

CHAPTER IV. BUILDINGS AND CONSTRUCTION

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ARTICLE 1. BUILDING CODE

- 4-100. 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 Roeland Park, 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 Roeland Park;
 - (c) Whenever the term building official is used in the building code, it shall be held to mean the city administrator or his or her authorized designee.
- (Code 2007)
- 4-101. INTERNATIONAL BUILDING CODE INCORPORATED BY REFERENCE.
- There is hereby incorporated by reference the "International Building Code, 2003 Edition," published by the International Code Council. No fewer than three copies of the "International Building Code, 2003 Edition," marked or stamped "Official Copy as incorporated by Ordinance No.789," to which shall be attached a copy of this incorporating ordinance and shall be filed with the city clerk and open to inspection and available to the public at all reasonable business hours.
- (Ord. 789, Sec. 1; Code 2007)
- 4-102. DELETIONS FROM IBC. Section 103 and Subsections 105.1.1 and 105.1.2 of the International Building Code, 2003 Edition, shall be deleted.
- (Ord. 789, Sec. 2; Code 2007)
- 4-103. IBC SECTION 101.1 AMENDED. Section 101.1 of the International Building Code, 2003 Edition, shall be amended to read as follows:
- 101.1. These regulations shall be known as the *Building Code* of the City of Roeland Park, hereinafter referred to as "this code."
- (Ord. 789, Sec. 3; Code 2007)
- 4-104. IBC SECTION 105.2 AMENDED. Section 105.2 of the International Building Code, 2003 Edition, is hereby 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 used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 100 square feet.
- (2) Retaining walls which 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 or impounding Class I, II or III-A liquids.
- (3) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- (4) Temporary motion picture, television and theater stage sets and scenery.
- (5) Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18925 L) and are installed entirely above ground.
- (6) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
- (7) Swings and other playground equipment accessory to detached one- and two-family dwellings.
- (8) 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 of Group R3, as applicable in Section 101.2. and Group U occupancies.
- (9) Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

- (1) Portable heating appliance.
- (2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

- (1) Portable heating appliance.
- (2) Portable ventilation equipment.
- (3) Portable cooling unit.

- (4) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
- (5) Replacement of any part which does not alter its approval or make it unsafe.
- (6) Portable evaporative cooler.
- (7) Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

(1) The stopping leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste 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.

(2) 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.

(Ord. 789, Sec. 4; Code 2007)

4-105. IBC SECTION 1612.3 AMENDED. Section 1612.3 of the International Building Code, 2003 Edition, is hereby amended to read as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for *The City of Roeland Park*," dated 6/17/2002, as amended or revised with the accompanying Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part section.

(Ord. 789, Sec. 5; Code 2007)

4-106. IBC SECTION 3410.2 AMENDED. Section 3410.2 of the International Building Code, 2003 Edition, is hereby amended to read as follows:

3410.2 Applicability. Structures existing prior to February 6, 2006, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

(Ord. 789, Sec. 6; Code 2007)

4-107. INTERNATIONAL EXISTING BUILDING CODE ADOPTED BY REFERENCE.

There is hereby incorporated by reference the "International Existing Building Code, 2003 Edition," published by the International Code Council. No fewer than three copies of the "International Existing Building Code, 2003 Edition," marked or stamped "Official Copy as incorporated by Ordinance No. 789," to which shall be

attached a copy of this incorporating ordinance, and shall be filed with the city clerk and open to inspection and available to the public at all reasonable business hours. (Ord. 789, Sec. 7; Code 2007)

4-108. IEBC SECTION 101.1 AMENDED. Section 101.1 of the International Building Code, 2003 Edition, is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *Existing Building Code* of the City of Roeland Park, hereinafter referred to as "this code."
(Ord. 789, Sec. 8; Code 2007)

4-109. IEBC SECTION 1201.2 AMENDED. Section 1201.2 of the International Building Code, 2003 Edition, is hereby amended to read as follows:

1201.2 Applicability. Structures existing prior to February 6, 2006, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this or the provisions of Chapters 4 through 10. The proof Sections 1201.2.1 through 1201.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.
(Ord. 789, Sec. 9; Code 2007)

4-110. INTERNATIONAL MECHANICAL CODE INCORPORATED BY REFERENCE.

There is hereby incorporated by reference the "International Mechanical Code, 2003 Edition," published by the International Code Council. No fewer than three copies of the "International Mechanical Code, 2003 Edition," marked or stamped "Official Copy as incorporated by Ordinance No. 789," to which shall be attached a copy of this incorporating ordinance, and shall be filed with the city clerk and open to inspection and available to the public at all reasonable business hours.
(Ord. 789, Sec. 10; Code 2007)

4-111. DELETIONS FROM IMC. Section 103, Subsection 106.2, Subsection 106.5.2, Subsection 106.5.3, Subsection 108.4 and Subsection 108.5 of the International Mechanical Code, 2003 Edition, are hereby deleted in their entirety.
(Ord. 789, Sec. 11; Code 2007)

4-112. IMC SECTION 101.1 AMENDED. Section 101.1 of the International Mechanical Code, 2003 Edition, is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *Mechanical Code* of the City of Roeland Park, hereinafter referred to as "this code."
(Ord. 789, Sec. 12; Code 2007)

4-113. INTERNATIONAL PLUMBING CODE INCORPORATED BY REFERENCE.

There is hereby incorporated by reference the "International Plumbing Code, 2003 Edition," published by the International Code Council. No fewer than three copies of the "International Plumbing Code, 2003 Edition," marked or stamped "Official Copy as incorporated by Ordinance No. 789," to which shall be attached a copy of this incorporating ordinance, and shall be filed with the city clerk and open to inspection and available to the public at all reasonable business hours.
(Ord. 789, Sec. 13; Code 2007)

- 4-114. IPC DELETIONS. Sections 103, 106.6, 108.4, 108.5 and 305.6.1 of the International Plumbing Code, 2003 Edition, shall be deleted in their entirety. (Ord. 789, Sec. 14; Code 2007)
- 4-115. IPC SECTION 101.1 AMENDED. Section 101.1 of the International Plumbing Code, 2003 Edition, is hereby amended to read as follows:
101.1 Title. These regulations shall be known as the *Plumbing Code* of the City of Roeland Park, hereinafter referred to as "this code."
(Ord. 789, Sec. 15; Code 2007)
- 4-116. IPC SECTION 904.1 AMENDED. Section 904.1 of the International Plumbing Code, 2003 Edition, is hereby amended to read as follows:
904.1 Roof Extension. All open vent pipes that extend through a roof shall be terminated at least 6 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2314 mm) above the roof.
(Ord. 789, Sec. 16; Code 2007)
- 4-117. INTERNATIONAL ENERGY CONSERVATION CODE INCORPORATED BY REFERENCE. There is hereby incorporated by reference the "International Energy Conservation Code, 2003 Edition," published by the International Code Council. No fewer than three copies of the "International Energy Conservation Code, 2003 Edition," marked or stamped "Official Copy as incorporated by Ordinance No. 789," to which shall be attached a copy of this incorporating ordinance, and shall be filed with the city clerk and open to inspection and available to the public at all reasonable business hours. (Ord. 789, Sec. 17; Code 2007)
- 4-118. IECC SECTION 101.1 AMENDED. Section 101.1 of the International Energy Conservation Code, 2003 Edition, is hereby amended to read as follows:
101.1 Title. These regulations shall be known as the *Energy Conservation Code* of the City of Roeland Park, and shall be cited as such. It is referred to herein as "this code."
(Ord. 789, Sec. 18; Code 2007)
- 4-119. INTERNATIONAL RESIDENTIAL CODE INCORPORATED BY REFERENCE. There is hereby incorporated by reference the "International Residential Code, 2003 Edition," published by the International Code Council. No fewer than three copies of the "International Residential Code, 2003 Edition," marked or stamped "Official Copy as incorporated by Ordinance No. 789," to which shall be attached a copy of this incorporating ordinance, and shall be filed with the city clerk and open to inspection and available to the public at all reasonable business hours.
(Ord. 789, Sec. 19; Code 2007)
- 4-120. IRC DELETIONS. Section R103 and Section P2603.6.1 of the International Residential Code, 2003 Edition, are hereby deleted in their entirety. (Ord. 789, Sec. 20; Code 2007)
- 4-121. IRC SECTION R101.1 AMENDED. Section R101.1 of the International Residential Code, 2003 Edition, is hereby amended to read as follows:

R101.1 Title. These provisions shall be known as the *Residential Code for One- and Two-Family Dwellings* of the City of Roeland Park, and shall be cited as such and will be referred to herein as "this code."
(Ord. 789, Sec. 21; Code 2007)

4-122.

IRC SECTION R105.2 AMENDED. Section R105.2 of the International Residential Code, 2003 Edition, is hereby amended to read as follows:

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from the 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.

Building:

(1) One-story detached accessory structures, provided the floor area does not exceed 100 square feet.

(2) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

(3) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

(4) Prefabricated swimming pools that are less than 24 inches (610 mm) deep.

(5) Swings and other playground equipment accessory to a one or two-family dwelling.

(6) 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.

Electrical:

Repairs and maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

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 appliance.

(2) Portable ventilation appliances.

(3) Portable cooling unit.

(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 cooler.
- (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, waste 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.
(Ord. 789, Sec. 22; Code 2007)

4-123. IRC TABLE R301.2(1) AMENDED. Table R301.2(1) of the International Residential Code, 2003 Edition, is hereby amended to read as follows:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMP ^f	ICE SHIELD UNDER-LAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
			Weathering	Frost Line Depth	Termite	Decay					
20	90	B	SEVERE	36"	Mod-Hvy	Slight-Mod	0-10°C	NO	6-17-02	NO	55°F

For SI: 1 pound per square foot = 0.479 kN/m², 1 mile per hour = 1.609 km/h.
(Ord. 789, Sec. 23; Code 2007)

4-124. IRC SECTION P2603.6.1 AMENDED. Section P2603.6.1 of the International Residential Code, 2003 Edition, is hereby amended to read as follows:

P2603.6.1 Sewer depth. Shall be subject to Sanitary District Requirements.
(Ord. 789, Sec. 24; Code 2007)

4-125. IRC SECTION P3103.1 AMENDED. Section P3103.1 of the International Residential Code, 2003 Edition, is hereby amended to read as follows:

P3103.1 Roof extension. All open vent pipes which extend through a roof shall be terminated at least 6 inches above the roof or 2 inches above the anticipated snow accumulation, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.
(Ord. 789, Sec. 25; Code 2007)

- 4-126. INTERNATIONAL PROPERTY MAINTENANCE CODE INCORPORATED BY REFERENCE. There is hereby incorporated by reference the "International Property Maintenance Code, 2003 Edition," published by the International Code Council. No fewer than three copies of the "International Property Maintenance Code, 2003 Edition," marked or stamped "Official Copy as incorporated by Ordinance No. 789," to which shall be attached a copy of this incorporating ordinance, and shall be filed with the city clerk and open to inspection and available to the public at all reasonable business hours.
(Ord. 789, Sec. 26; Code 2007)
- 4-127. IPMC DELETION. Section 103 of the International Property Maintenance Code, 2003 Edition, is hereby deleted in its entirety.
(Ord. 789, Sec. 27; Code 2007)
- 4-128. IPMC SECTION 101.1 AMENDED. Section 101.1 of the International Property Maintenance Code, 2003 Edition, is hereby amended to read as follows:
101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the City of Roeland Park, hereinafter referred to as "this code."
(Ord. 789, Sec. 28; Code 2007)
- 4-129. IPMC SECTION 304.14 AMENDED. Section 304.14 of the International Property Maintenance Code, 2003 Edition, is hereby amended to read as follows:
304.14. Insect screens. During the period from March to November, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.
- Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
(Ord. 789, Sec. 29; Code 2007)
- 4-130. IPMC SECTION 602.3 AMENDED. Section 602.3 of the International Property Maintenance Code, 2003 Edition, is hereby amended to read as follows:
602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October to April to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.
- Exceptions:
- (1) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

(2) In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.
(Ord. 789, Sec. 30; Code 2007)

4-131. IPMC SECTION 602.4 AMENDED. Section 602.4 of the International Property Maintenance Code, 2003 Edition, is hereby amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October to April to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

(1) Processing, storage and operation areas that require cooling or special temperature conditions.

(2) Areas in which persons are primarily engaged in vigorous physical activities.

(Ord. 789, Sec. 31; Code 2007)

4-132. INTERNATIONAL FIRE CODE INCORPORATED BY REFERENCE. There is hereby incorporated by reference the "International Fire Code, 2003 Edition," published by the International Code Council. No fewer than three copies of the "International Fire Code, 2003 Edition," marked or stamped "Official Copy as incorporated by Ordinance No. 789," to which shall be attached a copy of this incorporating ordinance, and shall be filed with the city clerk and open to inspection and available to the public at all reasonable business hours.
(Ord. 789, Sec. 32; Code 2007)

4-133. IFC DELETIONS. Section 103, Section 109.3 and Section 111.4 of the International Fire Code, 2003 Edition, are hereby deleted in their entirety.
(Ord. 789, Sec. 33; Code 2007)

4-134. IFC SECTION 101.1 AMENDED. Section 101.1 of the International Fire Code, 2003 Edition, is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *Fire Code* of the City of Roeland Park, hereinafter referred to as "this code."

(Ord. 789, Sec. 34; Code 2007)

4-135. IFC SECTION 3204.3.1.1 AMENDED. Section 3204.3.1.1 of the International Fire Code, 2003 Edition, is hereby amended to read as follows:

3204.3.1.1 Location. Stationary containers shall be located in accordance with Section 3203.6. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited.

(Ord. 789, Sec. 35; Code 2007)

4-136. IFC SECTION 3404.2.9.5.1 AMENDED. Section 3404.2.9.5.1 of the International Fire Code, 2003 Edition, is hereby amended to read as follows:

3404.2.9.5.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within

the limits established by law as the limits of districts in which such storage is prohibited.

(Ord. 789, Sec. 36; Code 2007)

4-137. IFC SECTION 3406.2.4.4 AMENDED. 3406.2.4.4 Location where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited. (Ord. 789, Sec. 37; Code 2007)

4-138. IFC SECTION 3804.2 AMENDED. Section 3804.2 of the International Fire Code, 2003 Edition, is hereby amended to read as follows:

3804.2. Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570L).

Exception: In particular installations, this capacity limit shall be determined by the fire code official, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed containers, degree of fire protection to be provided and capabilities of the local fire department.

(Ord. 789, Sec. 38; Code 2007)

4-139. NATIONAL ELECTRICAL CODE INCORPORATED BY REFERENCE. There is hereby incorporated by reference the "National Electrical Code, 2002 Edition," published by the NFPA. No few than three copies of the "National Electrical Code, 2002 Edition," marked or stamped "Official Copy as incorporated by Ordinance No. 789." to which shall be attached a copy of this incorporating ordinance, and shall be filed with the city clerk and open to inspection and available to the public at all reasonable business hours. (Ord. 789, Sec. 39; Code 2007)

4-140. NEC DELETIONS. Sections 80.15, 80.19(D), 80.23, 80.25(C) and 80.27 of the National Electrical Code, 2002 Edition, are hereby deleted in their entirety.

(Ord. 789, Sec. 40; Code 2007)

4-141. NEC SECTION 80.19(F) AMENDED. Section 80.19(F) of the National Electrical Code, 2002 Edition, is hereby amended to read as follows:

(F) Inspection and Approvals.

(1) Upon the completion of any installation of electrical equipment that has been made under a permit other than an annual permit, it shall be the duty of the person, firm, or corporation making the installation to notify the Electrical Inspector having jurisdiction, who shall inspect the work within a reasonable time.

(2) Where the Inspector finds the installation to be in conformity with the statutes of all applicable local ordinance and all rules and regulations, the Inspector shall issue to the person, firm, or corporation making the installation a certificate of approval, with duplicate copy for delivery to the owner, authorizing the connection to the supply of electricity and shall send written notice of such authorization to the supplier of electrical service. When a certificate of temporary approval is issued authorizing the connection of an installation, such certificates shall be issued to

expire at a time to be stated therein and shall be revocable by the Electrical Inspector for cause.

(3) When any portion of the electrical installation within the jurisdiction of an Electrical Inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm, or corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector or until 30 days have elapsed from the time of such notification, provided that on large installations, where the concealment of equipment proceeds continuously, the person, firm, or corporation installing the equipment shall give the Electrical Inspector due notice in advance, and inspections shall be made periodically during the progress of work.

(4) At regular intervals, the Electrical Inspector having jurisdiction shall visit all buildings and premises where work may be done under annual permits and shall inspect all electric equipment installed under such permits since the date of the previous inspection. The electrical Inspector shall issue a certificate of approval for such work as is found to be in conformity with the provisions of Article 80 and all applicable ordinances, orders, rules, and regulations, after payments of all required fees.

(5) If, upon inspection, any installation is found not to be fully in conformity with the provisions of Article 80, and all applicable ordinances, rules, and regulations, the Inspector making the inspection shall at once forward to the person, firm, or corporation making the installation a written notice stating the defects that have been found to exist.

(Ord. 789, Sec. 41; Code 2007)

4-142. NEC SECTION 80.29 AMENDED. Section 80.29 of the National Electrical Code, 2002 Edition, is hereby amended to read as follows:

Liability for Damages. Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the City of Roeland Park or any of its employees be held as assuming any such liability by reasons of the inspection, reinspection, or other examination authorized.

(Ord. 789, Sec. 42; Code 2007)

4-143. NEC SECTION 83.5 AMENDED. Section 80.35 of the National Electrical Code, 2002 Edition, is hereby amended to reads as follows:

83.5. Effective Date. Article 80 shall take effect immediately upon publication of this ordinance.

(Ord. 789, Sec. 43; Code 2007)

4-144. NFPA LIFE SAFETY CODE INCORPORATED. There is hereby incorporated by reference the "NFPA Life Safety Code, 2000 Edition," published by the NFPA. No few than three copies of the "NFPA Life Safety Code, 2000 Edition," marked or stamped "Official Copy as incorporated by Ordinance No. 789," to which shall be attached a copy of this incorporating ordinance, and shall be filed with the city clerk and open to inspection and available to the public at all reasonable business hours.

(Ord. 789, Sec. 44; Code 2007)

4-145.

FEE SCHEDULES. A fee for each plan examination, building permit and inspections under this Article shall be paid in accordance with the following standards.

(a) Fee Schedule - New Construction. For each permit issued for new construction, the applicant shall be charged a fee in accordance with the following schedule:

(1) Classification I - \$.15 per square foot;

(2) Classification II - \$.25 per square foot; (a) Classification I shall be defined as all buildings or structures constructed as Use Groups R-3, R-4 or U as defined in the Building Officials Code Administrators (BOCA) Code as adopted in Article 1, Section 4-102 of the Roeland Park City Code.

(b) Classification II shall be defined as all buildings or structures constructed as Use Groups other than the ones included in Classification I and as defined in the Building Officials Code Administrators (BOCA) Code as adopted in Article 1, Section 4-101 of the Roeland Park City Code.

The square feet chargeable shall be defined as the total square feet of the building measured from exterior surface of outside wall or joint partition, including basements and mezzanines.

(c) Fee Schedule - Remodeling Tenant Finish and Misc. Work. A permit fee is also required for work for which the square footage of new floor area is not applicable including, but not limited to, remodeling, tenant finish, towers, electrical, plumbing, mechanical, fire protection, site improvements or other miscellaneous work. When the permit is obtained before the work commences, the fee for such work shall be charged based on the value of the work to be performed in accordance with the following fee schedule.

<u>Value of Work</u>	<u>Permit Fee</u>
\$.00 - 1,000	\$ 20.00
\$ 1,000.01 - 1,200	\$ 45.00
\$ 1,200.01 - 1,300	\$ 48.00
\$ 1,300.01 - 1,400	\$ 51.00
\$ 1,400.01 - 1,500	\$ 54.00
\$ 1,500.01 - 1,600	\$ 57.00
\$ 1,600.01 - 1,700	\$ 60.00
\$ 1,700.01 - 1,800	\$ 63.00
\$ 1,800.01 - 1,900	\$ 66.00
\$ 1,900.01 - 2,000	\$ 69.00
\$ 2,000.01 - 10,000	\$ 69.00 for the first \$2,000 plus \$20.00 for each additional \$1,000 or fraction thereof (with the cost rounded up to an even dollar amount)
\$ 10,000.01 - 15,000	\$ 245.00
\$ 15,000.01 - 20,000	\$ 290.00
\$ 20,000.01 - 25,000	\$ 325.00
\$ 25,000.01 - 50,000	\$ 325.00 for the first \$25,000 plus \$5.00 for each additional \$1,000 or fraction thereof (with the cost rounded up to an even dollar amount)
\$ 50,000.01 - 100,000	\$ 450.00 for the first \$50,000 plus

	\$4.50 for each additional \$1,000 or fraction thereof (with the cost rounded up to an even dollar amount)
\$100,000.01 and higher	\$ 675.00 for the first \$100,000 plus \$3.00 for each additional \$1,000 or fraction thereof (with the cost rounded up to an even dollar amount)

When the permit is obtained after the work commences, the fee for such work shall be charged based upon the value of the work to be performed in accordance with the following fee schedule:

<u>Value of Work</u>	<u>Permit Fee</u>
\$.00 - 1,000	\$ 40.00
\$ 1,000.01 - 1,200	\$ 70.00
\$ 1,200.01 - 1,300	\$ 90.00
\$ 1,300.01 - 1,400	\$ 102.00
\$ 1,400.01 - 1,500	\$ 108.00
\$ 1,500.01 - 1,600	\$ 114.00
\$ 1,600.01 - 1,700	\$ 120.00
\$ 1,700.01 - 1,800	\$ 126.00
\$ 1,800.01 - 1,900	\$ 132.00
\$ 1,900.01 - 2,000	\$ 138.00
\$ 2,000.01 - 10,000	\$ 166.00 for the first \$2,000 plus \$40.00 for each additional \$1,000 or fraction thereof (with the cost rounded up to an even dollar amount)
\$ 10,000.01 - 15,000	\$ 490.00
\$ 15,000.01 - 20,000	\$ 580.00
\$ 20,000.01 - 25,000	\$ 650.00
\$ 25,000.01 - 50,000	\$ 650.00 for the first \$25,000 plus \$10.00 for each additional \$1,000 or fraction thereof (with the cost rounded up to an even dollar amount)
\$ 50,000.01 - 100,000	\$ 900.00 for the first \$50,000 plus \$9.00 for each additional \$1,000 or fraction thereof (with the cost rounded up to an even dollar amount)
\$100,000.01 and higher	\$ 1,350.00 for the first \$100,000 plus \$6.00 for each additional \$1,000 or fraction thereof (with the cost rounded up to an even dollar amount)

(d) Determination of Value. The determination of value under subsection (b) above shall be made by the city. The value to be used in computing the fee shall be the total value of all work for which the permit is issued and shall include, but not be limited to, all construction work, finish work, landscaping, paving, painting, electrical, plumbing, heating, air conditioning, elevator fire protection and any other permanent work or permanent equipment. The city may require the submission of signed

contract documents when necessary to determine the value of the work to be performed.

(e) Exceptions. The provisions of this article shall not apply in the following situations:

(1) Fees for permits required under provisions of Article 1, Section 4-101, or the zoning ordinance, for which a specific fee is enumerated therein, shall be paid as specified.

(2) Work performed to alleviate emergency situations involving health or safety is exempt from any late charges, provided a permit is applied for on the next working day for city employees.

(f) Fee Schedule - Demolition. A permit fee is required for all demolition work, including, but not limited to, structures, buildings, tanks or towers which are dismantled or removed. The fee shall be based on the value of the item to be demolished, such determination of value to be made by the city, in accordance with the following fee schedule:

<u>Value of Work</u>	<u>Permit Fee</u>
\$.00 - 200	\$ 20.00
\$ 200.01 - 1,500	\$ 40.00
\$ 1,500.01 - 7,000	\$ 100.00
\$ 7,000.01 - 50,000	\$ 100.00 for the first \$7,000 plus \$2.50 for each additional \$1,000 or fraction thereof Over 50,000 \$ 7,000 plus \$2.50 for each additional \$1,000 \$350 for the first \$50,000 plus \$2.50 for each additional \$1,000 or fraction thereof.

(g) Fee Schedule - Plan Review. When the total square footage of a proposed building exceeds 2,000 square feet, a plan review is required. A plan review fee is required which shall be \$50.00 of the permit fee and shall be a credit toward the total permit fee when the permit is issued.

(h) Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of submission and payment of fees shall expire by limitation. The plans and other data submitted for review may thereafter be returned to the applicant. The city may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(i) Fee - Reinspection. A reinspection fee of \$20.00 is required when the inspection requested does not meet the adopted code standards.

(j) Fee Refunds. Where no portion of the plan review or inspection work covered by a permit issued by the city has been commenced, the permit holder may request in writing that the permit be canceled. The permittee shall be entitled to a refund of 90% of the applicable fee actually paid, except that a full refund will be made when the fee was paid or collected in error. Refunds will not be made for fees representing work having been done prior to the time the fee refund request is made. Under any circumstance, fee refund requests must be made within 180 days

after the date of payment if no permit is obtained, or within 30 days after the permit is canceled or expired.

(k) **Liability.** Requirements stated in Article 1, Section 4-101, and all existing codes and ordinances in force, shall not be construed as imposing on the city, its officers, agents or employees, any liability or responsibility for damages to any property or injury to any person due to defective installations. The city or any official, employee or agent thereof shall not assume any liability or responsibility whatsoever by reason of inspection or approval of any installation.
(Ord. 789, Sec. 45; Code 2007)

4-146. **SITE PLAN.** There shall also be a site plan showing to scale the size and location of all new construction and all existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey. The site plan shall show the location of all building setback lines provided in the plat of the subdivision in which the property is located, any building setback or other restriction on the location of improvements applicable to the property by reason of private covenant or deed restriction and all easements affecting the property. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site or plot. The applicant shall certify that the plan as submitted does not violate any building setback lines established on the plat for subdivision in which the property is located or any private covenant or other restriction applicable to the property or any easement affecting the property. (Ord. 789, Sec. 46; Code 2007)

4-147. **ACTION ON APPLICATION.** (a) The building official, or his or her designee, shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to the requirements of all pertinent laws or the proposed construction would violate any setback requirement established by the plat of the subdivision in which the property is located or would violate any private covenant or restriction applicable to the property or any easement affecting the property, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable. In issuing such permit, the building official may rely upon the certification of the applicant that the plan as submitted does not violate any building setback lines established on the plat for the subdivision in which the property is located or any private covenant or other restriction applicable to the property or any easement affecting the property.

(b) If upon examination of the application for a building permit, the building official for any reason believes the issuance of such building permit may result in construction of a building or structure that would be detrimental to the value of surrounding property or incompatible with the surroundings, the building official shall not issue the permit and shall advise the applicant that the matter will be referred to the Governing Body for consideration at the next scheduled meeting.

(c) If the application for a building permit is referred to the Governing Body for consideration, the Governing Body shall conduct a hearing upon the application and the applicant shall be given the opportunity to address the Governing Body

concerning the issuance of the building permit. The Governing Body may consider such matters as may be presented. At the conclusion of the hearing, the Governing Body shall render a decision, unless the hearing is continued for good cause.

(d) At the conclusion of the hearing, if the Governing Body determines that the building or structure for which the application is made would be detrimental to the value of surrounding property, or incompatible with the surroundings or if for any reason such building, structure, or alteration would be in violation of any of the provisions of the zoning code or of the building code, then the application for such permit shall be denied.

(Ord. 789, Sec. 47; Code 2007)

4-148. SUSPENSION OF PERMIT. Any permit issued shall become invalid if the authorized work is not commenced within six (6) months after issuance of the permit, or if the authorized work is not completed within six (6) months of the commencement of the authorized work unless a longer period for completion is provided in the permit upon its original issuance or unless the period for completion is extended by the Governing Body upon application of the permit holder filed prior to the time the permit would otherwise be suspended under the provisions hereof. (Ord. 789, Sec. 48; Code 2007)

4-149. PENALTIES. Any person who violates any provision of the International Building Code, 2003 Edition; the International Existing Building Code, 2003 Edition; the International Mechanical Code, 2003 Edition; the International Plumbing Code, 2003 Edition; International Energy Conservation Code, 2003 Edition; the International Residential Code, 2003 Edition; International Property Maintenance Code, 2003 Edition; the International Fire Code, 2003 Edition; the National Electrical Code, 2002 Edition; or the NFPA Life Safety Code, 2000 Edition; or any amendments thereto as provided in this Article; or who shall fail to comply with any order issued pursuant to any of such codes, shall be guilty of a public offense, and upon conviction thereof, shall be punished by a fine and/or imprisonment as provided by Section 1-117 of the Code of the City of Roeland Park, Kansas. (Ord. 789, Sec. 49; Code 2007)

ARTICLE 2. ELECTRICAL CODE
(Reserved for Future Use)

ARTICLE 3. PLUMBING CODE
(Reserved for Future Use)

ARTICLE 4. MECHANICAL CODE
(Reserved for Future Use)

ARTICLE 5. PROPERTY MAINTENANCE CODE
(Reserved for Future Use)

ARTICLE 6. ENERGY CODE
(Reserved for Future Use)

ARTICLE 7. ONE AND TWO FAMILY DWELLING CODE
(Reserved for Future Use)

ARTICLE 8. SWIMMING POOLS

- 4-801. PERMIT REQUIRED. Every swimming pool constructed in the city shall require a building permit and be subject to the requirements of this article. (Code 1977, 15-1201; Code 2003)
- 4-802. FENCE REQUIRED. Each pool area shall be surrounded by a fence not less than four feet in height of a type and material approved by the city engineer and/or the director of public works. The fence may surround the whole of the backyard area. (Code 1977, 15-1201; Code 1986; Code 2003)
- 4-803. CHEMICAL PURIFICATION SYSTEM. All swimming pools in the city shall be equipped with a chemical purification system, adequate for the size and amount of use of the pool, which shall be maintained in good and proper operating condition at all times when the pool is in use and the pool shall be maintained in a condition of purity acceptable to the standards of the State Department of Health and Environment. (Code 1977, 15-1201b; Code 2003)
- 4-804. DRAINAGE. All pools shall be so constructed as to provide proper drainage other than upon the surface of the premises, surrounding premises adjacent thereto or upon public streets. (Code 1977, 15-1201b; Code 2003)
- 4-805. LOCATION OF POOL. All swimming pools shall be constructed only to the rear or in the backyard area of a residence, which area shall constitute the yard at the back part of or behind a residence and belonging thereto bounded on the sides by the side property lines, on the rear by the rear property line and on the front by the rear walls of the residence. No pool shall occupy more than 15% of the backyard and minimum distance of 10 feet shall be maintained between the pool and any building located upon adjacent premises. There shall be a rear yard maintained between the pool and the rear property line of at least 15 feet. All pools shall, insofar as possible be constructed centrally between the sidelines of the premises. (Code 1977, 15-1201e; Code 2003)

ARTICLE 9. SIGNS AND OTHER ADVERTISING DEVICES

4-901. PURPOSE. The purpose of this article is to regulate the manner of construction, reconstruction, alteration and inspection of signs within the city. (Ord. 627, Sec. 1; Code 2003)

4-902. DEFINITIONS. (a) Building Code - is the BOCA Building Code promulgated by the Building Officials and Code Administrators International, Inc. as adopted by the city.

(b) Building Inspector - is the building official of the city or other designated authority charged with the administration and enforcement of this article or his or her duly authorized representative.

(c) Noncombustible - as applied to building construction material means a material that, in the form in which it is used, is either one of the following:

(1) Material of which no part will ignite and burn when subjected to fire.

(2) Material having a structural base of noncombustible material as defined in (1) above, with a surfacing material not over 1/8 inch thick that has a flame-spread rating of 50 or less.

Noncombustible does not apply to surface finish materials. Materials required to be noncombustible for reduced clearances to flues, heating appliances, or other sources of high temperature shall refer to material conforming to (1) above. No material shall be classed as noncombustible that is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric condition.

Flame-spread rating as used herein refers to rating obtained according to tests conducted as specified in the building code.

(d) Nonstructural Trim - is the molding, battens, caps, nailing strips, latticing cutouts or letters and walkways that are attached to the sign structure.

(e) Sign - is any framed, bracketed, free-form, or engraved surface, and the support therefor, that is fabricated to create words, numerals, figures, devices, designs, trademarks, or logos, and that is mounted on or affixed to a building, structure, or the ground, and that is visible to persons not located on the premises where such sign is located, with the purpose of attracting the attention of such persons or communicating information to them.

(f) Sign Structure - is the support, poles, upright bracing or brackets and framework for any sign that is mounted on or affixed to a building, structure or the ground.

(g) Approved Plastic Materials - shall be those having a self-ignition temperature of 650°F, or greater when tested in accordance with the applicable BOCA Code provision and a smoke-density rating not greater than 450 when tested in accordance with the applicable BOCA Code provision, in the way intended for use; or a smoke-density rating no greater than 75 when tested in the thickness intended for use by the applicable BOCA Code provisions.

(h) Sign Alteration - is the replacement, enlargement, reduction, reshaping or adding to a sign, or sign structure or other supporting members.

(i) Sign Maintenance - is the normal care and minor repair necessary to retain a safe, attractive and finished sign, sign structure, or sign surface. Changing copy or a logo on a sign surface without increasing sign dimensions shall be

considered sign maintenance if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business firm name as before the change.

(j) Sign Refacing - is changing or replacing the words, numbers, or other aspects of the sign surface to serve a different establishment or business or create a substantially different visual effect and without altering, moving or replacing the sign structure or sign surface.

(k) Sign Support - is the supporting members of the sign such as frame poles, brackets or structures by which a sign is mounted on or affixed to a building or ground.

(l) Sign Surface - is the entire area within a square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including the sign structure.

(m) Wall - is the exterior or surface of a building or structure. For the purposes of this article, wall shall be determined to include mansard type or sloped roof structures.

(Ord. 627, Sec. 2; Code 2003)

4-903 PERMIT REQUIRED. Except as otherwise provided in section 16-507 of the code, no sign shall hereafter be erected, re-erected, constructed, altered or maintained, except as provided for by this article and after a permit has been issued by the building inspector pursuant to section 16-506 of the code. A separate permit shall be required for a sign for each business entity, and a separate permit shall be required for each group of signs on a single sign structure.
(Ord. 627, Sec. 3; Code 2003)

4-904. FEES. Fees to be paid to the city for the permit required by section 4-303 shall be as follows:
(a) For new, rebuilt or altered signs - \$100.00 for the first 100 square feet and \$10.00 for each 100 square feet or portion thereof in excess of 100 square feet.
(b) For the renovation of an existing sign \$50.00.
(c) Fees provided in (a) and (b,) hereof shall be doubled if the required by section 4-303 is not obtained prior to the erection of the sign.
(Ord. 741, Sec. 1; Code 2007)

4-905. DESIGN OF SIGNS. Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof.
The overturning moment produced from lateral forces shall in no case exceed 2/3 of the dead-load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly

compacted.

Signs and sign structures shall be designed and constructed to resist wind forces as specified in the building code. Signs and sign structures shall be designed and constructed to resist seismic forces as specified in the building code. Wind and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need be used. Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind or seismic loads. The design of wood, concrete, steel or aluminum members shall conform to the requirements of the building code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in the building code. The working stresses of wire rope and its fastenings shall not exceed 25% of the ultimate strength of the rope or fasteners. (Ord. 627, Sec. 5; Code 2003)

4-906.

CONSTRUCTION AND ERECTION OF SIGNS. Sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements for the building code. Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the building code. In all signs and sign structures the materials and details of construction shall, in the absence of specified requirements, conform with the following:

(a) Structural steel shall be of such quality as to conform with the building code requirements. Secondary members in contact with or directly supporting the sign surface may be formed of light gauge steel, provided such members are designed in accordance with the specifications of the design of light gauge steel as specified in the building code and in addition shall be galvanized. Secondary members, when formed integrally with the sign surface, shall be not less than No. 24 gauge in thickness. When not formed integrally with the sign surface, the minimum thickness of the secondary members shall be No. 12 gauge. The minimum thickness of hot rolled steel members furnishing structural support for signs shall be 1/4 inch, except that, if galvanized, such members shall be not less than 1/8 inch thick. Steel pipes shall be of such quality as to conform with the building code. Steel members may be connected with one galvanized bolt, provided the connection is adequate to transfer the stresses in the members.

(b) Anchors and supports when of wood and embedded in the soil, or within six inches of the soil, shall be of all heartwood of a durable species or shall be pressure treated with an approved preservative. Such members shall be marked or branded by an approved agency.

(c) All signs, except banners; canopy signs that are part of an awning, canopy or other fabric, protective cover over a door, entrance, window, or outdoor service area; and political signs (each as defined in section 16-502) shall be constructed of noncombustible materials, except as otherwise provided in this article. No combustible materials other than approved plastics shall be used in the construction of electric signs.

(d) Nonstructural Trim. Nonstructural trim may be of wood, metal, approved plastics or any combination thereof.

(e) Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced detached signs shall be anchored to resist the

specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amount to a force 25 % greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line. Portable ground signs supported by frames or posts rigidly attached to the base shall be so proportioned that the weight and size of the base will be adequate to resist the wind pressure specified in this chapter. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied. No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing. No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified for seismic zones in the building code.

(f) Signs shall be located not less than six feet horizontally or 12 feet vertically from overhead electrical conductors which are energized in excess of 750 volts. The term overhead conductors as used in this section means any electrical conductor, either bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength. No sign or sign structure shall be erected in such a manner that any portion of its sign surface, sign structure or sign supports will interfere in any way with the free use of any fire escape, exit or standpipe.
(Ord. 627, Sec. 6; Code 2003)

4-907. INSPECTIONS. (a) As soon as a sign has been erected, the permittee shall notify the building inspector, who shall inspect such sign and approve the same if it is in compliance with the provisions of this article. Indirectly or semi-illuminated signs require a separate electrical inspection. The building official may, from time to time as he or she deems necessary, inspect all signs or other advertising structures regulated by this article, for the purpose of ascertaining whether it is secure or whether it is in need of removal or repair.

(b) All signs for which a permit has been issued and signs for which a permit has not been issued but which are not exempt shall, commencing August 1, 1984, be subject to an annual inspection and renewal of the permit.

(c) The inspection shall be conducted by the building inspector and shall include (1) a determination by such official as to whether or not the sign is in compliance with the provisions of this article, and (2) verification that liability insurance exists for bodily injury caused as a result of the sign in the minimum amounts of \$100,000 per individual and \$300,000 per occurrence.
(Ord. 627, Sec. 7; Code 2003)

4-908. FEES FOR INSPECTION. There shall be no fee other than the fee for the issuance of the permit for the initial inspection. In the event it is not necessary, in the opinion of the building inspector, to determine the structural adequacy of any sign for a place of business, there shall be a fee of \$25.00 for the annual inspection required pursuant to this article for each place of business maintaining one or more signs.

In the event it is necessary, in the opinion of the building inspector, to determine the structural adequacy of one or more signs for a place of business, there shall be a fee of \$25.00 for the annual inspection required pursuant to this article and, in addition thereto, the business for which the inspection is required shall either (1) provide the city with a certificate from a qualified inspector certifying that all signs located on the business premises are structurally safe and conform to the structural requirements of this article, or (2) pay the cost incurred by the city to properly inspect all signs located on the business premises requiring an inspection to determine structural adequacy.

(Ord. 627, Sec. 8; Code 2003)

4-909. ANNUAL INSPECTION CERTIFICATE. All signs, existing and future, within the city limits must secure an annual inspection certificate and if applicable a permit and must maintain an annual renewed inspection certificate or be cited in city court for noncompliance. All signs must have on file an inspection or insurance certificate not later than September 1, 1987. (Ord. 627, Sec. 9; Code 2003)

4-910. VIOLATIONS. It shall be unlawful for any persons to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any sign or sign structure in the city or cause or permit the same to be done, contrary to or in violation of any of the provisions of this article.

(Ord. 627, Sec. 10; Code 2003)

4-911. ENFORCEMENT. (a) The building inspector is hereby authorized and directed to enforce all the provisions of this article. For such purposes he or she shall have the powers of a law enforcement officer.

(b) Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the building inspector or his or her authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official or his or her authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code. If such building or premises is occupied, he or she shall first present proper credentials and request entry; and if the building or premises is unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building inspector or his or her authorized representative shall have recourse to every remedy provided by law to secure entry.

(c) When the building inspector or his or her authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry by the building inspector or his or her authorized representative for the purpose of inspection and examination pursuant to this article.

(Ord. 627, Sec. 11; Code 2003)

ARTICLE 10. SOLAR ENERGY SYSTEMS

- 4-1001. PURPOSE. The purpose of this article is to establish provisions for using an alternate source of energy apart from the prevailing energy sources of natural gas and electricity, namely solar energy, and to provide standards for the construction and use of solar energy systems. (Code 1986; Code 2003)
- 4-1002. RESTRICTIONS. Except as provided in this article, no solar energy system or solar collection device shall be erected, constructed, altered or maintained on any lot within the city. (Code 1986; Code 2003)
- 4-1003. STANDARDS. All solar energy systems or solar collection devices shall meet the following standards and conditions:
- (a) All solar energy systems or solar collection devices shall be incorporated into a building (which may be either a principal or accessory building) and shall be integrated into the basic form and main structure of such building.
 - (b) Any panel or apparatus which is used to receive, collect or transfer solar energy, shall be mounted on the roof of a building and such panels or apparatus shall be integrated into the roof either directly mounted against the roof or integrated into the roof so it forms a part of the roof itself.
 - (c) Mounting arrangements which allow panels or apparatus to project above the roof line, such as "stand-off" or "rack" mounting arrangements are prohibited.
 - (d) No panels or apparatus shall be free standing or mounted on the ground.
 - (e) All mechanical piping, electrical conduits, motors and similar items which comprise a solar energy system shall be concealed.
 - (f) All exposed metal, including the framework of active collector panels or exposed mullions and framework of passive systems shall be of finished warm earth tones, or black, in color and unpainted aluminum is prohibited.
 - (g) All solar energy system components shall be located as to be accessible for required routine maintenance without trespassing on adjoining property or disassembling any major portion of the structure or building.
 - (h) All solar energy system components must be obtained from manufacturers who regularly engage in production of solar energy apparatus.
 - (i) The construction or erection of a solar energy system or solar collection device shall conform to the requirements of the codes provided for in Chapter 4, of this code.
(Code 1986; Code 2003)
- 4-1004. PERMIT REQUIRED. No solar energy system or solar collection device shall be constructed, erected, added to or materially altered, structurally or otherwise changed, or improved nor any other work commenced upon any lot, tract or parcel of land unless the owner, contractor or agent of either shall first have applied for and received from the governing body a permit therefore as provided for in this chapter. (Code 1986; Code 2003)
- 4-1005. APPLICATION FOR PERMIT. Any application for the permit required hereunder shall show that the proposed construction meets the requirements set forth in section 4-403. (Code 1986; Code 2003)

4-1006. ISSUANCE OF PERMIT. Any permit issued pursuant to the provisions of this article for the construction, erection or modification of a solar energy system or solar collection device shall only be issued after the city council has determined that the proposed construction meets the requirements of section 4-403 and that the design of the solar energy system or solar collection device is in general conformity with the style and design of surrounding structures. (Code 1986; Code 2003)

ARTICLE 11. PARABOLIC DISH TYPE ANTENNA

4-1101. RESTRICTIONS OR DISH TYPE ANTENNA. Except as provided herein, no parabolic or dish type antenna shall be erected, constructed, altered or maintained on any lot within the city. (Code 1986; Code 2003)

4-1102. DEFINITIONS. Parabolic or dish type antenna means any circular or similar dish shape receiving antenna communications or designed to receive television signals from a satellite. (Code 1986; Code 2003)

4-1103. LOCATION REQUIREMENTS. All parabolic or dish type antenna located outside of an enclosed structure shall meet the following requirements:

(a) Only one parabolic or dish type antenna shall be permitted on each lot or contiguous lots commonly owned upon which a residence is constructed.

(b) The maximum height of the parabolic or dish type antenna shall be 12 feet as measured from the lowest surrounding grade.

(c) The maximum diameter of the parabolic or dish type antenna shall be eight feet.

(d) The parabolic or dish type antenna shall be set back a minimum of 10 feet from any property line of the lot upon which it is located.

(e) No parabolic or dish type antenna shall be located in the front or side yard of any lot.

(f) All parabolic or dish type antenna shall be mounted at ground level and shall be screened in compliance with all applicable zoning regulations in a manner that is in general conformity with the style and design of surrounding structures and in a manner that prevents the antenna from being observed from any street or from surrounding properties, provided, however, that upon proper application to the planning commission, the commission may waive in whole or in part the screening requirement that prevents the antenna from being observed from surrounding properties if such a waiver will not adversely affect the general welfare of the immediate neighborhood in which such antenna is located, including without limitation, the value of the surrounding properties and the safety of the neighborhood.

(g) No parabolic or dish type antenna shall be mounted on a roof or on a tower or on similar forms of structural support.

(h) Any parabolic or dish type antenna shall be painted in a neutral color.

(i) The construction or erection of a parabolic or dish type antenna shall conform to the requirements of the codes provided for in this article.

(Code 1986; Code 2003)

- 4-1104. PERMIT REQUIRED. No parabolic or dish type antenna shall be constructed, erected, added to or materially altered, structurally or otherwise changed, or improved nor any other work commenced upon any lot, tract or parcel of land unless the owner, contractor or agent of either shall first have applied for and received from the city council a permit therefore as provided in this article. (Code 1986; Code 2003)
- 4-1105. CONTENTS OF APPLICATION. Any application for the permit required hereunder shall show that the proposed construction meets the requirements set forth in section 4-503 hereof and shall in addition show in detail the proposed screening required under subsection (f) of 4-503. (Code 1986; Code 2003)
- 4-1106. CONSIDERATION OF PERMIT. Any permit issued pursuant to the provisions of Article 1 of this chapter shall only be issued after the governing body has considered the appearance, location and purpose of the proposed screening, the effect on adjoining property, the size and area to be enclosed and the desirability of open views from the standpoint of beauty, value and safety of the neighborhood and any such permit shall incorporate a specific screening plan. (Code 2003)

ARTICLE 12. ELECTRIC FENCES

- 4-1201. ELECTRIC FENCE DEFINED. Electric fence shall mean any fence, wire or enclosure that is electrically charged. (Code 1986; Code 2003)
- 4-1202. ELECTRIC FENCE PROHIBITED. No person shall construct, maintain or operate an electric fence within the city without having a valid permit for the operation thereof issued by the governing body in the manner hereinafter provided. (Code 1986; Code 2003)
- 4-1203. PERMIT FOR ELECTRIC FENCE. (a) All applications for electric fence permits shall be made in writing to the governing body and shall contain a description of the location of the proposed fence, the time or times when the fence will be charged and a description of the electrical charge to be used.
- (b) The governing body shall not approve the issuance of any permit for the construction and maintenance of an electric fence that is:
- (1) Constructed within six feet of a fire hydrant;
 - (2) Constructed within three feet of a utility pole;
 - (3) Constructed within six feet of a sidewalk or the traveled portion of a roadway;
 - (4) On property adjacent to a park or playground; or
 - (5) When one or more property owners or persons in possession of property that is adjacent to the proposed fence line shall object in writing to the governing body.
- (c) The governing body shall cause to be issued an electric fence permit if the proposed construction does not violate any of the constraints set out in section 4-1203(b) and the application fee shall have been paid.
- (d) An application fee of \$10.00 shall accompany each application and shall not be refunded in the event the permit is denied.
- (e) Any permit issued by the governing body may be revoked by the governing body at a regular meeting if it shall be proved to the satisfaction of the governing body that any of the constraints of section 4-603(b) shall have been violated by the permit holder, including 4-603(b)(5) and if the permit holder shall have received notice in writing of the proposed revocation at least five days prior to the date of such meeting.
- (f) Revocation Hearing. At such revocation hearing the permit holder shall have the right to be represented by counsel, to present evidence in his or her behalf, to cross examine witness testifying on behalf of revocation and to have a record of the proceedings made at his or her own expenses or to obtain a copy of any record made by the city at the actual cost of obtaining the copy.
- (g) The city clerk shall accept applications on behalf of the governing body and issue permits on a suitable form when so directed by the governing body. (Code 1986; Code 2003)
- 4-1204. PROSECUTION. No person shall be prosecuted in the municipal court for having violated section 4-1202 without first being given notice in writing of the alleged violation. Thereafter, the proposed defendant shall have five days from the date of receipt of the notice to remove the alleged violation. Removal of the

violation during the five day period shall be an absolute defense to the alleged violation. (Code 1986; Code 2003)

- 4-1205. SEPARATE OFFENSES. Each day that a violation of section 4-1202 shall occur after the lapse of the five day period provided in section 4-1204 shall be deemed a separate offense. (Code 1986; Code 2003)

ARTICLE 13. REMOVAL AND MOVING OF A STRUCTURE

- 4-1301. DEFINITIONS. For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense and words in the singular number include the plural number. The word shall is always mandatory and not merely directory

(a) Building or Structure. - An assembly of materials forming a construction for occupancy or use including among other, houses, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, piers, wharfs, open sheds, coal bins, shelters, fences and display signs, excluding mobile homes for transfer.

(b) Chief Building Official. - A city official designated from time to time by the governing body.

(c) Applicant. - Any person making application for a permit.

(d) Permittee. - Any person obtaining a permit as provided for herein.
(Ord. 477, Sec. I; Code 2003)

- 4-1302. MOVING PERMIT REQUIRED. No person shall move any building or structure having a floor area of 100 or more square feet, upon, across, or over any highway, street, alley or sidewalk in the city without first obtaining a permit issued by the chief building official. (Ord. 477, Sec. 2; Code 2003)

- 4-1303. MOVING PERMIT; APPLICATION, PERMIT FEES. All applications for permits to move buildings or other structures described in section 4-701 shall be made to the chief building official and such application shall state and be in compliance with the following procedures:

(a) The dimensions of the building or structure as to length, width and height at its highest point when loaded for moving

(b) The definite description of the building or structure proposed to be moved giving street number, construction materials, dimensions in square feet, number of rooms and condition of exterior and interior.

(c) The plot plan to scale with legal description of the lot from which the building is to be moved, giving the lot number, block number and subdivision, if located within the city.

(d) The plot plan to scale with the legal description of the lot to which it is proposed such building be removed, giving lot number, block number and subdivision, if located within the city.

(e) The day and hour when the moving is to commence and length of time of the move. In no event will a moving be allowed on a Saturday or Sunday or a holiday unless specifically allowed by the chief building official and the chief of

police.

(f) The highways, streets, alleys or sidewalks over, along, or across which the building or structure is proposed to be moved.

(g) The application shall be made not less than seven calendar days prior to the commencement of the moving and shall be accompanied by a fee of \$250.00 made payable to the city clerk.

(h) The application must include copies of written notice that have been given by the applicant to the owners of adjacent lots and to the owners of wires or other facilities, whenever same will affect the public utilities located within the city limits, should a permit be granted for the removal of building or structure.

(i) The application of the building or structure to be moved shall file with the application sufficient evidence that the building or structure and lot from which it is to be moved are free of any entanglements and that all taxes and any city charges against the owner are paid in full. Applicant shall furnish a certificate of liability insurance for personal and property damage in a minimum amount of \$100,000 injury each person, \$300,000 each occurrence, and \$50,000 property damage.

(j) The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he or she is entitled to move the building or structure.

(Ord. 477, Sec. 3; Code 2003)

4-1304.

BONDS REQUIRED; LIABILITY; SURETY. (a) It shall be the duty of any person at the time of making application for a permit as provided in section 14-703 to execute in favor of the city a good and sufficient bond in the sum of \$20,000, with good and sufficient security, that the principal shall pay any and all damages which may be caused to any property, public or private, within the city when such injury or damage shall be inflicted by the principal or his or her agent, servant, employee, workman, contractor, or subcontractor. Such bond shall be conditioned also that the principal will save, indemnify and protect the city from any and all liability, and that he or she will, in all respects, comply with all laws of the city and comply with the terms of his or her permit and be conditioned upon his or her faithful performance of the move. The form of such bond must be approved by the city attorney.

(b) In addition to the permit fee required for moving a building or structure from one permanent site to a new location within the city, the applicant shall furnish a surety bond conditioned upon the completion of the relocation of such building or structure upon the site to which it is to be moved in accordance with the plans, specifications and requirements set forth in the permit issued therefor. Such bond shall be in an amount equal to the estimated cost of removal and reconstruction upon a foundation as set forth in the permit and conditioned upon final completion and inspection within six months from the date thereof. No permit shall be issued for the relocation of a building or structure within the city, unless the plans and specifications, location and use conform in all respects to the rules and regulations applicable to the new location of the building or structure.

(Ord. 477, Sec. 4; Code 2003)

4-1305.

DUTIES OF CHIEF BUILDING OFFICIAL. The duties of the chief building official are as follows:

(a) Inspection. The chief building official shall inspect the building or

structure and the applicant's equipment to determine whether the standard for issuance of a permit is met and issue or deny such permit.

(b) Standards for Issuance. The chief building official shall refuse to issue a permit if he or she finds:

(1) That any application requirement or any fee, deposit, or other requirement has not been complied with;

(2) That the building or structure is too large to move without injuring persons or property in the city;

(3) That the building or structure is in such a state of deterioration, disrepair or is otherwise so structurally unsafe that it cannot be moved without endangering persons or property within the city;

(4) That the building or structure is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;

(5) That the applicant's equipment is unsafe and that persons and property would be endangered by its use;

(6) That zoning subdivision or any other ordinances would be violated by the building or structure in its new location;

(7) That for any reason persons or property in the city would be endangered by the moving of the building or structure;

(8) That the building or structure to be moved is not compatible to the neighborhood where the building or structure is proposed to be located;

(9) That any weight, length, width, or other restriction imposed upon the use of the public or private roadways within the city limits by either city traffic ordinances or state statutes would be violated.

(c) Fees and Deposits:

(1) Deposits. The chief building official shall deposit all fees and deposits and all cash with the city clerk.

(2) Return Upon Nonissuance. Upon the refusal to issue a permit, all funds deposited shall be returned to the applicant. If a permit is granted and the move is not made by the applicant, then one-half of all funds deposited will be refunded.

(3) Claim on Bond. After a building or structure has been removed, the chief building official shall furnish the city engineer and city attorney a written statement of all expenses and damages incurred in removing and replacing all property belonging to the city, and of all material used in making of the removal and replacement together with a statement of all damages cause to or inflicted upon property, both private and public, for claim against the surety bond.

(Ord. 477, Sec. 5; Code 2003)

4-1306.

DUTIES OF PERMITTEE. Every permittee shall:

(a) Over Designated Streets. Move a building or structure only over streets designated for such use in the written permit;

(b) Notify of Revised Moving Time. Notify the chief building official within 48 hours of the move in writing of a desired change in moving date and hour and route of move as proposed in the application and such change must be approved by the chief building official;

(c) Notify of Damage. Notify the chief building official in writing of any and all damages done to property belonging to the public and private property within 24 hours after the damage or injury has occurred;

(d) Warning Devices at Night. It shall be the duty of any person moving any building or structure mentioned above upon or across any street, alley or sidewalk or other public place in the city to display red lanterns or other warning devices used in compliance with city traffic ordinances or state statutes thereon in such a manner as to show the extreme height and width thereof from 30 minutes after sunset to 30 minutes before sunrise; he or she shall at all times erect and maintain barricades across the street in such manner as to protect the public from damage or injury by reason of removal of the building or structure, and shall have sufficient escort as provided by city ordinance, state statutes, or as determined as necessary for the public safety by the chief of police;

(e) Layover. Not leave any building or structure or any part of any building or structure being moved in the parkway, street, or on the dedicated right-of-way line between the curb and the front property line of any lot;

(f) Comply with Governing Law. Comply with the building code, fire protection zoning chapters and all other applicable traffic ordinances and laws upon relocating the building or structure in the city or in moving the same through the city;

(g) Clear Old Premises. Remove all rubbish and materials and fill all excavations to existing grade at the original building or structure site so that the premises are left in a safe and sanitary condition within 10 days from the date of the move;

(h) Remove Service Connections. Notify all utilities having service connections within the building or structure and otherwise located within the city limits whose facilities and services to the general public may be affected by the movement of the building or structure. Copies of notifications shall be furnished to the chief building official;

(i) Comply with the building code within three months after the physical move is made;

(j) Comply with the regulations and specifications contained in such permit granted by the chief building official to such permittee.

(Ord. 477, Sec. 6; Code 2003)

4-1307. **ENFORCEMENT.** The enforcing officers shall be as follows and shall carry out the following requirements:

(a) Enforcing Officers. The chief building official, police department and the department of public works, city engineer and city attorney shall enforce and carry out the requirements of this article as set forth herein.

(b) Permittee Liable for Expenses and Above Deposit. The permittee shall be liable for any expenses, damages, costs in excess of deposited amounts or securities, and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

(c) Original Premises Left Unsafe. This city shall proceed to do the work necessary to leave the original premises in a safe and sanitary condition, where permittee does not comply within 10 days with the requirements of this article, and the cost thereof shall be charged against the bonds posted by the permittee.

(Ord. 477, Sec. 7; Code 2003)

4-1308. **PERMIT TIME LIMITATION.** Permits issued under and pursuant to this article shall be valid for a maximum time of two months. (Ord. 477, Sec. 8; Code 2003)

4-1309. PROPER FOUNDATION. No building shall be moved to any lot within the city unless and until a proper and suitable foundation or basement has been theretofore constructed on such lot of which such building will be permanently placed unless waived by the chief building official. (Ord. 477, Sec. 9; Code 2003)

ARTICLE 14. PUBLIC WORKS INSURANCE REQUIREMENTS

4-1401. INSURANCE REQUIREMENTS IN GENERAL. Unless otherwise specified in the contract, any contractor entering into a public works contract with the city shall secure and maintain, or have maintained throughout the duration of the project, insurance of the type and in the minimum amounts specified below to protect against all hazards or risks of loss as hereinafter specified whether such hazards or risks of loss be generated by the contractor or any of its subcontractors, or by anyone directly or indirectly employed by the contractor or its subcontractors. If required by the city engineer, the contractor shall offer the city evidence of such insurance coverage and all renewals thereof in the form of a certificate of insurance approved by the city. (Ord. 624, Sec. 2; Code 2003)

4-1402. WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY. This insurance shall protect the contractor against all claims under applicable state worker's compensation laws. The contractor shall also be protected against claims for injury, disease, or death of employees which, for any reason may not fall within the provisions of a worker's compensation law. The policy shall include "all states" insurance.

The liability limits shall not be less than the following:

Worker's Compensation - Statutory Employer's Liability:

Bodily injury by Accident - \$100,000 each accident.

Bodily Injury by Disease - \$500,000 policy limit

Bodily Injury by Disease - \$100,000 each employee

(Ord. 624, Sec. 3; Code 2003)

4-1403. GENERAL LIABILITY. General liability insurance shall be provided including the following:

(a) Comprehensive General or Commercial General Form;

(b) Premises and Operations;

(c) Explosion, Underground and Collapse (certificate must confirm inclusion of "Blasting" coverage, if applicable);

(d) Products and Completed Operations;

(e) Broad Form Contractual;

(f) Broad Form Property Damage;

(g) Personal Injury;

(h) Independent Contractors.

Minimum Limits Required:

Bodily Injury and Property Damage, Combined Single Limits:

\$500,000 each occurrence

\$500,000 aggregate

(Ord. 624, Sec. 4; Code 2003)

- 4-1404. AUTOMOBILE LIABILITY. The policy shall protect the contractor against claims for bodily injury and/or property damage arising from the ownership or use of all owned, hired, and/or non-owned vehicles and must include protection for either:
- (a) Any Auto; or
 - (b) Any Owned Autos
Hired Autos
Non-Owned Autos
- Limits of liability protection required are the same as the limits for the general liability section.
(Ord. 624, Sec. 5; Code 2003)
- 4-1405. EXCESS LIABILITY. The policy must afford protection at least as broad as the underlying general liability policy.
- Bodily Injury and Property Damage, Combined Single Limits:
\$1,000,000 each occurrence
\$1,000,000 aggregate
- Excess liability requirement may be modified or waived at the city's discretion upon written application to and approval by the city. If the requirement is modified or waived, the city shall place on file the reasoning for such waiver or modification.
(Ord. 624, Sec. 6; Code 2003)
- 4-1406. INDUSTRY RATING. Coverage will only be acceptable from an insurance carrier which is licensed to do business in the State of Kansas and which (i) carries a Best's policyholder rating of A- or better, or (ii) is a company mutually agreed upon by the city and the contractor. (Ord. 624, Sec. 7; Code 2003)