have power to reject any construction if the same is not done in accordance with such regulations. The building inspector shall be authorized to enter upon premises for all such purposes to perform a duty imposed upon him or her. The owner of any building, the construction of which has been rejected by the building inspector and who may feel aggrieved respecting such order, may by agent or personally appeal to the board of appeals, as established by the International Building Code, 2006 Edition, to have such order reviewed and the decision of the board can be appealed to the governing body for review and the decision of the

governing body shall be final when the matter shall have been heard by it.
(Code 1984; Code 2003, Ord. 881)

4-202. RE-INSPECTION/NON-BUSINESS HOURS FEE. All inspection work required herein to be performed by any officer or employee of the city after the initial inspection or requested for other than normal business work hours, shall be charged at the rate set out in Chapter 17. All such inspection fees and charges shall be paid to the office of the city clerk and credited to the general operating fund of the city.
(Code 1984; Code 2003)

4-203. CERTIFICATE: RENEWAL. All contractors' certificates shall be renewable annually on January 1. Renewal fees shall be paid to the city clerk.
(Ord. 686; Code 2003)

4-204. INSURANCE REQUIREMENTS. It shall be unlawful for any contractor to conduct business within the city, unless such contractor first provides documentation in the nature of proof of insurance showing that such contractor is covered with liability insurance in the minimum amount of \$500,000 with the city named as an additional insured. All such documentation shall state that the city shall be given at least thirty (30) days advance written notice of any cancellation or material change in coverage of such insurance. If any person, firm, company, corporation or other entity shall conduct business within the city, without first procuring and maintaining insurance coverage in accordance with this section, such person, firm, corporation or other entity shall be deemed guilty of a misdemeanor and punished by fine and/or suspension or revocation of the contractor's license and certificate.
(Ord. 713; Code 2003)

4-205. LICENSE: CONTRACTOR. Any person engaging in or desiring to engage in the business of construction in the city shall before obtaining any permit or transacting any business, procure a license from the city. The fee for such license shall be as set out in the Chapter 17. The license shall be renewable annually on January 1. No license shall be transferred from one person to another. Fees shall be paid to the city clerk.
A contractor's license may be issued to any person, firm, co-partnership or corporation. A separate license shall be issued for each place of business conducted.
(Ord. 395, Secs. 1:2, Code 1984; Code 2003)

4-206. LICENSE REQUIREMENT; HOMEOWNER EXEMPTION. (a) A contractor's license is not required by an individual for the city to issue a building permit for the individual to build, construct, alter, repair, or add to a residential house which is owned and occupied by the individual applying for the building permit. Only two (2) permits per year will be allowed under this exemption.
(b) New residence - No contractor's license is required to build a new residential home provided that the individual building the residential home will be the owner and occupant of the home after completion. This exception does not change the duty to procure all other applicable licenses, permits and inspections associated with

modification to, or construction of, a residential structure. Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

(c) Twelve (12) months must have elapsed from the date of completion of a new residential home as provided for in subsection (b) before an additional permit for building a new residential home, as provided for in subsection (b) will be issued to the same individual or such individual's spouse. No permit will be issued pursuant to this subsection to family affiliated entities attempting to use this subsection to avoid the contractor's license requirement to build homes for eventual resale.

(Ord. 75; Code 1984)

4-207. BASEMENTS. Any builder or property owner in any subdivision or recorded platted area having a minimum pad elevation within the city limits is hereby required to obtain a certificate from a licensed surveyor after basement walls or foundation are poured and prior to any further construction on said land. Such licensed surveyor shall certify that the lowest opening is at or above the minimum pad elevation designated for the particular lot or parcel of ground.

(Ord. 727, Code 2003)

4-208. SUSPENSION. The board of appeals is hereby authorized to cancel and recall, or suspend for a period not exceeding twelve (12) months, the certificate of any contractor and the license of any contractor for any one of the following reasons:

(a) Abandonment of any contract without legal cause;

(b) Diversion of funds or property received for the performance or completion of a specific contract, and their application or use of any other contract, obligation purpose, or the failure, neglect or refusal to use such funds or property for the performance of completion of such contract;

(c) Misrepresentation of any material fact by the applicant in obtaining his or her certificate or license;

(d) Failure without just cause to fully satisfy all claims for labor and/or materials used in the performance of any work for which he or she has been engaged and for which he or she has been paid;

(e) Fraudulent use of his or her license to obtain permits for another;

(f) Wantonness, recklessness, carelessness or negligence in providing reasonable safety measures for the protection of workers and/or the general public;

(g) Unreasonable delay in the performance or the fulfilling of any contract;

(h) Failure, neglect or refusal to comply with any lawful order of the building inspector;

(i) Failure, neglect or refusal to comply with all the state, local and city laws relating to construction work or repair;

(j) Loss of any other similar certificate within any other jurisdiction for any of the above described acts within such other jurisdiction.

(Code 1971, Sec. 4-320, Code 1984; Code 2003)

4-209. SUSPENSION; APPEAL. Should any contractor feel that his or her certificate has been wrongfully canceled and recalled, or suspended as provided in this article; or should any contractor feel that his or her license has been wrongfully canceled and recalled or suspended as provided in section 4-207, he or she may within ten (10) days from the date of such cancellation and recall or suspension appeal to the governing body by filing with the city clerk a written notice of appeal. The city clerk shall place the matter on the agenda of the governing body for the next regular meeting of the governing body. At the time of the next regular meeting of the governing body, the appellant shall be given the opportunity to state the reasons that such contractor believes that the action against his/her license was without merit. The governing body may in its discretion reverse, modify or amend, the existing cancellation and recall, or suspension. Should there be no appeal as provided herein the existing cancellation and recall, or suspension shall be final and not appealable.

(Code 1971, Sec.4-321; Code 2003)

4-210. ADVERTISING. (a) It shall be unlawful for any person, firm, company, corporation or other entity to advertise as a contractor unless, at the time such advertisement occurs, such person, firm, company, corporation or other entity has a then valid contractor's license.

(b) Any advertisement by such person, firm, company, corporation or other entity to advertise as a contractor which is placed or published in any publication or other print medium which is circulated, displayed or distributed within the city, or which is placed upon vehicles or is broadcast by radio or television or any other means to persons within the city, shall include the full name of the licensed person, firm, company, corporation or other entity and the license number assigned by any office of any municipality having inspection control over any such person, firm, company, corporation or other entity.

(c) As used herein, the words "advertise" or "advertisement" shall include, but not be limited to, a business card, contract bid proposal form, printed letterhead, or any other printed or written material designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and meant to solicit business from such persons or any broadcast statement designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and to solicit business from such persons. Such words are intended to include telephone directory display ads but not basic white and yellow page telephone listings.

(Ord. 713; Code 2003)

4-211. FEES: GENERAL OPERATING FUND. All fees, permits and licenses required by this article shall be paid to the city clerk and shall be credited to the general operating fund of the city.

(Code 1971, Sec. 4-323; Code 2003)

4-212. VIOLATION AND PENALTY. Any person who shall within the city engage in or work in violation of any provision of this article may be prosecuted as set forth in 4-112 of this Chapter.

(Code 1971, Sec. 4-324; Code 1984; Code 2003)

ARTICLE 3.
RESIDENTIAL CONSTRUCTION

4-301. ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, AS THE ONE AND TWO FAMILY DWELLING CODE, WITH CERTAIN ADDITIONS AND DELETIONS.

There is hereby adopted by reference by the City of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Residential Code, for One and Two Family Dwellings, 2018 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 708 Falls Church, Virginia, 22041, and such amendments as set forth in that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, of August 15, 2018, (Res. No. 120-2018), to be made effective August 15, 2018, including all fee schedules unless otherwise set forth within Chapter 17 of this Code, and such Resolution is incorporated by reference herein. Any reference to the International Building Code shall be understood to be a reference to the Commercial Building Code. Any reference to the International Residential Code and all amendments, shall hereafter, including those amendments provided for within Article 12, be understood to reference the Residential Building Code of the City of Haysville, Kansas, as described herein.

(K.S.A. 12-3009; Ord. 581; Ord. 419, Sec.3; Code 1984; Code 2003, Ord. 887, Code 2011)

4-302. AVAILABILITY OF COPIES.

One copy of said code along with the amendments set forth in that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, as described within section 4-301 above, have been and are now filed in the office of the City Clerk and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

(Code 2011)

4-303. RESERVED.

4-304. VIOLATIONS AND PENALTIES.

Any person who shall violate the provision of this the Residential Building Code as adopted by this Article or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 113 et seq. of the International Residential Code as amended herein, and/or Section 4-112 of this Chapter, such prosecution to be within the Municipal Court of the City of Haysville, Kansas. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair, remove, or correct any violation, and pay all costs associated therewith.

(Code 2011)

4-305. PENALTY CLAUSE NOT EXCLUSIVE.

The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this Article.
(Code 2011)

4-306. ENFORCEMENT.

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the Director of Public Works. Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code.
(Code 2011)

4-307. LIABILITY.

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.
(Code 2011)

4-308. SEVERABILITY.

If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.
(Code 2011)

4-309 WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE.

Those provisions of the Wichita-Sedgwick County Unified Building and Trade Code, as adopted through Article 12 below, applicable to the Residential Building Code are found in Article 2, Section 4 of the Wichita-Sedgwick County Unified Building and Trade Code, except as supplemented herein.

4-310 CITY PROVISIONS ADDITIONAL TO OR SUPPLEMENTAL TO THE STANDARD PROVISIONS OF THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE.

The following provisions are supplemental to and additional to the Residential Building Code as adopted by the City of Haysville. These provisions shall supplement the associated provisions and shall be inspected.

Section R105.2 of the International Residential Code shall be amended as follows: R105.2 *Work exempt from permit*: Exemption from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures classified as Group S or U occupancies, with a floor area less than 100 square feet and the structure location is not impermissibly

located in a floodplain, floodway, easement, setback, or protrude onto a neighboring property.

2. All fences constructed within the City are subject to the provisions of Chapter 4, Article 11 of the Code of the City of Haysville, Kansas, governing fences.
3. Playhouses or treehouses having single or multi-level with or without roofs.
4. Concrete or masonry fences not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall and other fences 6 feet (1828.8 mm) or less in accordance to the current fence ordinance recognized in Chapter 4 of the current City of Haysville code.
5. Signs shall be regulated by Chapter 16b of the current City of Haysville code.
6. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
7. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
8. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.
9. Decks, stoops, and porches not more than 30 inches (762 mm) above adjacent grade without overhead structures and not over any basement or story below.
10. Replacement of floor covering, painting, papering, tiling, carpeting, cabinets, counter tops, paneling and similar finish work.
11. Prefabricated swimming pools that are less than 24 inches (610 mm) deep that meet the requirements of Chapter 4, Article 9 of the current City of Haysville code.
12. Swings and other playground equipment accessory to a one or two family dwelling.
13. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
14. Emergency board-up, or securing temporary bracing of a building after a fire, storm, vehicle damage or other disaster which caused the building to be open or unsafe. The building owner or his/her agent may cause such work to be done provided that the City of Haysville is notified the following business day.
15. Repair or replacement of roofing and/or siding materials not exceeding 400 square feet (37.16 m²) within any 12 month period.

16. Repair or replacement of interior gypsum wallboard on non-fire rated walls or ceilings when the total area does not exceed 100 square feet (9.29 m²) within any 12 month period and provided that no framing, electrical, mechanical or plumbing changes have been made.

17. Replacement of windows or doors or replacement of roof skylights or equipment with the same size or smaller unit (s) that does not involve the removal, cutting, alteration or replacement of any building structural member; including but not limited to studs, headers, girders, beams, joists, rafters, cripples, jacks or other supporting framing member (s). The framing used to infill existing openings for the purpose of installing smaller unit (s) shall be exempt from permit requirements. Placements of smaller window or doors shall not reduce the minimum size requirements of escape and rescue openings, or egress door (s) required in Sections R310 and R311 of this code. The replacement door or window shall not be of a lower fire rating than required by this code for any rated wall or assembly.

18. All swimming pools constructed or installed within the City are subject to the provisions of Chapter 4, Article 9 of the Code of the City of Haysville, Kansas governing swimming pools.

ELECTRICAL: Exemptions for electrical permits shall be governed by Chapter 4 of the City of Haysville code.

GAS:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

MECHANICAL:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, water or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this Code. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Section R105.2.1 of the International Residential Code, is amended as follows: R105.2.1 Emergency repairs. Where repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

Section R105.2.2 of the International Residential Code, is amended to read as follows: R105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting away of any structural beam or load-bearing support, or removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any gas, mechanical or other work affecting public health or general safety.

Permit expiration.

Section R105.5 of the International Residential Code is amended to read as follows: R105.5 Expiration. Every permit issued shall expire unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Work shall be considered to have been suspended or abandoned if it has been more than 180 days since the last requested inspection. Before work can be recommenced, the permit must be re-instated. The fee for re-instatement shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and that such suspension or abandonment has not exceeded one year. In order to resume work after suspension or abandonment for a period exceeding one year, a new permit shall be required. The code official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.

Placement of inspection record card and address marker.

Section R105.7 of the International Residential Code is amended to read as follows: R105.7 Placement of inspection record card and address marker. The inspection record card shall be kept on the site of the work until the completion of the project. Work requiring a permit shall not be commenced until the inspection record card is posted or otherwise made available on the site. The inspection record card shall be maintained and available on site until final inspection approval has been granted by the building official.

Work shall not be started until the address meets the requirements of 4-101A of the current city code and is posted in such a position as to be plainly visible and legible from the street or road fronting the site.

Fees

R108 Fees shall meet the requirements of Chapter 17 of the current City of Haysville city code.

Alternative provisions.

Section R301.1.1 of the International Residential Code is amended to read as follows:

R301.1.1 Alternative provisions. As an alternative to the requirements in Section R301.1 the following standards are permitted subject to the limitations of this Code and the limitations therein. Where engineered design is used in conjunction with these standards the design shall comply with the International Building Code.

1. American Forest and Paper Association (AAF&PA) Wood Frame Construction Manual (WFCM).
2. American Iron and Steel Institute (AISI) Standard for Cold-Formed Steel Framing - Prescriptive Method for One- and Two-Family Dwellings (COFS/PM) with Supplement to Standard for Cold-Formed Steel Framing - Prescriptive Method for One- and Two-Family Dwellings.
3. The Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011).
4. The City of Wichita Standard for Residential Wood Framed Decks – Deck Standards.

Sec. 2.4.115. - Table R301.2 (1) amended.

Table R301.2 (1) of the International Residential Code is amended to read as follows:

Table R301.2 (1) Climatic and Geographic Design Criteria. The Climatic and Geographic Design Criteria for building design shall be as provided in Table R301.2 (1).

Table R301.2 (1) of the International Residential Code is amended to read as follows:

TABLE R301.2 (1) - SECTION R301, DESIGN CRITERIA

Climatic and Geographic Design Criteria for Sedgwick County, Ks.

Ground Snow Load – 15 psf	Design Temps
Wind Speed (mph) – 76w/90-3 sec. gust	Air Freezing Temp. – 400
Seis. Design Cat. - A	Mean Air Temp. - 55-60 deg.
Weathering – Severe	Summer - 98 2.5% dry bulb
Frost Line Depth - 24 inches	Winter - 76 2.5% wet bulb
Termite - Mod./Severe	Winter Design Temp. - 97.50% - 7
Ice Barrier - None Required	Heating Degree Days - 4,620

Roof	Floor
Dead Load - 10 lb. psf	10 lb. psf.

Live Load - 20 lb. spf

40 lb. psf.

For SI: 1 pound per square foot = 0.0479kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this Code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade. For construction of one and two family dwelling habitable spaces, the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011) shall apply.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been any history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2 (4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½ - percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be submitted to reflect local climates or local weather experience as determined by the building official.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.
- h. In accordance with Sections R905.2.7.a, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES". Otherwise, the jurisdiction shall fill in this part of the table with "NO".
- i. The jurisdiction shall fill in this part of the table with the 100-year return period freezing index (BF-days) from Figure R403.3 (2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index - USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index - USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

Sec. 2.4.120. - Live load.

Section R301.5 of the International Residential Code, is amended to read as follows:
 R301.5 Live load. The minimum uniformly distributed live load shall be as provided in Table R301.5.

TABLE R301.5 - MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS (in pounds per square foot)

USE	LIVE LOAD
Attics with limited storage ^{b, g, h}	20
Attics without storage ^b	10
Decks ^e	40
Exterior balconies	60
Fire escapes	40
Guardrails and handrails ^d	200 ⁱ
Guardrails in-fill components ^f	50 ⁱ
Passenger vehicle garages ^a	50 ^a
Rooms other than sleeping rooms	40
Sleeping rooms	40
Stairs	40 ^c

For SI: 1 pound per square foot = 0.0479 kPa, 1 square inch = 645 mm², 1 pound = 4.45 N.

- a. Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.
- b. Attics without storage are those where the maximum clear height between joist and rafter is less than 42 inches, or where there are not two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high by 2 feet wide, or greater, located within the plane of the truss. For attics without storage, this live load need not be assumed to act concurrently with any other live load requirements.
- c. Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.
- d. A single concentrated load applied in any direction at any point along the top.
- e. See Section R502.2.1 for decks attached to exterior walls.
- f. Guard in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.
- g. For attics with limited storage and constructed with trusses, this live load need be applied only to those portions of the bottom chord where there are two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high or greater by 2 feet wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member, provided that each of the following criteria is met:

1. The attic area is accessible by a pull-down stairway or framed opening in accordance with Section R807.1; and
2. The truss has a bottom chord pitch less than 2:12.
- h. Attic spaces served by a fixed stair shall be designed to support the minimum live load specified for sleeping rooms.
 - i. Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4.
4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.

302.1 Exterior walls is deleted.

Opening Protection is added to read as follows: Section R302.5.1 of the International Residential Code is amended to read as follows: R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors.

Habitable rooms.

Section R303.1 of the International Residential Code is amended to read as follows: R303.1 Habitable rooms. All habitable rooms shall have an aggregate glazing area of not less than 8 percent of the floor area of such rooms. Natural ventilation shall be through windows, doors, louvers or other approved openings to the outdoor air. Such openings shall be provided with ready access or shall otherwise be readily controllable by the building occupants. The minimum openable area to the outdoors shall not be less than 4 percent of the floor area being ventilated.

Exceptions:

1. The glazed areas need not be openable where the opening is not required by Section R310 and an approved mechanical ventilation system capable of producing 0.35 air change per hour in the room is installed or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) (78 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.
2. The glazed area need not be installed in rooms where Exception 1 above is satisfied and artificial light is provided capable of producing an average illumination of 6 foot-candles (65 lux) of the area of the room at a height of 30 inches (762 mm) above the floor level.
3. Use of sunroom additions and patio covers, as defined in Section R202, shall be permitted for natural ventilation if in excess of 40 percent of the exterior sunroom walls are open, or are enclosed only by insect screening.

In new dwellings and additions to existing one and two family dwellings, where a new separate heating and/or cooling system is being added to serve, but not necessarily limited to serving the new addition, an outside air duct shall be connected to the main return air

duct, prior to filter, of each heating and/or cooling system for the habitable space served. Duct size shall be based on the square footage of habitable space served as follows:

1. 1500 sq. ft. or less: 4 inch diameter or 12.6 square inches.
2. 1501 sq. ft. to 2000 sq. ft. 5 inch diameter or 19.6 square inches.
3. 2001 sq. ft. and larger 6 inch diameter or 28.3 square inches. All areas listed exclude finished basement area. The outside air duct shall be provide with a ¼ inch mesh inlet screen. The outside air duct shall not draw air from contaminated sources.

Bathrooms.

Section R303.3 of the International Residential Code, is amended to read as follows:

R303.3 Bathrooms. Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 (0.3 m²) square feet, one- half of which must be openable.

Exception:

The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cubic feet per minute (24 L/s) for intermittent ventilation or 20 cubic feet per minute (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or into a properly ventilated attic when all of the following are met:

1. The duct(s) conveying exhaust into the attic shall terminate a minimum of 36 inches above the top of the ceiling framing members, and shall not discharge upon any building element.
2. Attics into which bath and/or toilet room exhausts are discharged must be properly ventilated, in accordance with Section R806, and shall not discharge into an unvented attic assembly.
3. The exhaust duct(s) shall terminate above the top of the attic insulation with a "goose-neck" installed to prevent infiltration of insulating material into the duct.
4. Exhaust duct(s) run above the insulation inside of attics shall be insulated.

Section R309.5 Fire Sprinklers.

Section R309.5 of the International Residential Code is hereby deleted.

Minimum opening area, height and width.

Sections R310.2.1 through R310.2.3 of the International Residential Code are amended as follows:

R310.2.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 4.5 (0.418 m²) square feet with the window in an open position, with a total break-out area of 5.7 (0.530 m²) square feet. The minimum net clear opening shall be maintained to a public way, yard or court.

R310.2.2 Minimum opening height. The minimum net clear opening height shall be:

1. 19¾ inches (501.7 mm) plus or minus ¼ inch for single, double hung and awning style windows.

For all other types of windows the minimum height shall be determined by multiplying the width times the height to achieve a total net clear opening of 4.5 (114.3 mm²) square feet with a total break-out area of 5.7 (0.530 m²) square feet.

R310.2.3 Minimum opening width. The minimum net clear opening width shall be:

1. 17 inches (431.8 mm) plus or minus ¼ inch in the open position for casements and slider windows.
2. 30¼ (768.35 mm) inches plus or minus ¼ inch for single and double hung units.

Ladder and steps.

Section R310.2.3.1 of the International Residential Code is amended to read as follows:

R310.2.3.1 Ladders, steps and fall protection. Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Section R311.7. Ladders or rungs shall have an inside width of at least 12 inches (305 mm), shall project at least 3 inches (76 mm) to the back of the rung from the wall and shall be spaced not more than 12 inches (305 mm) on center vertically for the full height of the window well. Window wells with a vertical depth of more than 30 inches (762 mm) shall be provided with guardrails that are designed in accordance with Section R312, or a protective cover designed to a minimum of 20 pounds per square foot (0.96 KN per m²) uniformly distributed live load. Window well covers shall be provided with an emergency egress hatch located above the ladder or steps, with the minimum egress opening maintained. The force required to open the egress hatch shall not exceed 30 pounds (133.45 N) and shall not require the use of keys, more than one operation, or any special knowledge or effort. Window well covers, grates, and guardrails shall be constructed of materials approved for exterior use.

Window well drainage of the International Residential Code is amended to read as follows: Section R310.2.3.2 Drainage of the International Residential Code is hereby added to read as follows:

R310.2.3.2 Drainage. Window wells shall be designed for proper drainage by connecting to the existing foundation drainage system required by Section R405.1 or by an approved alternative method. If no existing foundation drainage system has been installed, the entire window well area shall have a minimum depth of 12" of washed gravel or crushed rock below the floor level.

Exception: A drainage system for window wells is not required when the foundation is on well-drained soil or sand-gravel mixture soils according to the U.S. Soil Classification System, Group I Soils, as detailed in Table 405.1.

Floor elevations for other exterior doors is added to read as follows: Section R311.3.2 of the International Residential Code is amended to read as follows: R311.3.2 Floor elevations for other exterior doors. Doors other than the required egress door shall be provided with landings or floors not more than 8 inches below the top of the threshold.

Exception: A landing is not required where a stairway of four or fewer risers is located on the door, provided the door does not swing over the stairway.

Risers is amended to read as follows:

Section R311.7.5.1 of the International Residential Code is amended to read as follows:

R311.7.5.1 Risers: The maximum riser height shall be 8 (203 mm) inches. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Treads is amended to read as follows: Sections R311.7.5.2 and R3.11.7.5.2.1 of the International Residential Code are amended to read as follows: R311.7.5.2 Treads. The minimum tread depth shall be 9 inches (228.6 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R311.7.5.2.1 Winder and circular treads. Winder and circular treads shall have a minimum tread depth of 9 inches (228.6 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder and circular treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the largest winder or circular tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Handrails.

Section R311.7.8.1 of the International Residential Code is amended to read as follows:

R311.7.8.1 Height. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 32 inches (864 mm) and not more than 38 inches (965 mm).

Exceptions:

1. The use of a volute, turnout or starting easing shall be allowed over the lowest tread.
2. When handrail fittings or bendings are used to provide continuous transition between flights, transitions at winder treads, the transition from handrail to guardrail, or used at the start of a flight, the handrail height at the fittings or bending's shall be permitted to exceed the maximum height.

Handrails continuity.

Section R311.7.8.4 of the International Residential Code is amended to read as follows:

R311.7.8.4 Continuity. Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned to the wall or shall terminate in newel posts or safety terminals at the top of each flight of stairs. Handrails adjacent to a wall shall have a space of not less than 1.25 (32.5mm) inches between the wall and the handrails.

Graspable portions of the handrail may not end up completely continuous from the top riser to the bottom riser. The rail shall return to the wall.

Exceptions:

- (1) Handrails shall be permitted to be interrupted by a newel post at the turn.

(2) The use of a volute, turnout or starting easing, or starting newel shall be allowed over the lowest tread.

Handrail grip size.

Section R311.7.8.5 of the International Residential Code is amended to read as follows:
R311.7.8.5 Handrail grip size. All required handrails shall be of one of the following types or provide equivalent grasp ability.

1. Type I. Handrails with a circular cross section shall have an outside diameter of at least 1¼ inches (32 mm) and not greater than 2 inches (51 mm). If the handrail is not circular it shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6¼ inches (160 mm) with a maximum cross section of dimension of 2¼ inches (57 mm).
2. Type II. Handrails with a perimeter greater than 6¼ inches (160 mm) shall provide a graspable finger recess area on the outboard side of the profile. The finger recess shall begin within a distance of ¾ inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8 mm) within 7/8 inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least 3/8 inch (9.5 mm) to a level that is not less than 1¾ inches (45 mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be 1¼ inches (32 mm) to a maximum of 2¾ inches (70 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

Guard opening limitations Section R312.1.3 of the International Residential Code is amended to read as follows: R312.1.3 Opening limitations. Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 inches (114.3 mm) or more in diameter. Required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that a sphere 6 inches (152 mm) cannot pass through.
2. Openings for required guards on the sides of stair treads shall not allow sphere 4 inches (114.3 mm) to pass through.

Single-and multiple-station smoke alarms.

Section R314.3 of the 2018 International Residential Code is amended to read as follows:
R314.3 Location. Single and multiple-station smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each sleeping area at a location that serves the common space for the sleeping rooms; provided, that no such smoke alarm shall be required to be installed within six (6) feet of a smoke alarm located in a bedroom; and
3. In each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed

on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

When more than one smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

R314.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where wireless alarms are installed & all alarms sound on activation of one alarm.

Carbon monoxide alarms is added to read as follows:

R315.1 Carbon monoxide alarms of the International Residential Code is amended to read as follows:

R315.1 Carbon monoxide alarms. For new construction, an approved carbon monoxide alarm shall be installed in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages in the following locations:

1. Outside each sleeping room in the immediate vicinity of the bedrooms.
2. On each additional story of the dwelling, including basements in the immediate vicinity of the bedrooms or mechanical room.

Section R315.3 of the International Residential Code shall read. Carbon monoxide detectors are not required in existing homes until the requirements of the 2018 IEBC require the installation of carbon monoxide detection.

Thermal barrier.

Section R316.4 of the International Residential Code is amended to read as follows:

R316.4 Thermal barrier. Unless otherwise allowed in Section R316.5, foam plastic shall be separated from the interior of a building by an approved thermal barrier of minimum 0.5 inch (12.7 mm) gypsum wallboard or an approved finish material equivalent to a thermal barrier material that will limit the average temperature rise of the unexposed surface to no more than 250°F (139°C) after 15 minutes of fire exposure complying with the ASTM E 119 standard time temperature curve. The thermal barrier shall be installed in such a manner that it will remain in place for 15 minutes based on NFPA 286 with the acceptance criteria of section R315.4, FM4880, UL 1040 or UL 1715.

Exception: Insulating concrete forms (ICFs) may be used without the thermal barrier described in Section 314.4 when the foam plastic meets the following criteria:

1. The foam plastic has a minimum self-ignition temperature of 450 degrees C when tested in accordance with ASTM D 1929;
2. The foam plastic has a flame-spread rating of less than 25 and a smoke-developed rating of less than 450 when tested in accordance with ASTM E 84
3. The foam plastic wall assembly has a minimum two (2) hour fire resistance rating when tested in accordance with ASTM E 119; and the ICF has a valid ICCES ER number.

Protection against decay.

Section R317.1 of the International Residential Code is amended to read as follows:
R317.1 Location required. Protection from decay shall be provided in the following locations by the use of naturally durable wood or wood that is preservative treated in accordance with AWPA U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of AWPA U1.

1. Wood joists or the bottom of a wood structural floor when closer than 18 inches (457 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground in crawl spaces or unexcavated area located within the periphery of the building foundation.
2. All wood framing members that rest on concrete or masonry exterior foundation walls and are less than 6 inches (152 mm) from the exposed ground.
3. Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.
4. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 0.5 inch (12.7 mm) on tops, sides and ends.
5. Wood siding, sheathing and wall framing on the exterior of a building having a clearance of less than 6 inches (152 mm) from the ground.
6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.

Section R318.1 deleted.

Section R318.1 of the International Residential Code is hereby deleted.

Section 319 shall be amended to reflect the current requirement of 4-101A of the current City of Haysville City Code.

Section R322 deleted and Section R324 deleted.

Section R322 of International Residential Code is hereby deleted.

Section R324 of the International Residential Code is hereby deleted.

Section R403.1.1 created.

Section R403.1.1 of the International Residential Code is amended to read as follows:

R403.1.1. Minimum size. Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 (1) through R403.1 (3). For construction of one and two family dwelling habitable spaces, the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011) shall apply. The footing width, W, shall be based on the load-bearing value of the soil in accordance with Table R401.4.1. Spread footings shall be at least 6 inches (152 mm) thick. Footing projections, P, shall be at least 2 inches (51 mm) and shall not exceed the thickness of the footing. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2, and Figures R403.1 (2) and R403.1 (3).

Section R403.1.3.3 created.

Section R403.1.3.3 of the International Residential Code is amended to read as follows:

R403.1.3.3 Slabs-on-grade with turned-down footings and slabs-on-grade cast monolithically with a footing. For slabs-on-grade with turned-down footings and slabs-on-grade cast monolithically with a footing, construction of one and two family dwelling

habitable spaces shall comply with the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011).

Minimum depth.

Section 403.1.4 of the International Residential Code is hereby amended to read as follows:
R403.1.4 Minimum depth. All exterior footings shall be placed at least 24 (610 mm) inches below the undisturbed ground surface. For construction of one and two family dwelling habitable spaces, the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011) shall apply. Where applicable, the depth of the footings shall also conform to Sections R403.1.4.1.

Frost protection.

Section R403.1.4.1 of the International Residential Code is amended to read as follows:
R403.1.4.1 Frost protection. Section R403.1.4.1 of the International Residential Code is amended to read as follows:

Frost Protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extended below the frost line specified in Table R301.2.(1), per amended Table footnote "b." and the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011);
2. Constructing in accordance with Section R403.3;
3. Constructing in accordance with ASCE 32; or
4. Erected on solid rock

Exceptions: 1. Protection of freestanding accessory structures with an area of 400 (36.2m²) square feet or less of light-framed construction with an eave-height of 10 feet (3048mm) or less shall not be required.

2. Protection of freestanding accessory structures with an area 400 square feet (36.2m²) or less of other than light-framed construction with an eave-height of 10 feet (3048mm) or less shall not be required.

Footings shall not bear on frozen soil. Frost depth in Haysville and Sedgwick County is 24 inches.

Section R403.1.8 created.

Section R403.1.8 of the International Residential Code is amended to read as follows:
R403.1.8 Foundations on expansive soils. Foundations and floor slabs for buildings located on expansive soils shall be designed in accordance with Section 1808.6 of the International Building Code or as specified in the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011).

Concrete or masonry foundation deleted.

Section R405.1 Concrete or masonry foundation of the International Residential Code is hereby deleted.

Fire protection of floors deleted.

Section R501.3 Fire protection of floors of the International Residential Code is hereby deleted.

Floor trusses.

Section R502.11.4 of the International Residential Code is amended to read as follows:
Floor Truss design drawings. Floor truss design drawings, prepared in compliance with Section R502.11.1, shall be provided to the building official at the framing inspection. Truss design drawings shall be provided with the shipment of trusses delivered to the job site. Truss design drawings shall include, at a minimum, the information specified below:

1. Slope or depth, span, and spacing.
2. Location of all joints.
3. Required bearing widths.
4. Design loads as applicable:
 - 4.1. Top chord live load (including snow loads);
 - 4.2. Top chord dead load;
 - 4.3. Bottom chord live load;
 - 4.4. Bottom chord dead load;
 - 4.5. Concentrated loads and their points of application; and
 - 4.6. Controlling wind and earthquake loads.
5. Adjustments to lumber and joint connector design values for conditions of use.
6. Each reaction force and direction.
7. Joint connector type and description, e.g., size, thickness or gauge, and the dimensioned location of each joint connector except where symmetrically located relative to the joint interface.
8. Lumber size, species and grade for each member.
9. Connection requirements for:
 - 9.1. Truss-to-truss girder;
 - 9.2. Truss ply-to-ply; and
 - 9.3. Field splices.
10. Calculated deflection ratio and/or maximum description for live and total load.
11. Required permanent truss member bracing location.

Section R506.2.2 of the International Residential Code is hereby deleted.

Decks.

Section R507 of the International Residential Code is amended to read as follows:

R507 Decks. The "City of Wichita Standard for Residential Wood Framed Decks" may be used to design and construct decks to comply with the requirements of this section. Decks which fall outside of the scope of the standard will require design by a Kansas licensed architect or engineer. Where supported by attachment to an exterior wall, decks shall be positively anchored to the primary structure and designed for both vertical and lateral loads as applicable. Such attachment shall not be accomplished by the use of toenails or nails subject to withdrawal. Where positive connection to the primary building structure cannot be verified during inspection, decks shall be self-supporting. For decks with cantilevered framing members, connections to exterior walls or other framing members, shall be designed and constructed to resist uplift resulting from the full live load specified in Table R301.5 acting on the cantilevered portion of the deck.

Cement, fiber cement and glass mat gypsum backers is hereby deleted.

Size and Spacing.

Section R703.8.4.1 of the International Residential Code is amended to read as follows:

R703.8.4.1 Size and spacing. Veneer ties, if strand wire, shall not be less in thickness than No. 9 U.S. gage [(0.148 in.) (4 mm)] wire and shall have a hook embedded in the mortar joint, or if sheet metal, shall be not less than No. 26 [(0.0245 in.)(0.62 mm)] U.S. gage by 7/8 inch (22 mm) corrugated. Each tie shall be spaced not more than 16 (406 mm) inches on center horizontally and vertically and shall support not more than 1.96 (0.19 m²) square feet of wall area. When stud spacing is 24 (610 mm) inches on center, ties may be spaced 24 inches (610 mm) on center to match stud spacing (maximum 1.96 (0.19 m²) square feet still required). All ties shall be attached to a stud.

Exception: In Seismic Design Category D0, D1 or D2 or townhouses in Seismic Design Category C or in wind areas of more than 30 pounds per square foot pressure (1.44 kPa), each tie shall support not more than 2 square feet (0.2 m²) of wall area.

Section R908 shall be amended to include section R908.7 and shall read:

R908.7 Reroof decking shall meet the requirements with regard to solid sheathed roof deck. 1 X boards or lumber, used as roof decking shall be covered by a minimum of 7/16" oriented strand board (osb) or other approved material conforming to roof covering manufacturers requirements.

Part IV - Energy Conservation deleted.

Part IV - Energy Conservation of the International Residential Code is hereby deleted.

Part V – Mechanical chapters deleted.

Part V – Mechanical chapters of the International Residential Code is hereby deleted.

Part VII - Plumbing deleted.

Part VII - Plumbing, of the International Residential Code is hereby deleted.

Part VIII - Electrical deleted.

Part VIII - Electrical, of the International Residential Code is hereby deleted.

Section R105.3.1.2 of the International Residential Code shall be amended as follows:
R105.3.1.2: All water and wastewater systems constructed or installed within the City are subject to the provisions of Chapter 15 of the Code of the City of Haysville, Kansas, including mandatory connection to the City of Haysville water and sewer systems, and mandatory participation in stormwater management.

Section R109.3.3 of the International Residential Code shall be amended as follows:
R109.3.3: Floodplain inspections lowest floor elevation. For all City floodplain inspections, the lowest window (not window well) shall be deemed the lowest opening of any structure.

Section AG105.2 of the International Residential Code shall be amended as follows:
AG105.2: Outdoor swimming pool. All swimming pools constructed or installed within the City are subject to the provisions of Chapter 4, Article 9 of the Code of the City of Haysville, Kansas governing swimming pools.

<https://www.sedgwickcounty.org/media/56035/wichita-sedgwick-county-unified-building-trade-code-ubtc-updating-10419.pdf#page=72>

ARTICLE 4.

COMMERCIAL BUILDINGS

4-401. ADOPTION OF THE INTERNATIONAL BUILDING CODE, 2012 EDITION, AS THE COMMERCIAL BUILDING CODE, WITH CERTAIN ADDITIONS AND DELETIONS.

There is hereby adopted by reference by the City of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Building Code, 2012 Edition, as the Commercial Building Code, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, and such amendments as adopted by reference in Ordinance 1048 adopted December 11, 2017, including all fee schedules unless otherwise set forth within chapter 17 of this Code, and such document is incorporated by reference herein.

4-402. RESERVED.

4-403. AVAILABILITY OF COPIES.

One copy of said code, along with the amendments set forth in that Sedgwick County Resolution as identified within 4-401 above, including a copy of the amendments described therein, have been and are now filed in the office of the City Clerk and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

4-404. VIOLATIONS AND PENALTIES.

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 113.4 et seq. of the International Building Code as amended. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(Code 2011)

4-405. PENALTY CLAUSE NOT EXCLUSIVE.

The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, the Code of this City, or this Article.

(Code 2011)

4-406. ENFORCEMENT.

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the Director of Public Works. Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code.

(Code 2011)

4-407. **LIABILITY.**

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

(Code 2011)

4-408. **SEVERABILITY.**

If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.

(Code 2011)

4-409. **WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE.**

Those provisions of the Wichita-Sedgwick County Unified Building and Trade Code, as adopted through Article 12 below, applicable to this Article are found in Article 2, Section 2 of the Wichita-Sedgwick County Unified Building and Trade Code, except as supplemented herein.

4-410. **CITY PROVISIONS ADDITIONAL TO OR SUPPLEMENTAL TO THE STANDARD PROVISIONS OF THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE.**

The following provisions are supplemental to and additional to the **Commercial Building Code** as adopted by the City of Haysville. These provisions shall supplement the associated provisions.

Section 101.4.1 of the International Building Code, is amended to read as follow: *101.4.1 Electrical.* The provisions of Article 4 of this Code shall apply to the installation of electrical systems, including alternations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Section 101.4.2 of the International Building Code, is amended to read as follows: *101.4.2 Gas.* The provisions of Article 3 of this Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

Section 101.4.3 of the International Building Code, is amended to read as follows: *101.4.3 Mechanical.* The provisions of Article 5 of this Code shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilation, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

Section 101.4.4 of the International Building Code, is amended to read as follows: *101.4.4 Plumbing*. The provisions of Article 3 of this Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures and appurtenances, and where connected to water or sewage system and all aspects of a medical gas system.

Section 105.2 of the International Building Code, is amended to read as follows: 105.2 Work exempt from permit. Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures classified as Group S or U occupancies, with a floor area exceeding 100 square feet but not exceeding 200 square feet shall be inspected by City.
2. All fences constructed within the City are subject to the provisions of Chapter 4, Article 11 of the Code of the City of Haysville, Kansas, governing fences.
3. All swimming pools constructed or installed within the City are subject to the provisions of Chapter 4, Article 9 of the Code of the City of Haysville, Kansas governing swimming pools.

Section 109.3.3 of the International Building Code, is amended to read as follows: 109.3.3 Floodplain Inspections. Floodplain inspections lowest floor elevation. For all City floodplain inspections, the lowest window (not window well) shall be deemed the lowest opening of any structure.

**ARTICLE 5.
ELECTRICAL CODE**

- 4-501. **ADOPTION OF THE NFPA 70, NATIONAL ELECTRICAL CODE, 2017 EDITION, AS THE ELECTRICAL CODE, WITH CERTAIN ADDITIONS AND DELETIONS.**

There is hereby adopted by reference by the City of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the National Electrical Code, 2017 Edition, including Informative Annex C (Conduit and Tubing Fill Tables), as published by the National Fire Protection Association as N.F.P.A. No. 70-2014, as presently constituted and as may be hereinafter amended, shall apply with the exception of Section 110.16; Section 110.24; Section 200.6(d); Section 210.4(b); Section 210.5(c)(1); Section 210.12; Section

210.52(c)(1) Exception; Section 230.24(A) Exception No. 5; Section 230.40; Section 250.68(a) Exception No. 2; Section 300.4(H); Section 300.11(a)(2); Section 314.28; Section 334.10; Section 334.12(a)(1); Section 334.40(b); Section 334.80; 410.64; Section 430.22(G)(1); Section 430.22(G)(2); Section 514.11(A); Section 590.4(D); Section 590.6(B)(2); and Section 680.8; of such publication. Said N.F.P.A. No. 70-2014, was adopted by the National Fire Protection Association at its 2013 June Technical Session and approved as an American National Standard on August 21, 2013, all as set forth and described and amended within that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, of November 8, 2017, (Res. No. 159-2014), including all fee schedules unless otherwise set forth within Chapter 17 of this Code, and including all amendments as provided for within Resolution No. 159-2014 as subsequently incorporated into the Unified Building and Trade Code as adopted within Article 12 of this Chapter, and providing for penalties and prosecution for violations thereof; and regulation and control of the installation, construction, enlargement, alteration, repair, removal, maintenance, and use of electrical systems, conductors and equipment within or on private or public buildings or other structures and other premises, that connect to the supply of electricity; provides for the issuance of permits and fees therefore; establishes the Board of Electrical Examiners and Appeals; establishes the Electrical Contractors License requirements and penalties for violations thereof, and establishes for Master and Journeyman Electrician and Residential Wireman Certificates, the requirements and exceptions thereto, and for the process of suspension or revocation thereof; creates the office of electrical inspector; and establishes truth in advertising requirements. This Code and all amendments shall hereafter be known as the Electric Code of the City of Haysville, Kansas.

4-502. AVAILABILITY OF COPIES.

One copy of said standard code, along with the amendments set forth in that Resolution of the Sedgwick County Commission as described in 4-501 above, as currently incorporated into the Unified Building and Trade Code which is adopted through Article 12 of this Chapter, have been and are now filed in the office of the City Clerk, and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

4-503. AMENDMENTS.

This Code is to be applied as set forth in Sec. 4.2.010 through, and including, Sec. 4.4.050 of the Wichita-Sedgwick County Unified Building and Trade Code, including all fee schedules unless otherwise set forth within Chapter 17 of this Code, and such Resolution is incorporated by reference herein.

WIRING INSTALLATION INSTRUCTIONS

All electrical installations made shall be in strict conformity with the provisions of this Code. If sections contained within this Code, in a given situation, do not prescribe a specific type or class of material or specific standards of construction, then the standards as set forth and contained in the National Electrical Code, 2017 Edition including Informative Annex C (Conduit and Tubing Fill Tables), as published by the National Fire Protection Association as N.F.P.A. No. 70-2017, as presently constituted and as may be hereinafter

amended, shall apply with the exception of Section 200.6(d); Section 210.5(c)(1); Section 210.52(c)(1) Exception; Section 230.24(A) Exception No. 5; Section 230.40; Section 300.11(b)(2); Section 334.10; Section 334.12(a)(1); Section 334.40(b); Section 590.4(D); Section 590.6(B)(3); and Section 680.9; of such publication. Said N.F.P.A. No. 70-2017, was adopted by the National Fire Protection Association at its 2016 June Technical Session and approved as an American National Standard on August 24, 2016. By this publication, all provisions of such publication, with noted exceptions, are adopted by reference and made a part of this Code, and this Section as though fully set forth herein.

Wiring to be inspected prior to concealing.

Before any electric wiring or raceway is concealed from view during the course of construction, the person doing the work shall notify the electrical inspector that such work is ready for inspection. The electrical inspector shall inspect such work within forty-eight hours, provided such limit of time comes upon a regular working day of the inspector. If any defects exist, the electrical contractor shall be notified and he shall rectify the same and request an inspection before the work is concealed. The code official shall have the authority to require any concealment to be removed. Failure to comply with this order of the code official shall result in condemnation of the structure or any part thereof and prohibition of occupancy.

The electrical inspector shall be notified by the electrical contractor when the electrical work is completed and ready for inspection; and if such work conforms with this Code, the installation shall be released to the utility company for service connection.

When the electrical inspector observes or it is called to his attention that any electrical work is installed contrary to or in violation of any provisions of this code, it shall be his duty to immediately notify the person responsible for the installation that the violation or violations exist. All defective or substandard installations shall be corrected within forty-eight hours from time of notification by the electrical inspector.

It is unlawful for any person or utility company to connect any electrical wiring, device, appliance or equipment, for which a permit or approval is required, to any source of electrical energy without first having approval by the electrical inspector for the connection.

When requested and upon completion of the work, a certificate of inspection shall be issued showing that such work meets the requirements of this Code.

Inspection required.

Any person, firm or corporation who installs any electrical wiring shall request the inspection when the electrical work is completed and ready for inspection. It shall be the duty of the person requesting any inspection required by this Code, to provide access to and means for inspection of such work.

Re-inspection of wiring, etc.

The electrical inspector shall make a thorough re-inspection of all electrical wiring devices, appliances and equipment whenever deemed advisable within or on any building or premises. When the installation of any electric wiring, device, appliance or equipment is found to be in dangerous and unsafe condition and in noncompliance with this Code, the

person owning, using or operating the same shall be notified in writing and shall make the necessary repairs and changes required to place such wiring, device, appliance or equipment in compliance with this Code within the time specified in the notice. Upon failure to comply with the written notice and payment of re-inspection fee, the electrical inspector is hereby authorized to notify the utility company supplying electric energy to such building or premises to discontinue electric service and to continue to do so until instructed by the electrical inspector that service may be restored.

Working space about electrical service.

Section 110.26(A)(3) of the National Electrical Code shall be amended to read as follows:
Exception #4: One- and two-family and multifamily dwellings, service panels located in garages, basements or accessory structures, a footing or stem wall that is located below the electric panel shall be permitted to extend not more than 12 inches beyond the front of the electric panel.

Number of service—Entrance conductor sets.

Section 230.40 of the National Electrical Code shall be amended to read as follows:

Number of Service-Entrance Conductor Sets. Each building shall be supplied by only one service drop or lateral. Each service drop or lateral shall supply only one set (or sets where connected in parallel) of service-entrance conductors. All service-entrance conductors shall terminate at the same location.

Exception #1: Where two to six service disconnecting means in separate enclosures are grouped at one location, one set of service-entrance conductors shall be permitted to supply each such service equipment enclosure.

Exception #2: A two family dwelling unit without an approved area separation wall as defined by the currently adopted Building Code, and served from one service drop or lateral, shall be permitted to have one set of service entrance conductors run to each dwelling unit without the mains from both units being located together.

Services—Maximum amps, volts, etc.

A. Service Length. Unfused service entrance conductors shall not be extended more than fifteen feet inside any building.

B. Service Disconnects. Main disconnects shall be installed on the load side of the utility company's meters where not more than six meters and service equipment are grouped together. Where there is an existing main disconnect ahead of six meters or less and all the services are completely revamped, the main disconnects shall be relocated on the load side of the meters.

Feeder or Branch circuit disconnect location.

Article 225.32 of the National Electrical Code (NEC) shall be amended to read:

The disconnecting means shall be installed either inside or outside of the building or structure served or where the conductors pass through the building or structure. The disconnecting means, if installed on the exterior of the building or structure, shall be at a readily accessible location nearest the point of entrance of the conductors. The disconnecting means, if installed inside the building or structure, shall be at a readily

accessible location and located so the total length of conductor shall not be extended more than fifteen (15) feet inside of the building or structure. For the purposes of this section, the requirements of 230.6 shall be utilized.

NEC exceptions permitted.

Branch circuit panelboard requirements.

All panels installed shall be sufficiently large enough to provide four blank spaces or four overcurrent protective devices for future use.

Conductor requirements.

A. Commercial and Industrial.

(1) Type. All commercial and industrial wiring conductors rated two hundred (200) amperes or less, including all service conductors required to be installed by the licensed electrical contractor, shall be copper. Each individual conductor of a parallel conductor set shall meet the requirements of this Section. Parallel conductors are not to be considered a single conductor.

Exception. Feeder circuit and branch circuit conductors rated one hundred (100) amperes or more, may be aluminum or copper-clad aluminum, provided panelboards or disconnect switches served by such circuits are marked by the manufacturer as being suitable for aluminum or copper-clad aluminum termination.

(2) Minimum Size. The minimum branch circuit wiring conductor size shall be No. 12 AWG copper.

B. Residential.

All residential and accessory building wiring conductors less than ninety (90) amperes shall be copper.

Note: Grounding conductors installed in the same raceway or cable with the above listed aluminum conductors may be allowed to be aluminum when sized per Article 250 of the currently adopted National Electrical Code.

Concrete-encased electrode.

The grounding electrode conductor to a concrete-encased electrode shall be not less than that required in Table 250.66 of the National Electrical Code.

Color code—Branch circuits.

Where installed in raceways, as cable or as open work, all conductors connected to the same system shall conform to the following color code:

Three-phase, four-wire 120/208 volt - phase A - black, phase B - red, phase C - blue, grounded conductor - white;

Three-phase, four-wire 277/480 volt—phase A - brown, phase B - orange, phase C - yellow, grounded conductor - gray.

The grounded conductor of a three wire 240 volt delta system shall be identified by alternating white and red stripes encircling the conductor.

The grounded conductor of a three wire 480 volt delta system shall be identified by alternating gray and orange stripes encircling the conductor.

Ungrounded circuit conductors used as travelers between 3-way and 4-way switches may be of colors other than those specified.

All conductor sizes 6 AWG or smaller shall be identified by a continuous outer finish along its entire length. Sizes larger than 6AWG shall be identified, at time of installation, by distinctive color markings at its terminations. This marking shall encircle the conductor or insulation.

All circuit conductors of the same color shall be connected to the same ungrounded conductor throughout the premises wiring system(s).

Smoke detector requirements.

As adopted in the currently adopted International Residential Code found elsewhere in the current City of Haysville City Code.

Splicing of service-entrance conductors.

Service-entrance conductors shall not be spliced.

Exception No. 1: Clamped or bolted connections in metering equipment enclosures shall be permitted.

Exception No. 2: Where service-entrance conductors are tapped to supply two to six disconnecting means grouped at a common location.

Exception No. 3: At a properly enclosed junction point where an underground wiring method is changed to another type of wiring method.

Exception No. 4: A connection shall be permitted where service conductors are extended from a service drop to an outside meter location and returned to connect to the service entrance conductors of an existing installation.

Exception No. 5: Where service-entrance conductors consist of busway, connections shall be permitted as required to assemble the various sections and fittings.

Switches—Height of.

All switches located outside of a building shall be placed not less than six feet above the finish grade unless they are of the dead front pullout type, or heavy duty type.

Exception. Commercial and industrial installations which are accessible only to authorized personnel.

Type NM, NMC and NMS cable ampacity.

The ampacity of Types NM, NMC, and NMS cable shall be determined in accordance with Table 310.15(B)(16) of the National Electrical Code. The ampacity shall be in accordance with the 60°C (140°F) conductor temperature rating.

NM Cable connectors.

Two piece NM Cable connectors, commonly known as Tomic connectors, shall be permitted to have a maximum of 3 cables in each connector.

Type NM, NMC and NMS cable ran exposed in unfinished basements.

Article 334.15(c) of the National Electrical Code shall be amended to read:

(C) In Unfinished Basements. Where cable is run at angles with joists in unfinished basements, it shall be permissible to secure cables not smaller than two 6 AWG or three 8 AWG conductors directly to the lower edges of the joists. Smaller cables shall be run either through bored holes in joists or on running boards. NM cable installed on the wall of an unfinished basement shall be permitted to be installed in a listed conduit or tubing or shall be protected in accordance with Article 300.4. Conduit or tubing shall be provided with a suitable insulating bushing or adapter at the point the cable enters the raceway. The NM cable sheath shall extend through the conduit or tubing and into the outlet or device box not less than 6 mm (¼ in.). The cable shall be secured within 300 mm (12 in.) of the point where the cable enters the conduit or tubing. Metal conduit, tubing, and metal outlet boxes shall be connected to the equipment grounding conductor.

Arc-making devices—Clearance from gas meters.

All switches, motors, receptacles, meter, or other arc-making devices shall have a minimum clearance of three feet in any direction from any gas meter when such equipment is installed inside of a building and in the same room as the gas meter.

Ceiling grid support wires.

The following is added to the section 300.11(A)(2) of the National Electrical Code:

Exception No. 2: MC cable or flexible metal conduit may be attached to the ceiling grid support wires serving lighting fixtures located within the ceiling grid area where all the following conditions apply.

1. The MC cable or flexible metal conduit must not be larger than trade size ½ inch.
2. Only a single MC cable or flexible metal conduit may be attached per ceiling grid support wire.
3. Only clips or devices approved for the purpose may be used to attach the MC cable or flex to the support wires.

Fire Rated ceiling assemblies shall not be used to support electrical raceways and all raceways installed within fire rated ceiling assemblies shall be provided with independent support.

Sewage ejector pumps.

All sewage ejector pumps shall be installed on individual motor branch circuits.

Sewage ejector pumps and sump pumps.

Ground fault circuit interrupter protection shall not be required on a sewage ejector pump or sump pump that is cord and plug connected to a single receptacle installed on an individual motor branch circuit.

Residential garage door opener.

In a dwelling, ground fault circuit interrupter protection shall not be required on an overhead garage door opener that is cord and plug connected to a single receptacle installed in the ceiling directly above the overhead garage door opener motor.

Nonmetallic-sheathed cable: Type NM, NMC, and NMS.

Uses permitted: Type NM, Type NMC and Type NMS cable shall be permitted to be used only in one- and two-family dwellings and their accessory structures and multifamily dwelling units. The structure shall not exceed three floors above grade. These structures shall be served only by single-phase services.

Receptacle behind a range or sink.

Section 210.52(c)(1) exception of the National Electrical Code shall be amended to read as follows:

Exception: Receptacle outlets shall not be required on a wall directly behind a range or sink.

Lighting outlets required.

The following requirements for lighting outlets are in addition to the requirements in the latest edition of the National Electrical Code adopted by the City of Haysville.

A. Residential unfinished basements. Each storage area and all future habitable spaces, as defined by the currently adopted Building Code, that are in the framed-in stage shall have a lighting outlet with a wall-mounted switch for each area or room. Lighting outlets containing a switch shall be controlled by a wall switch.

B. Commercial storage units. Each storage unit shall have a lighting outlet inside the unit with a switch located at the usual point of entry to the storage unit. This luminaire shall be of the type that has a completely enclosed light source.

Exception: Structures that are not on a permanent foundation.

Pools shall not be located under overhead wiring.

Section 680.9 of the National Electrical Code shall be amended to read as follows: The following parts of pools shall not be placed under existing electrical, communication, CATV, Network powered Broadband conductors or any other overhead wiring; nor shall such wiring be installed above the following:

- (1) Pools and the area extending 10 ft horizontally from the inside of the walls of the pool,
- (2) Diving structure, or
- (3) Observation stands, towers or platforms.

Permitted use of multiplex cable.

Multiplex cable may be installed as an approved wiring method for outdoor aerial use only, with the following restrictions.

(a) Permitted for outside aerial use only.

(b) Minimum wire size shall be: #1 aluminum or #8 copper.

(c) In all cases, the phase conductors and the neutral conductor must be insulated and identified.

(d) The ampacity of the conductors must comply with the values for the respective size and conductor material as listed in the seventy-five degree column of the Ampacity Tables of the latest adopted edition of the National Electrical Code.

Permitted use of Underground Residential Distribution (URD) cable.

Underground Residential Distribution (URD) cable may be installed as an approved wiring method for outdoor use only, with the following restrictions.

- (a) Permitted for outdoor use only, installed direct buried or in a raceway.
- (b) Minimum size shall be #2 Aluminum.
- (c) The phase conductors and the neutral conductor shall be the same size.
- (d) The phase conductors and the neutral conductor insulation shall be identified as USE.
- (e) The Neutral conductor shall be properly identified per the National Electrical Code.
- (f) Grounding conductor, if needed, shall be a minimum of #2 aluminum or #6 copper and shall be insulated.
- (g) The ampacity of the conductors must comply with the values for the respective size and conductor material as listed in the seventy-five degree (75°) column of the Ampacity Tables of the latest adopted edition of the National Electrical Code.

Temporary construction service requirements.

Temporary services used during construction, remodeling or repair of buildings or structures shall not be attached to a building. The temporary service shall have a minimum of one 125-volt 20amp GFCI protected receptacle and one 125/250-volt 30-amp GFCI protected twist lock receptacle NEMA L14-30, and meet all other requirements of the latest edition of the National Electrical Code adopted by the MABCD.

Exception: In-use covers are not required for temporary services.

Provisions for heating units.

Where a heating unit is installed for the unit or space intended for human occupancy per the requirements set forth in Article 5, the heating unit shall be directly wired into the building wiring with a disconnecting means installed in a readily accessible location within sight from the heating unit.

4-504. VIOLATIONS AND PENALTIES.

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 80.23 et seq. of the NFPA 70, National Electrical Code, 2008 Edition, as the Electrical Code of the City, including Annexes C (Conduit and Tubing Fill Tables) and G (Administration and Enforcement) as amended, and Section 4-112 above. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(Code 2011)

4-505. PENALTY CLAUSE NOT EXCLUSIVE.

The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this Article.

(Code 2011)

4-506. ENFORCEMENT.

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the City. Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code. The City hereby authorizes the building official to enforce such rules and regulations as are necessary to carry out the purpose(s) of this Code.
(Code 2011)

4-507. LIABILITY.

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.
(Code 2011)

4-508. SEVERABILITY.

If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.
(Code 2011)

**ARTICLE 6.
PLUMBING AND GAS FITTING CODE**

4-601. ADOPTION OF THE UNIFORM PLUMBING CODE, 2015 EDITION, AS THE PLUMBING CODE, WITH CERTAIN ADDITIONS AND DELETIONS.

The Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials (IAPMO), 2015 Edition, including the Appendixes and Installation Standards thereto and including the Uniform Plumbing Code's latest edition of Table 1401-1, excluding Sections 102.1, 102.2, 102.3, 102.3.1, Table No. 103.4: Plumbing Permit Fees, 422.1, 422.1.1, 422.2, 422.3, 422.4, 422.4.1, 422.5, Part II of Chapter 7: Building Sewers, Sections 609.4, 807.4, 1014.0, 1015.0, 1210.1.5 Appendix F, Appendix H, Appendix L 6.0, Appendix L 7.0, and except for amendments set forth in this section, is by reference incorporated herein and made a part of this Code as though set forth at length herein, including all amendments as set forth in Resolution No. 159-2014, of the Board of County Commissioners of Sedgwick County, Kansas, as subsequently set forth within the Unified Building and Trade Code as adopted within Article 12 of this Chapter. In lieu of Appendix H, Chapter 15 of the Haysville Municipal Code, entitled Utilities, shall apply. This Code and all amendments shall hereafter be known as the Plumbing and Gas Fitting Code of the City of Haysville.

4-602. AVAILABILITY OF COPIES.

One copy of said standard code, along with the amendments set forth in that Resolution of the Sedgwick County Commission as described in 4-601 above, as currently incorporated into the Unified Building and Trade Code which is adopted through Article 12 of this Chapter, have been and are now filed in the office of the City Clerk, and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

4-603. AMENDMENTS.

Administrative Deletions, Amendments or Additions to the Uniform Plumbing Code.

The following sections of the Uniform Plumbing Code incorporated by reference in Section 4-601 shall be amended as follows:

Information Note: The numerical references below correspond to the numerical identification of the chapter(s), sections, sub-sections, paragraphs and sub-paragraphs in the 2015 Uniform Plumbing Code.

101.1 Title shall be amended to read as follows:

101.1 Title. These regulations shall be known as the Plumbing Code of the City of Haysville, hereinafter referred to as the “Plumbing Code,” the “U.P.C.,” or “this Code.”

102.8 Appendices shall be amended to read as follows:

102.8 Appendices. Appendices A, B, C, D, E, G, I, J, K, L are adopted. Appendices F and H are excluded.

103.11 Authority Having Jurisdiction, Title, shall be added:

103.11 Authority Having Jurisdiction, Title. The Authority Having Jurisdiction shall be known as the Building Official, as designated and authorized in Chapter IV, Article 2 of the city code of the City of Haysville.

104.3.2 Plan Review Fees shall be amended to read as follows:

104.3.2 Plan Review Fees. Shall be in compliance with Chapter 17 of the code of the City of Haysville.

104.5.1 Work commencing before permit issuance shall be amended to read as follows:

104.5.1 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the Building Official. The fee shall be in addition to the required permit fees. The Building Official may establish this

additional fee up to an amount equal to the required permit fees or one thousand dollars (\$1,000.00), whichever is greater.

104.5.2 Investigation Fees shall be amended to read as follows:

104.5.2 Fee Refunds. Plan review fees, permit fees or other fees charged by the Department may be partially refunded by the Building Official, upon request of the owner, agent or contractor. The amount not refunded shall be in proportion to city staff time and effort dedicated to the project.

104.5.3 Fee Refunds shall be deleted in its entirety

106.3 Penalties shall be amended to read as follows:

106.3 Violation Penalties. Persons who shall violate any provision of this Code, or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 (five hundred) dollars, or by imprisonment not exceeding 30 (thirty) days, or both such fine and imprisonment. Each day a violation continues after due notice has been served shall be deemed a separate offense.

106.61 Violations and Penalties: The following section shall be added:

106.61 Additional Requirements and Limitations. The Building Official shall consider the requirements and procedures of the Code of the City of Haysville entitled Dangerous Buildings. To the extent that Article 7 supersedes or limits the authority and procedures outlined in the sections above, the Building Official shall follow the requirements and procedures of said Article.

107.1 General shall be amended to read as follows:

107.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, a board of appeals is created in the Code of the City of Haysville. The composition of the board, terms, qualification, authority, limitations on authority and other aspects of the board.

107.2 Limitations on Authority is deleted.

Table 104.5, Plumbing Permit Fees shall be amended to read as follows:

Table 104.5, Plumbing Permit Fees shall refer to fees established in Chapter 17 of the Code of the City of Haysville.

Chapter 17, Referenced Standards shall be amended to include the following additional section:

1701.2 Referenced Codes.

- (1) 1701.2.1 Electrical. Whenever used in the Plumbing Code, the term “Electrical Code” shall be construed to mean the current City of Haysville Electrical Code.
- (2) 1701.2.2 Gas. Whenever used in the Plumbing Code, the term “Fuel Gas Code” shall be construed to mean the current City of Haysville Plumbing or Fuel Gas Code.
- (3) 1701.2.3 Mechanical. Whenever used in the Plumbing Code, the term “Mechanical Code” shall be construed to mean the current City of Haysville Mechanical Code.
- (4) 1701.2.4 Residential. Whenever used in the Plumbing Code, the term “Residential Code” shall be construed to mean the current City of Haysville Residential Code.
- (5) 1701.2.5 Fire Prevention. Whenever used in the Plumbing Code, the term “Fire Code” shall be construed to mean the current Sedgwick County Fire Code or Existing Fire Codes currently adopted by the City of Haysville.
- (6) 1701.2.6 Property Maintenance. Whenever used in the Plumbing Code, the term “Property Maintenance Code” shall be construed to mean the current City of Haysville Property Maintenance Code or IEBC.
- (7) 1701.2.7 Existing Building. Whenever used in the Plumbing Code, the term “Existing Building Code” shall be construed to mean the current City of Haysville International Existing Building Code.

(Ord. 1392, Sec. 1; Ord. 1684)

4-1403. Technical Deletions, Amendments or Additions to the Uniform Plumbing Code.

The following sections of the Uniform Plumbing Code incorporated by reference in Section 4-1401 shall be amended as follows:

Section 312.1 of the Uniform Plumbing Code is amended to read as follows:

312.1 General. Sleeves shall be provided to protect all piping through concrete and masonry walls, or concrete floors.

Exceptions:

- (1) Sleeves shall not be required where openings are drilled or bored; and

(2) Sleeves shall not be required for DWV pipes going through concrete basement floors or slab on grade.

Section 312.13 Exposed ABS Piping is hereby deleted.

Section 312.14 Exposed PVC Piping is hereby deleted.

Section 318.0 of the Uniform Plumbing Code is amended to read as follows:

318.0 Test Gauges. In performing the prescribed piping tests as required elsewhere in this Code, a spring type gauge may be used provided the required maximum capacity of the gauge used for the ten (10) psi, for fifteen (15) minutes test, be thirty (30) psi and the required maximum capacity of the spring type gauge used for the sixty (60) psi, for thirty (30) minutes test, be one hundred (100) psi.

Section 414.3 of the Uniform Plumbing Code is amended to read as follows:

414.3 Drainage connection. Commercial dishwashing machines shall discharge indirectly through an air gap or direct connection in accordance with section 704.3 with floor drain protection in no case should a commercial dishwasher discharge through a grease trap or interceptor.

Section 422.0 of the Uniform Plumbing Code is amended to read as follows:

422.0 Minimum number of required fixtures. Minimum Number of Plumbing Fixtures shall be in accordance with the current adopted version of the current International Building Code and all amendments thereto.

Sections 422.1, Fixture Count, through and including 422.5, Toilet Facilities for Workers, including all subsections and subparagraphs, are hereby deleted in their entirety.

Table 422.1 Minimum Plumbing Facilities is amended as follows:

Table 422.1 Minimum Plumbing Facilities shall be renamed Minimum Number of Required Plumbing Fixtures and shall include all of the provisions, including footnotes and exceptions of Table 2902.1, Minimum Number of Required Plumbing Fixtures, as set forth in the current International Building Code. All provisions, including footnotes and exceptions to Table 422.1 in the Uniform Plumbing Code are hereby deleted.

Section 603.1 of the Uniform Plumbing Code is amended to read as follows:

603.1 General. No person shall install any water-operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved

backflow prevention device. In addition to the general requirements of Section 603.0, Cross Connection Control, Backflow prevention devices and methods shall conform to Chapter 15 of the code of the City of Haysville. Registration of backflow testers and test reporting is required by the Authority Having Jurisdiction over backflow testing. Test reports must be maintained by the testing provider and supplied to the Authority Having Jurisdiction, and the backflow device owner. Where, in any specific case, sections of this Code specify different material, methods of construction or requirements in conflict with other local laws or ordinance, the most restrictive shall govern.

Section 603.5.6 of the Uniform Plumbing Code is amended to read as follows:

603.5.6 Protection from Lawn Sprinklers and Irrigation Systems. Potable water supplies to systems having no pumps or connections for pumping equipment and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following devices: (1) Pressure vacuum breaker, (2) Spill-resistant vacuum breaker, (3) Reduced-pressure backflow preventer, or (4) air gap.

Section 603.5.6.2 of the Uniform Plumbing Code is amended to read as follows:

603.5.6.2 Systems with Backflow Devices. Where systems have a device installed downstream of a potable water supply pump or a potable water supply pump connection, the device shall be one of the following: (1) Pressure vacuum breaker, (2) Spill resistant vacuum breaker, (3) Reduced-pressure backflow preventer, or (4) air gap.

Section 603.5.13 of the Uniform Plumbing Code is amended to read as follows:

603.5.13 Deck-mounted or Equipment-mounted Vacuum Breakers. Deck-mounted or equipment-mounted vacuum breakers shall be installed in accordance with their listing and the manufacture's installation instructions, with the critical level not less than six (6) inches (15.24 cm) above the flood-level rim.

Section 603.5.14.2 of the Uniform Plumbing Code is amended to read as follows:

603.5.14.2 Chemicals. Where contaminant chemicals (ethylene glycol, corrosion inhibitors, or other chemicals) are added to a fire protection system supplied from a potable water supply, the potable water system shall be protected by one of the following: (1) Reduced pressure backflow preventer, or (2) Reduced pressure detector assembly. Fire protection systems using low hazard materials must be protected with appropriate protection and clearly labeled per NFPA requirements with MSDS documentation permanently maintained at the backflow device. Devices approved for low hazard potable water system protection include the following: (1) Double check backflow preventer, and (2) Double check detector assembly.

Section 604.10.1 Tracer Wire is hereby deleted.

Table 604.1 shall be amended as follows:

TABLE 604.1

MATERIALS FOR BUILDING SUPPLY AND WATER DISTRIBUTION

PIPING AND FITTINGS

MATERIAL	BUILDING SUPPLY PIPE AND FITTINGS	WATER DISTRIBUTION PIPE AND FITTINGS	REFERENCED STANDARD(S) PIPE	REFERENCED STANDARD(S) FITTINGS
Copper and Copper Alloys	X	X	ASTM B42. ASTM B43.	ASME B16.15. ASMI: B16.18.
			ASTM 875, ASTM 888.	ASME B16.22. ASME B16.26.
			A'sTM RI< A<sTM R7 1 ASTM B302, ASTM B447	ASMEB16.51
CPVC	X	X	ASTM 02846, ASTM F44 I. ASTM F442, CSA B137.6	ASTM 02846. ASTM F437. ASTM F438. ASTM F439. ASTM F1970. CSA B137.6
CPVC-AL- CPVC	X	X	ASTMF2855	ASTMD2846
Ductile-Iron	X	X	AWWACI51	ASME B16.4. AWWA C110. AWWACI53
Galvanized Steel	X	X	ASTMA53	-
Malleable Iron	X	X	-	ASMEB16.3
PE**	X'	** -	ASTM 02239. ASTM 02737. ASTM 03035, A WW A C901, CSA B137.1	ASTM 02609. ASTM 02683. ASTM D326I. ASTM F1 055. CSA B137.I

MATERIAL	BUILDING SUPPLY PIPE AND FITTINGS	WATER DISTRIBUTION PIPE AND FITTINGS	REFERENCED STANDARD(S) PIPE	REFERENCED STANDARD(S) FITTINGS
PE-AL-PE	X	X	ASTM F1282. CSA B137.9	ASTM F1282. ASTM F1974. CSA B137.9
PE-RT	X	X	ASTMF2769	ASTM F1807. ASTM F2098. ASTM F2 I 59. ASTM F2735. ASTMF2769
PEX	X	X		ASSE I 06 1. ASTM F877.
			ASTM F876. ASTM F877.	ASTM F1807. ASTM F1960.
			CSA B137.5. AWWA C904*	ASTM FI 961. ASTM F2080. ASTM F2 I 59. ASTM F2735.
				CSA B137.5

TABLE 604.1 shall be amended as follows:

Table 604.1, MATERIALS FOR BUILDING SUPPLY AND DISTRIBUTION PIPING AND FITTINGS. The following footnote has been added to Table 604.1: **Polyethylene (PE) water service piping may extend inside a structure to the building master shut off valve; provided there are no branches taken off ahead of the building master shut off valve.

Section 608.2 of the Uniform Plumbing Code is amended to read as follows:

608.2 Excessive Water Pressure. Where static water pressure in the water supply piping is in excess of one hundred (100) psi, an approved type pressure regulator preceded by an adequate strainer shall be installed and the static pressure reduced to one hundred (1 00) psi or less. Such regulator(s) shall control the pressure to all water outlets in the building unless otherwise approved by the administrative authority. Each such regulator and strainer shall be accessibly located aboveground or in a vault equipped with a properly sized and sloped bore- sighted drain to daylight, shall be protected from freezing, and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping. All pipe size determinations shall be based on eighty percent (80%) of the reduced pressure when using Table 610.4

Section 609.1 of the Uniform Plumbing Code is amended to read as follows:

609.1 Installation. All water piping shall be adequately supported in accordance with Section 313.0, Table 313.3 and to the satisfaction of the administrative authority. Burred ends shall be reamed to the full bore of the pipe. Changes in direction shall be made by the appropriate use of the fittings, except that changes in direction in copper tubing may be made with bends having a radius of not less than six (6) diameters of the tubing, providing that such bends are made with bending equipment that does not deform or create a loss in the cross-sectional area of the tubing. Changes in direction are allowed with flexible pipe and tubing without fittings in accordance with the manufacturer's installation instructions. Provisions shall be made for expansion in hot water piping. The depth of a water service line shall be at least thirty-six (36) inches below finished grade. Such service shall be not less than five (5) feet from any tree on public property (repair or replacement of an existing service is exempt from this requirement). The water service pipe shall be laid in a ditch separate from other underground pipes or conduits. There shall be not less than eighteen (18) inches of solid undisturbed earth between water service pipes and other underground pipes and conduits. All piping, equipment appurtenances and devices shall be installed in a workmanlike manner in conformity with the provisions and intent of this Code.

Section 609.11 Pipe Insulation, including all subsections and subparagraphs, is hereby deleted in its entirety.

Section 705.5.2 of the Uniform Plumbing Code is amended to read as follows:

705.5.2 Solvent Cement Joints. Plastic pipe and fittings designed to be joined by solvent cementing shall comply with the manufacturer's installation instructions and the following: PVC pipe and fittings must be cleaned and joined with primer(s) and solvent cement(s). Non-pressure PVC pipe and fittings may be joined without primer by using a medium body, one step cement that must be listed by the cement manufacturer for use without primer and so stated on the label.

Section 707.0 of the Uniform Plumbing Code is amended to read as follows:

707.0 Cleanouts. Cleanouts shall conform to the requirements of Chapter 15, Article 3 of the code of the City of Haysville.

Section 710.4 of the Uniform Plumbing Code is amended to read as follows:

710.4 Discharge line. The discharge line from such ejector, pump, or other mechanical device shall be of approved material and be provided with an accessible backwater or swing check valve and gate or ball valve. Where the gravity drainage line to which such discharge line connects is horizontal, the method of connection shall be from the top through a wye branch fitting. The gate or ball valve shall be located on the discharge side of the backwater or check valve.

Gate or ball valves, where installed in drainage piping, shall be the fullway type with working parts of corrosion-resistant metal. Sizes four (4) inches (100 mm) or more in diameter shall have cast-iron bodies, and sizes less than four (4) inches (100mm), cast-iron or copper alloy bodies.

Section 712.1 of the Uniform Plumbing Code is amended to read as follows:

712.1 Media. The piping of the plumbing, drainage, and venting systems shall be tested with water or air. The Authority Having Jurisdiction, as defined in the Uniform Plumbing Code, may require the removal of any cleanouts, etc., to ascertain whether the pressure has reached all parts of the system. When the temperature wherein the drainage system is located is above twenty degrees (20°) Fahrenheit, a water test as set forth in Section 712.2 may be made. After the plumbing fixtures have been set and their traps filled with water, they shall be submitted to a final test.

Section 804.1 of the Uniform Plumbing Code is amended to read as follows:

804.1 Indirect Waste Receptors. All plumbing fixtures or other receptors receiving the discharge of indirect waste pipes shall be approved for the use proposed, shall be of such shape and capacity as to prevent splashing or flooding, and shall be located where they are readily accessible for inspection and cleaning. No indirect waste receptor shall be installed in any toilet rooms, closet, cupboard or storeroom, nor in any other portion of a building not in general use by the occupants thereof, except standpipes for clothes washers may be installed in toilet and bathroom areas when the clothes washers are installed in the same room. Clothes washers shall not be installed so as to discharge into any gravity line higher than sixty (60) inches above its base. The clothes washer standpipe shall be a minimum length of eighteen (18) inches above the trap and the inlet of the standpipe no higher than sixty (60) inches above the floor. In any structure where drains indirect waste receptors are to be installed in or flush with the floor, they these receptors may be floor sinks or floor drains, and shall be readily accessible, provided floor drains. Floor drains used as indirect waste receptors shall meet the following requirements:

- (1) Have a reservoir capacity a minimum of four (4) inches in diameter and two (2) inches deep;
- (2) Have a perforated cover equal in area to the diameter of the drain;
- (3) Have a minimum trap and waste line size of two (2) inches in diameter; and
- (4) The indirect waste line shall maintain a two (2) inch air gap.

Section 807.3 Domestic Dishwashing Machine is hereby deleted.

Section 814.5 of the Uniform Plumbing Code is amended to read as follows:

814.5 Point of discharge. Air-conditioning condensate waste pipes shall connect indirectly, except where permitted in section 814.6, to the drainage system through an air gap or air break to properly trapped and vented receptors, dry wells, leach pits, or the tailpiece of plumbing fixtures. When a fixture tail piece is used for condensate waste, the air gap or air break fitting shall be located no less than six (6) inches above the flood level rim of the fixture served by the tail piece. A condensate drain line shall be trapped in accordance with the appliance manufacturer's instructions or as approved.

Section 814.6 of the Uniform Plumbing Code is amended to read as follows:

814.6 Condensate Waste from Air-Conditioning Coils. Where the condensate waste from air-conditioning coils discharges by direct connection to a lavatory tailpiece or to an approved accessible inlet on a bathtub overflow, the connection shall be located in the area controlled by the same person controlling the air-conditioned space. The flood level rim of the condensate collection device shall be located no less than six (6) inches above the flood level rim of the fixture served by the tail piece.

Section 906.1 of the Uniform Plumbing Code is amended to read as follows:

906.1 Roof Termination. Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than six (6) inches (152mm) above the roof not less than one (1) foot (305mm) from the vertical surface.

Exception:

Extension through the wall. With prior approval of the authority having jurisdiction, vent terminals through a wall shall be allowed as an alternative method on residential plumbing remodels where other structural issues make it impractical to install a roof termination without remodeling other areas of the structure. Vent terminals extending through the wall shall terminate at a point not less than ten (10) feet (3048mm) from a lot line and not less than ten (10) feet (3048mm) above average ground level. Vent terminations shall not terminate under an overhang of a structure with soffit vents. Side wall vent terminals shall be protected to prevent birds or rodents from entering or blocking the vent opening.

Section 908.0 of the Uniform Plumbing Code is amended to read as follows:

908.0 Wet venting. Groups of fixtures on the same floor may be wet or stack vented provided that:

- (1) The maximum distance from the vent intersection with the waste or soil pipe to the dip of the trap shall be in accordance with Table 1002.2.
- (2) Not more than one fixture unit wastes into a one and one-half (1 1/2) inch diameter wet vent. Not more than four (4) fixture units shall waste into a two (2) inch diameter (excluding urinals) or nine (9) fixture units into three (3) inch or larger diameter wet vent.

- (3) Excepting floor drains, no fixtures shall waste into such stack below the closet fixture opening without a proper vent.
- (4) The limit of a horizontal wet vent shall be ten (10) feet developed length.
- (5) A wet vent receiving the discharge from a clothes washer can only be used to wet vent a water closet. The vent intersection shall be no closer than four (4) feet total developed length from the top of the closet flange.

Section 908.3 of the Uniform Plumbing Code is hereby created and shall read as follows:

908.3 Circuit Venting, Top Floor Option. When a circuit vent is installed on a top floor, the circuit may loop to the stack vent. Also, the stack vent may be used as the required relief vent

Section 908.4 - Air Admittance Valves is hereby created and shall read as follows:

908.4 - Air Admittance Valves. Air admittance valves shall be allowed as an alternative method on residential plumbing renovations and repairs where structural issues make it impractical to install a conventional vent without remodeling other areas of the structure. **Air Admittance Valves shall not be used in new construction.** Vent systems using air admittance valves shall comply with this Section, including the following requirements:

- (1) Individual and branch-type air admittance valves shall conform to ASSE 1051.
- (2) The valves shall be installed in accordance with the requirements of this Section and the manufacturer's instructions. Air admittance valves shall be installed after the DWV testing required by Sections 105.0 and 712.0 of the Uniform Plumbing Code has been performed.
- (3) Individual vents and branch type air admittance valves shall vent only fixtures that are on the same floor level and connect to a horizontal branch drain.
- (4) Individual and branch air admittance valves shall be located not less than four (4) inches above the horizontal branch drain or fixture drain being vented. The air admittance valve shall be located within the maximum developed length permitted for the vent. The air admittance valve shall be installed not less than six (6) inches above insulation materials when installed in attics.
- (5) Access shall be provided to air admittance valves. Such valves shall be installed in a location that allows air to enter the valve.
- (6) Air admittance valves shall not be located in spaces utilized as supply or return air plenums.

(7) The air admittance valve shall be rated for the size of the vent to which the valve is connected

(8) Each plumbing system shall be vented by one or more vent pipes extending outdoors to the open air, and the aggregate cross-sectional area of which shall be not less than that of the largest required building sewer, as stated in 904.1 of the Uniform Plumbing Code.

(9) Air admittance valves shall not be used to vent sumps or tanks except where the vent system for the sump or tank has been designed by an engineer.

A permanent, visible label shall be attached to the panel, enclosure, or trap of the fixture being served stating "AIR ADMITTANCE VALVE INSTALLED".

Table 1002.2 of the Uniform Plumbing Code is amended to read as follows:

Table 1002.2 Horizontal Lengths of Trap Arms

(Except for water closets and similar fixtures)*

TRAP ARM PIPE DIAMETER (inches)	DISTANCE TRAP TO VENT MINIMUM (inches)	LENGTH MAXIMUM (inches)
1 1/4	2 1/2	30
1 1/2	3	42
2	4	72
3	6	72
4	8	120
Exceeding 4	2 x Diameter	120

For SI units: 1 inch= 25.4 mm

Provided that the distance for floor drains shall be within fifteen (15) feet of a ventilated line and the distance for bathtubs with one and one-half (1 1/2) inch waste shall be within five (5) feet of a vent.

For trap arms three (3) inches in diameter and larger, the change of direction shall not exceed one hundred and thirty-five (135) degrees without the use of a cleanout.

*The developed length between the trap of a water closet or similar fixture (measured from the top of the closet ring (flange) to inner edge of vent) and its vent shall not exceed six (6) feet.

Section 1014.0 Grease Interceptors shall be amended to read as follows:

1014.0 Grease Interceptors. In addition to the requirements of 1014.1 General through and including 1014.3 Gravity Grease Interceptors below, and including their subparagraphs and subsections, all grease interceptors shall comply with Chapter 15, Article 4 of the Code of the City of Haysville.

Section 1015.0 FOG (Fats, Oils, and Greases) Disposal System shall be amended to read as follows:

1015.0 FOG (Fats, Oils, and Greases) Disposal System. In addition to the requirements of 1015.1 Purpose through and including 1015.4 Performance below, all FOG disposal systems shall comply with Chapter 15, Article 4 of the code of the City of Haysville.

Section 1016.0 Sand Interceptors shall be amended to read as follows:

1016.0 Sand Interceptors. In addition to the requirements of 1016.1 Discharge through and including 1016.4 Separate Use below, all sand interceptors shall comply with Article 3 – Sewer Regulations in Chapter XV of the Code of the City of Haysville.

Section 1017.0 Oil and Flammable Liquid Interceptors shall be amended to read as follows:

1017.0 Oil and Flammable Liquid Interceptors. In addition to the requirements of 1017.1 Interceptors required through and including 1014.2 Design of Interceptors below, all oil and flammable liquid interceptors shall comply with Chapter 15, Article 4 of the code of the City of Haysville.

Section 1203.3.1 of the Uniform Plumbing Code is amended to read as follows:

1203.3.1 Rough Piping Inspection. A rough piping inspection shall be made after all gas piping authorized by the permit has been installed, and before any such piping has been covered or concealed, or any fixture or appliance has been attached thereto. This inspection shall include a determination that the gas piping size, material and installation meet the requirements of this Code.

When installing any gas opening for a future gas burning appliance in residential gas piping systems, it shall be sized and located according to the following requirements:

The future appliance shall be assigned a minimum fifty-five thousand (55,000) BTU value for sizing the gas distribution piping system;

(1) For future solid fuel burning fireplaces, the gas opening shall be run to within four (4) feet of the fire box and be controlled by an accessible approved shut-off valve outside the hearth and be properly capped or plugged;

(2) For future gas fired appliances, the gas opening shall be run to within three (3) feet of the appliance and be controlled by a readily accessible approved shut-off valve outside the hearth and be properly capped or plugged;

(3) The approved required shut-off valve shall be outside of each appliance or fireplace and ahead of the union connection and in addition to any valve on the appliance;

(4) When creating a new opening all gas piping must be tested in accordance with this Code.

(5) When extending an existing gas opening, only that branch must be tested in accordance with this Code. When making a gas opening at the meter loop, only that branch must be tested in accordance with this Code.

Exception: When approved by the administrative authority, above procedures may be waived and a soap test administered.

Section 1208.5.3.4 of the Uniform Plumbing Code is amended to read as follows:

1208.5.3.4 - Corrugated Stainless Steel. Corrugated stainless steel tubing shall be tested and listed in accordance with the construction, installation, and performance requirements of CSA LC-1. [NFPA 54:5.6.3.4]. In addition, corrugated stainless steel tubing shall be coated with an electrically conductive jacket compliant with the listing standard of ANSI LC-1/CSA 6.26 - 2014.

Section 1210.1.5 Maximum Design Operating Pressure is hereby deleted.

Section 1210.2 of the Uniform Plumbing Code is amended to read as follows:

1210.2 Installation of Gas Piping. All exposed piping installed outdoors shall be elevated not less than three and one half (3-1/2) inches above grade.

Gas piping shall enter or exit the structure above the finish grade, and threaded steel gas piping shall be installed with a swing joint located where the gas piping enters or exits the structure. A "swing joint" means a joint in a threaded pipeline which permits motion in the line in a plane normal to the direction of one part of the line.

Where installed across roof surfaces, gas piping shall be elevated not less than three and one-half (3-1/2) inches above the roof surface. Piping installed above ground, outdoors, and installed across the surface of roofs shall be securely supported and located where it will be protected from physical damage. Where passing through an outside wall, the piping shall also be protected against corrosion by coating or wrapping with an inert material approved for such applications. The piping shall be sealed around its circumference at the point of the exterior penetration to prevent the entry of water, insects, and rodents. Where piping is encased in a protective pipe sleeve the annular space between the gas piping and the sleeve

shall be sealed at the wall to prevent the entry of water, insects, or rodents. [NFPA 54: 6.2.1]

Section 1211.2 of the Uniform Plumbing Code, is amended to read as follows:

1211.2 Bonding of CSST Gas Piping. CSST gas piping systems shall be bonded to the electrical service grounding electrode system. The bonding jumper shall connect to a metallic pipe or fitting between the point of delivery and the first downstream CSST fitting. The bonding jumper shall be not smaller than 6 AWG copper wire or equivalent. Gas piping systems that contain one or more segments of CSST shall be bonded in accordance with this section. [NFPA 54- 12:7.13.2].

Exception: This bonding requirement may be eliminated if the CSST is compliant with the listing standard of ANSI LC-1/CSA6.26 - 2014, and the manufacturer's installation instructions for the specific product states that additional bonding is not required.

Section 1212.10.1 of the Uniform Plumbing Code. is hereby created and shall read as follows:

1212.10.1 Installation – LPG. In areas where natural gas is available for use as a fuel gas, it shall be used as the primary source for fuel gas for R-1, R-2, R-3, and R-4 type occupancy.

Section 1212.10.2 of the Uniform Plumbing Code is hereby created and shall read as follows:

1212.10.2 Equipment Burning LPG. Equipment burning liquefied petroleum gas (LPG) or liquid fuel shall not be located in a pit, an under-floor space, below grade or similar location where vapors or fuel might unsafely collect unless an approved method for the safe collection, removal and containment or disposal of the vapors or fuel is provided.

Exception: Equipment burning liquefied petroleum gas (LPG) that is equipped with an automatically controlled gas valve may be installed below grade of a R-1, R-2, R-3, or R- 4 type occupancy, provided that each area where said appliance(s) are located is equipped with a listed, labeled and approved liquefied petroleum gas detection alarm. Detectors shall sound an alarm audible in all areas of the structure and be installed per manufacturers installation instructions.

Section 1212.10.3 of the Uniform Plumbing Code, is hereby created and shall read as follows:

1212.10.3 Sump Pump – LPG. Only submersible type sump pumps will be acceptable for structures with LPG service.

Section 1212.10.4 of the Uniform Plumbing Code, is hereby created and shall read as follows:

1212.10.4 Log Lighter Valve – LPG. No LPG log lighter valve shall be allowed to be installed below grade, but they shall be allowed on the main floor with a maximum 50 gallon LPG tank no closer than three (3) feet to a structure. LPG tank must be secured. Valves and fittings must be listed for LPG.

(Code 2022)

4-604. ENFORCEMENT.

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the Director of Public Works. Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code. The City hereby authorizes the building official to enforce such rules and regulations as are necessary to carry out the purpose(s) of this Code.

4-605. VIOLATIONS AND PENALTIES.

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth as set forth above. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(Code 2011)

4-606. PENALTY CLAUSE NOT EXCLUSIVE.

The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this Article.

(Code 2011)

4-607. LIABILITY.

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

(Code 2011)

4-608. SEVERABILITY.

If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.
(Code 2011)

**ARTICLE 7.
DRAIN LAYERS**

- 4-701. **APPLICABILITY OF UNIFORM CODE.** The Plumbing and Gas Fitting Code, incorporated in Article 6 of this chapter and all water, sewer, and wastewater regulations established in Chapter 15 of the Haysville Municipal Code shall be applicable to drain layers in the city.
 (Code 1984; Ord. 651; Code 2003)
- 4-702. **BOARD OF APPEALS; DRAIN LAYERS.** In order to hear and decide appeals of orders, the decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the city. The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.
 (Code 2003)
- 4-703. **DRAIN LAYER INSPECTOR: AUTHORITY AND APPEALS.** The duties for the drain layer inspector shall be as follows:
- (a) There shall be designated a qualified officer or employee to be the drain layer inspector of the city for the purpose of this article. It shall be the duty of the drain layer inspector to inspect all drain laying done in the city for which a permit is required. He or she shall cooperate with the board of health of the county in performance of any duty imposed upon such board by the health laws of the city.
- (b) The drain layer inspector shall keep a record of inspections made by him or her and in connection therewith a record of orders of approval or disapproval of any drain laying work. He or she shall inspect all buildings being erected, altered, or repaired with regard to drain laying therein to see that all drain laying work conforms to the plumbing regulations of the city. The inspector shall have power to reject any drain laying if the same is not done in accordance with such regulations. He or she shall be authorized to

enter upon premises for all such purposes to perform the duty imposed upon him or her and to make application to a court of competent jurisdiction for an order authorizing such entry if it shall be denied. The owner of any building, the drain laying of which has been rejected by the inspector and who may feel aggrieved respecting such order, may by agent or personally appeal to the board of appeals to have such order reviewed and the decision of that board can be appealed to the governing body for review. The decision of the governing body shall be final when the matter shall have been heard by it.

(Code 1971, Sec. 4-408; Code 1984; Code 2003)

- 4-704. INSPECTIONS. All inspection work required herein to be performed by any officer or employee of the city shall be charged at the rate established by the governing body. All such inspection fees and charges shall be paid to the office of the city clerk and credited to the city general operating fund. Re-inspection fees are as set out in Chapter 17.

(Code 1984; Code 2003)

- 4-705. RE-INSPECTION/NON-BUSINESS HOURS; FEE. The drain laying inspector shall make a thorough re-inspection of all drain laying whenever deemed advisable, within or on any building or premises within the city. When drain laying is found to be in a dangerous and unsafe condition and in noncompliance with this article, the person, firm, entity or corporation owning, using or operating the same shall be notified in writing and shall make the necessary repairs and changes required to place such drain laying in compliance with this article within the time specified in the notice. Upon failure to comply with the written notice, the drain laying inspector is hereby authorized to notify the utility company supplying water to such building or premises, to cease service and to hold such service off until instructed by the drain laying inspector that service may be restored. Re-inspection fees are as set out in Chapter 17.

(Code 1971, Sec. 4-215; Code 2003)

- 4-706. APPRENTICE DRAIN LAYERS. Apprentice drain layers shall be permitted to work when accompanied by and are under the control and supervision of a master or journeyman drain layer.

(Code 1984; Code 2003)

- 4-707. CERTIFICATE; RENEWAL. All drain layer certificates shall be renewable annually on January 1. Renewal fees shall be paid to the city clerk. Applicants for certificates not renewed within sixty (60) days must show proof of block certification before certificate is renewed. The fee shall be as set out in Chapter 17.

(Ord. 686; Code 2007)

- 4-708. INSURANCE REQUIREMENT. It shall be unlawful for any drain layer contractor to conduct business within the city unless such contractor first provides documentation in the nature of proof of insurance showing that such contractor is covered with liability insurance in the minimum amount of \$500,000 with the city named as an additional insured. All such documentation shall state that the city shall be given at least thirty (30)

days advanced written notice of any cancellation or material change in coverage of such insurance. If any person, firm, company, corporation or other entity shall conduct business within the city without first procuring and maintaining insurance coverage in accordance with this section, such person, firm, company, corporation or other entity shall be deemed guilty of a misdemeanor and punished by fine and/or suspension or revocation of the contractor's license.

(Code 1984; Code 2003)

- 4-709. **LICENSE: DRAIN LAYER.** Any person engaging in or desiring to engage in the business of laying any private sewer or drain to be connected with the city sewer or private sewer in the city, or the repairing or relaying of any existing private sewer or drain in the city shall before obtaining any permit or transacting any business, procure a license from the city. A master drain layer certificate issued by a city of a larger class and in good standing shall be recognized by the city of Haysville. The license shall be renewable annually on January 1 by applying to the city clerk. No license shall be transferred from one person to another. Fees shall be paid to the city clerk. License or certificate fees shall be as stated in the approved schedule of fees. The fees shall be as set out in Chapter 17.

A drain layer's license may be issued to any person, firm, copartner ship, corporation or other entity in which at least one (1) active member or officer has been qualified as and has a master drain layer's certificate. A separate license shall be issued for each place where business is conducted.

(Ord. 395, Secs. 1:2; Code 1984; Code 2003; Code 2007)

- 4-710. **SUSPENSION.** The board of appeals is hereby authorized to cancel and recall, or suspend for a period not exceeding twelve (12) months, the certificate of any master or journeyman drain layer and the license of any master drain layer for any one of the following reasons:

(a) Abandonment of any contract without legal cause;

(b) Diversion of funds or property received for the performance or completion of a specific contract, and their application or use of any other contract, obligation or purpose, or the failure, neglect or refusal to use such funds or property for the performance or completion of such contract;

(c) Misrepresentation of any material fact by the applicant in obtaining his or her certificate;

(d) Failure without just cause to fully satisfy all claims for labor and/or materials used in the performance of any work for which he or she has been engaged and/or materials used in the performance of any work for which he or she has been engaged and for which he or she has been paid;

(e) Fraudulent use of his or her license to obtain permits for another;

(f) Wantonness, recklessness, carelessness or negligence in providing reasonable safety measures for the protection of workers and/or the general public;

(g) Unreasonable delay in the performance or the fulfilling of any contract;

(h) Failure, neglect or refusal to comply with any lawful order of the drain layer inspector;

(i) Failure, neglect or refusal to comply with all state, local and city laws relating to drain laying work

(j) Cancellation, recall, or suspension of a comparable certificate or license issued by another jurisdiction for any of the above described acts.

(Code 1971, Sec.4-320; Code 1984; Code 2003)

4-711.

SUSPENSION; APPEAL. Should any master or journeyman drain layer feel that his or her certificate has been wrongfully canceled and recalled, or suspended as provided in section 4-710 hereof; or should any master drain layer feel that his or her license has been wrongfully canceled and recalled or suspended as provided in section 4-710, he or she may within ten (10) days from the date of such cancellation and recall or suspension appeal to the governing body by filing with the city clerk a written notice of appeal. The city clerk shall place the matter on the agenda of the governing body for the next regular meeting of the governing body. At the time of that meeting of the governing body, the appellant shall be given the opportunity for a full hearing. The governing body may in this section reverse, modify or affirm the existing cancellation and recall, or suspension.

Should there be no appeal as provided herein the existing cancellation and recall, or suspension shall be final and not appealable.

(Code 1971, Sec. 4-321; Code 1984; Code 2003)

4-712.

ADVERTISING. (a) It shall be unlawful for any person, firm, company, corporation or other entity to advertise as a drain layer contractor unless, at the time such advertisement occurs, such person, firm, company, corporation or other entity has a then valid plumbing contractor's license.

(b) Any advertisement by such person, firm, company, corporation or other entity to advertise as a drain layer contractor which is placed or published in any publication or other print medium which is circulated, displayed or distributed within the city or which is placed upon vehicles or is broadcast by radio or television or any other means to persons within the city, shall include the full name of the licensed person, firm, company, corporation or other entity and the license number assigned by any office of any municipality having inspection control over any such person, firm, company, corporation or other entity.

(c) As used herein, the words "advertise" or "advertisement" shall include, but not be limited to, a business card, contract bid proposal form, printed letterhead, or any other printed or written material designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and meant to solicit business from such persons or any broadcast statement designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and to solicit business from such persons. Such words are intended to include telephone directory display ads but not basic white and yellow page telephone listings.

(Ord. 713; Code 2003)

4-713.

FEES: GENERAL OPERATING FUND. All fees, permits, licenses, etc. required by this article shall be paid to the city clerk and shall be credited to the city general operating fund.

(Code 1971, Sec. 4-323; Code 1984; Code 2003)

- 4-714. PENALTY. Any person who shall within the city limits engage in or work at the trade of drain laying in violation of any provision of this article shall be fined in accordance with the general penalty provisions of section 1-121 of this code. Each day the violation is committed or continued shall constitute a separate offense.
(Code 1984; Code 2003)

ARTICLE 8. MECHANICAL CODE

- 4-801. ADOPTION OF THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION.

There is hereby adopted by reference by the City of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Mechanical Code, 2012 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 708 Falls Church, Virginia, 22041, excluding appendix B, and sections 301.2, 301.3, 501.3.1.1, 802.8, and 1101.10, as such Mechanical Code was adopted and amended by Resolution # 106-2015 of the Board of County Commissioners of Sedgwick County, Kansas, of May 20, 2015, and such is hereby incorporated herein and made a part of this Code as though set forth at length herein, all as subsequently set forth within the Unified Building and Trade Code as adopted within Article 12 of this Chapter, including all fee schedules unless otherwise set forth within Chapter 17 of this Code. This Standard Code and all Amendments as set forth herein and within the aforementioned Resolution of the Sedgwick County Board of Commissioners, as subsequently incorporated into the Unified Building and Trade Code shall henceforth be known as the Mechanical Code of the City of Haysville.

- 4-802. AVAILABILITY OF COPIES.

One copy of said code along with the amendments set forth in that Resolution of the Sedgwick County Commission as described in 4-801 above, have been and are now filed in the office of the City Clerk and the said codes are hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

- 4-803. AMENDMENTS.

Section 101.2 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: This Code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This Code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas equipment, fuel gas fired appliances and gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code. Exception: Detached one- and two- family dwellings not more than three stories high with separate means of egress and their accessory structures shall comply with

the 2006 International Residential Code. Official publication of amendments shall be by publication in the official codebook of the City of Haysville, pursuant to K.S.A. 12-3009, et seq.

4-804. VIOLATIONS AND PENALTIES.

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 108 et seq. of the International Mechanical Code as amended. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(Code 2011)

4-805. PENALTY CLAUSE NOT EXCLUSIVE.

The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this Article.

(Code 2011)

4-806. ENFORCEMENT.

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the Director of Public Works. Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code. The City hereby authorizes the building official to enforce such rules and regulations as are necessary to carry out the purpose(s) of this Code.

4-807. LIABILITY.

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

(Code 2011)

4-808. SEVERABILITY.

If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.

(Code 2011)

**ARTICLE 9.
PRIVATE SWIMMING POOLS**

4-901. DEFINITIONS. For the purpose for this article, certain terms are herewith defined as follows:

(a) Private: Shall mean not open to the public, not publicly owned, or not otherwise

regulated by the state of Kansas, either by statute, rule or regulation, or by the city.

(b) Swimming Pool shall mean any artificially constructed, permanent or portable pool capable of being used for swimming or bathing, having depth of two (2) feet or more at any point.

(Ord. 437, Sec.1; Code 2004)

4-902. PERMIT REQUIRED. It shall be unlawful to construct or establish a private swimming pool without having obtained a permit therefore in the manner hereinafter specified. The fee shall be as set out in Chapter 17.

(Ord. 437, Sec. 2; Code 2003; Code 2007)

4-903. APPLICATION FOR PERMIT; PLANS REQUIRED; APPROVAL. Application for construction on and maintenance of a private swimming pool shall be made to the building inspector by the owner of the property or by the contractor who is to construct the swimming pool. The application shall be accompanied by duplicate sets of plans, specifications and plot plans of the property. The plot plan shall also show the location, height and type of all existing fences or walls on the boundary line to the property, together with the type and height of such fencing or enclosure as may be required in this article. No permit for a private swimming pool shall be issued by the building inspector until the required plans, specifications and plot plans have been approved by the health office and such approval has been properly certified on the plans.

(Ord. 437, Sec. 3; Code 2003)

4-904. MATERIAL TO BE WATERPROOF; EASILY CLEANED. All materials used in the construction of a private swimming pool shall be waterproof and easily cleaned.

(Ord. 437, Sec.4; Code 2003)

4-905. CONSTRUCTION AND DESIGN GENERALLY. Construction and design of private swimming pools shall be such that they may be maintained and operated in compliance with existing health codes and regulations at all times.

(Ord. 437, Sec. 5; Code 2003)

4-906. RECIRCULATION, FILTRATION SYSTEMS REQUIRED. All private swimming pools shall be equipped with recirculation and filtration systems of such type and size as is deemed adequate by the health officer.

(Ord. 437, Sec. 6; Code 2003)

4-907. MAINTENANCE GENERALLY. The owner of every private swimming pool shall be responsible for maintaining the pool in good, sanitary condition, shall operate and maintain the pool in compliance with existing health codes and regulations, and shall prevent breaks in the pool or water from the pool overflowing onto adjacent public or private property.

(Ord. 437, Sec. 7; Code 2003)

4-908. SOURCE OF WATER SUPPLY. No source of water other than that secured from

the city water distribution system or private well shall be used in private residential swimming pools. Water shall not be taken directly from any fire hydrant without special permission from the Metropolitan Area Building and Construction Department Fire Chief and the public works director of the city.

(Ord. 437, Sec. 8; Code 2003)

4-909. BACKFLOW PROTECTION REQUIRED. All water inlet pipes shall be equipped with backflow protection.

(Ord. 437, Sec. 9; Code 2003)

4-910. DISCHARGE SYSTEM. All private swimming pools hereafter constructed within the city shall be provided with a nonpermanent drainage or connection or system to either a street or other drainage area, which shall be approved by the building inspector. In no way shall the term "other drainage area" be construed to mean a sanitary sewer.

(Ord. 437, Sec. 10; Code 2003)

4-911. COMPLIANCE WITH PLUMBING CODE. All pipings, drains and water purification equipment shall be installed in accordance with the provisions of the plumbing code of the city.

(Ord. 437, Sec.11; Code 2003)

4-912. LIGHTING. No artificial lighting shall be maintained or operated in connection with a private swimming pool in such a manner as to be a nuisance or annoyance to the neighborhood property.

(Ord. 437, Sec. 12; Code 2003)

4-913. COMPLIANCE WITH ELECTRICAL CODE. All electrical installations provided or installed in conjunction with private swimming pools shall be installed in conformance with the electrical code of the city.

(Ord. 437, Sec. 13; Code 2003)

4-914. LOCATION OF CURRENT CARRYING CONDUCTORS. Open current carrying conductors and service cables shall not pass over a swimming pool or within eighteen (18) feet of the edge of the pool, diving platform, observation stands or anchored rafts. Underground service shall have a minimum clearance of five (5) feet from any part of a swimming pool.

(Ord. 437, Sec. 14; Code 2003)

4-915. GROUNDING OF METAL FENCES, RAILING. All metal fences, enclosures or railing near or adjacent to private residential swimming pools which might become electrically alive as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

(Ord. 437 Sec. 15; Code 2003)

4-916. LOCATION OF POOLS. Outside or open air private swimming pools shall be

located not less than ten (10) feet from the side or rear property line and not less than fifteen (15) feet from the property line on the street side of the corner lots. No pool shall be located closer than twenty (20) feet to the principal building on an adjoining lot nor closer than sixty (60) feet to the front property line.

(Ord. 437, Sec. 16; Code 2003)

- 4-917. ENCLOSURE OF POOLS. Every private swimming pool shall be completely surrounded by a fence or wall not less than four (4) feet in height which shall be of a type not readily climbed or broached by children. Except for gate and dwelling door openings, no pool enclosure shall have any opening that will allow a four (4) inch sphere to pass through. The gates shall be of a self-closing and latching type with the latch on the inside of the gate, not readily accessible for children to open except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

Approved enclosures for private swimming pools are:

- (a) Solid masonry fencing.
- (b) Solid wood fencing with all cross beams or members on the inside.
- (c) Chain link
- (d) Ornamental iron.

(e) Any other type determined to meet the requirements of this section. This determination to be made by the board of appeals, as established by the Existing Building Code, as adopted by the city of Haysville, with the recommendation of the building inspector.

(f) In lieu of the fencing specified above, a swimming or working pool may be protected and enclosed, when not under the supervision of an adult, by means of a power safety cover meeting the most recent specifications approved by the American Society for Testing and Materials for swimming pool covers under the fixed designation standard F 1346 (ASTM F 1346). Spa pools may be protected by a locked spa pool cover.

(Ord. 437, Sec. 17; Code 2003, Ord. 877)

- 4-918. SAFETY EQUIPMENT REQUIRED. Each pool shall be furnished with safety equipment as required by the State Board of Health.

(Ord. 437, Sec. 18; Code 2003)

- 4-919. EXISTING POOLS. When it is deemed necessary by the building inspector or the health officer, the owner of any pool which existed prior to the effective date of this article shall make such alterations or changes as are necessary to remove any nuisance or hazard which might cause injury or harm to the public or to the person or persons that use it. The owner shall be allowed twenty (20) days from the date of written notification to begin required changes and shall show complete compliance on or before sixty (60) days.

(Ord. 437, Sec. 19; Code 2003)

- 4-920. PENALTY. Any person who violates, disobeys, omits, neglects or refuses to comply with the provisions of this article shall be fined not more than twenty-five dollars (\$25) for each offense. Each day that a violation is continued shall constitute a separate offense.

(Ord. 437, Sec. 20; Code 2003)

**ARTICLE 10.
UNDERGROUND SPRINKLER SYSTEMS**

4-1001. **PERMIT REQUIRED.** It is unlawful to excavate, construct, or install an underground sprinkler (irrigation) system on public right-of-way located within the city and owned by or under control of the state of Kansas or any agency thereof without first obtaining a permit from the city.

(Ord. 687; Code 2003)

4-1002. **APPLICATION FOR SPRINKLER PERMIT.** (a) An application for a sprinkler permit shall be made on a form provided by the city and shall be accompanied by a drawing, plan or photograph of the proposed improvement. The application shall release the city, the Kansas Department of Transportation (KDOT), and any franchise holder of the city from and indemnify each of them against any and all damages which may be caused by reason of installation of such sprinkler system in the public right-of-way.

(b) Construction of such sprinkler systems shall comply with all applicable city codes and standards and with any other requirements prescribed by the city.

(c) No permit for any sprinkler system in any public right-of-way located along Broadway (U.S. Highway 81) shall be issued hereunder unless the application therefore is first reviewed and approved by the Kansas Department of Transportation. Any such application shall, when made by the owner of commercial or industrial property, be accompanied by a certificate of insurance naming the City of Haysville and the Kansas Department of Transportation as additional insured's.

(d) Each permit issued hereunder shall specify the location by address and shall authorize excavation, installation, and operation of the system in conformity with the approved plan, subject at all times to inspection by the city to determine compliance with city codes, standards and other requirements.

(e) Approval and disapproval of applications for permits hereunder shall be the responsibility of the public works director or his/her duly authorized designee.

(Ord. 687; Code 2003)

4-1003. **PERMIT FEES.** It shall be unlawful for any person, firm, company, corporation or other entity to do, or cause, or permit to be done, any underground sprinkler installation on any premises in the city without first obtaining a permit from the building inspector and paying fees according to Chapter 17.

(Ord. 687; Code 2003; Code 2007)

4-1004. **RIGHT-OF-WAY.** It is unlawful for any persons to operate or maintain an

underground sprinkler (irrigation) system in any public right-of-way within the city in a manner that creates unsafe conditions for vehicles driving on adjacent streets or highways. If any unsafe condition occurs, the city shall, in addition to other remedies available to it at law or in equity, have authority to:

(a) Order the owner or operator of the system to remove the system from the right-of-way or discontinue operating the system until it is repaired or the unsafe condition eliminated; or

(b) Cause the system to be repaired, removed or disconnected at the owner's/operator's expense when deemed necessary by the city to protect traffic safety or the public water supply.

(Ord. 687; Code 2003)

4-1005. **PENALTY.** Any person violating the provisions of this section shall be subject to prosecution in the Municipal Court of Haysville and, upon conviction, to the penalties provided under the Public Offense Code.

(Ord. 687; Code 2003)

4-1006. **LIABILITY.** The city shall not be liable to the owner/operator of any underground (irrigation) sprinkler system for any damage to that portion of such system located on public right-of-way when such damage is caused by or results in whole or in part from construction, reconstruction, repair or maintenance work, performed by city forces.

(Ord. 687; Code 2003)

ARTICLE 11. FENCES

4-1101 **CONSTRUCTION, MAINTENANCE, REPLACEMENT AND REPAIR OF FENCES;
PERMIT REQUIRED.**

(a) No fence shall be constructed, built, maintained, repaired, or replaced except as provided for by this article.

(b) No person shall erect, construct, reconstruct or replace any fence without first obtaining a permit from the city, provided, that no permit shall be required for maintenance of a fence, including minor replacement of components, nor for construction of fence within the City by the City upon City owned property, easements, or reserves. In the case of a fence to be erected, constructed, reconstructed or replaced within a platted or dedicated public drainage or utility easement, such permit shall include an express disclaimer of liability for damage caused by city agents in connection with maintenance or inspection of such easement or any public improvements located thereon. Additionally, applicable city building and construction code regulations must be met for all fences:

(1) Greater than 6' in height;

(2) Constructed with concrete or masonry materials; or

(3) Determined by the building inspector to create specific safety concerns.

(Code 1984; Ord. 824; Code 2003; Code 2020)

4-1102 DEFINITIONS. As used in and for purposes of this article, the following terms shall have the meanings prescribed to them by this section. All other items, not specifically defined herein, shall be defined in conformance with the Zoning Code of this City.

(a) Corner lot: Shall mean any lot or parcel of real property that meets all of the following:

- (1) Situated on a controlled or uncontrolled intersection of two (2) streets;
- (2) Featuring a yard or similar open area, designated as the “front yard” situated between the principal structure located upon said lot or parcel in the street abutting said yard or open space from which said structure is assigned its street address; and
- (3) Featuring another yard or similar open area designated as the “abutting yard” situated between the principal structure and abutting street from which said principal structure does not receive its street address.

(b) Enforcement Officer: For purposes of the article, the term “enforcement officer” shall mean the Public Works Director of the City, and any employee of the city designated by the Public Works Director to enforce the provisions of this article.

(c) Fence: A freestanding structure composed of metal, masonry, glass, concrete or wood, natural vegetation, or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, landscaping, or partition purposes.

(d) Intersections:

(1) Controlled Intersection: Shall mean any intersection of two streets, the traffic right-of-way of which is assigned by a stop sign, yield sign, or other traffic sign or signal.

(2) Uncontrolled Intersections: Shall mean any intersection of two (2) streets, the traffic right-of-way of which is not assigned by a stop sign, yield sign, or other traffic sign or signal.

(e) Principal Use or Structure: The main use of land or structures as distinguished from a subordinate or accessory use.

(f) Residential lot: Shall mean any lot or parcel of real property located within any area zoned as “residential” within the corporate limits of the city.

(Ord. 824; Code 2003; Code 2020)

4-1103 MAXIMUM HEIGHT OF FENCES. No fence constructed, built, maintained, repaired, or replaced upon a lot shall exceed the maximum height established and prescribed by this section.

(a) Fences outside sight triangles. No fence located upon a lot and outside the boundaries of the applicable sight triangle shall exceed:

- (1) Six (6) feet in height in residentially zoned districts;
- (2) Eight (8) feet in height in commercially zoned districts;
- (3) Ten (10) feet in height in industrially zoned districts; or
- (4) As permitted within a final PUD.

(b) Fences encroaching sight triangles. No fence, any portion of which is located within the applicable sight triangle, shall exceed three (3) feet in height as measured from the highest curb located within the sight triangle to the finish height of said fence. The enforcing officer

shall verify that any such fence complies with all provisions of this article. In areas without curbs, the enforcement officer may measure from the low edge of the road.

(c) Fences extending into the front plane of a principal structure on a residential lot which extends beyond the front plane of the principal structure, shall decrease, within a linearly measured distance of no more than eight (8) feet, from a maximum height of six (6) feet to a height of three (3) feet as applied to fence described in section 4-1106(a)(1) of this article, or four (4) feet as applied to the fence described in section 4-1106(a)(2-5) of this article.

(d) Fences extending into any abutting front yard setback on a residential lot may be allowed to be six (6) foot in height, to the property line, as long as there is no obstruction to any street intersection and/or sight triangle as described in this article.

(Ord. 824; Code 2003, Code 2005; Code 2020)

4-1104 ENCROACHMENTS UPON STREET RIGHTS-OF-WAY PROHIBITED. No portion of any fence shall be built upon or otherwise extend onto or encroach upon any street right-of-way.

(Ord. 824; Code 2003)

4-1105 ENCROACHMENTS UPON UTILITY AND OTHER PUBLIC EASEMENTS RESTRICTED; REMOVAL OF ENCROACHMENTS. No fence or portion thereof shall be located in any manner upon or within a utility or other public easement unless there is also located within the length of the fence located upon or within said easement at least one (1) gate of at least eight (8) feet in width. Any such fence or portion of a fence shall also afford working clearance of at least four (4) feet around any utility appurtenance including, but not limited to, pad mounted transformers, utility boxes or manholes, which may require access by any utility provider or persons or entities acting on their behalf. Notwithstanding any other provision of this section, any fence located upon utility or other public easements shall be dismantled or reassembled at the expense of the owner whenever the city or any duly franchised utility under the auspices of the city shall request the fence to be dismantled. In the event an emergency occurs and the owner of such fence cannot be immediately located, the city is hereby authorized to immediately dismantle such fence.

(Ord. 668; Ord. 824; Code 2003)

4-1105A ENCROACHMENTS UPON DRAINAGE EASEMENTS OR FLOODWAYS.

(a) A fence may be located within a platted or dedicated drainage easement if:

(1) The fence is constructed and maintained at an elevation which:

(A) allows normal surface drainage without blockage by the fence; and

(B) is approved by the city engineer or his or her designee;

(2) The fence does not divert or result in diversion of normal surface drainage flow from the normal drainage course; and

(3) The fence has removable panels or sections to provide for access by emergency or maintenance personnel and equipment at all times.

(b) The city shall not be liable for damage to or destruction of any fence or groundcover, including but not limited to grass, trees, and shrubs, located within a platted or dedicated drainage, street or utility easement, which are damaged or

destroyed by any maintenance or inspections performed by or on behalf of the city within such easement.

(c) Nothing in this Article shall be construed to authorize erection, construction, reconstruction or replacement of a fence in any floodway designated as such by the Federal Emergency Management Agency.
(Code 2020)

4-1106 FENCE MATERIALS; CERTAIN FEATURES AND MATERIALS PROHIBITED.

(a) Permitted fencing material. Fences may be constructed of:

(1) Wood fence boards such that all portions of the fence are completely solid or no more than fifty percent open;

(2) Ornamental iron, except that any decorative tops are subject to the approval of the enforcing officer, and except that no fence constructed of ornamental iron may be less than five (5) feet in height;

(3) Woven wire or chain link, provided there shall be no exposed points, wires or prongs on the top of the fence;

(4) Nylon, plastic or PVC material, provided such materials are designed for use as fencing, and no open space in fence constructed of such materials exceeds three fourths (3/4) of an inch; or

(5) Masonry materials or concrete poured or placed in such fashion as to meet fence design requirements. Stacks of masonry materials or unopened containers of concrete shall not be deemed to be in compliance with this article.

(6) Barbed wire fences are permitted on an industrially zoned lot atop a fence at least eight feet in height and oriented toward the interior of the property, when necessary to preclude entry into a hazardous location or facility or to protect the exterior storage of materials or equipment from vandalism or theft provided that the property is not located adjacent to residentially zoned or residentially used property.

(b) Prohibited features in materials. No fence or portion thereof shall be constructed of metal panels or carry any electrical charge. No fence or portion thereof located on any residential or commercially zoned lot shall contain any barbed wire or single barbs.

(c) All fences and walls shall be constructed with a finished surface facing outward from the property (e.g. in the case of a wooden fence, a “finished surface” means a surface of the fence where the pickets or slats are fully exposed to view.) The posts and support beams shall be on the inside of the finished surface.

(d) Fence design and construction in all areas developed pursuant to the standards set forth within a PUD or overlay zoning areas will be designed and constructed as provided within the provisions of the establishments of such PUD or overlay zone.
(Ord. 824; Code 2003; Code 2020)

4-1107 DANGEROUS FENCES PROHIBITED. No fence shall be constructed or maintained, or be designed, in such manner as to present a danger or hazard to any person, animal or abutting property owner’s boundaries.

(Ord. 824; Code 2003; Code 2020)

4-1108 APPLICATIONS, SITE PLANS AND PERMITS AND FEES THEREFOR.

(a) Applications and Permits. Any person or entity intending to construct a new fence or to replace twenty five percent (25%) of the total linear feet of any existing fence shall, before commencing said work, make application to the enforcing officer for a permit authorizing the work. Such applications shall be made on forms provided and approved by the enforcing officer and shall be accompanied by an application fee as set out in the approved schedule of fees, and no permit shall be issued until said fees are tendered and paid in full. Fees are pursuant to Chapter 17 of this code.

(b) Plans Required. All applications for fence permits shall be accompanied by a detailed site plan, to be completed by the person or entity seeking the permit, upon which shall be accurately depicted the location of the principal structure, proposed fence, all utilities serving the principal structure or located upon the lot, all utility easements located upon the lot, all setbacks affecting said lot and all rights-of-way and property lines of said lot. Applications for fences exceeding six (6) feet in height shall further be accompanied by a stamped set of engineering plans that conclusively demonstrate that the proposed construction shall not pose a danger to persons, vehicular traffic, and the public at large and further that the proposed construction is architecturally and structurally sound and safe. (c) License Required. Any person or entity the services of which an applicant for a fence permit intends to procure to construct a fence shall hold any current valid trade, professional, business or contractor's license as may be required by other provisions of the city code of the city or other applicable law. Individuals may construct fences upon their own property without obtaining commercial, trade or business licenses, and may use non-commercial assistance if said individuals will not receive any type of compensation, whether monetary, in-kind, or in the form of goods or services, for said work.

(d) Review and Issuance; Reasons For Denial. The enforcing officer shall receive and review all applications required by this section and shall ensure that all proposed fences comply with the provisions of this article and any other applicable laws. The enforcing officer shall complete said review no later than two (2) full business days following receipt of an application; the computation of said period shall not include the day the application is received. In the event the enforcing officer denies an application, officer shall state in writing and with particularity the reason for said denial.

(Ord. 824; Code 2003; Code 2007; Code 2020)

4-1109 DELETED.

(Ord. 824; Code 2003; Code 2020)

4-1110 RIGHT OF ENTRY. The enforcing officer has the right of access and entry upon any public or private property, at any reasonable time to make inquiry and inspection to determine if a violation of this article exists, and to effect any other purpose of this article. The enforcing officer may also make application to any court of competent jurisdiction for an order granting access and/or entry upon any public or private property in the event such access or entry is denied.

(Ord. 824; Code 2003)

4-1111 NOTICE OF VIOLATION. Any person or entity found by the enforcing officer to be in violation of any provision of this article shall be served written notice of such violation. The

enforcing officer shall cause notice to be served by certified mail, return receipt requested, or by personal service or, in the event the property or premises is unoccupied and the owner thereof does not reside within the corporate limits of the city by mailing such notice by certified mail, return receipt requested, to the owner's last known address.
(Ord. 824; Code 2003; Code 2020)

4-1112 SAME; CONTENTS. The notice shall describe in writing the conditions constituting a violation of this article. The notice shall also inform the person or entity receiving such notice that:

(a) Such person or entity shall have such time, to be specified in the notice and not to exceed ten (10) days from the date specified in the notice, to remove and abate the violation from the property or premises;

(b) Such person or entity may, within the time specified in the notice and not to exceed the date specified therein within which said removal and abatement is required, request a hearing before the governing body as provided by section 4-1115 of this article.

(c) Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the enforcing officer before the governing body; and

(d) Failure to remove and abate the violation, or to request a hearing as provided herein, within the time allowed may result in prosecution as provided by section 4-1113 and/or removal and abatement of the violation by the city as provided by section 4-1114 of this article.

(Ord. 824; Code 2003)

4-1113 FAILURE TO COMPLY; PENALTY. Should the person or entity receiving the notice provided for in sections 4-1111 and 4-1112 of this article fail to comply with such notice, or to request a hearing, the enforcing officer may file a complaint in the municipal court of the city against such person or entity alleging a violation of this article. Upon conviction of the violation of this article, such person or entity shall be fined an amount as established in Chapter 17 or be imprisoned not to exceed thirty (30) days or be both fined and imprisoned. Each day during or upon which a violation occurs or continues after notice has been served as provided in sections 4-1111 and 4-1112 shall constitute an additional or separate offense.
(Ord. 824; Code 2003; Code 2020)

4-1114 ABATEMENT BY CITY; PROCEDURE. In the event a person or entity to whom notice has been served pursuant to sections 4-1111 and 4-1112 of this article fails to remove or abate the conditions constituting the violation, or to request a hearing before the governing body within the period specified in section 4-1112 of this article, the enforcing officer may seek to abate the alleged violation and such election may be in addition to, or an alternative to, prosecution and shall not preclude prosecution. In the event the enforcing officer makes such election to remove and abate, such officer shall proceed in the manner prescribed by this section, as follows:

(a) The enforcing officer shall present a resolution to the governing body for its consideration and authorizing such officer to abate or cause to have abated the conditions constituting the violation at the end of ten (10) days following passage of the resolution by the governing body. The resolution shall further provide that the costs incurred by the city

to remove and abate the violation shall be charged against the lot or parcel upon which the violation was located in accordance with state law.

(b) In the event the governing body adopts and passes the resolution, the enforcing officer shall cause a copy of said resolution to be served upon the person or entity violating this article and the owner of said lot or parcel. Service shall be effected by personal service or certified mail, return receipt requested.

(c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the enforcing officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two (2) consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.

(d) Should the person or entity upon which service is attempted refuse to take delivery and return is made to the city indicating such refusal, the city clerk shall send to such person or entity, by first class mail, the notice previously sent and receipt by such person or entity shall be deemed to have occurred upon such mailing. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice.

(Ord. 824; Code 2003; Code 2020)

4-1115 HEARING. If a hearing is requested in writing and received by the City Clerk within the time period prescribed by section 4-1112 of this article, the governing body shall conduct a hearing as soon as may be practicable and the person or entity receiving notice shall be advised by the city clerk of the time and place of the hearing at least five (5) days in advance thereof. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the enforcing officer before the governing body.

(a) On the date fixed for hearing or any adjournment or continuation thereof, the governing body shall hear all evidence submitted by the person to whom notice of the violation was issued, and all evidence submitted by the city. Upon hearing such evidence, the governing body shall make findings by resolution. The hearing provided for in this section need not be conducted according to formal rules of evidence.

(b) If, after notice and hearing as provided for in this article, and upon hearing the evidence provided for in subsection a of this section, the governing body determines that a violation exists, it shall set forth in writing in the form of a resolution its findings of facts supporting such determination. The resolution shall also fix a reasonable period of time, to be determined by the governing body, within which the abatement of the violation shall be commenced, and a statement that if the person upon whom notice of the violation was served fails to commence said removal and abatement within the time period established by the resolution, or fails to diligently prosecute and pursue the same until the work is completed, the governing body shall cause the violation to be abated. The resolution provided for in this section shall be published once in the official city newspaper and the city clerk shall mail a copy of the resolution to the person or entity, and owner, in the same manner as provided for in section 4-1111 and 4-1112.

(Ord. 824; Code 2003; Code 2020)

4-1116 AUTHORIZATION TO CONTRACT FOR SERVICES. If the person, entity or owner fails to remove and abate the violation as provided for in this article, and it becomes necessary for the enforcing officer to remove and abate such violation, such officer is hereby authorized to contract for and obtain such services and equipment, public or private, the officer deems necessary and appropriate to complete the tasks enumerated herein, and the enforcing officer shall adhere to and comply with all applicable laws, regulations, ordinances and city policies concerning procurement of services and equipment.
(Ord. 824; Code 2003)

4-1117 SITE TO BE MADE SAFE. Upon removal and abatement of any violation pursuant to this article or otherwise, the person, entity or owner shall take any and all action necessary to leave the premises in a safe condition. In the event the owner fails to take such actions as are prescribed by this section, the enforcing officer may proceed to make the site safe.
(Ord. 824; Code 2003)

4-1118 ASSESSMENT, FUNDING AND PAYMENT OF COSTS. (a) The costs incurred by the city for any action undertaken by the enforcing officer pursuant to or incidental to this article shall be reported in detail and in writing by said officer to the city clerk. The city clerk shall keep an account of such costs, as well as any and all costs of notices, services and/or mailing of notices, and publication of notices, required by this article. The city clerk shall immediately cause the reportings and accountings required by this section to be entered in the appropriate city record and shall report the same to the governing body.

(b) The city clerk shall, within ten (10) days of the receipt of the enforcing officer's report of costs, give notice by restricted mail to the owner of the costs to be reported by subsection (a) of this section and such notice shall include a statement requiring payment of the costs to the city within thirty (30) days following receipt of the notice. Should the owner refuse to take delivery of the notice and return is made to the city indicating such refusal, the city clerk shall send to the owner, by first class mail, the notice previously sent and receipt by the owner shall be deemed to have occurred upon such mailing. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice.

(c) Should the cost remain unpaid after thirty (30) days of the receipt of the notice by the owner, the city clerk may sell any salvage from the removal and abatement process and apply the proceeds of such sale to pay said costs. Any proceeds received which exceed said costs shall be remitted to the owner within thirty (30) days of conclusion of the sale.

(d) Should the proceeds of any sale held pursuant to section 4-1118(c) be insufficient to cover said costs, or if there exists no salvage, the city clerk shall, at the time required by law for the certification of other city taxes, certify the unpaid portion of said costs in conformance with State law for extensions of the same on the city tax rolls against the property upon which the structure was located.

(Ord. 824; Code 2003)

4-1119 DISPOSITION OF MONEYS RECEIVED. When and if paid, all moneys received under the provision of this article shall be credited to the general fund of the city.
(Ord. 824; Code 2003; Code 2020)

- 4-1120 IMMEDIATE HAZARD. When in the governing body's opinion any fence in violation of this article is in such condition as to constitute an immediate hazard requiring immediate action to protect the public or adjacent property, the governing body may direct the enforcing officer to take immediate action, without delay, to protect the safety of persons and properties including, but not limited to, the erection of barricades; causing the property upon which the fence is located to be vacated, or causing the fence to be taken down, repaired, shored or otherwise made safe. Such action by the governing body and enforcing officer may be taken without prior notice or hearing of the owners, agents, lien holders, occupants, or other parties in interest. The costs of any action under this section shall be reported and documented, notice of costs shall be afforded, and the costs shall be assessed, in the same manner as provided in section 4-1111 of this article.
(Ord. 824; Code 2003)
- 4-1121 NOTICE TO OWNER. Notwithstanding any other provision of this article or of law, any and all notices required by this article shall also be served upon the owner of the premises or property upon which there exists a nuisance.
(Ord. 824)
- 4-1122 APPLICATION OF ARTICLE TO EXISTING NONCONFORMING FENCES. The provisions of this article shall not apply to any fence existing on the effective date of this article. The provisions of this article shall apply, however, to any such fence in the event any portion of said fence consisting of twenty five percent (25%) or more of the total linear feet of said nonconforming fence is repaired or replaced in any twelve (12) month period.
(Ord. 824; Code 2003)
- 4-1123 VARIANCES AND EXCEPTIONS. Any person or entity desiring to construct a fence which does not comply with the provisions of this article shall apply in writing, on forms provided by the city, to the board of appeals as established by the city building code. All applications for variances shall clearly state the reason(s) for which the variance is requested. Further, variance requests from the height provisions and restrictions shall further be accompanied by a stamped set of engineering plans that conclusively demonstrate that the proposed construction shall not pose a danger to persons, vehicular traffic, and the public at large and further that the proposed construction is architecturally and structurally sound and safe. In addition, a fee as established in Chapter 17 shall accompany applications for variance from the height provisions and restrictions. No variances from height provisions and restrictions shall be granted allowing the height of a fence to exceed ten (10) feet. The application for variance shall be delivered to the city who shall deliver the same to the board of appeals. The board of appeals shall convene a hearing to consider the application as soon as may be practicable, but in no event shall such hearing be scheduled later than ten (10) business days following the city's receipt of the application unless the applicant waives the ten (10) day period and agrees to scheduling a hearing at a later time. Upon convening the hearing, the board shall consider any evidence the applicant may offer to support the application and any evidence the city may have in support of or opposition to the application. The board may adjourn the hearing from time to time and from place to place as it may deem

necessary. No later than ten (10) days following the conclusion of the hearing, the board shall make written findings concerning the application and a written determination thereof. (Ord. 824; Ord. 824-A; Ord. 824-B; Code 2003; Code 2020)

4-1124 DELETED. (Code 2019)

4-1125 SEVERABILITY. In the event any section or part of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining sections or provisions and such remaining sections or provisions shall remain valid and enforceable. (Ord. 824; Code 2003)

4-1126 PENALTY. (a) It shall be unlawful for any person, firm, company, corporation or other entity to erect, construct, use, enlarge, alter, repair, move, convert, demolish, maintain, or grow any fence, bush, shrubbery, hedge or other foliage, or cause or permit the same to be done in violation of the requirements and restrictions in this chapter. Any fence, as described in this article, shall not be constructed prior to the issuance of a permit and submittal of any required documents or site plan.

(b) The fine for such violation shall be double the permit fee as established in Chapter 17. The payment of such penalty shall not exempt any person, firm, or corporation from compliance with all other provisions of this code or any other code, nor from any penalty prescribed by law. It shall be the responsibility of the offender to abate the violation as expeditiously as possible.

(Code 1971, Sec. 4-112; Code 1984; Ord. 807; Code 2003; Code 2020)

ARTICLE 12.

ARTICLE 12

WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE AS ADOPTED BY THAT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, OF NOVEMBER, 21, 2012 ADOPTING SAME, except the following: Article 2, Section 5; Article 2, Section 6; Article 2, Section 8; Article 3, Section A; Article 4, Section A; Article 4, Section 1; Article 4, Section 5; Article 4, Section 6; Article 4, Section 7; Article 5, Section A; Article 5, Section 1, provisions 5.1.290 through 5.1.390; Article 5, Section 2; and Article 5, Section 3, and all provisions that are described within such Code as only applying within the jurisdiction of the City of Wichita..

4-1201. ADOPTION OF WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE AS ADOPTED BY THAT RESOLUTION OF THE BOARD OF COUNTY

COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, OF NOVEMBER, 21, 2012, WITH CERTAIN ADDITIONS AND DELETIONS.

All such amendments set forth in that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, of November, 21, 2012, adopting The Wichita-Sedgwick County Unified Building and Trade Code, to be made effective January 1, 2013, are hereby adopted as the Wichita-Sedgwick County Unified Building and Trade Code, unless otherwise noted within Chapter 4 of this Code, and all fee schedules included within the Wichita-Sedgwick County Unified Building and Trade Code, unless otherwise set forth within Chapter 17 of this Code, are hereby adopted and by reference incorporated herein and made a part of this Code as though set forth at length herein, and shall be referred to herein as the “amendments” to the above adopted standardized codes. Subsequent amendments to the Unified Building and Trade Code adopted by Resolution of the Board of County Commission are hereby incorporated herein. For purposes of application within the City of Haysville, all references within the Wichita-Sedgwick County Unified Building and Trade Code to the Metropolitan Area Building and Construction Department, or the MABCD, as a contact agency/agent, or enforcement agency/agent shall be understood to be referring to the Code Enforcement official designated by the Public Works Director of the City of Haysville.

4-1202. AVAILABILITY OF COPIES.

One copy of said code of amendments as set forth in 4-1301 above, have been and are now filed in the office of the City Clerk and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq. Official publication of amendments is by publication in the official codebook of the City of Haysville, pursuant to K.S.A. 12-741, et seq., and 12-3009, et seq. as applicable.

4-1203. CITATIONS TO THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING CODE.

For purposes of notice of violation set forth upon citations, the Wichita-Sedgwick County Unified Building and Trade Code shall be cited to the Ordinance Adopting the Haysville Municipal Code and the specific sections included within the Wichita-Sedgwick County Unified Building and Trade Code or to the specific sections set forth within the applicable Standardized Code as set forth within Chapter 4, whichever is applicable.

4-1204. ENFORCEMENT.

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the Director of Public Works. Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City’s general penalty clause set forth in Chapter 1, Section 1-121 of this Code. The City hereby authorizes the building official to enforce such rules and regulations as are necessary to carry out the purpose(s) of this Code.

4-1205. VIOLATIONS AND PENALTIES.

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an

official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth as set forth above. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(Code 2011)

4-1206. **PENALTY CLAUSE NOT EXCLUSIVE.**

The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this Article.

(Code 2011)

4-1207. **LIABILITY.**

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

(Code 2011)

4-1208. **SEVERABILITY.**

In the event any section or part of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining sections or provisions and such remaining sections or provisions shall remain valid and enforceable.

**ARTICLE 13.
DEMOLITION AND SITE CLEARANCE**

4-1301. **COMPLIANCE.**

Any person, business or other entity demolishing, razing or removing and building or structure within the city limits of Haysville, Kansas, shall comply with the requirements of this ordinance.

4-1302. **PERMIT.**

No buildings or structure shall be demolished or razed from or upon any premises without first obtaining from the City of Haysville a permit pursuant to Section 4-103 of the Haysville Building Code. Notwithstanding the foregoing, if the building or structure to be demolished is less than 100 square feet in size, no permit shall be required.

4-1303. **PRIOR TO OBTAINING A PERMIT.**

Prior to obtaining a permit, all public utilities shall be disconnected. The owner shall cause the sewer line to the building or structure to be capped and such capping shall be inspected and approved by the city. All such sewer lines shall be capped in an approved manner at a point between the connections to the sewer main and five (5) feet inside the property line nearest the sewer main where the building sewer connects. The owner shall cause all other utility services to be totally disconnected from the building or structure to be demolished prior to demolition. All power, gas and water lines shall be disconnected and capped by a representative of the utility provider. The city shall inspect and approve all disconnects prior to issuing the demolition permit.

4-1304. PROTECTION OF THE GENERAL PUBLIC.

When a building or structure to be demolished is adjacent to a public street or right of way, the owner or his authorized representative shall afford protection to the general public as may be required by other provisions of the Haysville Building Code or as appropriate to ensure public safety.

4-1305. PROTECTION OF ADJACENT PRIVATE PROPERTY.

Adequate protection of any adjacent property shall be provided and maintained during the demolition of any structure.

4-1306. REMOVAL AND SITE CLEARANCE REQUIREMENTS.

The following requirements will be met during and after the razing or demolition of any structure: in wrecking, demolishing, or razing of any structure, the work shall begin at the top thereof. Each story shall be completely razed or demolished, and materials therefrom completely removed before work on the next lower story is started. In those instances where demolishing of an unusual structure or building is undertaken or unusual circumstances exist, the city building inspector may by special permit in writing authorize deviation from the standard regulations for demolition in the interest of public safety and welfare. When the building has been wrecked, demolished, razed, removed from the site, or destroyed by fire, flood, or storm and no permit for new construction has been approved by the building official, the lot shall be filled, graded and maintained in conformity with the established street grades at curb level. No combustible material shall be used to fill any basement or excavation. Crawl space foundation walls shall be razed to at least (6) inches below final grade. Basement foundations shall be broken up and may be used to partially fill the basement. The top six (6) inches to finished grade on any type of foundation shall be fine dirt, free of large rocks and vegetation. All fill materials shall be compacted. The lot shall be maintained free from accumulation of rubbish and any unsafe or hazardous conditions dangerous to the life or health of the public. In event that a permit is issued for new construction, all excavation which is not completely filled shall be fenced with fencing adequate for the safety of the public.

4-1307. PENALTIES.

The building inspector, or other official authorized by the Director of Public Works may file a complaint in the municipal court of the city against any person that violates, neglects or refuses to comply with any provision of the code and upon conviction thereof be fined in a sum of \$100.00 for each offense. Each day that a violation is committed or continues to exist shall constitute a separate offense.

4-1308. ABATEMENT.

In addition to or as an alternative to any penalties as provided for in this Section, The city, upon a determination by the governing body after an opportunity for a hearing as hereinafter provided with the applicant for the demolition permit and the landowner that a violation of this ordinance has occurred, may go upon the property to abate and bring the property into compliance with the requirements of this ordinance and assess the costs thereof against the property. The governing body upon receiving a written report from the building inspector or other public officer of a violation of the terms of this ordinance shall by resolution fix a time and place at which the owner, the owner's agent and any lienholder of record may appear and show cause regarding any such violations and why the city should not correct or abate the condition with all costs assessed to the landowner. The resolution setting forth said hearing shall be published once a 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. 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. If, after notice and hearing, the governing body determines that a violation of the ordinance has occurred, it shall state in writing its findings of fact on support of such determination and shall cause a resolution of its findings to be published once in the official city newspaper and a copy mailed to the owners, agents and lienholders of record in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within violation shall be corrected and a statement that if the owner of such property fails to commence the corrective work within the time stated of fails to diligently prosecute the same until the work is complete, the governing body will cause the demolition and property to be brought into compliance with the ordinance.

4-1309. APPEALS.

Any person affected by any determination of the governing body under this Section may appeal such determination in the manner provided by K.S.A. 60-2101.

4-1310. ASSESSMENT OF COSTS.

The cost to the city of any removal or demolition including making the site safe and in compliance with this ordinance shall be reported to the city clerk. The city shall give notice to the owner of the property by registered mail of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is

due and payable within 30 days following receipt of the notice. 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. If the proceeds of the sale of salvage are insufficient to recover the cost, or if there is no salvage, the city clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the costs to the county clerk who shall extend the same on the tax roll of the county.

(Code 2019)