

CHAPTER IV. BUILDINGS AND CONSTRUCTION

- Article 1. Fire Limits
- Article 2. Building Code
- Article 3. Electrical Code
- Article 4. Plumbing and Gas-Fitting Code
- Article 5. Moving Buildings
- Article 6. Dangerous and Unfit Structures
- Article 7. Demolition of Buildings

ARTICLE 1. FIRE LIMITS

- 4-101. FIRE LIMITS ESTABLISHED. The following shall be and are hereby declared to be the fire limits of the city:
Blocks 2, 3, 4, 5, 6, 7, 8 and 9 of the original townsite of the city. (Code 1960, 5-101)

ARTICLE 2. BUILDING CODE

- 4-201. DEFINITIONS. As used in this article, the words and phrases herein defined shall have the following meanings unless the context otherwise requires:
- (a) Whenever the word municipality is used in the building code, it shall be held to mean the City of Natoma, Kansas;
 - (b) Whenever the term corporation counsel is used in the building code, it shall be held to mean the city attorney of the City of Natoma;
 - (c) Whenever the term building official is used in the building code, it shall be held to mean the building inspector or his or her authorized designee.
(Code 1991)
- 4-202. UNIFORM BUILDING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the Uniform Building Code, 1991 Edition as recommended by the International Conference of Building Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the Uniform Building Code shall be marked or stamped "Official Copy as Incorporated by the Code of the

City of Natoma," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

Any person violating any provision of such code shall be punished as provided in section 1-116 of this code. (Code 1991)

4-203.

ADDITIONAL PROVISIONS. The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-202. (Code 1991)

4-204.

BUILDING PERMIT REQUIRED; APPLICATION; APPROVAL; FEE. It shall be unlawful for any person to hereafter erect or cause to be erected within the city any building or structure of any kind or enlarge or add to the outside dimension thereof, or relocate any building or structure already erected or which may hereafter be erected or remodel any building or structure within the city without a building permit being first obtained therefor from the city clerk. The application for such permit shall be made and the permit obtained before work is commenced upon any building or structure or the foundation thereof, or before the removal of any building begins. The fee for a building permit shall be \$10. (Code 1991)

ARTICLE 3. ELECTRICAL CODE

4-301.

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

(a) Approved shall mean approved by the chief building official, the electrical inspector or his or her designee.

(b) Authorized person shall mean any individual, firm or corporation who or which is licensed under the provisions of this article to do the work as permitted under the specified provisions of this article.

(c) City shall mean the territory within the corporate limits of this city.

(d) Conductor shall mean a wire or cable or other form of metal suitable for carrying the electric current or potential.

(e) Electrical construction or installation shall mean and include all work and materials used in installing, maintaining or extending a system of electrical wiring and all appurtenances, apparatus or equipment used in connection therewith, inside or attached to any building, structure, lot or premises, except industrial plants where fulltime maintenance is provided and other agencies providing inspections of installations and facilities. Electrical construction shall not be held to mean or include any of the following:

(1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;

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

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

(f) Equipment shall mean conductors, materials, fittings, devices, appliances, fixtures, apparatus, motors and the like, used as a part of or in connection with an electrical installation.

(g) Inspector shall mean the chief building official or any individual who has been appointed by the city as electrical inspector.

(h) Person shall mean a natural person, his or her heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors, assigns, or the agent of any of the aforesaid.

(i) Special permission shall mean the written consent of the chief building official or the electrical inspector.

(j) Special ruling shall mean a written ruling filed in the office of the chief building official or the electrical inspector.
(Code 1991)

4-302.

ADOPTION OF ELECTRICAL CODE BY REFERENCE. The standard code known as the National Electrical Code of 1990, a publication of the National Fire Protection Association, the same being a standard code for the installation of electrical wiring and apparatus and available in book and pamphlet form is hereby incorporated by reference herein and made a part of this article as authorized and in the manner prescribed by K.S.A. 12-3009:3012. Three copies shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Natoma," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

Any person violating any provision of such code shall be punished as provided in section 1-116 of this code. (Code 1991)

ARTICLE 4. PLUMBING AND GAS-FITTING CODE

4-401.

DEFINITION OF PLUMBING. The term plumbing as used in this article shall be construed to mean the installation of gas or water pipes, fixtures, apparatus and the necessary connections either for supplying gas or water to premises or for the removing of liquid and water-borne wastes from premises in the city, or both such purposes, and shall also denote installed fixtures, drainage and vent systems and gas or water distribution systems as the case may be. (Code 1991)

4-402.

UNIFORM PLUMBING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the practice of plumbing and gas-fitting, including the installation, maintenance, extension and alteration of all pipes, fixtures, appliances and appurtenances in connection with sanitary sewers and public and private water and fuel gas

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

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

(f) Equipment shall mean conductors, materials, fittings, devices, appliances, fixtures, apparatus, motors and the like, used as a part of or in connection with an electrical installation.

(g) Inspector shall mean the chief building official or any individual who has been appointed by the city as electrical inspector.

(h) Person shall mean a natural person, his or her heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors, assigns, or the agent of any of the aforesaid.

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ORDINANCE NO. 301

AN ORDINANCE RELATING TO FEES FOR PERMITS TO MOVE HOUSES OR OTHER STRUCTURES; AMENDING SECTION 4-505 OF THE ORDINANCE CODE OF THE CITY OF NATOMA, KANSAS, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NATOMA, KANSAS:

Section 1. That Section 4-505 of the Ordinance Code of the City of Natoma, Kansas, be amended to read as follows:

4-505 SAME; FEE. Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee of not less than \$500.00 to the city clerk; plus the additional cost for the time for any city crews involved in such moving. (Code 1991)

Section 2. That Section 4-505 of the Ordinance Code of the City of Natoma, Kansas, prior amendments thereto, and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the Council this 7th day of March, 2002.

Approved by the Mayor this 7th day of March, 2002.

Wendella Axelson
Wendella Axelson, Mayor

ATTEST:

Jolene Meyer
Jolene Meyer, City Clerk

(Seal)

governing body, indemnifying the city against any loss or damage resulting from the failure of any such person to comply with the provisions of this article or for any damage or injury caused in moving any such house or structure. The bond herein shall be in the sum of \$5,000, or cash may be deposited in lieu of such surety bond.

(b) A public liability insurance policy issued by an insurance company authorized to do business in the State of Kansas, in the amount of \$100,000 per person, \$300,000 per accident as to personal injury, and \$50,000 property damage may be permitted in lieu of a bond.
(Code 1960, 14-406; Code 1991)

4-505. ^{10.00} SAME; FEE. Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee of not less than \$5 to the city clerk; plus the additional cost for the time for any city crews involved in such moving. (Code 1991)

4-506. CONTRACTOR; LICENSE REQUIRED; FEE. The provisions of sections 4-219:225 of this chapter shall apply in a like manner to this article. (Code 1991)

4-507. ROUTE; DUTIES OF BUILDING OFFICIAL. The city clerk shall, upon filing of the above application, refer the same to the chief building official or his or her authorized designee to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that such route is not practical and another route may be used equally well with less danger to street and travel, then he or she may designate such other route as the one to be used and shall notify the applicant of the same. The building official may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto. It shall also be the duty of the chief building official or his or her authorized designee to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this article. (Code 1960, 14-407; Code 1991)

4-508. NOTICE TO OWNERS. (a) Upon issuance of a moving permit the applicant shall give not less than 15 days written notice to any person owning or operating any wires, cables or other aerial equipment along the proposed route of the intent to move the structure, giving the time and location that the applicants moving operation shall necessitate the cutting, moving, raising or interfering of any wires, cables or other aerial equipment.

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

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

(K.S.A. 17-1916; Code 1991)

4-509.

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

(b) The owner of any wires, cables or other aerial equipment, after service of notice as provided in section 4-508, shall be liable to the permit holder for damages in an amount not to exceed \$100 per day for each day the owner shall fail or refuse to accommodate the permit holder's moving operations. (K.S.A. 17-1917; Code 1960, 14-404; Code 1991)

4-510.

INTERFERING WITH POLES; WIRES. It shall be unlawful for any person engaged in moving any house or other structure to raise, cut or in any way interfere with any wires or poles bearing wires or any other aerial equipment. (K.S.A. 17-1918; Code 1960, 14-405; Code 1991)

4-511.

DISPLAY OF LANTERNS. It shall be the duty of any person moving any of the structures mentioned in this article upon or across any street, alley or sidewalk or other public place, in this city, to display red lanterns thereon in such a manner as to show the extreme height and width thereof from 30 minutes after sunset to 30 minutes before sunrise. (Code 1960, 14-408; Code 1991)

ARTICLE 6. DANGEROUS AND UNFIT STRUCTURES

4-601.

PURPOSE. The governing body has found that there exist within the corporate limits of the city structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this article. (K.S.A. 12-1751; Ord. 264, Art. II; Code 1991)

4-602.

DEFINITIONS. For the purpose of this article, the following words and terms shall have the following meanings:

(a) Public Officer means the city superintendent or his or her authorized representative.

(b) Structure shall include any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground.

(K.S.A. 12-1750; Ord. 264, Art. II; Code 1991)

- 4-603. PUBLIC OFFICER; DUTIES. The public officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article, including the following:
- (a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation;
 - (b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the public officer may seek an order for this purpose from a court of competent jurisdiction;
 - (c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body;
 - (d) Receive petitions as provided in this article.
- (Ord. 264, Art. II; Code 1991)
- 4-604. PROCEDURE; PETITION. Whenever a petition is filed with the public officer by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the public officer on his or her own motion that any structure is dangerous, unsafe or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body. (Ord. 264, Art. II; Code 1991)
- 4-605. SAME; NOTICE. The governing body upon receiving a report as provided in section 4-604 shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished. (K.S.A. 12-1752; Ord. 264, Art. II; Code 1991)
- 4-606. SAME; PUBLICATION. (a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.
- (b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence and shall be marked "deliver to addressee only." (K.S.A. 12-1752; Ord. 264, Art. II; Code 1991)
- 4-607. SAME; HEARING, ORDER. (a) If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or

removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed.

(b) If the repair, alteration, or improvement of the structure can be made at a cost which shall not exceed 50 percent of the fair market value of the structure, the owner of the property shall, within the time specified in the order, repair, alter or improve the structure to render it safe and fit for human use or habitation, or shall vacate and close the structure until such time as he has complied with the order.

(c) If the repair, alteration or improvement of the structure cannot be made at a cost of 50 percent or less of its fair market value, the owner shall, within the time specified in the order, remove or demolish the structure.
(Ord. 264, Art. II; Code 1991)

4-608.

DUTY OF OWNER. Whenever any structure within the city shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same. (Ord. 264, Art. II; Code 1991)

4-609.

SAME; FAILURE TO COMPLY. (a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the public officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.

(b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the public officer may cause the structure to be removed and demolished.
(Ord. 264, Art. II; Code 1991)

4-610.

SAME; MAKE SITE SAFE. Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the public officer may proceed to make the site safe. (Ord. 264, Art. II; Code 1991)

4-611.

ASSESSMENT OF COSTS. (a) The cost to the city of any repairs, alterations, improvements, vacating, removal or demolition by the public officer, including making the site safe, shall be reported to the city clerk.

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

(c) If the costs remain unpaid after 30 days following receipt of notice, the city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making

the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.

(d) If the proceeds of the sale of salvage is insufficient to recover the cost, or if there is no salvage, the city clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the costs to the county clerk who shall extend the same on the tax roll of the county.

(K.S.A. 12-1755; Ord. 264, Art. II; Code 1991)

4-612.

IMMEDIATE HAZARD. When in the opinion of the governing body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the public officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in section 4-611.

(K.S.A. 12-1756; Ord. 264, Art. II; Code 1991)

4-613.

APPEALS FROM ORDER. Any person affected by an order issued by the governing body under this article may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the public officer from carrying out the provisions of the order pending final disposition of the case. (Ord. 264, Art. II; Code 1991)

4-614.

SCOPE OF ARTICLE. Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750:1756. (Ord. 264, Art. II; Code 1991)

ARTICLE 7. DEMOLITION OF BUILDINGS

4-701.

DEFINITION. The demolition, dismantling, razing, destroying or removal of any building or structure means the wrecking, pulling down, or bringing same to the level, and removal of all of the component parts thereof, and the filling of the lot to grade with material suitable to the city. (Ord. 264)

4-702.

PERMIT. It shall be unlawful for any person to demolish, destroy, wreck, dismantle, or raze any building or structure in the city without having first obtained

a permit from the city to perform such demolition, destruction, dismantlement, wrecking or razing such building or structure. (Ord. 264)

4-703.

PERMIT; APPLICATION; BOND; INSURANCE. To obtain such permit the person desiring to demolish, destroy, dismantle, wreck or raze any such building or structure, shall execute and deliver to the city clerk a bond with good and sufficient sureties, in an amount to be determined by the council, conditioned that the person will faithfully observe all rules and regulations established by the terms of this article, and save the city harmless for any damage done to the sidewalks or streets adjacent to the location of such building or structure to be demolished, destroyed, dismantled, wrecked or razed. In addition to the filing of the aforementioned bond, the person shall show proof of the existence of a policy of liability insurance for the protection of persons or property who may suffer damage from such demolition, destruction, dismantlement, wrecking or razing of any such building or structure, in the amount of \$100,000, and that a copy of such policy be filed with the city clerk of the city. (Ord. 264)

4-704.

CITY CLERK ISSUE PERMIT. When such bond and insurance policy have been filed with the city clerk and approved by the mayor, the city clerk, upon receipt of a fee set by the governing body, shall issue a permit to such person to demolish, destroy, dismantle, wreck or raze the building or structure, all work, to be completed in a period of time not to exceed six months from the issuance of the permit, nor exceed the time set forth in a particular permit. (Ord. 264)

4-705.

BOND; INSURANCE WAIVED. The requirements of furnishing surety bond and liability insurance for the demolition, dismantlement, razing, destroying or removal of existing residences and/or out buildings or accessory buildings by means of wrecking, pulling down or bringing same to the level, and removal of all of the component parts thereof, and the filling of the lot to grade with material suitable to the city, may be waived by the governing body of the city. (Ord. 264)

4-706.

INSPECTION. The work done under such a permit so issued shall be subject to the inspection and approval of the city superintendent. Failure of the person to comply with all safety requirements of the building inspector will be grounds for the termination of such permit and the forfeiture of the bond, upon and with the approval of the city council. (Ord. 264)