

## CHAPTER IV. BUILDINGS AND CONSTRUCTION

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### ARTICLE 1. MOVING BUILDINGS

(See Update by Sedg Cty to Blding Code)

- 4-101            **BUILDING OFFICIAL; AUTHORITY.**        The enforcement officer/maintenance superintendent 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: through 4-209 of this chapter, which apply in a like manner to this article. (Code 2004)
- 4-102            **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. (K.S.A. 17-1914; Code 2004)
- 4-103            **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. (K.S.A. 17-1915; Code 2004)
- 4-104            **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 bond. (Code 2004)

4-105 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 monies shall be deposited with the City in an amount equal to the anticipated cost to the City of facilitating such move, including the additional, but not limited to, the cost for of the time for any city ~~erows~~ personnel and equipment involved in such moving. (Code 2004)

4-106 CONTRACTOR; LICENSE REQUIRED; FEE. The provisions of sections 4-219: through 4-225 of this chapter shall apply in a like manner to this article. (Code 2004)

4-107 ROUTE; DUTIES OF BUILDING OFFICIAL. The city clerk shall, upon filing of the above application, refer the same to the chief building official enforcement officer, maintenance superintendent or his or her authorized designee to check the proposed route and determine if it is practical to move such house or other structure offver 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 enforcement officer maintenance superintendent 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 enforcement officer maintenance superintendent 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 2004)

4-108 NOTICE TO OWNERS. (a) Upon issuance of a moving permit the applicant holder of such permit shall give not less than 15 days written notice to any person owning or operating any wires, cables or other aerial equipment (Owner) along the proposed route of the intent to move the structure, giving the time and location that the applicant's 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 Owner has waived their right to advance notice.

(c) Should the moving operation be delayed, the applicant shall give the oOwner or his or her agent not less than 24 hours advance notice of the actual operation. (K.S.A. 17-1916; Code 2004)

4-109 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 in 4-108, 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 in accordance with the policies of such Owner. The public or municipally owned utility may require the applicant to furnish the public or municipally owned utility with appropriate bond or other surety agreement insuring the payment of all expenses incurred as a result of applicant's moving operations. Failure of such Owner to provide such service may result in action in accordance with K.S.A. 17-1917.

(b) The owner of any wires, cables or other aerial equipment, after service of notice as provided in section 4-108, shall be liable to the permit holder for damages in an amount not to exceed \$100 per day for each day the owner shall fail or refuse to accommodate the permit holder's moving operations. (K.S.A. 17-1917; Code 2004)

4-110 INTERFERING WITH POLES; WIRES. It shall be unlawful for any person engaged in moving any house or other structure to raise, cut or in any way interfere with any wires or poles bearing wires or any other aerial equipment. (K.S.A. 17-1918; Code 2004)

4-111 DISPLAY OF LANTERNS. It shall be the duty of any person moving any part 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 sunset to sunrise lighting equipment in conformance with the Standard Traffic Ordinance as mandated for vehicles over 80 inches in overall width. (Code 2004)

## ARTICLE 2. DANGEROUS AND UNFIT STRUCTURES

4-201 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 2004)

4-201a 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 2004)

4-202 DEFINITIONS. For the purpose of this article, the following words and terms shall have the following meanings:

(a) Enforcing Enforcement Officer means the enforcement officer maintenance superintendent or his or her authorized representative.

(b) Structure shall include any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground. (K.S.A. 12-1750; Code 2004)

4-203

~~MAINTENANCE SUPERINTENDENT~~; ENFORCEMENT OFFICER; DUTIES. The enforcement officer maintenance superintendent 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 enforcement officer maintenance superintendent 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 2004)

4-204

PROCEDURE; PETITION. Whenever a petition is filed with the enforcement officer maintenance superintendent by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the ~~maintenance superintendent~~ Public Works Director 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:

(a), report such findings to the governing body, and

(b) cause notice to be served by certified mail, return receipt requested, or by personal service or, in the event the property or premises is unoccupied and the owner thereof does not reside within the corporate limits of the city by mailing such notice by certified mail, return receipt requested, to the owner's last known address and publication within the official newspaper of the City.. (Code 2004)

4-204a.

SAME; CONTENTS OF NOTICE. The notice shall describe in writing the conditions constituting a violation of this article. The notice shall also inform the person or entity receiving such notice that: (a) Such person or entity shall have such time, to be specified in the notice and not to exceed ten (10) days from the date specified in the notice, to remove and abate the violation from the property or premises;

(b) Such person or entity may, within the time specified in the notice and not to exceed the date specified therein within which said removal and abatement is required, request a hearing before the governing body as provided by section 4-204b of this article.

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

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

4-204b. HEARING. If a hearing is requested in a writing received by the governing body within the time period prescribed by section 4-204a of this article, the governing body shall conduct a hearing as soon as may be practicable and the person or entity receiving notice shall be advised by the city clerk of the time and place of the hearing at least five (5) days in advance thereof. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the enforcing officer before the governing body.

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

(b) If, after notice and hearing as provided for in this article, and upon hearing the evidence provided for in subsection a of this section, the governing body determines that a violation exists, it shall set forth in writing in the form of a resolution its findings of facts supporting such determination. The resolution shall also fix a reasonable period of time, to be determined by the governing body, within which the abatement of the violation shall be concluded, and a statement that if the person upon whom notice of the violation was served fails to conclude said removal and abatement within the time period established by the resolution, or fails to diligently prosecute and pursue the same until the work is completed, the governing body shall cause the violation to be abated. The resolution provided for in this section shall be published once in the official city newspaper and the city clerk shall mail a copy of the resolution to the person or entity, and owner, in the same manner as provided for in 4-204.

4-205 SAME; NOTICE. When the Notice provided for in 4-204(b) is returned unclaimed and the parties notified have taken no action to comply with the requirements of the Notice, The governing body upon receiving a report as provided in section 4-204 may 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 2004)

4-206 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 2004)

4-207 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 diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed. (Code 2004)

4-208           RESERVED.4-208           DUTY OR 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 2004)

4-209           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 enforcement officer maintenance superintendent 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 ~~maintenance superintendent~~ Public Works Director may cause the structure to be removed and demolished. (Code 2004)

4-210           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 maintenance superintendent Public Works Director may proceed to make the site safe. (Code 2004)

4-211           ASSESSMENT OF COSTS. (a) The cost to the city of any repairs, alterations, improvements, vacating, removal or demolition by the ~~maintenance superintendent~~, Public Works Director including all legal costs associated with enforcing the provisions of this Article and the costs of making the site safe, shall be reported to the city clerk.

(b) The city shall give notice to the owner of the structure by certified mail of the cost of removing the structure, legal costs to the City, and making the premises safe and secure, and the duty of the owner to pay all such costs. The notice shall also state that payment of the costs is due and payable within 30 days following receipt of the notice.

(c) If the costs remain unpaid after 30 days following receipt of notice, the city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.

(d) If the proceeds of the sale of salvage is insufficient to recover the 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 and the county clerk 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. (K.S.A. 12-1755; Code 2004)

4-212 IMMEDIATE HAZARD. When in the opinion of the Mayor governing body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body Mayor may direct the ~~maintenance superintendent~~ Public Works Director 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 4-211. (K.S.A. 12-1756; Code 2004)

4-213 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 ~~maintenance superintendent~~ Public Works Director from carrying out the provisions of the order pending final disposition of the case. (Code 2004)

4-214 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: through 12-1756. (Code 2004)

### **ARTICLE 3. THE COMMERCIAL BUILDING CODE**

4-301 COMMERCIAL BUILDING STANDARDS. No person, firm or corporation shall hereafter design, construct, erect, remodel, alter, demolish, locate, relocate or remove any building or structure, or place or install service equipment therein in the city except in accordance with this Article relating to such buildings or structures and without a permit authorizing the same.

4-302 INSPECTION AND ENFORCEMENT. Sedgwick County, through **its Department of Code Enforcement**, the Metropolitan Area Building and Construction Department (MABCD) shall provide code inspection and enforcement services to the

City, based upon the current Wichita-Sedgwick County unified building, electrical, plumbing, and mechanical codes, as adopted by the City and agreed to by separate interlocal agreement,

4-303            ADOPTION OF THE INTERNATIONAL BUILDING CODE, ~~2006~~ 2008 EDITION, AS THE COMMERCIAL BUILDING CODE, WITH CERTAIN ADDITIONS AND DELETIONS.

There is hereby adopted by reference by the City of Colwich, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Building Code, ~~2006~~ 2008 Edition, as the Commercial Building Code, as published by the International Code Council, 5203 Leesburg Pike, Suite 708 Falls Church, Virginia, 22041, and such amendments as set forth in Resolution 263-07 of the Sedgwick County Board of Commissioners adopted on December 5, 2007.

4-304            AMENDMENTS.

The International Building Code is hereby amended by adopting those changes, deletions, and additions contained in Resolution No. 263-07 of the Board of County Commissioners of Sedgwick County, Kansas, adopted by that body on December 5, 2007, including all fee schedules, and such document is incorporated by reference herein, as was previously published in the official newspaper of the City of Colwich.

4-305            AVAILABILITY OF COPIES.

One copy of the Code designated with 4-303, along with the amendments described in 4-304, have been and are now filed in the office of the City Clerk and the said code is hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

4-306            VIOLATIONS AND PENALTIES.

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

4-307            PENALTY CLAUSE NOT EXCLUSIVE.

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

4-308            ENFORCEMENT.

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the City, which may be through Sedgwick County Court through separate interlocal agreement, and such citations shall rely on the citation numbers set forth within the Wichita-Sedgwick County Code. If Sedgwick County and the City of Colwich choose not to be bound by such interlocal agreement, prosecution of any violations of this code shall be in the Colwich Municipal Court.

4-309            LIABILITY.



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

4-310 SEVERABILITY.

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

## **ARTICLE 4. THE INTERNATIONAL MECHANICAL CODE**

4-401           MECHANICAL STANDARDS. No person, firm or corporation shall hereafter design, construct, erect, remodel, alter, demolish, locate, relocate or remove any building or structure, or place or install service equipment therein if the same is not done in accordance with the mechanical regulations of this this Article as hereafter set forth, and shall not perform work relating to mechanical installation and/or repair without a permit authorizing the same.

4-402           INSPECTION AND ENFORCEMENT. Sedgwick County, through ~~its Department of Code Enforcement,~~ the MABCD shall provide code inspection and enforcement services to the City, based upon the current Wichita-Sedgwick County unified building, electrical, plumbing, and mechanical codes, as adopted by the City and agreed to by separate interlocal agreement,

4-403           ADOPTION OF THE INTERNATIONAL MECHANICAL CODE, 2006 EDITION.  
There is hereby adopted by reference by the City of Colwich, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Mechanical Code, 2006 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 708 Falls Church, Virginia, 22041, as such Mechanical Code was adopted and amended by Resolution 261-07 of the Sedgwick County Board of Commissioners on December 5, 2007. This standard code shall include all amendments and codified supplements to the International Mechanical Code, 2006 Edition; The International Residential Code, 2006 Edition, Chapters 12-24 Inclusive; and the International Fuel Gas Code, 2006 Edition.

4-404           AVAILABILITY OF COPIES.  
One copy of said code along with the amendments set forth in Sedgwick County Resolution 261-07, have been and are now filed in the office of the City Clerk and the said codes are hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq. While the Standard Codes are stand alone books they shall be known as part of Chapter 4, Article 4 of the Colwich Municipal Code. All Amendments as set forth within Resolution 261-07 of the Sedgwick County Board of Commissioners shall henceforth be.

4-405           AMENDMENTS.  
The International Mechanical Code, 2006 Edition; The International Residential Code, 2006 Edition, Chapters 12-24 Inclusive; and the International Fuel Gas Code, 2006 Edition, are hereby amended by adopting those changes, deletions, and additions contained in Resolution No. 261-07 of the Board of County Commissioners of Sedgwick County, Kansas, adopted December 5, 2007, including all fee schedules, and such document is incorporated by reference herein, as was previously published in the official newspaper of the City of Colwich..

4-406           VIOLATIONS AND PENALTIES.  
Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 108 et seq. of the International Mechanical Code as

amended. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

4-407 PENALTY CLAUSE NOT EXCLUSIVE.

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

4-408 ENFORCEMENT.

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the City, which may be through Sedgwick County Court through separate interlocal agreement, and such citations shall rely on the citation numbers set forth within the Sedgwick County Code. If Sedgwick County and the City of Colwich choose not to be bound by such interlocal agreement, prosecution of any violations of this code shall be in the Colwich Municipal Court.

4-409 LIABILITY.

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

4-410 SEVERABILITY.

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

**ARTICLE 5. THE INTERNATIONAL RESIDENTIAL CODE**

4-501 RESIDENTIAL BUILDING STANDARDS. No person, firm or corporation shall hereafter design, construct, erect, remodel, alter, demolish, locate, relocate or remove any residential building or structure, or place or install service equipment therein if the same is not done in accordance with the residential code regulations of this Article as hereafter set forth, and shall not design, construct, erect, remodel, alter, demolish, locate, relocate or remove any residential building or structure, or place or install service equipment therein without a permit authorizing the same.

4-502 INSPECTION AND ENFORCEMENT. Sedgwick County, through ~~its Department of Code Enforcement~~, the MABCD shall provide code inspection and enforcement services to the City, based upon the current Wichita-Sedgwick County unified building, electrical, plumbing, and mechanical codes, as adopted by the City and agreed to by separate interlocal agreement,

4-503 ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION, CHAPTERS 1-10, AS THE ONE AND TWO FAMILY DWELLING CODE, WITH CERTAIN ADDITIONS AND DELETIONS.

There is hereby adopted by reference by the City of Colwich, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Residential Code, for One and Two Family Dwellings, 2006 Edition, Chapters 1-10, as published by the International Code Council, 5203 Leesburg Pike, Suite 708 Falls

Church, Virginia, 22041, including Appendix Chapter G and no other appendices, and such amendments as set forth in Resolution 262-07 of the Sedgwick County Board of Commissioners. Any reference therein to the International Building Code shall be understood to be a reference to the Sedgwick County Commercial Building Code.

4-504 AVAILABILITY OF COPIES.

One copy of said code along with the amendments set forth in Sedgwick County Resolution 262-07, have been and are now filed in the office of the City Clerk and the said code is hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

4-505 AMENDMENTS.

The International Residential Code, for One and Two Family Dwellings, Chapters 1 – 10 and Appendix G, is hereby amended by adopting those changes, deletions, and additions contained in Resolution No. 262-07 of the Board of County Commissioners of Sedgwick County, Kansas, adopted December 5, 2007, including all fee schedules, and incorporated by reference herein, as previously published in the official newspaper of the City..

4-506 VIOLATIONS AND PENALTIES.

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 113 et seq. of the International Residential Code as amended.. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

4-507 PENALTY CLAUSE NOT EXCLUSIVE.

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

4-508 ENFORCEMENT. .

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the City, which may be through Sedgwick County Court through separate interlocal agreement, and such citations shall rely on the citation numbers set forth within the Sedgwick County Code. If Sedgwick County and the City of Colwich choose not to be bound by such interlocal agreement, prosecution of any violations of this code shall be in the Colwich Municipal Court.

4-509 LIABILITY.

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

4-510 SEVERABILITY.

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

## **ARTICLE 6. THE NATIONAL ELECTRICAL CODE**

4-601           ELECTRICAL STANDARDS. No person, firm or corporation shall hereafter design, construct, erect, remodel, alter, demolish, locate, relocate or remove any building or structure, or place or install service equipment therein if the same is not done in accordance with the electrical code regulations of this Article as hereafter set forth, and shall not perform any work governed by this electrical code without a permit authorizing the same.

4-602           INSPECTION AND ENFORCEMENT. Sedgwick County, through ~~its Department of Code Enforcement,~~ the MABCD shall provide code inspection and enforcement services to the City, based upon the current Wichita-Sedgwick County unified building, electrical, plumbing, and mechanical codes, as adopted by the City and agreed to by separate interlocal agreement,

4-603           ADOPTION OF THE NFPA 70, NATIONAL ELECTRICAL CODE, ~~2008~~ 2011 EDITION, AS THE ELECTRICAL CODE, WITH CERTAIN ADDITIONS AND DELETIONS.

There is hereby adopted by reference by the City of Colwich, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the NFPA 70, National Electrical Code, ~~2008~~ 2011 Edition, as the Electrical Code of the City, including Annexes C (Conduit and Tubing Fill Tables) and G (Administration and Enforcement), as published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02169, with certain provisions declared to be omitted, changed, or added to as set forth in Sedgwick County Resolution 171-08; which is referred to within the Sedgwick County Resolution and herein as the Standard Code; all of which does provide for penalties and prosecutions for violations thereof; and regulation and control of the installation, construction, enlargement, alteration, repair, removal, maintenance, and use of electrical systems, conductors and equipment within or on private or public buildings or other structures and other premises, that connect to the supply of electricity; provides for the issuance of permits and fees therefor; establishes the Board of Electrical Examiners and Appeals; establishes the Electrical Contractors License requirements and penalties for violations thereof, and establishes for Master and Journeyman Electrician and Residential Wireman Certificates, the requirements and exceptions thereto, and for the process of suspension or revocation thereof; creates the office of electrical inspector; and establishes truth in advertising requirements.

4-604           AVAILABILITY OF COPIES.

One copy of said code along with the amendments set forth in Sedgwick County Resolution~~174-08,~~ 175-2012 have been and are now filed in the office of the City Clerk and the said code is hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq. This Code and all amendments shall hereafter be known as Chapter 4, Article 6 of the Colwich Municipal Code.

4-605 AMENDMENTS.

The NFPA 70, National Electrical Code, 2008 2011 Edition, as the Electrical Code of the City, including Annexes C (Conduit and Tubing Fill Tables) and G (Administration and Enforcement), is hereby amended by adopting those changes, deletions, and additions contained in Resolution No. ~~471-08~~ 175-2012 of the Board of County Commissioners of Sedgwick County, Kansas, adopted ~~November 12, 2008~~, November 21, 2012 including all fee schedules, and incorporated by reference herein, as previously published in the official newspaper of the City.

4-606 VIOLATIONS AND PENALTIES.

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 80.23 et seq. of the NFPA 70, National Electrical Code, 2008 2011 Edition, as the Electrical Code of the City, including Annexes C (Conduit and Tubing Fill Tables) and G (Administration and Enforcement) as amended. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

4-607 PENALTY CLAUSE NOT EXCLUSIVE.

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

4-608 ENFORCEMENT.

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the City, and prosecution of violations may be through Sedgwick County Court through separate interlocal agreement, and such citations shall rely on the citation numbers set forth within the Sedgwick County Code. If Sedgwick County and the City of Colwich choose not to be bound by such interlocal agreement, prosecution of any violations of this code shall be in the Colwich Municipal Court. The City hereby authorizes the building official to enforce such rules and regulations as are necessary to carry out the purpose(s) of this Code, after such are approved by the Board of County Commissioners of Sedgwick County, Kansas.

4-609 LIABILITY.

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

4-610 SEVERABILITY.

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

## **ARTICLE 7. THE INTERNATIONAL PLUMBING CODE**

4-701 PLUMBING STANDARDS. No person, firm or corporation shall hereafter design, construct, erect, remodel, alter, demolish, locate, relocate or remove any building or structure, or place or install service equipment therein if the same is not done in accordance with the plumbing code regulations of this Article as hereafter set forth, and shall not place or install equipment therein governed by this Article without a permit authorizing the same.

4-702 INSPECTION AND ENFORCEMENT. Sedgwick County, through ~~its Department of Code Enforcement~~, the MABCD shall provide code inspection and enforcement services to the City, based upon the current Wichita-Sedgwick County unified building, electrical, plumbing, and mechanical codes, as adopted by the City and agreed to by separate interlocal agreement,

4-703 ADOPTION OF THE UNIFORM PLUMBING CODE, ~~2000~~ 2006 EDITION, AS THE PLUMBING CODE, WITH CERTAIN ADDITIONS AND DELETIONS.

The Uniform Plumbing Code, ~~2000~~ 2006 Edition, as published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California 91789, excluding all appendices, is hereby adopted and incorporated herein by reference, subject to such amendments thereto as are set forth herein, and shall be referred to herein as the "Plumbing Code" or the "standard code." The standard code shall include all appendices and codified supplements to the Uniform Plumbing Code, ~~2000~~ 2006 Edition, including but not limited to, the IAPMO Installation Standards, except that the following are hereby declared to be omitted from the standard code as herein adopted: Chapter 13, Appendices C, E, G, J, K, and L.

4-704 AVAILABILITY OF COPIES.

One copy of said code along with the amendments set forth in Sedgwick County Resolution ~~499-03~~, 175-2012 have been and are now filed in the office of the City Clerk and the said code is hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq. This Code and all amendments shall hereafter be known as Chapter 4, Article 7 of the Colwich Municipal Code.

4-705 AMENDMENTS.

The Uniform Plumbing Code, ~~2000~~ 2006 Edition is hereby amended by adopting those changes, deletions, and additions contained in Resolution No. ~~499-03~~ 2006 of the Board of County Commissioners of Sedgwick County, Kansas, adopted ~~August 13, 2003~~, November 21, 2012 including all fee schedules, and incorporated by reference herein, as set forth hereafter.

**~~CHAPTER 1. ADMINISTRATION.~~** The following paragraphs in Chapter 1 of the standard code are amended as follows:

~~**102.1 Administrative Authority.** The administrative authority duly appointed to enforce the standard code shall be the director of the department of code enforcement and that official's designee(s).~~

~~The terms "administrative authority," "building official," and "department director of the department of code enforcement" are synonymous. The administrative authority and the "code enforcement officers" as defined in K.S.A. 19-101d(b)(2), shall have the power to sign, issue and execute uniform complaints and notices to appear as set out by K.S.A. 19-101d. The administrative authority shall make decisions as are necessary to administer and enforce the standard code. The administrative authority shall have the authority to promulgate such rules and regulations as are necessary to carry out the purpose of the standard code and such rules and regulations shall be effective upon approval by the board of county commissioners. The administrative authority shall have the authority to refer to the board of plumbing examiners and appeals any matter that relates to the approval of plumbing material and methods as the same relate to the standard code.~~

### ~~**102.3 Violations, Enforcement and Penalties.**~~

~~**102.3.1 Violations.** It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any plumbing system or equipment, or cause or permit the same to be done in the unincorporated area of the county in violation of the standard code.~~

~~**102.3.1.1 Service of Notice of Violation(s) and Order(s) to Comply.** Whenever the building official or any code enforcement officer authorized under this article has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the standard code, the building official or such code enforcement officer may first cause a notice of violation(s) and order(s) to comply to be served upon any person, firm, corporation, or other entity, responsible therefor.~~

~~Such notice shall:~~

- ~~1. be in writing;~~
- ~~2. include a description of the real estate and /or street address sufficient for identification;~~
- ~~3. specify the violation(s) which exists and the correction(s) ordered; and~~
- ~~4. allow a reasonable time for the performance of any act it requires.~~

~~Such notice shall be deemed to be properly served upon such alleged violator if a copy thereof is delivered to such alleged violator personally, or, if not found, a copy thereof is left at such alleged violator's place of abode or business with a person of suitable age and discretion who shall be informed of the contents thereof. Such notice shall also be deemed to be properly served upon the alleged violator if a copy thereof is sent by mail to such alleged violator's last known address, or, if the letter with the copy is returned showing it has not been delivered, a copy thereof is posted in a conspicuous place in, on, or about the building or structure affected by the notice.~~

### ~~**102.3.2 Penalties.**~~

~~**102.3.2.1 Issuance of Uniform Complaint and Notice to Appear.** Whenever the building official or a code enforcement officer authorized under this article has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the standard code, the building official or such code enforcement~~



~~officer may serve upon such accused person a uniform complaint and notice to appear, or in the alternative, may sign a complaint against the accused person and cause a notice to appear to be issued according to the provisions of K.S.A. 19-4701, et seq. the code for the enforcement of county codes and resolutions. Pursuant to K.S.A. 19-101d, prosecution for any such violation shall be conducted in the manner provided by law in the district court under the code for the enforcement of county codes and resolutions as provided by K.S.A. 19-4701, et seq. Writs or processes necessary for the prosecution of such violations shall be substantially in the form of writs and process as shown in K.S.A. 19-4738. The county shall provide all necessary supplies, forms and records at its own expense.~~

~~**102.3.2.2 Procedures.** Procedures for prosecution of violations of the standard code, and this article, shall be pursuant to Chapter 8 of the Sedgwick County Code.~~

~~**102.3.2.3 Classification of Violations and Schedule of Fines.** An accused person who shall be convicted in county court or district court for violation of any provision of the standard code or this article shall be deemed guilty of a violation thereof and in accordance with K.S.A. 19-4716, shall be subject to payment of a fine which shall be fixed by the court at a sum not to exceed five hundred dollars (\$500.00); provided further, the minimum fine for any violation of this article shall be assessed according to the Classification of Violations and Schedules of Fines pursuant to Section 8-5, and subject to the enhancements contained therein, and each and every violation of this Article shall be a Class F violation, except that the following violations shall be classified as follows:~~

<del>Section</del>	<del>Violation</del>	<del>Classification</del>
<del>6-137</del>	<del>Fail to obtain required license,</del>	<del>UPC Sec. 104.11 I</del>
<del>6-137</del>	<del>Fail to obtain required certificate,</del>	<del>UPC Sec.</del>
<del>104.7 I</del>		
<del>6-137</del>	<del>Violation of the Truth in Advertising laws,</del>	<del>UPC Sec. 104.14 I</del>

~~**102.3.2.4 Separate Offense.** Each day that any violation of the standard code or of this article occurs after the passage of the reasonable time for performance of any act required by a notice of violation(s) and order(s) to comply has been served in accordance with the terms and provisions hereof shall constitute a separate offense and shall be punishable as a separate violation. Provided, however, that if any person, firm or corporation is found guilty of a violation hereunder and it shall appear to the court that the violation complained of as prescribed in this article is continuing, then in addition to the penalty as set forth, the court shall enter such order(s) as it deems appropriate to cause the violation to be abated.~~

~~**102.3.2.5 Authority to Permit.** The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of the standard code or of this article. No permit presuming to give authority to violate or cancel the provisions hereof shall be valid, except insofar as the work or use which it authorized is lawful.~~

~~**102.3.2.6 Effect of Permit.** The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of the standard code or of this article or of any other article from revoking any certificate of approval when issued in error.~~

~~**102.3.2.7 Appeals.** An appeal may be taken from any judgment under this article pursuant to the procedures at K.S.A. 19-4737, as amended.~~

~~**102.3.3 Enforcement.** In case any notice of violation(s) and order(s) authorized herein is not complied with, the building official or such code enforcement officer may request the county counselor to institute an appropriate action or proceeding against the person, firm, or corporation responsible for the violation(s):~~

- ~~1. to restrain, correct, or remove the violation or to compel such person, firm, or corporation to refrain from any further execution of work;~~
- ~~2. to restrain or correct the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion, demolition, equipping, use, or maintenance of such plumbing system or equipment;~~
- ~~3. to require the removal of work in violation;~~
- ~~4. to prevent the use of the plumbing system or equipment or any part thereof, which is erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, or maintained in violation of the standard code or in violation of a plan or specification under which an approval, permit or certificate was issued.~~

~~In addition, or in the alternative, the building official or a code enforcement officer may proceed with the penalties provision found in 102.3.2, above.~~

#### ~~**103.4 Fees.**~~

~~**103.4.1 Permit fees.** The fee for each plumbing permit shall be as set forth in Table No. 1-1 and shall accompany each application made for such a permit.~~

~~**Exception:** Installations for new one- and two-family dwellings shall not be required to obtain an individual plumbing permit or fee because the applicable Building Permit and Fee are inclusive of the plumbing installation. Refer to Section 6-27 of the Sedgwick County Code for permits and permit fee schedule.~~

**Table 1-1.** Table 1-1 of the standard code is amended as follows:

**Table No. 1-1 -- PLUMBING PERMIT FEES**

For issuing each permit .....	\$25.00
For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping, and backflow protection therefor) .....	\$ 3.50
For each water heater and/or vent .....	\$10.00
For each gas piping system of one (1) to four (4) outlets .....	\$10.00
For each gas piping system of five (5) or more, per outlet .....	\$ 1.00
For each industrial waste pre-treatment interceptor, including its traps and vent, excepting kitchen type grease interceptors functioning as fixture traps .....	\$10.00
For installation, alteration or repair of water piping and/or water treating equipment .....	\$10.00
For repair or alteration of drainage or vent piping .....	\$10.00
For each lawn sprinkler system or any one (1) meter, including backflow protection devices therefor .....	\$10.00
For vacuum breakers or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures, including necessary water piping, one (1) to four (4) .....	\$10.00
five (5) or more, each .....	\$ 1.00

**SECTION 104.0 LICENSES AND CERTIFICATES, GENERAL**, is hereby added, and shall read as follows:

**104.1 Plumbing Contractor's, Gas Fitter Contractor's, Drain Layer Contractor's, or Specialty**

**Contractor's License Required.** It shall be unlawful for any person, firm, or corporation, or other entity, to engage in the business of contracting to perform, provide, broker or sub-contract for plumbing construction, gas system installation, drain layer construction, or specialty contracting without first having secured the appropriate license as set forth herein; except that a person, firm or corporation licensed as a plumbing contractor shall be considered to be a licensed gas fitter contractor, drain layer contractor, or specialty contractor for the purposes of the standard code. A specialty contractor, as used herein, shall mean a liquefied petroleum gas (LPG) service installer or a lawn sprinkler system installer.

**EXCEPTION:** No contractor license is required of a person, firm, corporation or governmental entity not engaged in the business of plumbing construction who has in its regular and permanent employ a currently certified master plumber who performs plumbing construction only for such employer and only on existing buildings and/or on existing premises that are owned, leased, operated or managed by the employer. Plumbing construction by said employee upon new buildings and new additions to existing

buildings is prohibited. The person, firm, corporation or governmental entity for which such plumbing construction is permitted by this exception shall be required to obtain all permits and inspections otherwise required by the standard code.

**104.2 Obtain License.** To obtain the appropriate license, a person, firm, or corporation shall:

1. File a completed application with the board of plumbing examiners and appeals on forms provided by the department of code enforcement identifying the classification of contractor license sought by the proposed licensee, which classification shall be one of the following:

- (a) plumbing contractor's license
- (b) gas fitter contractor's license
- (c) drain layer contractor's license
- (d) specialty contractor's license, according to specialty license obtained:  
SP-1 LPG service installer  
SP-2 lawn sprinkler

2. Pay an application fee of \$25.00.

3. Submit proof of a satisfactory score on the following standard examinations to determine the qualification of persons seeking licensure, received by the person signing the master responsibility form:

(a) Submit proof of a score by the person signing the master responsibility form, of at least 75% on the "Block Test" for a plumbing, gas fitter or drain layer contractor's license, or an LPG service installer or lawn sprinkler installer's license, administered by the department of code enforcement. The "Block Tests," now administered by Experior, 2100 NW 53rd Avenue, Gainesville, Florida 32653-2149, are hereby designated as the standard examinations for determining the qualification of persons seeking licensure.

(b) Submit proof of a satisfactory score on any other standard examination to determine the qualification of a master plumber, gas fitter, drain layer, LPG service installer, or lawn sprinkler installer, that is approved and adopted by the State of Kansas following the effective date of this code. Those persons who were licensed as of December 31, 1991, as required by this article, and whose license has not subsequently lapsed or been suspended or revoked, shall not be required to pass any such examination. Applicants who show satisfactory evidence to the building official or to the board of plumbing examiners and appeals of experience commensurate to that required by this article may thereupon be issued a license limited to one particular project. Passing the lawn sprinkler installer's license examination shall not be required if the person, firm, or corporation possesses a current lawn sprinkler installer's license and/or certificate issued by the City of Wichita. In addition, lawn sprinkler installer applicants will be required to show proof of a valid back flow preventer's certificate.

4. Pay the appropriate triennial license fee as provided below in Section 104.3.

5. Submit proof of insurance in the following amounts:

(a) Worker's compensation insurance for all employees to be engaged in work on any site regulated by the standard code.

(b) Comprehensive general liability insurance in an amount not less than three hundred thousand dollars (\$300,000) each occurrence and aggregate for bodily injury and property damage combined. Certificates of insurance submitted as

~~required herein shall indicate that the county shall be given at least thirty (30) days advance written notice of any cancellation or material change in coverage of such insurance.~~

~~6. Obtain all required permits as required.~~

~~7. Submit a signed master responsibility form.~~

~~(a) The person signing the master responsibility form shall have a current Sedgwick County:~~

~~(1) Master plumbers certificate if applying for a plumbing contractor's license;~~

~~or~~

~~(2) Master gas fitter's certificate if applying for a gas fitter contractor's license; or~~

~~(3) Master drain layers certificate if applying for a drain layer contractor's license; or~~

~~(4) Master specialty contractor's certificate if applying for any specialty contractor's license.~~

~~(b) The person signing the master responsibility form shall be an active member or officer of the firm or corporation which is so licensed.~~

~~(c) The person signing the master responsibility form shall agree to obtain all required permits.~~

~~8. Have at least one person qualified and certified as a master plumber, master gas fitter, master drain layer, or master specialty contractor respectively, in the employ of the licensee. Failure to do so will result in a citation being issued to the master who is responsible for the company.~~

~~9. Have a certified master or journeyman plumber, gas fitter, drain layer, or specialty contractor at the jobsite at all times plumbing, gas fitting, drain laying, or specialty contracting, respectively, is being conducted. Failure to do so will result in citations being issued to the violator and the master who is responsible for the company.~~

~~10. Comply with the truth in advertising requirements of Section 104.14, et seq. Failure to do so will result in citations being issued to the violator and the master who is responsible for the company~~

~~**104.3 Triennial license fee.** Plumbing contractor's, gas fitter contractor's, drain layer contractor's, and specialty contractor's licenses shall be sold in three (3) year county-wide increments, and are valid for three (3) years, and are therefor referred to as "triennial" licenses. A license is renewable up to March 1st after expiration of any triennial license period. The triennial license fees are as follows for the year 2004, and triennially thereafter:~~

~~plumbing contractor - \$300.00~~

~~gas fitter contractor - \$300.00~~

~~drain layer contractor - \$300.00~~

~~specialty contractor - \$300.00~~

The license fee charged to new applicants will be prorated, based on the current year of the three year cycle. Applicants who apply for a new license following the adoption of this section but prior to 2004, shall be charged a prorated \$300.00 license fee based on the three year license period that will expire on December 31, 2003. License fees are subject to change with the Sedgwick County Board of County Commissioners approval, and the official current license fee schedule shall be maintained by the building official.

**104.4 Renewal of license.** To renew a plumbing contractor's, gas fitter contractor's, drain layer contractor's, or specialty contractor's license, a person, firm, or corporation, or other entity, shall file a new application, and pay the required triennial license fee.

**104.5 Violations of Plumbing, Gas Fitter, Drain Layer or Specialty Contractor's License Requirements; Hearing; Penalties.** At the request of the building official, a hearing before the board of plumbing examiners and appeals shall be held to determine whether there has been any violation of any of the licensing requirements contained herein and whether the plumbing, gas fitter, drain layer or specialty contractor's license should be suspended or revoked. If any violation is found, the board may order any or all of the following:

1. No further plumbing, gas fitter, drain layer or specialty contractor permits will be issued to the licensee until such time as the violation is abated.
2. All inspections of further work performed by the licensee will be suspended until such time as the violation is abated, excepting extreme hazard or life safety inspection.
3. A license review, subjecting the licensee to possible suspension or revocation of the plumbing, gas fitter, drain layer or specialty contractor's license and/or the master plumbers, master gas fitter's, master drain layer's, or specialty contractor's certificate, or any or all of them.

If a contractor license is revoked as provided herein, the violating licensee shall be barred from obtaining another contractor license for a period of twelve (12) months from the date of the revocation order. Following a suspension or revocation period, a violating licensee who wishes to obtain a contractor's license shall follow the application procedure set forth in Section 104.2, and shall be required to pass the examination described in Section 104.2(3).

**104.6 Lapse of License.** A contractor license that has not been suspended or revoked, but for which the renewal fee has not been submitted on or before March 1st following the expiration of a triennial license period, shall be deemed to have lapsed. Renewal of a lapsed license shall be allowed upon the person's request, filing of a completed application, payment of an application fee, and compliance with the requirements of Section 104.2(3).

**104.7 Master and Journeyman Plumber's, Gas Fitter's, or Drain Layer's Certificate Required.** It shall be unlawful for any person to engage in the trade or otherwise perform the act of plumbing construction, gas system installation, or drain layer installation, within or on any building or premises, without first having secured a master or journeyman plumber's, gas fitter's or drain layer's certificate. Fuel gas piping shall be installed by a licensed plumbing contractor or a licensed LPG installer.

**EXCEPTIONS:**

1. Apprentices shall be permitted to work under the on-site supervision of a certified master or journeyman plumber, gas fitter, or drain layer, provided, however, the apprentice is

~~performing said apprenticeship in the same trade as the certified master or journeyman providing such on-site supervision.~~

~~2. Owners of one family dwellings being built for their residence or who reside in the residence where the work is taking place shall be permitted to work on the plumbing construction installation, but not drain layer installation and/or gas systems which shall be done only by a licensed plumbing contractor, a licensed drain layer contractor, a licensed gas fitter contractor, or licensed LPG installer, in that residence and/or outbuildings thereof, provided all other requirements of the standard code are met and all of the following are complied with:~~

~~(a) The person who will be doing the plumbing construction has passed within the past calendar year the appropriate self-help examination as approved by the board of plumbing examiners and appeals.~~

~~(b) Plumbing construction installation plans for the structure have been approved by the building official.~~

~~(c) No individual may perform plumbing construction installation in more than one residence in any three-year period beginning with the date the self-help examination is passed. Special cases are subject to appeal to the board of plumbing examiners and appeals.~~

~~**104.8 Obtain Certificate.** The board of plumbing examiners and appeals shall issue a master or journeyman plumber's, gas fitter's, or drain layer's certificate to every person who does the following:~~

~~1. File a completed application with the board of plumbing examiners and appeals on forms provided by the department of code enforcement identifying the classification of certificate sought.~~

~~2. Pay the triennial certificate fee to the building official at the time the application for a certificate is made.~~

~~3. Submit proof of a satisfactory score on the following standard examinations to determine the qualification of persons seeking a particular certificate:~~

~~(a) Submit proof of a score by the applicant of at least 75% on the "Block Test" for a plumbing, gas fitter or drain layer contractor's license. The "Block Tests," now administered by Exporior, 2100 NW 53rd Avenue, Gainesville, Florida 32653-2149, are hereby designated as the standard examinations for determining the qualification of persons seeking licensure.~~

~~(b) Submit proof of a satisfactory score on any other standard examination to determine the qualification of a master plumber, gas fitter, or drain layer, that is approved and adopted by the State of Kansas following the effective date of this code.~~

~~**104.9 Triennial certificate fee.** Plumbing contractor's, gas fitter contractor's, and drain layer contractor's certificates shall be sold in three (3) year county-wide increments, and are valid for three (3) years, and are therefore referred to as "triennial" certificates. A certificate is renewable up to March 1st after expiration of any triennial certificate period. The triennial certificate fee is thirty dollars (\$30.00) for the year 2004, and triennially thereafter:~~

~~The certificate fee charged to new applicants will be prorated, based on the current year of the three-year cycle. Certificate fees are subject to change with the Sedgwick County Board~~

of County Commissioners approval, and the official current certificate fee schedule shall be maintained by the building official.

**~~104.10 Renewal of certificate.~~** To renew a plumbing contractor's, gas fitter contractor's, and drain layer contractor's certificate, the certificate holder shall make application for a new certificate, and pay the required triennial certificate fee.

**~~104.11 Violations of Master and Journeyman Plumber's, Gas Fitter's, and Drain Layers Certificate Requirements, Hearing, Penalties.~~** At the request of the building official, a hearing before the board of plumbing examiners and appeals shall be held to determine whether there has been any violation of any of the master or journeyman plumber's, gas fitter's, drain layer's or specialty contractor's certificate requirements contained herein and whether the master or journeyman plumber's, gas fitter's, drain layer's or specialty contractor's certificate should be suspended or revoked. Cause for suspension or revocation shall be any one or a combination of the following:

- ~~1. The certificate holder demonstrates incompetency or lack of knowledge in matters relating to the certificate issued.~~
- ~~2. The certificate holder obtained the certificate by fraud or misrepresentation.~~
- ~~3. The certificate holder transferred, loaned or otherwise allowed another person to use said certificate for the other person's purpose.~~
- ~~4. The certificate holder used the certificate to obtain permits for another person, firm, or corporation.~~
- ~~5. The certificate holder demonstrated carelessness or negligence in providing reasonable safety measures for the protection of the public.~~
- ~~6. The certificate holder refused to or failed to comply with any lawful and reasonable order(s) of the building official, plumbing inspector, or other authorized representative of the department of code enforcement.~~
- ~~7. The certificate holder committed an act in violation of any provision of the standard code or of any other resolution of Sedgwick County.~~

~~Certificates revoked shall cause the holder thereof to be barred from obtaining a certificate for a period of twelve (12) months from the date of the revocation order. Following a suspension or revocation period, a certificate holder who wishes to obtain a new certificate shall follow the procedure set forth in Section 104.8.~~

**~~104.12 Lapse of Certificate.~~** A certificate that has not been suspended or revoked, but for which the request for renewal and the renewal fee have not been submitted on or before March 1 of the renewal year shall be deemed to have lapsed. Renewal of a lapsed certificate shall be allowed upon the certificate holder's request, making application for a new certificate, paying the required certificate fee, and passing a written examination for the appropriate certificate.

**~~104.13 LPG Service Installation and Lawn Sprinkler Installation.~~**

- ~~1. Individuals engaged in the trade or otherwise performing the acts of LPG service installation or lawn sprinkler installation must be in the employ of or operating under the supervision of a licensed specialty contractor. Owners of one family dwellings being built for their residence or who reside in the residence where the work is taking place shall be permitted to perform lawn sprinkler installation in that residence, premises, and/or out-buildings thereof, provided all other requirements of the standard code are met, and no owner may perform such work in more than one residence in any three-~~



year period. Special cases are subject to appeal to the board of plumbing examiners and appeals.

2. Lawn sprinkler installers shall be permitted to install, alter, repair, replace, or maintain, any water service, any connection to the public water supply, and/or any backflow prevention device, so long as a permit to do such work has been previously obtained from the department of code enforcement. Licensed plumbing contractors and licensed lawn sprinkler installers are the only persons entitled to obtain such permits; provided, that the owner of a one family dwelling may obtain such permits to install, replace, repair or maintain the existing lawn sprinkler system on the premises occupied by that owner, so long as such owner performs all such work, and the work so performed is in accordance with this Article.

**104.14 Truth in Advertising Requirements.**

**104.14.1 Applicability.** On or after July 1, 1993, any person, firm, corporation, or other entity required by this section to obtain a plumbing contractor's, gas fitter contractor's, drain layer contractor's, and specialty contractor's license shall be subject to this section.

**104.14.2 Definition.** For the purposes of this section, advertising or advertisement means the inclusion of any business card, announcement, contract bid proposal, or other written or broadcast statement, including telephone directory display advertisements, but shall not include any white or yellow page listings in telephone directories.

**104.14.3 Violations.** It shall be a violation for any person, firm, corporation, or other entity that does not hold a valid plumbing contractor's, gas fitter contractor's, drain layer contractor's, and specialty contractor's licenses in good standing, to advertise or maintain any advertising or advertisement that:

1. Advertises as a plumbing contractor, gas fitter contractor, drain layer contractor, or specialty contractor;
2. Appends the person's, or other entity's name to, or in connection with, the title "plumbing contractor," "gas fitter contractor," "drain layer contractor," or "specialty contractor";
3. Appends the person's, or other entity's name to any other words that tend to represent the person or entity as a plumbing contractor, gas fitter contractor, drain layer contractor, or specialty contractor.

A violation of this section is a Class I violation.

———— **SECTION 105.0 BOARD OF PLUMBING EXAMINERS AND APPEALS**, is hereby adopted and shall read as follows:

**105.1 General, Membership and Duties.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the standard code, there shall be and is hereby created a board of plumbing examiners and appeals consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to plumbing design, construction and maintenance and the public health aspects of plumbing systems and who are not employees of the county, except for one member who shall be from the county department of environmental resources. The remaining four (4) board members shall consist of one mechanical engineer currently licensed by the state, two plumbing contractors currently licensed by the county (one contractor whose major business is

~~single and multi-family construction and one contractor whose major business is commercial construction) and one journeyman plumber currently licensed by the county. The building official shall be an ex-officio member of the board and provide technical information to the board. The building official shall act as secretary of the board, but the building official shall not have a vote upon any matter before the board. The county counselor shall provide legal counsel for the board. The board members shall be appointed by the board of county commissioners to serve for terms of three (3) years. The members of the board of plumbing examiners and appeals presently holding appointments shall continue as members of the board for the term of their appointment and until their successors have been appointed, qualified, and sworn to the oath of office before the county clerk.~~

~~The board shall oversee licensing of plumbing, gas fitter, drain layer or specialty contractors and the testing and certification of master and journeyman plumbers, gas fitters, and drain layers.~~

~~The board may make an annual review of the plumbing code and shall recommend to the board of county commissioners such changes in the standard code as are necessary to be consistent with modern methods of construction.~~

~~The board shall adopt reasonable rules and regulations for conducting its business and shall render all findings and decisions in writing to the building official with a duplicate copy to the applicant or appellant.~~

~~Any order(s) of the board of plumbing examiners and appeals made as a result of a hearing under this sub-section may be appealed to the district court of the eighteenth judicial district.~~

~~A quorum of the board shall be required to conduct official business. A quorum shall consist of three (3) members of the board.~~

~~Any applicant or appellant desiring to use alternate materials or types of construction shall guarantee payment of all expenses for any tests deemed necessary by the board.~~

~~**105.2 Limitations of Authority.** The board shall have no authority relative to interpretation of the administrative provisions of the standard code nor shall the board be empowered to waive requirements of the standard code.~~

~~**SECTION 106.0 MISCELLANEOUS PROVISIONS,** is hereby added, and shall read as follows:~~

~~**106.1 Plumbing Inspector: Qualifications; Appointment.** There is hereby created the position of plumbing inspector. More than one plumbing inspector may be appointed at the discretion of the building official. Plumbing inspector(s) shall be appointed by the building official. Person(s) chosen to fill the position(s) of plumbing inspector(s) shall be possessed of such executive ability as is requisite for the performance of assigned duties, have a thorough knowledge of the standard materials and methods used in the installation of plumbing equipment, be well-versed in approved methods of construction for safety to persons and property, the statutes of the state of Kansas relating to plumbing work and any orders, rules, and regulations issued by authority thereof, and the standard code, have at least five (5) years experience as a certified master and/or journeyman plumber~~

in the installation of plumbing equipment, and hold a current master plumber's certificate, or, in lieu of such experience and certification, shall hold a current and valid plumbing inspector certificate issued by the international conference of building officials and have two (2) years experience in plumbing installation.

~~106.2~~ Any person who is in the employ of the county and who holds a current and valid combination inspector certificate or a plumbing inspector certificate issued by the International Conference of building officials shall also be qualified as an plumbing inspector for the inspection of installations in one and/or two-family dwelling units.

**SECTION 107.0, VIOLATIONS** is hereby added, and shall read as follows:

**107.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation, to engage in any act contrary to or in violation of the provisions of the Plumbing Code.

**107.2 Notice of violation and order to comply.** Whenever the building official or any code enforcement officer authorized under this article has probable cause to believe that a person, firm or corporation is committing or has committed a violation of any provision of the Plumbing Code, the building official or such code enforcement officer may first cause a notice of violation and order to comply to be served upon said person, firm or corporation responsible therefor. Such notice shall:

1. Be in writing;
2. Include a description of the real estate and/or the street address sufficient for identification;
3. Specify the violation(s) which exists and the correction(s) ordered;
4. Allow a reasonable time for the performance of any act it requires.

Such notice shall be deemed to be properly served upon such alleged violator if a copy thereof is delivered to such alleged violator personally, or, if not found, a copy thereof is left at such alleged violator's place of abode or place of business with a person of suitable age and discretion who shall be informed of the contents thereof. Such notice shall also be deemed to be properly served upon the alleged violator if a copy thereof is sent by mail to such alleged violator's last known address, or, if the letter with a copy is returned showing it has not been delivered, a copy thereof is posted in a conspicuous place on or about the building or structure affected by the notice.

**107.3 Prosecution of violation.** In case any notice of violation and order to comply authorized herein is not complied with, the building official or such code enforcement officer may request the county counselor to institute an appropriate action or proceeding against the person, firm, or corporation responsible for the violation:

1. To restrain, correct, or remove the violation or to compel such person, firm, or corporation to refrain from any further execution of work;
2. To require the removal of work in violation;
3. To prevent the maintenance, occupation or use of the building, structure, or part thereof which is used or maintained in violation of the Plumbing Code or in violation of a plan or specification under which an approval, permit or certificate was issued.

In addition, or in the alternative, the building official or code enforcement officer may proceed with the penalties provision set forth in Section 107.4.

#### ***107.4 Violation penalties.***

***107.4.1 Issuance of uniform complaint and notice to appear.*** Whenever the building official or a code enforcement officer authorized under this article has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the Plumbing Code, the building official or such code enforcement officer may serve upon such accused person a uniform complaint and notice to appear, or in the alternative, may sign a complaint against the accused person and cause a notice to appear to be issued according to the provisions of K.S.A. 19-4701, *et seq.*, the code for the enforcement of county codes and resolutions. Pursuant to K.S.A. 19-101d, prosecution for any such violation shall be conducted in the manner provided by law in the district court under the code for the enforcement of county codes and resolutions as provided by K.S.A. 19-4701, *et seq.* Writs or processes necessary for the prosecution of such violations shall be substantially in the form of writs and process as shown in K.S.A. 19-4738. The county shall provide all necessary supplies, forms and records at its own expense.

***107.4.2 Procedures.*** Procedures for prosecution of violations of the Plumbing Code and this article shall be pursuant to Chapter 8 of the Sedgwick County Code.

***107.4.3 Classification of violations and schedule of fines.*** An accused person who shall be convicted in the district court for violation of any provision of the Plumbing Code or this article shall be deemed guilty of a violation thereof and in accordance with K.S.A. 19-4716, shall be subject to payment of a fine which shall be fixed by the Court at a sum not to exceed \$500.00; provided further, the minimum fine for any violation of this article shall be assessed according to the classification of violations and schedules of fines in section 8-5 of the Sedgwick County Code and subject to the enhancements contained therein, and each and every violation of this article shall be a class G violation, except that a violation of Section 104.1, *Fail to obtain required license*, and 104.7, *Fail to obtain required certificate*, shall be a class I violation.

***107.4.4 Separate Offense.*** Each day that any violation of the Plumbing Code or of this article occurs after the passage of the reasonable time for performance of any act required by a Notice of Violation(s) and Order(s) to Comply has been served in accordance with the terms and provisions hereof shall constitute a separate offense and shall be punishable as a separate violation.

Provided, however, that if any person, firm or corporation is found guilty of a violation hereunder and it shall appear to the Court that the violation complained of as prescribed in this article is continuing, then in addition to the penalty as set forth, the Court may enter such order as it deems appropriate to cause the violation to be abated.

***107.4.5 Effect of Permit.*** The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of the Plumbing Code or of this article. No permit presuming to give authority to violate or cancel the provisions hereof shall be valid, except insofar as the work or use which it authorized is lawful. The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of the Plumbing

~~Code or of this article or of any other county code or resolution or from revoking any certificate of approval when issued in error.~~

**~~CHAPTER 4. PLUMBING FIXTURES AND FIXTURE FITTINGS.~~** The following paragraphs of Chapter 4 of the standard code are amended as follows:

**~~412.1 Floor Drains and Shower Stalls.~~**

~~Floor drains shall be considered plumbing fixtures and each such drain shall be provided with an approved type strainer having a waterway equivalent to the area of the tailpiece. Floor drains, floor receptors and shower drains shall be of an approved type, suitably flanged to provide a watertight joint in the floor. Floor drains shall not be installed in floors constructed of wood frame.~~

**~~413.0 Plumbing Fixtures Required.~~** Each building shall be provided with sanitary facilities as prescribed in Chapter 29 of the 2000 International Building Code Table 2902.1.

**~~CHAPTER 5. WATER HEATERS.~~** Paragraph 509.0 of the standard code is amended as follows:

**~~509.0 Prohibited Locations.~~** Water heaters which depend on the combustion of fuel for heat shall not be installed in any room used or designed to be used for sleeping purposes, bathroom, clothes closet or in any closet or other confined space opening into any bath or bedroom.

**EXCEPTIONS:**

1. With prior approval of the administrative authority and installation of an approved carbon monoxide detector, an existing water heater located in a bathroom may be replaced if the replacement is equipped with an approved safety pilot and thermostat and such bathroom has at least four hundred (400) cubic feet of air content with at least one openable window in an outside wall.

2. With prior approval of the administrative authority, an existing water heater with access only through a bathroom may be replaced, provided it be separated from the bathroom by an airtight panel or solid core door with an appropriate seal and with a minimum fire resistance of twenty (20) minutes, an automatic door closure, a positive locking device, and upper and lower combustion air openings communicating directly with the exterior atmosphere.

**~~CHAPTER 6. WATER SUPPLY AND DISTRIBUTION.~~** The following paragraphs of Chapter 6 of the standard code are amended as follows:

**~~604.1~~** Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized steel or other approved materials. CPVC (chlorinated polyvinyl chloride) plastic water pipe manufactured to recognized standards and installed in accordance with manufacturer's recommendations using approved transition fittings may be used for hot and cold water distribution systems with no joints below ground or under slab in any group "R" occupancy. Asbestos cement, PE, PVC, or polybutylene water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. All materials used in the water supply system, except valves and similar devices, shall be of a like material except where otherwise approved by the administrative authority. A water service may be extended inside the building to the

point of the building master shut off valve, in the case of a crawl space or slab on grade construction; provided there are no branches taken off ahead of the building master shut off valve."

~~609.2~~ Water service pipes or any underground water pipes shall not be run or laid in the same trench with a building sewer or drainage piping. A minimum horizontal distance of ten (10) feet shall be maintained between parallel underground water and sewer or drainage lines. At points where sewers or drainage lines cross water lines, the sewer or drainage line shall be constructed of cast iron, ABS or PVC pipe, with solvent welded joints for a distance of ten (10) feet in each direction from the crossing unless the water line is at least two (2) feet above the sewer or drainage line.

**CHAPTER 7. SANITARY DRAINAGE.** The following paragraphs in Chapter 7 of the standard code are amended as follows:

~~707.8~~ Each clean-out for an interceptor shall be outside of such interceptor. There shall be an approved clean-out installed in the inlet pipe and outlet pipe, within two (2) feet of the interceptor, and shall be of the twin or two-way pattern design. The clean-out opening shall be extended to finish grade.

~~710.1~~ Drainage piping serving fixtures, the flood level rims of which are located below the elevation of the curb or sewer easement line at the point where the building sewer crosses under the curb or sewer easement line and above the crown level of the main sewer, if gravity drained, may be provided with a backwater valve and/or a manual shutoff valve, and each such valve shall be installed only in that branch or section of the drainage system which receives the discharge from fixtures located below the elevation of the curb or sewer easement line.

~~710.12~~ In installations where furnaces and/or water heating equipment are installed below finish grade, a floor drain or sump pump and receiver shall be installed in an accessible location.

~~712.1 Media.~~ The piping of the plumbing drainage and venting system shall be tested with water or air. The administrative authority may require the removal of any clean outs, etc., to ascertain if the pressure has reached all parts of the system. When the temperature within the building wherein the drainage system is located is above twenty degrees (20o) Fahrenheit, a water test as set forth in Section 712.2 may be made. When the temperature of the building is lower than twenty degrees (20o) Fahrenheit, smoke or air pressure shall be used in making the test.

**CHAPTER 8. INDIRECT AND SPECIAL WASTES.** Paragraph 804.1 of the standard code is amended as follows:

~~804.1~~ All plumbing fixtures or other receptors receiving the discharge of indirect waste pipes shall be approved for the use proposed and shall be of such shape and capacity as to prevent splashing or flooding and shall be located where they are readily accessible for inspection and cleaning. No indirect waste receptor shall be installed in any toilet rooms, closet, cupboard or storeroom, nor in any other portion of a building not in general use by the occupants thereof, except standpipes for clothes washers may be installed in toilet and bathroom areas when the clothes washer is installed in the same room.

~~Clothes washers shall not be installed so as to discharge into a gravity line higher than sixty (60) inches above its base. The clothes washer standpipe shall be a minimum length of eighteen (18) inches above the trap and the inlet of the standpipe no higher than sixty inches (60) above the floor.~~

~~In any structure where drains are to be installed in or flush with the floor, they may be floor sinks, or floor drains and be readily accessible, provided, floor drains used as indirect waste receptors shall meet the following minimum requirements:~~

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

**CHAPTER 9. VENTS.** ~~The following paragraphs in Chapter 9 of the standard code are amended as follows:~~

**908.0 Wet Venting.** ~~Groups of fixtures on the same floor may be wet or stack vented; provided that, the maximum distance from the vent intersection with the waste or soil pipe to the dip of the trap shall be in accordance with Table 10-1.~~

~~A fixture may be wet vented when not more than one fixture unit wastes into a one and one-half (1 ½) inch diameter wet vent. Not more than four (4) fixture units shall waste into a two (2) inch diameter or nine (9) fixture units into three (3) inch or larger diameter wet vent. Excepting floor drains, no fixtures shall waste into such stack below the closet fixture opening without a proper revent. The limit of a horizontal wet vent shall be ten (10) feet developed length.~~

**Table 10-1.** ~~Table 10-1 of the standard code is amended as follows:~~

**TABLE 10-1**  
**Horizontal Distance of Trap Arms**  
**(Except for water closets and similar fixtures)\***  
**slope one-fourth (1/4) inch per foot**

Distance Trap to Vent Trap Arm	Foot Inches
1-1/4 .....	2 6
1-1/2 .....	3 6
2 .....	6 0
3 .....	6 0
4 and larger .....	10 0

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

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

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

**CHAPTER. 12 FUEL PIPING.** The following paragraph of Chapter 12 of the standard code are amended as follows:

**1204.3.1 Rough Piping Inspection.** This inspection shall be made after all gas piping authorized by the permit has been installed and before any such piping has been covered or concealed or any fixture or appliance has been attached thereto. This inspection shall include a determination that the gas piping size, material, and installation meet the requirements of the standard code.

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

1. The future appliance shall be assigned a minimum 55,000 BTU value for sizing the gas distribution piping system.
2. For future solid fuel burning fireplaces, the gas opening shall be run to within four (4) feet of the fire box and be controlled by an accessible approved shutoff valve outside the hearth and be properly capped or plugged.
3. For future gas-fired appliances, the gas opening shall be run to within three (3) feet of the appliance and be controlled by a readily accessible approved shut-off valve outside the hearth and be properly capped or plugged.
4. The approved required shutoff valve shall be outside of each appliance or fireplace and ahead of the union connection and in addition to any valve on the appliance.

**1210.1** All pipe used for the installation, extension, alteration or repair of any gas piping shall be standard weight steel (galvanized or black), yellow brass (containing not more than seventy five (75) percent copper). Polyethylene (PE 3406) (PE 2306) pipe complying with ASTM D-2513 and D-2683 Standards and installed in accordance with manufacturer's recommendations using approved transition fittings may be used in exterior buried piping systems. Copper pipe is not allowed for any type of fuel gas piping.

**1211.4** No gas piping shall be installed in or on the ground under any building or structure, and all exposed gas piping shall be kept at least six (6) inches above grade and enter or exit the structure above the exterior finish grade. Concealed unprotected gas piping may be installed above grade in approved recesses or channels.

**1211.6** Service pipe shall be laid at a depth of not less than twelve (12) inches except plastic gas lines shall be laid at a depth of eighteen (18) inches, and shall be laid in a ditch separated from the ditches of water, sewer or other underground pipes or conduits by not less than eighteen (18) inches of solid undisturbed earth. A gas service line laid parallel to a foundation wall shall be laid on a line not less than two (2) feet from such foundation wall and on solid undisturbed earth. In no case shall a service line be laid parallel to the building in the backfill along the foundation wall. Where a service or supply line passes through a foundation wall, except where such wall is on a property line, the same shall enter the building above grade.

**1213.5** of the standard code is amended by the addition of the following exception:



**EXCEPTION:**

- ~~1. When a listed device approved for detecting liquefied petroleum gas is installed next to the liquefied petroleum gas fueled appliance. The device shall sound an audible alarm when LPG is detected. The detection device shall be a listed device as specified in Section 214 of the standard code. The detection device shall be installed according to the manufacturers installation guidelines.~~
- ~~2. Any structure having a basement and LPG service to the structure shall have an LPG leak detector installed in the area of the sump.~~
- ~~3. Only submersible type sump pumps will be acceptable for structures with LPG service.~~
- ~~4. No LPG log lighter valve shall be allowed to be installed below grade or in basements, but they shall be allowed on the main floor with a maximum 50 gallon LPG tank no closer than three feet to a structure. LPG tank must be secured. Valves and fittings must be listed for LPG.~~

Chapter 12 of the standard code is further amended by the addition of the following paragraphs:

~~**1213.10** All liquefied petroleum gas systems that have been out of service for a period of six months shall be required to have the system pressure tested to check for leaks prior to the installation of gas into the tank. This testing is to be conducted by a county licensed plumber. The test is to be conducted at a minimum pressure of 10 p.s.i. for a time period of at least one hour. The testing material shall be placed on the service side of the regulator.~~

~~A liquefied petroleum gas system shall be considered to have been out of service when:~~

- ~~1. The structure being supplied by the system has been vacant for a six month period, or~~
- ~~2. The system has not had liquefied petroleum gas in the piping for a six month period.~~

~~**1213.11** All metallic liquefied gas systems shall be installed with a swing joint located at the structure that the system serves. A "swing joint" means a joint in a threaded pipeline which permits motion in the line in a plane normal to the direction of one part of the line.~~

**4-706 VIOLATIONS AND PENALTIES.**

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

**4-707 PENALTY CLAUSE NOT EXCLUSIVE.**

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

**4-708 ENFORCEMENT.**

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the City, and prosecution of violations may be through Sedgwick County Court through separate interlocal agreement, and such citations shall rely on the citation numbers set forth within the Sedgwick County Code. If Sedgwick County and the City of Colwich choose not to be bound by such interlocal agreement, prosecution of any violations of this code shall be in the Colwich Municipal Court. The City hereby authorizes the building official to enforce such rules and regulations as are necessary to carry out the purpose(s) of this Code, after such are approved by the Board of County Commissioners of Sedgwick County, Kansas.

4-709 LIABILITY.

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

4-710 SEVERABILITY.

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

## ARTICLE 8. INSURANCE PROCEEDS

- 4-801. CITY'S AUTHORIZATION. The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., and amendments thereto, whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city, arising out of any fire, explosion or windstorm, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of seventy-five percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article.
- 4-802. CREATING A LIEN; CITY'S FAVOR. The governing body of the city hereby creates a lien in favor of the city on the proceeds of any policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, caused by or arising out of any fire, explosion or windstorm, where the amount recoverable for all the loss or damage to the building or structure under all policies is in excess of seventy-five percent of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy or any other charge imposed upon real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that is remained undischarged for at least one (1) year prior to the filing of a proof of loss.
- 4-803. TRANSFER OF PROCEEDS. (a) Prior to final settlement on any claim covered by section 4-302, the insurer or insurers shall contact the county treasurer, Sedgwick County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer, Sedgwick County, Kansas.
- (b) Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.
- 4-804. FINAL SETTLEMENT. (a) When final settlement on any claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds seventy-five percent of the face value of the policy covering any building or other structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the city in an amount equal to the sum of fifteen percent (15%) of the covered claim payment, unless the enforcement officer maintenance superintendent or his/her designee has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt or otherwise made the premises safe and secure.
- (b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy terms.
- (c) Upon the transfer of funds as required by subsection (a) of this section, the insurance company shall provide the city with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or

structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the city clerk shall contact the named insured or insureds, by required mail, notify them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this article.

4-805. FIRE INSURANCE PROCEEDS FUND. The city clerk is authorized and shall create a fund to be known as the "fire insurance proceeds fund." All moneys received by the city clerk as provided by this article shall be placed in said fund and deposited in an interest-bearing account.

4-806. RECEIPT OF MONEY. (a) Upon receipt of moneys as provided by this article, the city clerk shall immediately notify the enforcement officer maintenance superintendent or his/her designee of said receipt, and transmit all documentation received from the insurance company or companies to him or her.

(b) Within twenty (20) days of the receipt of said moneys, the enforcement officer maintenance superintendent or his/her designee shall determine, after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 et. seq., and amendments thereto.

(c) Prior to the expiration of the twenty (20) days established by subsection (b) of this section, the enforcement officer maintenance superintendent or his/her designee shall notify the city clerk whether he or she intends to initiate proceedings under K.S.A. 12-1750 et. seq., and amendments thereto.

(d) If the enforcement officer maintenance superintendent or his/her designee has determined that proceeds under K.S.A. 12-750 et seq. and amendments thereto, shall be initiated, he or she will do so immediately but not later than thirty (30) days after the receipt of the moneys by the city clerk.

(e) Upon notification of the city clerk by the enforcement officer maintenance superintendent or his/her designee that no proceedings shall be initiated under K.S.A. 12-1750 et. seq., and amendments thereto, the city clerk shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communications from the insurance company or companies. Such return shall be accompanied within thirty (30) days of the receipt of the moneys from the insurance company or companies.

4-807. MONEY IN EXCESS. If the enforcement officer maintenance superintendent or his/her designee has proceeded under the provisions of K.S.A. 12-1750 et seq., and amendments thereto, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

4-808. NECESSARY TO ACT UNDER THE PROVISIONS OF THIS ARTICLE. If the enforcement officer maintenance superintendent or his/her designee, with regard to a building or other structure damaged by fire, explosion or windstorm, determines that it is necessary to act under K.S.A. 12-1756 and amendments thereto, any proceeds received by the city clerk under the authority of section 4-804(a) relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1756, and amendments thereto. The ~~maintenance superintendent~~ Public Works Director or his/her designee shall be responsible for notifying the city clerk of the amount of these expenses incurred by

the city. Upon reimbursement from the insurance proceeds, the city clerk shall immediately affect the release of the lien resulting therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the city clerk under section 4-804(a), he or she shall publish a new lien as authorized by K.S.A. 12-1756, and amendments thereto, in an amount equal to such excess expenses incurred.

4-809. EXCEPTIONS. This article shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under his or her insurance policy.

4-810. INSURERS IMMUNE FROM CRIMINAL AND CIVIL LIABILITY. Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article.