

## CHAPTER IV. BUILDINGS AND CONSTRUCTION

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### ARTICLE 1. RESERVED FOR FUTURE USE

### 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 Oxford, 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 Oxford;

(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 1988)

4-202. INTERNATIONAL BUILDING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Building Code, 2012 Edition, as recommended by the International Conference of Building Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. One copy of the International Building Code, 2012 Edition, shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Oxford," 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 2014)

- 4-203. AMENDMENTS MADE IN BUILDING CODE. The International Building Code, 2000 Edition, hereinafter referred to as the building code, is amended and changed in the following respects as herein provided:
- (a) Unsafe Buildings. Section 203 in Chapter 2 of the building code is deleted and omitted in its entirety.
  - (b) Violations and Penalties. Section 205 in Chapter 2 of the building code is deleted and omitted in its entirety.
  - (c) Permits Required. Section 301(a) in Chapter 3 of the building code is hereby amended to read as follows:  
Permits Required. No person shall erect, construct, alter, repair, move, improve, remove, convert or demolish any building or structure in the city at a cost of more than \$400, or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the building official.
  - (d) Fees. Section 303 in Chapter 3 of the building code is hereby deleted and omitted in its entirety.
  - (e) Elevators, Dumbwaiters, Escalators and Moving Walks. Chapter 51 of the Appendix to the building code is deleted and omitted in its entirety.
  - (f) Excavation and Grading. Chapter 70 of the Appendix to the building code is deleted and omitted in its entirety.
- (Code 1981, 6-102)
- 4-203A. 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 1988)
- 4-204. BUILDING OFFICIAL; POWERS; DUTIES. (a) This and other articles of the city relating generally to building and structures shall be administered and enforced by the building inspector. The building inspector shall act as chief building official and may assume the responsibilities of or with the consent and approval of the governing body appoint a building inspector and such other assistants as may be advisable for the issuance of building permits and the inspection of building work.
- (b) The building inspector shall prepare such application, permit, inspection and record forms as may be required for the purposes of the article. The building inspector may make and promulgate the necessary rules and regulations to obtain conformity with this article pertaining to the making of applications for building permits, issuing of building permits and inspecting of buildings and building works.
- (Code 1988)
- 4-205. BUILDING INSPECTOR; APPOINTMENT. The mayor with the consent of the council may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of building inspector as may be required, subject to the consent and approval of the governing body. (Code 1988)
- 4-206. SAME; DUTIES. The building inspector shall have the following duties:
- (a) To enforce all regulations relating to construction, alteration, repair, removal and demolition of building and structures;
  - (b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or

workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;

(c) To examine all buildings in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and;

(d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the building official without his or her written consent.

(Code 1988)

4-207. SAME; POWERS. The building inspector shall have the following powers:

(a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter;

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

(c) May cause any work done in violation of this chapter to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the building regulations of the city, subject to the right of any builder or owner to appeal to the governing body. (Code 1988)

4-208. SAME; RIGHT OF ENTRY. The building inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter. (Code 1988)

4-209. CLARIFICATION; MODIFICATION. (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the building code which may be unclear, ambiguous, or requiring interpretation.

(b) The building inspector shall have power to modify any of the provisions of the building code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the building inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the inspector thereon shall be entered upon the records of the building inspector and a signed copy shall be furnished to the applicant. (Code 1988)

4-210. BUILDING PERMIT REQUIRED; APPLICATION; APPROVAL. It shall be unlawful for any person to hereafter erect or cause to be erected within the city any building or structure of any kind or enlarge or add to the outside dimension thereof, or relocate any building or structure already erected or which may hereafter be erected or remodel any building or structure within the city without a building permit being first obtained therefor from the city clerk, after approval by the chief building official or his or her duly authorized assistant. The application for such permit shall be made and the permit obtained before work is commenced upon any building or structure or the foundation thereof, or before the removal of any building begins. (Code 1988)

4-211.

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

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

(b) An application for a building permit shall be signed by the owner or his or her duly authorized agent, or a building contractor licensed by the city. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed contractor or contractors doing the work described, or a building permit may be issued to the owner upon his or her application disclosing satisfactory evidence that the proposed work will be performed by the owner, himself or herself and not by a licensed contractor, and likewise subject to the final approval of the building inspector for work performed.

(c) Upon approval of the completed application and a determination that a permit should be issued, the chief building official or his or her assistant shall issue a permit to the owner or contractor authorizing the building work covered by the application.

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

(Code 1988)

4-212.

SAME; PLANS AND SPECIFICATIONS. Whenever an application for a building permit is made, the chief building official may, if he or she finds it necessary to determine whether building work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed building as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the building official may require the applicant to file complete architectural and engineering plans and specifications for such building, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any building work for conformity with this article. (Code 1988)

- 4-213. SAME; FEES. The fee for a building permit shall be \$25, however no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required, is under \$100. The fee herein shall be paid to the city clerk upon obtaining a building permit and the same shall be credited to the general operating fund of the city. (Code 1988)
- 4-214. SAME; POSTING. A copy of the building permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The building inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 1988)
- 4-215. CERTIFICATE OF APPROVAL. Upon the completion of any work under a building permit, the chief building official, the building inspector or his or her designee is authorized to issue a certificate of approval for the occupancy and use of the building or structure. The certificate shall show the number of inspections made and the orders and corrections required during the course of the work. A copy of such certificate shall be given the owner. (Code 1988)
- 4-216. INSPECTIONS OF BUILDING; LAYOUT OF BUILDING; FOUNDATIONS AND FOOTINGS; NOTICE TO INSPECTOR. (a) The contractor or builder having a permit for new construction, or additions to existing buildings, shall notify the chief building official or building inspector immediately upon the marking or laying out of the site and foundation for such work. The official or inspector shall inspect the layout for conformity with this article and with respect to lot lines, setbacks and location of the proposed buildings to determine conformity with the city zoning regulations. In case of doubt respecting the required location, the chief building official may require an official survey of the lot lines to determine conformity, at the expense of the permit holder.
- (b) Upon completion of the excavation for the building foundation and footings and the construction of the necessary forms thereof and before the foundation and footings are poured or laid, the official or inspector shall be notified as in the first case, and it shall be his or her duty to inspect all such work for conformity with laws respecting location of the building foundations and footings.
- (c) The building inspector shall during the course of all building make such other inspections as may be directed by the chief building official to be made during any successive stage of the construction or other work covered by a permit in order to secure compliance with laws pertaining thereto. (Code 1988)
- 4-217. REQUEST FOR INSPECTION. Upon the completion of any building construction work covered by this article, it shall be the duty of the person doing such work to notify the building inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided. (Code 1988)
- 4-218. BUILDER OR BUILDING CONTRACTOR DEFINED. (a) A builder or building contractor for purposes of this article shall be any person, firm, co-partnership, corporation, association, or any combination thereof, whether a resident or not of the city:

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

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

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

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

(1) Any subcontractor working under the supervision of a general contractor; or

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

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

(4) Any property owner personally performing any improvements, alterations or building construction within or upon his or her own residence and intended for his or her own personal use and permanent occupancy; provided, the owner shall satisfy the building official as to his or her ability to perform such work secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal building construction by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city;

(5) Any person engaged in construction work not involving a total cost of greater than \$100, exclusive of labor.

(Code 1988)

4-219.

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

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

(c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself, or itself under the definition of builder or building contractor herein, or to perform any work as a builder or building contractor or any work under a contract for any work involving the construction, wrecking or moving of any building, without first having obtained a builder's or building contractor's license issued by the city. (Code 1988)

4-220. SAME; APPLICATION; GRANTING. (a) Application for a builder's or building contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in (as general contracting, roofing, siding, masonry, plastering, lathing, excavating, waterproofing, metal work, foundation work, sign hanging, cement work and painting and paper hanging, house wrecking or moving and the like), the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the builder or building contractor or his or her authorized agent. The applications shall be, by the chief building official, referred to the governing body at its next meeting for action thereon. Such license shall be issued by the city clerk, upon payment of the fees hereinafter provided after approval of the governing body. (Code 1988)

4-221. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.  
(a) The following license fees shall be paid for the calendar year or major fraction thereof:  
(1) General Builder or Building Contractor, who shall qualify to engage in more than one kind of contract work, except house moving, the sum of \$35;  
(2) Limited Builder or Building Contractor, who shall qualify to engage in not more than one kind of contract work, the sum of \$25;  
(3) House Wreckers or Movers, the sum of \$15;  
(4) Sign Hangers and Panel Posters, the sum of \$10.

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

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

(c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts.  
(Code 1988)

4-222. BUILDER'S OR BUILDING CONTRACTOR'S BOND REQUIRED; CONDITIONS; APPROVAL; RIGHTS RESERVED. (a) Before any license shall be issued, to any builder or building contractor required by this article to obtain a license and pay a fee to the city, the builder or building contractor shall secure and file with the city clerk a good and sufficient corporate surety bond in the principal sum of \$5,000 conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a

license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents, servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the city, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the State of Kansas and shall be executed by an agent of the company residing in the County of Sumner, Kansas and further conditioned that in the event of cancellation or expiration that the company or agent will give 10 days' notice of such fact to the city clerk. Each such bond shall be approved as to form by the city attorney and approved as to surety by the city clerk and the approval thereof shall be endorsed on the bond by the city attorney and by the chairperson of the council over their signatures.

(b) Each bond shall be dated to run from the first day of any license issued by the city to the principal and may cover a period of not to exceed two years. No bond shall be renewed by an extension certificate but a new bond shall be filed by the principal for each successive period following the renewal thereof. The city reserves the right to furnish the form of all surety bonds as may be required by this article. (Code 1988)

4-223. INSURANCE. In addition to obtaining a corporate surety bond as required by section 4-222 of this article, a builder or building contractor must procure and maintain a liability insurance policy in the amount of \$100,000 for the death or injury of any one person and \$300,000 for the death or injury of any number of persons in any one accident and \$50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the State of Kansas. A builder or building contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days' notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year. (Code 1988)

4-224. LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS. (a) The license of any builder or building contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the chief building official upon his or her own motion or upon a complaint of the city building inspector. Notice shall be given in writing to such builder or building contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such builder or building contractor involving any one or more of the following:

- (1) Misrepresentation of a material fact by applicant in obtaining a license;
- (2) Use of license to obtain a building permit for another;
- (3) Failure or neglect to observe conditions of permit authorizing encumbering of streets or sidewalks for safety of public;
- (4) Performance of any building or construction work without a permit where one is required by law; or



(5) Wilful disregard of any violation of the building and construction laws, or failure to comply with any lawful order of the city building inspector.

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

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

(Code 1988)

4-225. WORK BY PROPERTY OWNERS. Nothing herein contained shall prohibit any property owner from personally performing any building or construction work within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the building inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal building or construction performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city. (Code 1988)

4-226. LIABILITY. This article shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection authorized herein, by reason of any certificate of inspection issued by it or by reason of any permit or license granted herein. (Code 1988)

4-227. SEVERABILITY. If any section of the Uniform Building Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining sections, the section to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 1988)

4-228. ERECTION OF FENCE WITHOUT PERMIT. It shall be unlawful for any person to erect a fence or obtain the erection of a fence within the City of Oxford without first obtaining a permit authorizing said construction from the City Clerk, after approval of the chief building inspector or his or her duly authorized assistant. The application for said permit shall be on a form adopted by the building inspector and shall be accompanied by a \$10 application fee. The fence permit shall be issued only after the building inspector or authorized agent has been satisfied that the proposed fence complies with ARTICLE XVII, Section 2 of the Zoning Ordinance, and is being constructed on property with the consent of the owner of the property where the fence is located. When necessary the building inspector may visit the site for the location of the fence prior to the issuance of the permit or the building inspector may require sufficient information to satisfy this requirement be provided by the applicant upon the permit application. The time for the issuance or rejection of the fence permit shall be within 10 days of the payment of the

application fee. The fence erected shall be in compliance with the terms of the permit issued. A permit authorizing a fence may be issued after the fence has already been constructed at the discretion of the building inspector but the fee for such a permit shall be double the fee that would be required for an advance permit and the subsequent issuance of a fence permit after construction of the fence has commenced will not be a defense to a charge in municipal court of constructing a fence without a permit. Anyone violating the provisions of this section shall be, upon conviction, subject to the payment of a fine of not less than \$40 nor more than \$200 and up to 10 days in the county jail. The Municipal court shall also have authority to require the demolition or removal of a fence for which a permit has not been issued at the time the court imposes sentence. (Ord. 260; Code 2014)

### 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 1988)

4-302. ADOPTION OF ELECTRICAL CODE BY REFERENCE. The standard code known as the National Electrical Code of 2011, 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. One copy shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Oxford," 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 2014)

- 4-303. ADDITIONAL PROVISIONS. The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-302. (Code 1988)
- 4-304. BUILDING OFFICIAL; AUTHORITY. The mayor or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an electrical inspector in accordance with section 4-204 of this chapter, which shall apply in a like manner to this article. (Code 1988)
- 4-305. ELECTRICAL INSPECTOR; APPOINTMENT. The mayor may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of electrical inspector as may be required, subject to the consent and approval of the governing body. (Code 1988)
- 4-306. SAME; DUTIES. The electrical inspector shall have the following duties:
- (a) To enforce all regulations relating to electrical construction, alteration, repair or removal;
  - (b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of electrical construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;
  - (c) To examine all buildings requiring electrical construction in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and
  - (d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the building official or electrical inspector without his or her written consent.
- (Code 1988)
- 4-307. SAME; POWERS. The electrical inspector shall have the following powers:
- (a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter;
  - (b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the city;
  - (c) May cause any work done in violation of this chapter to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the electrical regulations of the city, subject to the right of any installer or owner to appeal to the governing body.
- (Code 1988)

- 4-308. SAME; RIGHT OF ENTRY. The electrical inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter. (Code 1988)
- 4-309. CLARIFICATION; MODIFICATION. (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the electrical code which may be unclear, ambiguous, or requiring interpretation.  
(b) The electrical inspector shall have power to modify any of the provisions of the electrical code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the electrical inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the inspector thereon shall be entered upon the records of the electrical inspector and a signed copy shall be furnished to the applicant. (Code 1988)
- 4-310. ELECTRICAL PERMIT REQUIRED; APPLICATION; APPROVAL. (a) Except as provided in subsection (b), it shall be unlawful for any person to engage in any electrical construction as defined in section 4-301 within the city without an electrical permit being first obtained therefor from the city clerk, after approval by the chief building official or his or her duly authorized assistant. The application for such permit shall be made and the permit obtained before any electrical construction work is commenced.  
(b) No electrical permit shall be required for any of the following:  
(1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;  
(2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or  
(3) Any work in industrial establishments where the issuance of electrical permits comes under the scope of other agencies.  
(Code 1988)
- 4-311. SAME; APPLICATION INFORMATION REQUIRED. (a) An electrical permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:  
(1) The name of the owner of the lot or tract of ground;  
(2) The location of the building or structure;  
(3) The electrical construction work proposed;  
(4) The class of occupancy;  
(5) The class of electrical construction;  
(6) The kind of materials to be used;  
(7) The estimated cost of the work;  
(8) The date work will commence;  
(9) Expected date of completion;  
(10) Name and address of electrical contractor or contractors doing the work;  
(11) Such other information as may be pertinent to the issuance of the required permit.

(b) An application for an electrical permit shall be signed by the owner or his or her duly authorized agent, or an electrician or electrical contractor licensed by the city. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed electrician or electrical contractor or contractors doing the work described, or an electrical permit may be issued to the owner upon his or her application disclosing satisfactory evidence that the proposed work will be performed by the owner, himself or herself and not by a licensed electrical contractor, and likewise subject to the final approval of the electrical inspector for work performed.

(c) Upon approval of the completed application and a determination that a permit should be issued, the chief building official or his or her assistant shall issue a permit to the owner, electrician or electrical contractor authorizing the electrical construction work covered by the application.

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

(Code 1988)

4-312. SAME; PLANS AND SPECIFICATIONS. Whenever an application for a electrical permit is made, the chief building official or the electrical inspector may, if he or she finds it necessary to determine whether electrical construction work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed electrical construction as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the building official may require the applicant to file complete electrical and engineering plans and specifications for such electrical construction, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any electrical construction work for conformity with this article. (Code 1988)

4-313. SAME; FEES. The fee for an electrical permit shall be \$10, however no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required, is under \$50. The fee herein shall be paid to the city clerk upon obtaining an electrical permit and the same shall be credited to the general operating fund of the city. (Code 1988)

4-314. SAME; POSTING. A copy of the electrical permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The electrical inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 1988)

4-315. REQUEST FOR INSPECTION. Upon the completion of any electrical work covered by this article, it shall be the duty of the person doing such work to notify the electrical inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided. (Code 1988)

- 4-316. INSPECTION; CONCEALMENT OF PRIOR WORK. (a) When any electric equipment is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the building inspector and such equipment shall not be concealed until it has been inspected, approved or authorized by the electrical inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification. On large installations, where the concealment of equipment proceeds continuously, the person, firm or corporation installing the electrical equipment shall give the electrical inspector due notice and inspections shall be made periodically during the progress of the work.
- (b) The electrical inspector shall have the authority to require building contractors to open such work which, in any manner, conceals electrical wiring that has been closed without his or her knowledge or permission, and in no case shall the inspector issue a certificate of approval until satisfied that the work is in accordance with the provisions of this article. The inspector shall also have the right to refuse to issue a certificate of approval on any wiring, that is concealed in such manner that it cannot be fully determined that it has been done in accordance with this article.
- (Code 1988)
- 4-317. INSPECTION FEE. An initial inspection fee of \$10, and an inspection fee of \$5 for subsequent inspections required shall be paid before any electrical installation will be approved or a certificate of approval issued. (Code 1988)
- 4-318. CERTIFICATE OF APPROVAL. (a) When the electrical inspector finds an electrical construction or installation to be in conformity with the provisions of this article, he or she shall issue to the person, firm, or corporation performing the electrical construction work or making the installation, a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the installation and connection to the supply of electricity.
- (b) When a certificate of approval is issued authorizing the connection and use of a temporary installation, the certificate shall expire at a time to be stated therein and shall be revocable for cause by the electrical inspector.
- (c) In no case shall certificates of approval be issued on electrical construction, installations or parts of installations where the work installed does not conform to the requirements of this article.
- (d) If, upon inspection, the installation is not found to be fully in conformity with the provisions of this article, the electrical inspector shall immediately notify the person, firm, or corporation performing the electrical construction work or making the installation of the existing defects.
- (e) No certificate of approval shall be issued unless the electric conductor or equipment has been installed in strict conformity with the provisions of this article and unless the electrical construction or installation is made in compliance with nationally approved methods of construction for safety to life and property as herein set forth.
- (f) The electrical inspector shall be deemed the judge of whether the installation of electric conductors and equipment has been made in accordance with the requirements of this article.
- (g) No certificate of approval shall be required for any of the following:
- (1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and

replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;

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

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

(Code 1988)

4-319. CONNECTION TO INSTALLATIONS. It shall be unlawful for any person, firm, or corporation to make connection to a supply of electricity to any building or electrical equipment for which an inspection is required, or which has been disconnected by the order of the electrical inspector, until a certificate of approval has been issued by the electrical inspector authorizing the connection and use of such electric supply. The electrical inspector may, at his or her discretion, authorize a temporary connection. (Code 1988)

4-320. REINSPECTION. The electrical inspector shall periodically re-inspect existing installations of electrical conductors and equipment. When the installation of any conductors or equipment is found to be in a dangerous or unsafe condition, the person, firm, or corporation owning, using, or operating the installation shall be notified in writing and shall make the necessary repairs or changes required to place the conductors or equipment in safe condition and have the work completed within the period specified by the electrical inspector. (Code 1988)

4-321. CONDEMNATION; APPEAL. (a) If in the judgment of the electrical inspector, after an inspection, any electrical conductors, appliances or equipment in any building are unsafe or dangerous to persons or property, the inspector shall have the power to cause the wires or appliances to be disconnected from the source of electrical energy supplying these conductors or equipment, and may, at his or her discretion, seal the control switches for the same in an open or disconnected position, whereupon he or she shall give notice to the owner, or his or her agent, or by posting such notice at the site and shall also notify the utilities serving the premises. Thereafter, it shall be unlawful for any person to cause or permit electric current to be supplied to the electrical conductors, appliances or equipment so sealed until they shall have been made safe and the inspector shall have issued a certificate of approval to that effect.

(b) It shall be the duty of the electrical inspector to cause all dead wires, unused poles or electric apparatus on the outside of the buildings or in streets or alleys to be removed at the expense of the owners thereof by giving the owners written notice.

(c) When the electrical inspector condemns all or part of any electrical installation, the owner may, within 10 days after receiving written notice thereof, file a petition in writing for review of the action of the building inspector by the governing body, upon the receipt of which the governing body shall at once proceed to determine the facts, and within 10 days from receiving the petition make a decision in accordance with their findings.

(Code 1988)

4-322. INTERFERENCE BY UNAUTHORIZED PERSON. It shall be unlawful for any unauthorized person to, in any manner, change or alter electrical conductors or equipment in or on any building. If in the course of the erection of a building or



structure, electrical conductors or equipment are in such position as to interfere with the erection or completion of the structure, notice shall be immediately given the authorized person or firm installing the electrical conductors or equipment, and the needed change shall be made by such authorized person or firm.

(Code 1988)

4-323.

**ELECTRICIAN OR ELECTRICAL CONTRACTORS DEFINED.** (a) An electrician or electrical contractor for purposes of this article shall be any person, firm, co-partnership, corporation, association, or any combination thereof, whether a resident or not of the city:

(1) Who or which undertakes with or for another, for a fixed sum, price, fee or any other compensation to install, construct, alter, repair, add to, or move any electrical installation or performs any electrical construction work in the city, for which an electrical construction permit may now or hereafter be required by the laws of the city;

(2) Who or which advertises or represents himself, herself, or itself to the public to have the capacity or ability to undertake, or submit a bid or offer to install, construct, alter, repair, add to, remove, restore or replace any electrical installation or perform any electrical construction work; or

(3) Who or which installs, constructs, alters, adds to or removes any electrical installation or performs any electrical construction work either on his or her own or other property for purposes of sale or speculation.

(b) An electrician or electrical contractor as defined shall not mean or include:

(1) Any owner or his or her authorized agents or employees making ordinary repairs to his, her or its own building or structure not involving electrical construction and for which a permit is not required or on which an electrician or electrical contractor, as defined, is not required, employed or engaged to perform; or

(2) Any property owner personally performing any improvements, alterations or electrical construction within or upon his or her own residence and intended for his or her own personal use and permanent occupancy; provided, the owner shall satisfy the electrical inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal electrical construction by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city.

(Code 1988)

4-324.

**ELECTRICIAN'S OR ELECTRICAL CONTRACTOR'S LICENSE REQUIRED; ELECTRICAL PERMITS; UNLAWFUL ACTS.** (a) Each electrician or electrical contractor shall before entering upon any electrical construction work subject to regulation by city laws, apply to the city clerk for an electrician's or electrical contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of electrician or electrical contractor in the city.

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

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

(Code 1988)

4-325. SAME; APPLICATION; GRANTING. (a) Application for an electrician's or electrical contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the electrician or electrical contractor or his or her authorized agent. The applications shall be, by the chief building official referred to the governing body at its next meeting for action thereon. Such license shall be issued by the city clerk, upon payment of the fees hereinafter provided after approval of the governing body. (Code 1988)

4-326. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS. (a) The following license fees shall be paid for the calendar year or major fraction thereof:

(1) General Electrician, the sum of \$25;

(2) Electrical Contractor, the sum of \$25;

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

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

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

(Code 1988)

4-327. ELECTRICIAN'S OR ELECTRICAL CONTRACTOR'S BOND REQUIRED; CONDITIONS; APPROVAL; RIGHTS RESERVED. (a) Before any license shall be issued to any electrician or electrical contractor required by this article to obtain a license and pay a fee to the city, the electrician or electrical contractor shall secure and file with the city clerk a good and sufficient corporate surety bond in the principal sum of \$5,000 conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents, servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the city, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be

issued by a company authorized to do business in the State of Kansas and shall be executed by an agent of the company residing in the County of Sumner, Kansas and further conditioned that in the event of cancellation or expiration that the company or agent will give 10 days' notice of such fact to the city clerk. Each such bond shall be approved as to form by the city attorney and approved as to surety by the city clerk and the approval thereof shall be endorsed on the bond by the city attorney and by the chairperson of the council over their signatures.

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

(Ord. 163, Sec. 2; Code 1988)

4-328.

**INSURANCE.** In lieu of obtaining a corporate surety bond as required by section 4-327 of this article, an electrician or electrical contractor must procure and maintain a liability insurance policy in the amount of \$100,000 for the death or injury of any one person and \$300,000 for the death or injury of any number of persons in any one accident and \$50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the State of Kansas. An electrician or electrical contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days' notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year. (Code 1988)

4-329.

**LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.** (a) The license of any electrician or electrical contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the chief building official upon his or her own motion or upon a complaint of the city electrical inspector. Notice shall be given in writing to such electrician or electrical contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such electrician or electrical contractor involving any one or more of the following:

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

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

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

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

(5) Willful disregard of any violation of the electrical construction laws, or failure to comply with any lawful order of the city electrical inspector.

(b) Any licensee may within 15 days appeal in writing to the governing body from any order of the chief building official suspending his or her license for its final decision thereon. The governing body may upon such hearing terminate such suspension within not more than 30 days thereafter, or may revoke such license. If any license shall be revoked, the electrician or electrical contractor shall not be

eligible for a new license during a period of six months thereafter. No fee shall be refunded in event of the suspension or revocation of any electricians or electrical contractor's license.

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

(Code 1988)

4-330. WORK BY PROPERTY OWNERS. Nothing herein contained shall prohibit any property owner from personally performing any electrical construction or installing electrical wiring or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the electrical inspector as to his or her ability to perform such work or install such electrical wiring, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal electrical construction or installation performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city. (Code 1988)

4-331. APPROVED MATERIALS. No electric materials for wiring of appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for wiring appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article. (Code 1988)

4-332. LIABILITY. This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or re-inspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein. (Code 1988)

4-333. SEVERABILITY. If any section of the National Electrical Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the National Electrical Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 1988)

#### **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 1988)
- 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 systems, the Uniform Plumbing Code, 2012 Edition, as recommended by the International Association of Plumbing and Mechanical Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. One copy of the uniform code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Oxford," 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 provisions of such code shall be punished as provided in section 1-116 of this code. (Code 2014)
- 4-403. **ADDITIONAL PROVISIONS.** The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-402. (Code 1988)
- 4-404. **BUILDING OFFICIAL; AUTHORITY.** The mayor or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of a plumbing inspector in accordance with section 4-204 of this chapter, which apply in a like manner to this article. (Code 1988)
- 4-405. **PLUMBING INSPECTOR; APPOINTMENT.** The mayor may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of plumbing inspector as may be required, subject to the consent and approval of the governing body. (Code 1988)
- 4-406. **SAME; DUTIES.** The plumbing inspector shall have the following duties:  
(a) To enforce all regulations relating to plumbing construction, alteration, repair or removal;  
(b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;  
(c) To examine all buildings in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work

is in compliance with the plumbing permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and

(d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the building official or plumbing inspector without his or her written consent.

(Code 1988)

4-407. SAME; POWERS. The plumbing inspector shall have the following powers:

(a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter;

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

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

(Code 1988)

4-408. SAME; RIGHT OF ENTRY. The plumbing inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter. (Code 1988)

4-409. CLARIFICATION; MODIFICATION. (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the plumbing code which may be unclear, ambiguous, or requiring interpretation.

(b) The plumbing inspector shall have power to modify any of the provisions of the plumbing code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the plumbing inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the inspector thereon shall be entered upon the records of the plumbing inspector and a signed copy shall be furnished to the applicant.

(Code 1988)

4-410. PLUMBING PERMIT REQUIRED; EXCEPTION. (a) It shall be unlawful to install, alter or reconstruct any plumbing or plumbing system, as defined by the plumbing code and section 4-401, in any building in the city without first making application to and receiving a permit therefor from the city clerk, after approval by the chief building official or his or her authorized assistant. The application for such permit shall be made and the permit obtained before any plumbing work is commenced.

(b) No permit shall be required for making minor repairs of any plumbing including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste or supply pipes, traps or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repair work not involving original installation or reconstruction. (Code 1988)

4-411.

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

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

(b) An application for a plumbing permit shall be signed by the owner or his or her duly authorized agent, or a plumber or plumbing contractor licensed by the city. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed plumber, plumbing contractor or contractors doing the work described, or a plumbing permit may be issued to the owner upon his or her application disclosing satisfactory evidence that the proposed work will be performed by the owner, himself or herself and not by a licensed plumber or plumbing contractor, and likewise subject to the final approval of the plumbing inspector for work performed.

(c) Upon approval of the completed application and a determination that a permit should be issued, the chief building official or his or her assistant shall issue a permit to the owner or contractor authorizing the plumbing work covered by the application.

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

(Code 1988)

4-412.

SAME; PLANS AND SPECIFICATIONS. Whenever an application for a plumbing permit is made, the chief building official or the plumbing inspector may, if he or she finds it necessary to determine whether work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed plumbing construction as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the chief building official or the plumbing inspector may require the applicant to file complete architectural and engineering plans and specifications for such building or construction, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any plumbing work for conformity with this article. (Code 1988)

- 4-413. SAME; FEES. The fee for a plumbing permit shall be \$10, however no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required, is under \$50. The fee herein shall be paid to the city clerk upon obtaining a plumbing permit and the same shall be credited to the general operating fund of the city. (Code 1988)
- 4-414. SAME; POSTING. A copy of the plumbing permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The plumbing inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 1988)
- 4-415. REQUEST FOR INSPECTION. Upon the completion of any plumbing work covered by this article, it shall be the duty of the person doing such work to notify the plumbing inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided. (Code 1988)
- 4-416. INSPECTION; CONCEALMENT OF PRIOR WORK. (a) When any plumbing is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the plumbing shall notify the plumbing inspector and such equipment shall not be concealed until it has been inspected, approved or authorized by the plumbing inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification. On large installations, where the concealment of plumbing proceeds continuously, the person, firm or corporation installing the plumbing shall give the plumbing inspector due notice and inspections shall be made periodically during the progress of the work.  
(b) The plumbing inspector shall have the authority to require owners or contractors to open such work which, in any manner, conceals plumbing that has been closed without his or her knowledge or permission, and in no case shall the inspector issue a certificate of approval until satisfied that the work is in accordance with the provisions of this article. The inspector shall also have the right to refuse to issue a certificate of approval on any plumbing, that is concealed in such manner that it cannot be fully determined that it has been done in accordance with this article.  
(Code 1988)
- 4-417. CERTIFICATE OF APPROVAL. (a) When the plumbing inspector finds plumbing construction to be in conformity with the provisions of this article, he or she shall issue to the person, firm, or corporation performing the plumbing construction, a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the plumbing system and connection to the supply of gas or water, as the case may be.  
(b) When a certificate of approval is issued authorizing the connection and use of a temporary gas or water supply, the certificate shall expire at a time to be stated therein and shall be revocable for cause by the plumbing inspector.  
(c) In no case shall certificates of approval be issued on plumbing or plumbing systems or parts of systems where the work installed does not conform to the requirements of this article.  
(d) If, upon inspection, the plumbing or plumbing system is not found to be fully in conformity with the provisions of this article, the plumbing inspector shall



immediately notify the person, firm, or corporation making the installation of the existing defects.

(e) No certificate of approval shall be issued unless the plumbing or plumbing system has been installed in strict conformity with the provisions of this article and unless the plumbing or plumbing system is made in compliance with nationally approved methods of construction for safety to life and property as herein set forth.

(f) The plumbing inspector shall be deemed the judge of whether the plumbing or plumbing system has been made in accordance with the requirements of this article.

(g) No certificate of approval shall be required for making minor repairs of any plumbing including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste or supply pipes, traps or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repair work not involving original installation or reconstruction.  
(Code 1988)

4-418. CONNECTION TO GAS OR WATER SUPPLY. It shall be unlawful for any person, firm, or corporation to make connection to a supply of gas or water for which an inspection is required, or which has been disconnected by the order of the plumbing inspector, until a certificate of approval has been issued by the plumbing inspector authorizing the connection and use of such plumbing or plumbing system. The plumbing inspector may, at his or her discretion, authorize a temporary connection. (Code 1988)

4-419. CONDEMNATION; APPEAL. (a) If in the judgment of the plumbing inspector, after inspection, the plumbing or plumbing system in any building are unsafe or dangerous to persons or property, the inspector shall have the power to cause the plumbing or plumbing system to be disconnected from the supply of gas or water and may, at his or her discretion, seal the control valves for the same in a closed or disconnected position, whereupon he or she shall give notice to the owner, or his or her agent, or by posting such notice at the site and shall also notify the utilities serving the premises. Thereafter, it shall be unlawful for any person to cause or permit gas or water to be supplied to the plumbing or plumbing system so sealed until they shall have been made safe and the inspector shall have issued a certificate of approval to that effect.

(b) When the plumbing inspector condemns all or part of any plumbing system, the owner may, within 10 days after receiving written notice thereof, file a petition in writing for review of the action of the plumbing inspector by the governing body, upon the receipt of which the governing body shall at once proceed to determine the facts, and within 10 days from receiving the petition make a decision in accordance with their findings. (Code 1988)

4-420. PLUMBER OR PLUMBING CONTRACTOR; DEFINED. (a) A plumber or plumbing contractor shall mean:

(1) Any person engaged in the business of installing, altering, maintaining, or repairing plumbing, which shall include all materials and plumbing fixtures, water pipes, portable water treatment equipment, traps, drainage and vent piping, and building drains, including their respective points, connections, devices, receptacles and appurtenances located within the property lines of any premises or in any building.

(2) Any gasfitter or person engaged in the business of installing, altering, or repairing fuel gas piping, gas systems or fixtures.

(b) A plumber or plumbing contractor as defined in subsection (a) of this section shall not mean or include the owner of a residence who personally installs plumbing piping or equipment within and upon his or her own residence and intended for his or her own personal use and permanent occupancy; provided, the owner shall satisfy the plumbing inspector as to his or her ability to install such piping or equipment, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal installation by an owner under this section shall be himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the city.  
(Code 1988)

4-421. PLUMBER'S OR PLUMBING CONTRACTOR'S LICENSE REQUIRED; PLUMBING PERMITS; UNLAWFUL ACTS. (a) Each plumber or plumbing contractor shall before entering upon any plumbing work subject to regulation by city laws, apply to the city clerk for a plumber's or plumbing contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of a plumber or plumbing contractor in the city.

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

(c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself, or itself under the definition of a plumber or plumbing contractor herein, or to perform any work as a plumber or plumbing contractor or any work under a contract for any work involving plumbing construction, without first having obtained a plumber's or plumbing contractor's license issued by the city.  
(Ord. 162, Sec. 1; Code 1988)

4-422. SAME; APPLICATION; GRANTING. (a) Application for a plumber's or plumbing contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in, the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the plumber or plumbing contractor or his or her authorized agent. The applications shall be, by the chief building official referred to the governing body at its next meeting for action thereon. Such license shall be issued by the city clerk, upon payment of the fees hereinafter provided after approval of the governing body. (Code 1988)

4-423. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS. (a) The following license fees shall be paid for the calendar year or major fraction thereof:

- (1) General Plumber, the sum of \$25;
- (2) Plumbing Contractor, the sum of \$25;

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

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

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

(Ord. 162, Sec. 1; Code 1988)

4-424.

PLUMBER'S OR PLUMBING CONTRACTOR'S BOND REQUIRED; CONDITIONS; APPROVAL; RIGHTS RESERVED. (a) Before any license shall be issued to any plumber or plumbing contractor required by this article to obtain a license and pay a fee to the city, the plumber or plumbing contractor shall secure and file with the city clerk a good and sufficient corporate surety bond in the principal sum of \$5,000 conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents, servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the city, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the State of Kansas and shall be executed by an agent of the company residing in the County of Sumner, Kansas and further conditioned that in the event of cancellation or expiration that the company or agent will give 10 days' notice of such fact to the city clerk. Each such bond shall be approved as to form by the city attorney and approved as to surety by the city clerk and the approval thereof shall be endorsed on the bond by the city attorney and by the chairperson of the council over their signatures.

(b) Each bond shall be dated to run from the first day of any license issued by the city to the principal and may cover the period of not to exceed two years. No bond shall be renewed by an extension certificate but a new bond shall be filed by the principal for each successive period following the renewal thereof. The city reserves the right to furnish the form of all surety bonds as may be required by this article. (Ord. 162, Sec. 2; Code 1988)

4-425.

INSURANCE. In lieu of obtaining a corporate surety bond as required by section 4-424 of this article, a plumber or plumbing contractor may fulfill this obligation if he or she shall procure and maintain a liability insurance policy in the amount of \$100,000 for the death or injury of any one person and \$300,000 for the death or injury of any number of persons in any one accident and \$50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the State of Kansas. A plumber or plumbing contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days' notice in writing to the city; and that

the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year. (Code 1988)

4-426. LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS. (a) The license of any plumber or plumbing contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the chief building official upon his or her own motion or upon a complaint of the city plumbing inspector. Notice shall be given in writing to such plumber or plumbing contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such plumber or plumbing contractor involving any one or more of the following:

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

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

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

(Code 1988)

4-427. EXCAVATIONS. When it appears that the laying or repairing of any water or sewer pipes or the making of any connection therewith shall require excavation in any street, alley or public way of the city or the cutting or removal of any pavement, curb or gutter or any sidewalk, during the course of such work, the application for a permit shall so state and describe the location and extent of the excavation, cutting or removal. Before the city clerk shall issue any permit for such work, the applicant shall pay any fee required by this code. All excavations shall be barricaded and guarded as provided by the appropriate sections of this code. Before any such excavation shall be backfilled, new plumbing work therein shall be inspected and the bottom of the excavation holding any sewer, drain or water pipe shall be so filled, leveled and tamped as to properly support the pipe and permit proper drainage when carrying sewage, and the excavation shall be backfilled and all paving, curbing, guttering or sidewalks shall be restored as near as possible to their last condition, subject always to the approval of the plumbing inspector or the superintendent of streets. (Code 1988)

- 4-428.           WORK BY PROPERTY OWNERS. Nothing herein contained shall prohibit any property owner from personally installing plumbing piping or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the plumbing inspector as to his or her ability to install such piping or equipment, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal installation by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the city. (Code 1988)
- 4-429.           APPROVED MATERIALS. No plumbing materials, appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for plumbing materials, appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article. (Code 1988)
- 4-430.           LIABILITY. This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or performing any plumbing construction for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or re-inspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein. (Code 1988)
- 4-431.           SEVERABILITY. If any section of the Uniform Plumbing Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the Uniform Plumbing Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 1988)

## **ARTICLE 5. MOVING BUILDINGS**

- 4-501. BUILDING OFFICIAL; AUTHORITY. The building inspector or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an inspector in accordance with sections 4-204:209 of this chapter, which apply in a like manner to this article. (Code 1988)
- 4-502. PERMIT REQUIRED. No person, firm or corporation shall move, haul, or transport any house, building, derrick, or other structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more or which cannot be moved at a speed of four miles per hour or faster, upon, across or over any street, alley or sidewalk in this city without first obtaining a permit therefor. (Code 1981, 16-401; Code 1988)
- 4-503. SAME: APPLICATION FOR PERMIT. All applications for permits required under the provisions of this article shall be made in writing to the city clerk specifying the day and hour said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved and stating whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities. The application shall be made no fewer than three full business days before the moving is to commence. (Code 1981, 16-402; Code 1988)
- 4-504. SAME; BOND, INSURANCE REQUIRED. (a) It shall be the duty of any person at the time of making application for a permit as provided in this article to give a good and sufficient surety bond to the city, to be approved by the governing body, indemnifying the city against any loss or damage resulting from the failure of any such person to comply with the provisions of this article or for any damage or injury caused in moving any such house or structure. The bond herein shall be in the sum of \$5,000, or cash may be deposited in lieu of such surety bond.  
(b) A public liability insurance policy issued by an insurance company authorized to do business in the State 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 1981, 16-407; Code 1988)
- 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 \$5 to the city clerk; plus the additional cost for the time for any city crews involved in such moving. (Code 1981, 16-402; Code 1988)
- 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 1988)

- 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 1981, 16-406; Code 1988)
- 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 1988)
- 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. (Code 1981, 16-404; Code 1988)
- 4-510.           INTERFERING WITH POLES; WIRES. No person engaged in moving any house or other structure shall raise, cut or in any way interfere with any such poles or wires unless the persons or authorities owning or having control of the same shall refuse to do so after having been notified as provided in section 4-508, and then only competent and experienced workmen shall be employed in such work, and in such case the necessary and reasonable expense shall be paid by the owners of the poles and wires handled. The work shall be done in a careful and workmanlike manner, and the poles and wires shall be promptly replaced and the damages thereto properly repaired. (Code 1981, 16-405; Code 1988)
- 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 1981, 16-408; Code 1988)

## 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; Code 2003)
- 4-602. DEFINITIONS. For the purpose of this article, the following words and terms shall have the following meanings:
- (a) Enforcing officer means the building inspector 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; Code 2003)
- 4-603. ENFORCING OFFICER; DUTIES. The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article, including the following:
- (a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation;
  - (b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the enforcing officer may seek an order for this purpose from a court of competent jurisdiction;
  - (c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body;
  - (d) Receive petitions as provided in this article.
- (Code 2003)
- 4-604. PROCEDURE; PETITION. Whenever a petition is filed with the enforcing officer by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the enforcing officer on his or her own motion that any structure is dangerous, unsafe or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body. (Code 2003)
- 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; Code 2003)



- 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; Code 2003)
- 4-607. SAME; HEARING, ORDER. If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed. (Code 2003)
- 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. (Code 2003)
- 4-609. SAME; FAILURE TO COMPLY. (a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the enforcing officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.  
(b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the enforcing officer may cause the structure to be removed and demolished.  
(Code 2003)
- 4-610. SAME; MAKE SITE SAFE. Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe.  
(Code 2003)
- 4-611. ASSESSMENT OF COSTS. (a) The cost to the city of any repairs, alterations, improvements, vacating, removal or demolition by the enforcing officer, including making the site safe, shall be reported to the city clerk.  
(b) The city shall give notice to the owner of the structure by restricted mail of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice.  
(c) If the costs remain unpaid after 30 days following receipt of notice, the city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.

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

(e) If there is no salvage material, or if the moneys received from the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901, *et seq.*, and amendments thereto, are insufficient to pay the costs of the work and the costs of providing notice, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid, out of the general fund or by the issuance of no-fund warrants.  
(K.S.A. 12-1755; Code 2014)

4-612. IMMEDIATE HAZARD. When in the opinion of the governing body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in section 4-611.  
(K.S.A. 12-1756; Code 2003)

4-613. APPEALS FROM ORDER. Any person affected by an order issued by the governing body under this article may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case. (Code 2003)

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. (Code 2003)

## ARTICLE 7. HOUSING CODE

- 4-701. LEGISLATIVE FINDING OF FACT. The governing body hereby finds:
- (a) That there exists in the city, structures which are unfit for human use or habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, air pollution, disrepair, structural defects, uncleanliness, overcrowding, inadequate ingress and egress, dead and dying trees, limbs or other unsightly natural growth, unsightly appearances that constitute a blight to adjoining property, the neighborhood or the city, walls, siding or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood, unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof, vermin infestation, inadequate drainage, violations of health, fire, building or zoning regulations, or any other laws or regulations relating to the use of land and the use and occupancy of buildings and improvements.
- (b) That the above and foregoing conditions render such structures unsafe or unsanitary, or dangerous or detrimental the health, safety or morals, or otherwise inimical to the welfare of the residents of this city.  
(Code 1981, 6-501)
- 4-702. DEFINITIONS. For purposes of this article a residential structure or dwelling shall mean any building, or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any appurtenances belonging thereto or usually enjoyed therewith and a nonresidential structure shall mean any structure which is used for other than residential purposes, or a part of such structure, or a structure a part of which is used for other than nonresidential purposes and, where applicable, the premises on which such structures are situated. (Code 1981, 6-502)
- 4-703. DESIGNATION OF PUBLIC OFFICER. The building inspector of the city is hereby designated and appointed to exercise the powers prescribed by this article and shall be hereafter referred to as the public officer in this article. (Code 1981, 6-503)
- 4-704. POWERS AND DUTIES OF PUBLIC OFFICER; RECOVERY OF COSTS.
- (a) Whenever a petition is filed with the public officer by at least five residents of the city charging that any structure is unfit for human use or habitation or whenever it appears to the public officer, on his or her own motion, that any structure is unfit for human use or habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such structure, including persons in possession, a complaint stating the charges in that respect. Such complaint shall contain a notice that a hearing will be held before the public officer or his or her designated agent at a place therein fixed not less than 10 days nor more than 30 days after the serving of the complaint. The owner, mortgagee and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.
- (b) The public officer may determine that a structure is unfit for human use or habitation if he or she finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such

buildings or other residents of the city or have a blighting influence on properties in the area. Such conditions may include the following without limitation: defects therein increasing the hazards of fire, accident, or other calamities, lack of adequate ventilation, air pollution, light or sanitary facilities, dilapidation, disrepair, structural defects, uncleanliness, overcrowding, inadequate ingress and egress, dead and dying trees, limbs or other unsightly natural growth, unsightly appearances that constitute a blight to adjoining property, the neighborhood or the city, walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood, unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof, vermin infestation, inadequate drainage, or any violation of health, fire, building or zoning regulations or any other laws or regulations relating to the use of land and the use and occupancy of buildings and improvements.

(c) If, after notice and hearing as hereinbefore provided, the public officer determines that the structure under consideration is unfit for human use or habitation he or she shall state in writing his or her findings of facts in support of such determination and shall issue and cause to be served upon the owner thereof an order which:

(1) If the repair, alteration, or improvement of the structure can be made at a reasonable cost in relation to the value of the structure which is hereby deemed to be 50 percent, or less, of the market value of the structure, requires the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human use or habitation or to vacate and close the structure until the same is made to conform to this article; or

(2) If the repair, alteration, or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure which is hereby declared to be 50 percent, or less, of the market value of the structure, requires the owner, within the time specified in the order, to remove or demolish such structure.

(d) If the owner fails to comply with an order made by the public officer to repair, alter, or improve, or to vacate or close the structure, the public officer shall file with the governing body his or her written report of his or her proceedings and orders and the same shall be reviewed by the governing body at its next regular meeting. Upon the approval of the report of proceedings and orders by the governing body, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed, unless the owner has perfected his or her appeal to the board of structure appeals as hereinafter provided.

(e) If the owner fails to comply with an order made by the public officer to remove or demolish the structure, the public officer shall file with the governing body his or her report of his or her proceedings and orders and the same shall be reviewed by the governing body at its next regular meeting. Upon approval of the report of proceedings and orders by the governing body, the public officer may cause such structure to be removed or demolished, unless the owner has perfected his or her appeal to the board of structure appeals as hereinafter provided.

(f) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred and such lien, including his or her costs and necessary attorney's fees, may be foreclosed in judicial proceedings in the manner provided or authorized by law for loans secured by liens on real property or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located and the city clerk shall at

the time of certifying other city taxes, certify the unpaid portion of the aforesaid costs and the county clerk shall extend the same on the tax rolls of the county against the lot or parcel of land. If the structure is removed or demolished by the public officer he or she shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal of demolition and if there be any balance remaining it shall be paid to the parties entitled thereto as determined by proper judicial proceedings instituted by the public officer after deducting the costs of such judicial proceedings, including his or her necessary attorney's fees incurred therein, as determined by the court.

(g) Upon the issuance of an order by the public official, under this article, the public officer shall place a notice on the particular structure or premises covered by the order which notice shall read as follows:

"This structure has been found unfit for human habitation by order of the Building Inspector of the City of Oxford, Kansas. This notice shall remain on this structure until it is (use either of the following phrases as applicable) (1) repaired, altered or improved, vacated and closed as required by said order or (2) removed and demolished as required by said order."

(h) The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers in addition to others herein granted:

(1) To investigate the structure conditions in the city in order to determine which structures therein are unfit for human use or habitation;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted;

(4) To appoint and fix the duties of such officers, agents and employees as he or she deems necessary to carry out the purposes of such article; and

(5) To delegate any of his or her functions and powers under this article to such officers, agents and employees as he or she may designate.

(Code 1981, 6-504)

4-705.

SERVICE OF COMPLAINTS AND ORDERS. Complaints or orders issued by the public officer pursuant to this article shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in the official newspaper of the city. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the clerk of the district court of Sumner County, Kansas, and such filing of the complaint or order shall have the same force and effect as other *lis pendens* notices provided by law. (Code 1981, 6-505)

4-706.

COMPLIANCE WITH OTHER ORDINANCES, RULES AND REGULATIONS

(a) The owner of any structure ordered to be repaired, altered, improved, vacated, closed, removed or demolished by the public officer shall comply with all provisions of the building code, zoning ordinances and any other ordinances, rules and regulations pertaining thereto and secure all permits required thereby. Upon the removal or demolition of any structure the owner shall seal or cause to be sealed any sanitary sewer connection in the manner prescribed by the building inspector and the owner shall fill or cause to be filled any basement or other excavation located upon the premises and take such other action necessary to leave the premises in a safe condition.

(b) Nothing in this article shall be construed to abrogate or impair the powers of this city to enforce any other provisions of its ordinances or its charter, or rules or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article upon the designated public officer or other public officials shall be in addition and supplemental to the other powers conferred by the city. (Code 1981, 6-506)

4-707.

INJUNCTIVE RELIEF. Any person affected by an order issued by the public officer may petition the district court of Sumner County, Kansas, for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within 30 days after the posting and service of the order of the public officer, such person shall petition such court. Hearings shall be had by the court on such petitions as soon thereafter as possible, and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter a final order or decree in the proceedings. In all such proceedings the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of compliance by such person with any order of the public officer. (Code 1981, 6-507)

4-708.

VIOLATIONS PENALTIES. It shall be unlawful for any person to use or occupy any such structure which has been found to be injurious to the public health, safety, morals, or welfare as hereinbefore set forth. Any person convicted of a violation of this section shall upon such conviction be fined not less than \$5 nor more than \$100 or be imprisoned for not less than five days nor more than three months, or be both so fined and imprisoned. (Code 1981, 6-508)

4-709.

BOARD OF STRUCTURE APPEALS. (a) Definition. The word board when used in this article shall mean the board of structure appeals established by this article.

(b) Establishment of Board of Structure Appeals. The governing body is hereby established and designated as the board of structure appeals, provided, however, the city attorney shall be an ex-officio member of the board without a vote.

(c) Meetings, Records and Adoption of Rules and Regulations. Meetings of the board shall be held at the call of the mayor and at such other times as the board may determine. The mayor, or in his or her absence, the acting mayor, may administer oaths and compel the attendance of witnesses. All meetings of the

board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failing to vote, and indicating such fact, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the board and shall be a public record. The board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this article.

(d) Jurisdiction. The board of structure appeals shall have jurisdiction to hear and decide appeals where it is alleged that there is error in any order, requirement, decision or any determination made by the public officer in the enforcement of this article.

(e) Appeal Procedure. Appeals may be taken to the board of structure appeals by any person aggrieved by any decision of the public officer. Such appeal shall be taken within 10 days after the decision of the public officer is rendered by filing with the public officer a notice of appeal specifying the grounds therefor, and by depositing with such public officer the sum of \$15 as a docket fee, or in any case where an appellant by reason of poverty is unable to make the deposit, an affidavit so stating may be filed and no deposit will be required. The public officer shall forthwith submit to the board a copy of the notice of appeal, together with all documents and papers constituting the record upon which the action appealed from is taken.

(f) Stay Pending Appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the public officer shall in writing certify to the board subsequent to the filing of any notice of appeal that, by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by the order of any court of competent jurisdiction.

(g) Inspection Reports to be Furnished. The public officer shall furnish the board of structure appeals, upon request, copies of reports of any or all inspections made by such officer in the matter on appeal and furnish such other information as may be available to him or her and requested by the board.

(h) Hearings. The board of structure appeals shall fix a time and place for the hearing of appeals. Such hearing shall be had within a reasonable time after the filing of the notice of appeal. Notice of the time and place of hearing shall be mailed to the appellant or to his or her attorney of record and such hearing shall not be less than 10 days after the mailing of such notice.

(i) Powers of Appeal Board. In exercising its powers the board of structure appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the public officer.

(j) Action of Board. The board of structure appeals shall act by majority vote of all members of the board and a quorum shall consist of a majority of all members of the board. The action of the board shall not become effective until after the resolution of the board setting forth in full its reason or reasons for its decision and the vote of each member participating therein has been spread upon the minutes of the board. Such resolutions, immediately following the board's final decision, shall be filed in the office of the public officer and shall be open to public inspection.

(k) Injunctive Relief. Any person or persons jointly or severally aggrieved by the decision of the board of structure appeals may petition the district court of Sumner County, Kansas, within 30 days after the posting and service of the decision of the board as prescribed in section 4-704(g) and section 4-705 of this article for complaints or orders issued by the public officer, for an injunction

restraining the public officer from carrying out the provisions of the decision of the board, and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause.  
(Code 1981, 6-509)

4-710. VALIDITY. If any part or parts of this article shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this article. The governing body hereby declares that it would have passed the remaining parts of this article, irrespective of the fact that part or parts of this article be declared invalid. (Code 1981, 6-510)



## **ARTICLE 8. FAIR HOUSING**

4-801. DISCRIMINATORY HOUSING PRACTICES STATUTE INCORPORATED BY REFERENCE. For the purpose of defining certain housing practices as discriminatory and declaring the same to be unlawful in the city there is hereby incorporated by reference K.S.A. 44-1016. (Code 1981, 6-511)

## ARTICLE 9. MOBILE HOMES AND MOBILE HOME PARKS

4-901. FINDING OF PUBLIC NECESSITY AND STATEMENT OF PURPOSES. It is hereby found that in order to protect and promote the public health, morale, convenience, safety and welfare, to preserve the appropriate character of each area within the sound principles of the city ordinances, it is necessary to provide for the licensing, regulation, permits and fees for the locations and operations of mobile homes and mobile parks within the city.

It is further found by the governing body of the city that fairness to all of the people within the city requires that fair and equitable tax bases and fair and equitable tax rates be applied not only to permanent houses but also to mobile homes used as dwellings.

It is further found by the governing body and determined that the welfare of the city and its citizens requires that the city make provision to avoid serious overcrowding of schools and service facilities and demands upon the electric, water, and sewer services of the city in excess of the ability of the city to provide such services without undue expense to its citizens.

It is further found and determined by the governing body that restricted establishment of mobile homes within the city may result in alteration and increase of rates charged for insurance of homes and businesses against the hazards of fire, windstorm, and other hazards, and that it is the obligation of the city to enact reasonable regulations to protect all of the citizens of the city against any unfair increases.

It is further found and determined by the governing body that it is necessary for the proper protection and advancement of sanitation, service connections, and fire protection and the avoidance of conflicting uses and crowding, that parks established for mobile homes be regulated by the city to the end that the operators and inhabitants thereof may be afforded decent and sanitary city services, fire protection and police protection.

For all of these reasons it is found and determined by the governing body that it is necessary and desirable for the city to regulate the establishment, maintenance and use of mobile homes and mobile home parks within the city.  
(Code 1981, 11-101)

4-902. DEFINITIONS. For the purpose of this article, the following words and phrases shall have the meaning ascribed to them in this section, to-wit:

(a) Dependent Mobile Home shall mean a mobile home which does not have a flush toilet and a bath or shower;

(b) Independent Mobile Home shall mean a mobile home which has a flush toilet and a bath or shower;

(c) Inspector shall mean the legally designated inspection authority of the city or his or her authorized representative;

(d) Licensee shall mean any person licensed to operate and maintain a mobile home park under the provisions of this article;

(e) Mobile Home shall mean all vehicles used, or so constructed as to permit being used, as conveyances upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof for human habitation, dwellings or sleeping places for one or more persons, provided further that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters

and which is capable of being moved by its own power, towed or transported by another vehicle;

(f) Mobile Home Park shall mean a plot of ground within an area, piece, parcel, tract or plot of land or any site whereon three or more mobile homes as defined herein are placed, located or maintained, whether for or without compensation and shall include all buildings used or intended to be used as a part of the equipment thereof;

(g) Mobile Home Space shall mean a plot of ground within a mobile home park which is designed for and designated as the location for only one mobile home and not used for any other purposes whatsoever other than the customary accessory uses thereof;

(h) Natural or Artificial Barrier shall mean any street, river, pond, canal, railroad, levee, embankment or screening by appropriate fence or hedge;

(i) Permittee shall mean any person to whom a permit is issued to maintain an individual mobile home outside of a licensed mobile home park and in accordance with the provisions as hereinafter prescribed;

(j) Person shall mean any natural individual, firm, trust, partnership, association or corporation, whether tenant, owner, lessee, licensee, permittee, agent, heirs or assigns;

(k) Temporary Permit shall mean a permit to park or place in accordance with the provisions of this article any visiting mobile home in an accessory private garage building, or in the rear yard of any premises for not more than 30 days in any calendar year;

(l) Special Use Permit shall mean a permit to park or place in accordance with the provisions of this article a mobile home on any premises in the city for any period not exceeding 12 months, and an additional period not exceeding six months to be determined and fixed by the board of zoning appeals and subject to requirements and conditions the board of zoning appeals may deem necessary;

(m) Permanent Permit shall mean a permit to park or place in accordance with the provisions of this article a mobile home on any premises in the city that are zoned residential.

(Code 1981, 11-102)

4-903. **MOBILE HOMES, LIMITATION ON PARKING AND PLACEMENT; PERMIT REQUIRED.** It shall be unlawful for any person to park, place or abandon any mobile home within the corporate limits of the city outside of a licensed mobile home park without first having secured a permit therefor as hereinafter provided in this article; provided, however, that the storage of any unoccupied or uninhabited mobile home, or the parking of unoccupied mobile homes for demonstration and sales purposes only, if not in conflict with other sections of this article or any other ordinance of the city, shall be permitted without obtaining a permit, and provided further, that the provisions of this section shall not apply to emergency stopping or parking of mobile homes for not to exceed 48 hours. (Code 1981, 11-103)

4-904. **SAME; APPLICATIONS FOR PERMITS.** Applications for temporary permits, special use permits and permanent permits for parking or placement of mobile homes in the city as required by this article shall be in writing, signed by the owner of the mobile home and filed in the office of the city clerk. A fee of \$3 shall be paid to the city clerk at the time of the filing of the application. The application shall include the following:

(a) The name and address of the owner of the mobile home;

(b) A complete description of the mobile home, including the serial or identification number;

(c) The legal description of the lot, tract, piece, or parcel of land on which the applicant proposes to park the mobile home; the street address of the property and the name and address of the owner of the property;

(d) A statement showing whether the application is for a temporary permit, or a special use permit, or a permanent permit;

(e) If for a temporary permit or a special use permit, the period of time the mobile home is proposed to be parked under such permit and the dates on which such period is to begin and end;

(f) A statement that the owner of the land on which the mobile home is to be parked or placed consents to such parking or placement;

(g) A statement that the applicant will, if the permit is granted:

(1) Comply with all laws of the state and all ordinances, rules and regulations, conditions and requirements of the city or any of agency or board thereof pertaining to mobile homes in general and to the applicant's mobile home in particular, and

(2) Permit inspections of his or her mobile home and the property upon which it is located to assure such compliance.

Upon receipt of such an application accompanied by the prescribed fee, the city shall refer the same, if for a temporary permit, to the city building inspector, and if for a special use permit or a permanent permit to the board of zoning appeals.

(Code 1981, 11-104)

4-905.

SAME; ISSUANCE OF PERMITS. (a) The city building inspector shall examine all applications for temporary permits referred to him or her by the city clerk and shall make sufficient inquiries and investigations on which to base his or her approval or disapproval of the application and endorse on such application his or her approval or disapproval. If the building inspector approves such application he or she shall issue a temporary permit in which there shall be stated the period of time for which such permit is issued and the beginning and ending dates of such period, provided, however, that no temporary permit shall be issued for more than 30 days in any calendar year.

(b) The board of zoning appeals shall consider all applications for special use permits and permanent permits referred to it by the city clerk and shall make sufficient inquiry and investigation to determine whether the application should be approved or disapproved. If the board, after inquiry and investigation of an application for a special use permit, finds that the application is in order, that a hardship exists which cannot be alleviated without the issuance of such permit and that the application should be approved, it shall then determine the period of time for which the permit should be issued with the beginning and ending dates of such period and what, if any, additional requirements and conditions should be imposed in connection with such permit. The board shall note on the application its approval of the same, the period of time for which a permit should be issued with the beginning and ending dates of such period and the additional requirements and conditions, if any, imposed in connection with the permit. Thereupon a special use permit containing all of the aforesaid information shall be issued. If the board, after inquiry and investigation of an application for a permanent permit, finds that the application is in order and that the same should be approved, such approval shall be noted on the application and a permanent permit shall thereupon be issued.

(c) A special use permit may be issued for any period of time not exceeding 12 months with one extension of time not exceeding six months from the end of

the period of time for which the permit was originally issued. The board of zoning appeals may impose requirements and conditions in connection with the issuance of any special use permit that it may deem necessary, including without limitation, requirements and conditions requiring extraordinary setbacks, screening, landscaping and installation of utilities.

(d) Permanent permits shall be issued only to applicants who own the lot, piece, parcel or trace of land on which the mobile home is to be located, and then only if such tract contains at least 3,800 square feet of open area, exclusive of the area occupied by the mobile home and other structures. In no event shall a permanent permit be issued for a mobile home containing less than 240 square feet of floor space.

(e) All mobile homes for which a permanent permit is issued shall have the wheels removed and shall be secured to the ground on a permanent foundation so placed that no part of the mobile home shall be closer than five feet to the boundary line of the property on which it is located, and shall be permanently connected to the city sewer, city water and city electricity, and shall at all times be in compliance with all ordinances, rules and regulations of the city. All such mobile homes shall be placed on the tax rolls and taxed as real property.

(f) If the city building inspector shall disapprove any application for a temporary permit, or if the board of zoning appeals shall disapprove any application for a special use permit or a permanent permit, such disapproval shall be noted on the application along with the reasons for such disapproval, and the applicant shall be promptly notified thereof.

(Code 1981, 11-105)

4-906. SAME; REQUEST FOR HEARING BEFORE GOVERNING BODY. Any applicant aggrieved by a decision or ruling of the city building inspector as to an application for a temporary permit or of the board of zoning appeals as to an application for a special use permit may request a hearing on such decision or ruling before the governing body of the city by filing in the office of the city clerk within five days after such decision or ruling, a written request for such hearing. The hearing so requested shall be held by the governing body within 21 days after such written request is filed as above provided. The hearing may be held during and as a part of a regular meeting of the governing body. (Code 1981, 11-106)

4-907. MOBILE HOME PARKS; LICENSE REQUIRED. It shall be unlawful for any person to establish, maintain or operate, or permit to be established, maintained or operated any mobile home park in the city without first having obtained a license therefore as provided in this article. (Code 1981, 11-107)

4-908. SAME; LOCATION. A mobile home park licensed as provided in this article may be located in any residential district within the city, provided, however, that the park shall be located on a well-drained site, properly graded to insure proper drainage and free from low areas in which water could collect and stagnate, and that each boundary of the park shall be at least 25 feet from any permanent residential building located outside the park, unless the park is separated from such building by a natural or artificial barrier. (Code 1981, 11-108)

4-909. SAME; APPLICATION FOR LICENSE. Applications for a mobile home park license shall be in writing, signed by the owner of the proposed park, shall be filed in the office of the city clerk and shall include the following:

(a) Name and address of the owner of the proposed park;

(b) Legal description and street address of the proposed park;  
(c) Name and address of the owner of the land on which the proposed park is to be located together with a recitation that the applicant, if different from the owner of the land, has a lawful right to establish a mobile home park on the land described in the application.

(d) A plot plan of the proposed park showing the location and size of the mobile home spaces and buildings, driveways, roads and access ways and other improvements in the proposed park and the location of water, electric and sewer service lines therein, together with specifications of the same, including the size of the water, electric and sewer lines;

(e) Such further information as the city or its duly authorized agent may require;

(f) A statement that the applicant will permit the proper city employees to enter upon the premises and inspect the mobile homes in the park for the purpose of determining utility connections are in compliance with the ordinances of the city and if the park and the mobile homes therein are in compliance with all ordinances, rules and regulations of the city pertaining to the operation of mobile home parks.

A fee of \$10 shall be paid to the city clerk at the time the application is filed. The city clerk shall submit the application to the governing body of the city for action.  
(Code 1981, 11-109)

4-910. SAME; ISSUANCE OF LICENSE. The governing body shall investigate or cause to be investigated applications for mobile home park licenses and, if, after such investigation, it finds

(a) That the application is in proper order;

(b) That the prescribed fee has been paid, and;

(c) That the plot plan and specifications shows compliance with this article and other applicable ordinances of the city, the governing body may direct the issuance of a mobile home park license to the applicant. Thereupon the city clerk shall issue the license.

(Code 1981, 11-110)

4-911. SAME; REVOCATION OF LICENSE. In the event that a licensed mobile home park or the operation thereof is found by the city or its duly authorized agent to be in violation of any ordinance of the city, and such violation continues for an unreasonable period of time after written notification is given to the licensee that his or her license will be revoked if such violation is not corrected within a reasonable period of time thereafter, the license issued for such mobile home park shall be revoked. A written notification of the actual revocation of the license shall be given to the licensee and thereafter the operation of such mobile home park shall cease, except as hereinafter provided.

A licensee may request a hearing on the revocation of his or her license before the governing body provided, however, that the request must be filed in the office of the city clerk not more than five days after the written revocation is received by the licensee. A hearing so requested shall be held by the governing body within 21 days after the written request is filed as hereinabove provided, and the revocation of such license shall be suspended until the hearing is concluded and a determination made thereon by the governing body. The hearing may be held during and as a part of a regular meeting of the governing body.

(Code 1981, 11-111)

- 4-912. SAME; CHANGES, MODIFICATIONS AND ADDITIONS. No additions or major changes or modification may be made in any mobile home park without first obtaining written approval of the governing body of the city. (Code 1981, 11-112)
- 4-913. SAME; USE. The use of mobile home parks shall be subject to the following:
- (a) Mobile home spaces shall contain not less than 1,800 square feet, each.
  - (b) Mobile homes shall be so located that there shall be a clear distance of at least 14 feet between mobile homes.
  - (c) No mobile home shall be located closer than six feet to any building within the park or to any property line bounding the park.
  - (d) Roadways throughout the park shall be at least 20 feet in width, and all mobile home spaces shall have adequate access to such a roadway.
  - (e) Roadways in the park shall have at least one connection to a public street or highway. No park shall have its sole vehicular access to an alley.
- (Code 1981, 11-113)
- 4-914. SAME; WATER SUPPLY. The water supply shall be connected to the municipal water system and all plumbing shall be installed, constructed and maintained in accordance with the plumbing code of the city. Individual water service connections shall be provided at each mobile home space. (Code 1981, 11-114)
- 4-915. SAME; SEWAGE DISPOSAL. Individual sewer connections shall be provided for each mobile home space and shall be in accordance with all ordinances, laws, codes and regulations pertaining to sewer systems. Construction of all sewer lines in the park shall be subject to the approval of the city building inspector and shall be in accordance with all ordinances, laws, codes and regulations pertaining to sewer systems. All sewer lines shall be connected to the public sewer system of the city. (Code 1981, 11-115)
- 4-916. ANCHORING OF MOBILE HOMES; INCORPORATING STATE STATUTES. For the purpose of fixing standards deemed necessary to protect the health, safety and welfare of the public for securing certain mobile homes to the ground by tie downs and ground anchors, and for placing the mobile homes upon piers, there is hereby incorporated by reference Kansas Statutes Annotated, 75-1227, 75-1230 and 75-1231. (Code 1981, 11-116)

**ARTICLE 10. NUMBERING BUSINESSES, DWELLINGS  
AND CERTAIN OTHER PLACES**

4-1001.        **BUILDING TO BE NUMBERED.** In order to add to the efficiency of the operation of the Sumner County 911 Preparedness System within the city, all business houses, dwelling houses and all other places which are inhabited or used for the carrying on of any business or occupation within the city shall be numbered in plain figures, not less than three inches in height, placed on the front thereof so as to be easily read and identifiable from the street line on which the building or structure is located. (Ord. 198, Sec. 1)

4-1002.        **METHOD OF NUMBERING.** Numbers provided for in section 4-1001 shall be determined and made as follows: Structures and buildings upon streets and avenues running east and west shall be numbered each way from Sumner Street so as to have odd numbers on the north side of the streets and even numbers on the south side of the streets commencing with 100 and adding 100 for each successive block. Structure and buildings upon streets running north and south shall be numbered each way from Main Street so as to have even numbers on the east side of the streets and odd numbers on the west side of the streets commencing with 100 and adding 100 for each successive block.  
(Ord. 198, Sec. 2)

4-1003.        **OWNER TO NUMBER.** (a) The owners of structures and, or buildings in the city that are required to be numbered by the provisions of this article shall number or cause the same to be numbered in the manner set forth in this article. Newly constructed structures or buildings shall be numbered in accordance with the provisions of this article within 10 days after the occupation of the structure or building.

                  (b) If any owner shall fail to comply with the provisions of this article, the city superintendent shall number the structures or buildings in conformity with this article and shall charge the expense thereof to the property so numbered, the same to be collected in the same manner as repairs on sidewalks.  
(Ord. 198, Sec. 3)



## **ARTICLE 11. INTERNATIONAL RESIDENTIAL CODE**

4-1101. INCORPORATING THE 2009 INTERNATIONAL RESIDENTIAL CODE. There is hereby incorporated by reference for the purpose of regulating and controlling the design, construction, quality of material, erection, installation, alteration, repair, or maintenance of one-and two-family dwellings and townhouses not more than three stories in height in the City of Oxford; providing for the issuance of permits and collection of fees therefore; and other provisions provided for within the 2009 Edition of the International Residential code, including the Appendix chapters. (Ord. 299; Code 2014)

## ARTICLE 12. MECHANICAL CODE

4-1201. INTERNATIONAL MECHANICAL CODE INCORPORATED. There is hereby adopted and incorporated by reference, the purpose of establishing rules and regulations for the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Oxford, that certain uniform code, available in book form, known as the "International Mechanical Code, 2000 edition, 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. 12-3009:3012. Three copies shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Oxford." and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business. All administrative offices or departments of the city charged with the enforcement of this code shall be supplied, at the cost of the city, such number of official copies of such code similarly marked, as may be deemed expedient. (Code 2003)

4-1202. SAME; AMENDMENTS. The International Mechanical Code, 2000 edition, hereinafter referred to as the mechanical code, is amended and changed in the following respects, as herein provided:

(a) Title: Section 101.1 of the mechanical code is hereby amended to read: These regulations shall be known as the Mechanical Code of the City of Oxford, Kansas, hereinafter referred to as "this code" or the "mechanical code."

(b) Fee Schedule: Section 106.5.2 of the mechanical code is hereby amended to read:

The fees for mechanical work shall be set by the governing body. A schedule of the current fees shall be set by the governing body. A schedule of the current fees shall be maintained in the office of the city clerk. The city clerk shall provide such schedule to any person inquiring or requesting fee information.

(c) Fee Refunds: Section 106.5.3 of the mechanical code is hereby amended to read:

(1) The full amount of any fee paid hereunder which was erroneously paid or collected.

(2) No permit fee shall be refunded when no work has been done under a permit issued in accordance with this code.

(3) No plan review fee shall be refunded when an application for a permit for which a plan review fee has been paid is withdrawn or canceled.

(d) Violation Penalties: Section 108.4 of the mechanical code is hereby amended to read:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of code violation, punishable by a fine of not more than \$100 or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(e) Stop Work Orders: Section 108.5 of the mechanical code is hereby amended to read:

Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which the work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than \$1 or more than \$100.  
(Code 2003)

4-1203. MECHANICAL CONTRACTOR'S LICENSE REQUIRED; ELECTRICAL PERMITS; UNLAWFUL ACTS. (a) Each mechanical contract shall before entering upon any mechanical work subject to regulation by city laws, apply to the city clerk for a mechanical contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of mechanical contract in the city.

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

(c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself, or itself under the definition of a mechanical contractor herein, or to perform any work as a mechanical contractor or any work under a contract for any work involving mechanical construction, without first having obtained a mechanical contractor's license issued by the city.  
(Code 2003)

4-1204. SAME; APPLICATION; GRANTING Application for a mechanical contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the mechanical contractor or his or her authorized agent. The applications shall be, by the chief building official refereed to the governing body at its next meeting for action thereon. Such license shall be issued by the city clerk, upon payment of the fees hereinafter provided after approval of the governing body. (Code 2003)

4-1205. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS. (a) The following license fees shall be paid for the calendar year or major fraction thereof:

(1) General Mechanical Contractor, who shall qualify to engage in more than one kind of mechanical construction work, the sum of \$25;

(2) Limited Mechanical Contractor, who shall qualify to engage in not more than one kind of mechanical construction work, the sum of \$15;

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

(b) Each such license shall set forth the kind of mechanical construction work in which the licensee may engage. The licensee shall display his or her

licenses at any place where he or she may be engaged in contract work or produce the same on demand of any city officer. All licenses shall be renewable annually as in the case of an original license on or before the first day of January of the year for which issued.

(c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts. (Code 2003)

4-1206. MECHANICAL CONTRACTOR'S BOND REQUIRED; CONDITION; APPROVAL; RIGHTS RESERVED. (a) Before any license shall be issued to any electrician or electrical contractor required by this article to obtain a license and pay a fee to the city, the mechanical contractor shall secure and file with the city clerk a good and sufficient corporate surety bond in the principal sum of \$5,000 conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents, servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley or public ground in the city, or any materials stored, placed or used in any such places, or the operation or use of any vehicle, machinery or equipment in the streets, alleys or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the State of Kansas and shall be executed by an agent of the company residing in the County of Sumner, Kansas and further conditioned that in the event of cancellation or expiration that the company or agent will give 10 days' notice of such fact to the city clerk. Each such bond shall be approved as to form by the city attorney and approved as to surety by the city clerk and the approval thereof shall be endorsed on the bond by the city attorney and by the chairperson of the council over their signatures.

(b) Each bond shall be dated to run from the first day of any license issued by the city to the principal and may cover the period of not to exceed two years. No bond shall be renewed by an extension certificate but a new bond shall be filed by the principal for each successive period following the renewal thereof. The city reserves the right to furnish the form of all surety bonds as may be required by this article. (Code 2003)

4-1207. SAME; INSURANCE EXCEPTION TO BOND. In lieu of obtaining a corporate surety bond as required by section 4-1206 of this article, a mechanical contractor may fulfill this obligation if he or she shall procure and maintain a liability insurance policy in the amount of \$100,000. for the death or injury of any one person and \$300,000 for the death or injury of any number of persons in any one accident and \$500,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the State of Kansas. A mechanical contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days' notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year. (Code 2003)

- 4-1208. LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.
- (a) The license of any mechanical contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the chief building official upon his or her own motion. Notice shall be given in writing to such mechanical contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such mechanical contractor involving any one or more of the following:
- (1) Misrepresentation of a material fact by applicant in obtaining a license;
  - (2) Use of license to obtain a mechanical permit for another;
  - (3) Failure or neglect to observe conditions of permit authorizing encumbering of streets or sidewalks for safety of public;
  - (4) Performance of any electrical construction work without a permit where one is required by law; or
  - (5) Willful disregard of any violation of the electrical construction laws, or failure to comply with any lawful order of the city building inspector.
- (b) Any licensee may within 15 days appeal in writing to the governing body from any order of the chief building official suspending his or her license for its final decision thereon. The governing body may upon such hearing terminate such suspension within not more than 30 days thereafter, or may revoke such license. If any license shall be revoked, the mechanical contractor shall not be eligible for a new license during a period of six months thereafter. No fee shall be refunded in event of the suspension or revocation of any mechanical contractor's license.
- (c) It shall be unlawful to engage in the occupation or trade of mechanical contractor during the time any license of such mechanical contractor has been suspended or revoked.  
(Code 2003)
- 4-1209. WORK BY PROPERTY OWNERS. Nothing herein contained shall prohibit any property owner from personally performing any mechanical construction or installing mechanical equipment (Heat and/or Air Conditioning) within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the electrical inspector as to his or her ability to perform such work or install such electrical wiring, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal mechanical construction or installation performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a mechanical contractor licensed by the city. (Code 2003)
- 4-1210. LIABILITY. This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any mechanical equipment for damages to persons or property caused by any defect therein, not shall the city be held as assuming any such liability, by reason of the inspection or re-inspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein. (Code 2003)

4-1211. SEVERABILITY. If any section of the 2000 International Mechanical Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the 2000 International Mechanical Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 2003)