

CHAPTER IV: BUILDINGS

Article

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ARTICLE 1: FIRE LIMITS

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§4-101 DEFINITIONS.

As used in this article, the words and phrases herein defined shall have the following meanings unless the context otherwise requires:

DWELLING. One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit with cooking, living, sanitary, and sleeping facilities.

FRAME BUILDING. A building shall be classed as frame when the exterior walls or portions thereof are wood; also a building with wooden framework veneered with brick, stone, terra cotta, tile or concrete, or wood covered with plaster, stucco, or sheet metal shall also be classed as a **FRAME BUILDING**.

(2005 Code, § 4-101) (Ord. 266, passed - -; Ord. 345, passed - -)

§ 4-102 FIRE LIMITS ESTABLISHED.

(a) The following shall be and are hereby declared the fire limits of the city: commencing at the intersection of Bracken Street and Brownie Avenue, thence South to the intersection of Boone Street and Brownie Avenue, all property lying adjacent to Brownie Avenue, including Lots 34 through 96 and Lots 39 through 95, Brownie Avenue, West Scranton Addition, City of Scranton.

(2005 Code, § 4-102)

§ 4-103 REPAIR OF FRAME BUILDINGS IN FIRE LIMITS.

Any frame building or structure within the fire limits which may hereafter become damaged by fire, decay, or otherwise to an amount greater than 50% of its present value, exclusive of its foundation, shall not be repaired or rebuilt, but shall be removed.

(2005 Code, § 4-103) (Ord. 345, passed - -)

Scranton - Buildings**§ 4-104 NEW CONSTRUCTION; ALTERATION OF EXISTING BUILDINGS.**

(a) Every building hereafter erected or enlarged within the fire limits shall be enclosed on all sides with walls constructed of stone, brick, tile, terra cotta, metal, concrete, or cement.

(b) All buildings hereafter erected within the fire limits shall have the roof, top and sides of all roof structures, including dormer windows and mansard roofs, covered with noncombustible material. No existing wooden shingle roof within the fire limits shall be renewed or repaired with other than noncombustible roof covering.

(c) No frame building shall be moved from without to within the fire limits.
(2005 Code, § 4-104) (Ord. 345, passed - -)

§ 4-105 SMALL FRAME BUILDINGS; TEMPORARY STRUCTURES.

Small frame outhouses not exceeding 150 square feet in area and eight feet in height and temporary one-story frame buildings for use of builders may be built within the fire limits; provided, however, that such buildings shall not be located within 20 feet of any other buildings.
(2005 Code, § 4-105) (Ord. 345, passed - -)

ARTICLE 2: BUILDING CODE

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§ 4-201 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING OFFICIAL. The person designated by the city or his or her authorized designee.

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CORPORATION COUNSEL. The City Attorney of the City of Scranton.

MUNICIPALITY. The City of Scranton, Kansas.
(2005 Code, § 4-201)

§ 4-202 INTERNATIONAL BUILDING CODE INCORPORATED.

(a) There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Building Code, 2006 Edition, as recommended by the International Conference of Building Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the International Building Code, 2006 Edition, shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

(b) Any person violating any provision of such code shall be punished as provided in § 1-116 of this code.
(2005 Code, § 4-202) (Ord. 594, passed 11-20-2007)

§ 4-203 ADDITIONAL PROVISIONS.

The following sections of this article are in addition to the provisions of the standard code incorporated by reference in § 4-202.
(2005 Code, § 4-203)

§ 4-204 BUILDING OFFICIAL; POWERS; DUTIES.

(a) This and other articles of the city relating generally to building and structures shall be administered and enforced by the Mayor. The Mayor shall act as Chief Building Official and may assume the responsibilities of or, with the consent and approval of the governing body, appoint a Building Inspector and such other assistants as may be advisable for the issuance of building permits and the inspection of building work.

(b) The Building Inspector shall prepare such application, permit, inspection, and record forms as may be required for the purposes of the article. The Building Inspector may make and promulgate the necessary rules and regulations for building permits, issuing of building permits, and inspecting of buildings and building works.
(2005 Code, § 4-204) (Ord. 603, passed 5-5-2009)

§ 4-205 BUILDING INSPECTOR; APPOINTMENT.

The Mayor may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of Building Inspector as may be required, subject to the consent and approval of the governing body. If the Mayor appoints a qualified officer or employee to serve as Building Inspector, that person shall report to the Chief of the Department of Public Safety.
(2005 Code, § 4-205) (Ord. 603, passed 5-5-2009)

§ 4-206 SAME; DUTIES.

The Building Inspector shall have the following duties:

(a) To enforce all regulations relating to construction, alteration, repair, removal, and demolition of building and structures;

(b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article, adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations, or fire underwriters;

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

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

(2005 Code, § 4-206)

§ 4-207 SAME; POWERS.

The Building Inspector shall have the following powers:

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

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

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

(2005 Code, § 4-207)

§ 4-208 SAME; RIGHT OF ENTRY.

The Building Inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure, or premises at any reasonable hour to perform his or her duties as set out in this chapter.

(2005 Code, § 4-208)

§ 4-209 CLARIFICATION; MODIFICATION.

(a) The governing body shall be the final determiner of the scope and meaning of all provisions of the Building Code which may be unclear, ambiguous, or requiring interpretation.

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

(2005 Code, § 4-209)

§ 4-210 BUILDING PERMIT REQUIRED; APPLICATION; APPROVAL.

(a) It shall be unlawful, except as provided in division (b) below, for any person to hereafter erect or cause to erect within the city any building or structure of any kind or enlarge or add to the outside dimension thereof, or relocate any building or structure already erected or which may be erected or structurally alter any building or structure within the city without a building permit being first obtained therefore from the City Clerk, after approval by the Chief Building Official or his or her duly authorized assistant. The application for such permit shall be made and the permit obtained before work is commenced upon any building or structure or the foundation thereof, or before the removal of any building begins.

(b) No building permit shall be required for any of the following:

(1) The replacement of building materials without making structural changes or refraining of the structure; and

(2) Decks, patios, or walkways not over 30 inches from ground elevation.
(2005 Code, § 4-210) (Ord. 370, passed - -; Ord. 595, passed 11-20-2007)

§ 4-211 SAME; APPLICATION INFORMATION REQUIRED.

(a) A building permit shall be issued upon an application in writing to the office of City Clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:

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

(b) (1) An application for a building permit shall be signed by the owner or his or her duly authorized agent, or a building contractor licensed by the city. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed contractor or contractors doing the work described, or a building permit may be issued to the owner upon his or her application disclosing satisfactory evidence that the proposed work will be performed by the owner, himself or herself and not by a licensed contractor, and likewise subject to the final approval of the Building Inspector for work performed.

(2) If an application for a building permit indicates that it is for commercial or residential roofing services, including construction, installation, renovation, repair, maintenance, alteration, or waterproofing, the application shall include the contractor's name, the contractor's place of business within the city (and home office if not a resident), the contractor's state registration number as issued under the Kansas Roofing Registration Act (K.S.A. 50-6,121 et seq.), and shall also be signed by the roofing contractor or contractor's authorized agent. Provided, however, that this division (b)(2) shall not apply to:

(A) An actual owner of commercial or residential property who physically performs, or has employees who perform, roofing services on such owner's own dwelling or other structures located on the residential property without the assistance of a registered roofing contractor;

(B) To those persons identified in K.S.A. 50-6, 129(a)(1:8), and amendments thereto; or

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(C) To an “exempt general contractor”, as defined in K.S.A. 50-6,122, and amendments thereto.

(3) If the application for a building permit indicates that it involves renovation, repairing, or painting of a home or child-occupied facility, including day care centers and schools, built before 1978 and will disturb six square feet of painted interior surfaces or 20 square feet of painted exterior surfaces, the contractor performing the services must furnish proof of state certification as a licensed renovation firm or renovator. Provided, however, that this division (b)(3) does not apply to a home owner performing work on an owner-occupied residence. In addition, this division (b)(3) does not apply to any other exception or exemption set forth in the Kansas Department of Health and Environment Renovation, Repair and Painting Rule, as described in K.A.R. 28-72-1:54 and in 40 C.F.R. Part 745, and amendments thereto.

(c) Upon approval of the completed application, including, if required, the verification of state roofer registration or other state certification, and a determination that a permit should be issued, the Chief Building Official or his or her assistant shall issue a permit to the owner or contractor authorizing the building work covered by the application. If applicable, the permit shall include the roofer registration number or any other certification or license number issued by the state.

(d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the building work authorized by such permit. Building work commenced for the purpose of this section shall mean the beginning of building work other than the preparation of plans or the staking out of the building location or the letting of a building contract.
(2005 Code, § 4-211)

§ 4-212 SAME; PLANS AND SPECIFICATIONS.

Whenever an application for a building permit is made, the Chief Building Official may, if he or she finds it necessary to determine whether building work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed building as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the Building Official may require the applicant to file complete architectural and engineering plans and specifications for such building, or any part thereof, as may be necessary for the Inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any building work for conformity with this article.
(2005 Code, § 4-212)

§ 4-213 SAME; FEES.

The fee for a building permit shall be \$25. No fee shall be required to obtain a permit where the total estimated cost, reasonable value of all services, labor, and materials required is under \$500, but

shall pay an inspection fee. The fee herein shall be paid to the City Clerk or Building Inspector upon obtaining a building permit and the same shall be credited to the General Operating Fund of the city. (2005 Code, § 4-213) (Ord. 401, passed - -)

§ 4-214 SAME; POSTING.

A copy of the building permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The Building Inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (2005 Code, § 4-214)

§ 4-215 CERTIFICATE OF APPROVAL.

Upon the completion of any work under a building permit, the Chief Building Official, the Building Inspector, or his or her designee is authorized to issue a certificate of approval for the occupancy and use of the building or structure. The certificate shall show the number of inspections made and the orders and corrections required during the course of the work. A copy of such certificate shall be given to the owner. (2005 Code, § 4-215)

§ 4-216 INSPECTIONS OF BUILDING; LAYOUT OF BUILDING; FOUNDATIONS AND FOOTINGS; NOTICE TO INSPECTOR.

(a) The contractor or builder having a permit for new construction, or additions to existing buildings, shall notify the Chief Building Official or Building Inspector immediately upon the marking or laying out of the site and foundation for such work. The Official or Inspector shall inspect the layout for conformity with this article and with respect to lot lines, setbacks, and location of the proposed buildings to determine conformity with the city zoning regulations. In case of doubt respecting the required location, the Chief Building Official may require an official survey of the lot lines to determine conformity, at the expense of the permit holder.

(b) Upon completion of the excavation for the building foundation and footings and the construction of the necessary forms thereof and before the foundation and footings are poured or laid, the Official or Inspector shall be notified as in the first case, and it shall be his or her duty to inspect all such work for conformity with laws respecting location of the building foundations and footings.

(c) The Building Inspector shall, during the course of all building, make such other inspections as may be directed by the Chief Building Official to be made during any successive stage of the construction or other work covered by a permit in order to secure compliance with laws pertaining thereto. (2005 Code, § 4-216)

§ 4-217 REQUEST FOR INSPECTION.

Upon the completion of any building construction work covered by this article, it shall be the duty of the person doing such work to notify the Building Inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided.
(2005 Code, § 4-217)

§ 4-218 INSPECTION FEE.

An initial inspection fee of \$25, and an inspection fee of \$25 for subsequent inspections required shall be paid before any building or construction work will be approved or a certificate of approval issued.
(2005 Code, § 4-218)

§ 4-219 BUILDER OR BUILDING CONTRACTOR DEFINED.

(a) A **BUILDER** or **BUILDING CONTRACTOR** for purposes of this article shall be any person, firm, co-partnership, corporation, association, or any combination thereof, whether a resident or not of the city:

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

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

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

(b) A **BUILDER** or **BUILDING CONTRACTOR** as defined shall not mean or include:

(1) Any subcontractor, except for a roofing contractor, working under the supervision of a general contractor;

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

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

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

(5) Any person engaged in construction work not involving a total cost of greater than the cost as set by the governing body, exclusive of labor.
(2005 Code, § 4-219)

§ 4-220 BUILDER'S OR BUILDING CONTRACTOR'S LICENSE REQUIRED; BUILDING PERMITS; UNLAWFUL ACTS.

(a) Each builder or building contractor shall, before entering upon any building or construction work subject to regulation by city laws, apply to the City Clerk for a builder's or building contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her, or it to engage in the trade or occupation of a builder or building contractor in the city.

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

(c) It shall be unlawful for any person, firm, company, association, or corporation to enter into a contract or agreement with another so as to bring himself, herself, or itself under the definition of builder or building contractor herein, or to perform any work as a builder or building contractor or any work under a contract for any work involving the construction, wrecking, or moving of any building, without first having obtained a builder's or building contractor's license issued by the city.
(2005 Code, § 4-220)

§ 4-221 SAME; APPLICATION; GRANTING.

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

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(b) If the applicant is in the business of a roofing contractor, as defined by the Kansas Roofing Registration Act (KRRRA), K.S.A. 50-6,121 et seq., and amendments there, the applicant shall be required to have a valid state registration as required under the KRRRA and shall present such certificate to the City Clerk when applying for a builder's or building contractor's license. No such license shall be issued until it is verified that the roofing contractor is in good standing pursuant to the KRRRA. Provided, however, that this division (b) does not apply to an "exempt general contractor" as defined in K.S.A. 50-6,122, and amendments thereto.
(2005 Code, § 4-221)

§ 4-222 SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

(a) The following license fees shall be paid for the calendar year or major fraction thereof:

- (1) General builder or building contractor, who shall qualify to engage in more than one kind of contract work, except house moving, the sum of \$50;
- (2) Limited builder or building contractor, who shall qualify to engage in not more than one kind of contract work, the sum of \$50;
- (3) House wreckers or movers, the sum of \$50;
- (4) Sign hangers and panel posters, the sum of \$50;
- (5) Tree trimmers, the sum of \$50; and
- (6) Trash/solid waste collector, the sum of \$50.

(b) Each such license shall set forth the kind of contract work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in contract work or produce the same on demand of any city officer. All licenses shall be renewable annually as in the case of an original license on or before January 1 of the year for which issued.

(c) It shall be unlawful for any person, firm, or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts.
(2005 Code, § 4-222) (Ord. 539, passed - -)

§ 4-223 BUILDER'S OR BUILDING CONTRACTOR'S BOND REQUIRED; CONDITIONS; APPROVAL; RIGHTS RESERVED.

(a) Before any license shall be issued, to any builder or building contractor required by this article to obtain a license and pay a fee to the city, the builder or building contractor shall secure and file with the City Clerk a good and sufficient corporate surety bond in the principal sum of \$300,000 conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury, or

destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her, or its employees, agents, servants to use due care or diligence respecting any opening or excavation made in or adjacent to any street, alley, or public ground in the city, or any materials stored, placed, or used in any such places, or the operation or use of any vehicle, machinery, or equipment in the streets, alleys, or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the State of Kansas and shall be executed by an agent of the company residing in the County of Osage, Kansas and further conditioned that in the event of cancellation or expiration that the company or agent will give ten days' notice of such fact to the City Clerk. Each such bond shall be approved as to form by the City Attorney and approved as to surety by the City Treasurer and the approval thereof shall be endorsed on the bond by the City Attorney and by the Mayor over their signatures.

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

(2005 Code, § 4-223) (Ord. 456, passed - -)

§ 4-224 INSURANCE.

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

(2005 Code, § 4-224)

§ 4-225 LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

(a) The license of any builder or building contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the Chief Building Official upon his or her own motion or upon a complaint of the City Building Inspector. Notice shall be given in writing to such builder or building contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such builder or building contractor involving any one or more of the following:

- (1) Misrepresentation of a material fact by applicant in obtaining a license;
- (2) Use of license to obtain a building permit for another;

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

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

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

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

(c) It shall be unlawful to engage in the occupation or trade of builder or building contractor during the time any license of such builder or building contractor has been suspended or revoked.
(2005 Code, § 4-225)

§ 4-226 WORK BY PROPERTY OWNERS.

Nothing herein contained shall prohibit any property owner from personally performing any building or construction work within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the Building Inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal building or construction performed by an owner under this section shall be by himself or herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city.
(2005 Code, § 4-226)

§ 4-227 LIABILITY.

This article shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection authorized herein, by reason of any certificate of inspection issued by it or by reason of any permit or license granted herein.
(2005 Code, § 4-227)

ARTICLE 3: ELECTRICAL CODE

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§ 4-301 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVED. Approved by the Chief Building Official, the Electrical Inspector, or his or her designee.

AUTHORIZED PERSON. Any individual, firm, or corporation who or which is licensed under the provisions of this article to do the work as permitted under the specified provisions of this article.

CITY. The territory within the corporate limits of this city.

CONDUCTOR. A wire or cable or other form of metal suitable for carrying the electric current or potential.

ELECTRICAL CONSTRUCTION OR INSTALLATION. Includes all work and materials used in installing, maintaining, or extending a system of electrical wiring and all appurtenances, apparatus, or equipment used in connection therewith, inside or attached to any building, structure, lot, or premises, except industrial plants where full-time maintenance is provided and other agencies providing inspections of installations and facilities. **ELECTRICAL CONSTRUCTION** shall not be held to mean or include any of the following:

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

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

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

EQUIPMENT. Conductors, materials, fittings, devices, appliances, fixtures, apparatus, motors, and the like, used as a part of or in connection with an electrical installation.

INSPECTOR. The Chief Building Official or any individual who has been appointed by the city as Electrical Inspector.

PERSON. A natural person, his or her heirs, executors, administrators, or assigns, and also includes a firm, partnership, or corporation, its or their successors, assigns, or the agent of any of the aforesaid.

SPECIAL PERMISSION. The written consent of the Chief Building Official or the Electrical Inspector.

SPECIAL RULING. A written ruling filed in the office of the Chief Building Official or the Electrical Inspector.
(2005 Code, § 4-301)

§ 4-302 ADOPTION OF ELECTRICAL CODE BY REFERENCE.

(a) The standard code known as the National Electrical Code of 2014, a publication of the National Fire Protection Association, the same being a standard code for the installation of electrical wiring and apparatus and available in book and pamphlet form is hereby incorporated by reference herein and made a part of this article as authorized and in the manner prescribed by K.S.A. 12-3009:3012. One copy shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Scranton", and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

(b) Any person violating any provision of such code shall be punished as provided in § 1-116 of this code.
(2005 Code, § 4-302)

§ 4-303 ADDITIONAL PROVISIONS.

The following sections of this article are in addition to the provisions of the standard code incorporated by reference in § 4-302.
(2005 Code, § 4-303)

§ 4-304 BUILDING OFFICIAL; AUTHORITY.

The person designated by the city or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an Electrical Inspector in accordance with § 4-204 of this chapter, which shall apply in a like manner to this article.
(2005 Code, § 4-304)

§ 4-305 ELECTRICAL INSPECTOR; APPOINTMENT.

The person designated by the city may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of Electrical Inspector as may be required, subject to the consent and approval of the governing body.
(2005 Code, § 4-305)

§ 4-306 SAME; DUTIES.

The Electrical Inspector shall have the following duties:

(a) To enforce all regulations relating to electrical construction, alteration, repair, or removal;

(b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of electrical construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article, adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations, or fire underwriters;

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

(d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the Building Official or Electrical Inspector without his or her written consent.
(2005 Code, § 4-306)

§ 4-307 SAME; POWERS.

The Electrical Inspector shall have the following powers:

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

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

(c) May cause any work done in violation of this chapter to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the electrical regulations of the city, subject to the right of any installer or owner to appeal to the governing body.
(2005 Code, § 4-307)

§ 4-308 SAME; RIGHT OF ENTRY.

The Electrical Inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure, or premises at any reasonable hour to perform his or her duties as set out in this chapter.
(2005 Code, § 4-308)

§ 4-309 CLARIFICATION; MODIFICATION.

(a) The governing body shall be the final determiner of the scope and meaning of all provisions of the Electrical Code which may be unclear, ambiguous, or requiring interpretation.

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

(2005 Code, § 4-309)

§ 4-310 ELECTRICAL PERMIT REQUIRED; APPLICATION; APPROVAL.

(a) Except as provided in division (b) below, it shall be unlawful for any person to engage in any electrical construction as defined in § 4-301 within the city without an electrical permit being first obtained therefor from the City Clerk, after approval by the Chief Building Official or his or her duly authorized assistant. The application for such permit shall be made and the permit obtained before any electrical construction work is commenced.

(b) No electrical permit shall be required for any of the following:

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

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

(3) Any work in industrial establishments where the issuance of electrical permits comes under the scope of other agencies.

(2005 Code, § 4-310)

§ 4-311 SAME; APPLICATION INFORMATION REQUIRED.

(a) An electrical permit shall be issued upon an application in writing to the office of City Clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:

(1) The name of the owner of the lot or tract of ground;

(2) The location of the building or structure;

(3) The electrical construction work proposed;

(4) The class of occupancy;

(5) The class of electrical construction;

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- (6) The kind of materials to be used;
- (7) The estimated cost of the work;
- (8) The date work will commence;
- (9) Expected date of completion;
- (10) Name and address of electrical contractor or contractors doing the work; and
- (11) Such other information as may be pertinent to the issuance of the required permit.

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

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

(d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the electrical construction work authorized by such permit. **ELECTRICAL CONSTRUCTION WORK COMMENCED**, for the purpose of this section, shall mean the beginning of electrical construction work other than the preparation of plans or the letting of an electrical contract.
(2005 Code, § 4-311)

§ 4-312 SAME; PLANS AND SPECIFICATIONS.

Whenever an application for a electrical permit is made, the Chief Building Official or the Electrical Inspector may, if he or she finds it necessary to determine whether electrical construction work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed electrical construction as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the Building Official may require the applicant to file complete electrical and engineering plans and specifications for such electrical construction, or any part thereof, as may be necessary for the Inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any electrical construction work for conformity with this article.
(2005 Code, § 4-312)

§ 4-313 SAME; FEES.

The fee for an electrical permit shall be \$25, however no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor, and materials required, is under an amount set by the governing body. The fee herein shall be paid to the City Clerk upon obtaining an electrical permit and the same shall be credited to the General Operating Fund of the city.
(2005 Code, § 4-313)

§ 4-314 SAME; POSTING.

A copy of the electrical permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The Electrical Inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.
(2005 Code, § 4-314)

§ 4-315 REQUEST FOR INSPECTION.

Upon the completion of any electrical work covered by this article, it shall be the duty of the person doing such work to notify the Electrical Inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided.
(2005 Code, § 4-315)

§ 4-316 INSPECTION; CONCEALMENT OF PRIOR WORK.

(a) When any electric equipment is to be hidden from view by the permanent placement of parts of the building, the person, firm, or corporation installing the equipment shall notify the Building Inspector and such equipment shall not be concealed until it has been inspected, approved, or authorized by the Electrical Inspector or until 24 hours, exclusive of Saturdays, Sundays, and holidays, shall have elapsed from the time of such notification. On large installations, where the concealment of equipment proceeds continuously, the person, firm, or corporation installing the electrical equipment shall give the Electrical Inspector due notice and inspections shall be made periodically during the progress of the work.

(b) The Electrical Inspector shall have the authority to require building contractors to open such work which, in any manner, conceals electrical wiring that has been closed without his or her knowledge or permission, and in no case shall the Inspector issue a certificate of approval until satisfied that the work is in accordance with the provisions of this article. The Inspector shall also have the right to refuse to issue a certificate of approval on any wiring, that is concealed in such manner that it cannot be fully determined that it has been done in accordance with this article.
(2005 Code, § 4-316)

§ 4-317 INSPECTION FEE.

An initial inspection fee of \$25, and an inspection fee of \$25 for subsequent inspections required shall be paid before any electrical installation will be approved or a certificate of approval issued. (2005 Code, § 4-317)

§ 4-318 CERTIFICATE OF APPROVAL.

(a) When the Electrical Inspector finds an electrical construction or installation to be in conformity with the provisions of this article, he or she shall issue to the person, firm, or corporation performing the electrical construction work or making the installation, a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the installation and connection to the supply of electricity.

(b) When a certificate of approval is issued authorizing the connection and use of a temporary installation, the certificate shall expire at a time to be stated therein and shall be revocable for cause by the Electrical Inspector.

(c) In no case shall certificates of approval be issued on electrical construction, installations, or parts of installations where the work installed does not conform to the requirements of this article.

(d) If, upon inspection, the installation is not found to be fully in conformity with the provisions of this article, the Electrical Inspector shall immediately notify the person, firm, or corporation performing the electrical construction work or making the installation of the existing defects.

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

(f) The Electrical Inspector shall be deemed the judge of whether the installation of electric conductors and equipment has been made in accordance with the requirements of this article.

(g) No certificate of approval shall be required for any of the following:

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

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

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

(2005 Code, § 4-318)

§ 4-319 CONNECTION TO INSTALLATIONS.

It shall be unlawful for any person, firm, or corporation to make connection to a supply of electricity to any building or electrical equipment for which an inspection is required, or which has been disconnected by the order of the Electrical Inspector, until a certificate of approval has been issued by the Electrical Inspector authorizing the connection and use of such electric supply. The Electrical Inspector may, at his or her discretion, authorize a temporary connection.
(2005 Code, § 4-319)

§ 4-320 REINSPECTION.

The Electrical Inspector shall periodically re-inspect existing installations of electrical conductors and equipment. When the installation of any conductors or equipment is found to be in a dangerous or unsafe condition, the person, firm, or corporation owning, using, or operating the installation shall be notified in writing and shall make the necessary repairs or changes required to place the conductors or equipment in safe condition and have the work completed within the period specified by the Electrical Inspector.
(2005 Code, § 4-320)

§ 4-321 CONDEMNATION; APPEAL.

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

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

(c) When the Electrical Inspector condemns all or part of any electrical installation, the owner may, within ten days after receiving written notice thereof, file a petition in writing for review of the action of the Building Inspector by the governing body, upon the receipt of which the governing body shall at once proceed to determine the facts, and within ten days from receiving the petition make a decision in accordance with its findings.
(2005 Code, § 4-321)

§ 4-322 INTERFERENCE BY UNAUTHORIZED PERSON.

It shall be unlawful for any unauthorized person to, in any manner, change or alter electrical conductors or equipment in or on any building. If in the course of the erection of a building or structure, electrical conductors, or equipment are in such position as to interfere with the erection or completion of the structure, notice shall be immediately given the authorized person or firm installing the electrical conductors or equipment, and the needed change shall be made by such authorized person or firm.
(2005 Code, § 4-322)

§ 4-323 ELECTRICIAN OR ELECTRICAL CONTRACTORS DEFINED.

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

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

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

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

(b) An *ELECTRICIAN* or *ELECTRICAL CONTRACTOR* as defined shall not mean or include:

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

(2) Any property owner personally performing any improvements, alterations, or electrical construction within or upon his or her own residence and intended for his or her own personal use and permanent occupancy; provided, the owner shall satisfy the Electrical Inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal electrical construction by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city.
(2005 Code, § 4-323)

**§ 4-324 ELECTRICIAN'S OR ELECTRICAL CONTRACTOR'S LICENSE REQUIRED;
ELECTRICAL PERMITS; UNLAWFUL ACTS.**

(a) Each electrician or electrical contractor shall, before entering upon any electrical construction work subject to regulation by city laws, apply to the City Clerk for an electrician's or electrical contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her, or it to engage in the trade or occupation of electrician or electrical contractor in the city.

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

(c) It shall be unlawful for any person, firm, company, association, or corporation to enter into a contract or agreement with another so as to bring himself, herself, or itself under the definition of an electrician or electrical contractor herein, or to perform any work as an electrician or electrical contractor or any work under a contract for any work involving electrical construction, without first having obtained an electrician's or electrical contractor's license issued by the city.
(2005 Code, § 4-324)

§ 4-325 SAME; APPLICATION; GRANTING.

Application for an electrician's or electrical contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a non-resident), the kind of contracting work engaged in the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the electrician or electrical contractor or his or her authorized agent. The applications shall be, by the Chief Building Official referred to the governing body at its next meeting for action thereon. Such license shall be issued by the City Clerk, upon payment of the fees hereinafter provided after approval of the governing body.
(2005 Code, § 4-325)

§ 4-326 SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

(a) (1) The following license fees shall be paid for the calendar year or major fraction thereof:

(A) General electrician or electrical contractor, who shall qualify to engage in more than one kind of electrical construction work, the sum as set by the governing body; and

(B) Limited electrician or electrical contractor, who shall qualify to engage in not more than one kind of electrical construction work, the sum as set by the governing body.

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

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(b) Each such license shall set forth the kind of electrical construction work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in contract work or produce the same on demand of any city officer. All licenses shall be renewable annually as in the case of an original license on or before January 1 of the year for which issued.

(c) It shall be unlawful for any person, firm, or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts.
(2005 Code, § 4-326)

**§ 4-327 ELECTRICIAN'S OR ELECTRICAL CONTRACTOR'S BOND REQUIRED;
CONDITIONS; APPROVAL; RIGHTS RESERVED.**

(a) Before any license shall be issued to any electrician or electrical contractor required by this article to obtain a license and pay a fee to the city, the electrician or electrical contractor shall secure and file with the City Clerk a good and sufficient corporate surety bond in the principal sum set by the governing body conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury, or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her or its employees, agents, or servants to use due care or diligence respecting any opening or excavation made in, or adjacent to any street, alley, or public ground in the city, or any materials stored, placed, or used in any such places, or the operation or use of any vehicle, machinery, or equipment in the streets, alleys, or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the state and shall be executed by an agent of the company residing in the county and further conditioned that in the event of cancellation or expiration that the company or agent will give ten days' notice of such fact to the City Clerk. Each such bond shall be approved as to form by the City Attorney and approved as to surety by the City Treasurer and the approval thereof shall be endorsed on the bond by the City Attorney and by the Mayor over their signatures.

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

(2005 Code, § 4-327)

§ 4-328 INSURANCE.

In addition to obtaining a corporate surety bond as required by § 4-327, an electrician or electrical contractor must procure and maintain a liability insurance policy in the amount of \$100,000 for the death or injury of any one person, \$300,000 for the death or injury of any number of persons in any one accident, and \$50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the state. An electrician or electrical contractor may qualify as to the insurance requirements by filing a certificate with the City Clerk

executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days' notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.
(2005 Code, § 4-328)

§ 4-329 LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

(a) The license of any electrician or electrical contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the Chief Building Official upon his or her own motion or upon a complaint of the City Electrical Inspector. Notice shall be given in writing to such electrician or electrical contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such electrician or electrical contractor involving any one or more of the following:

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

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

(c) It shall be unlawful to engage in the occupation or trade of electrician or electrical contractor during the time any license of such electrician or electrical contractor has been suspended or revoked.
(2005 Code, § 4-329)

§ 4-330 WORK BY PROPERTY OWNERS.

Nothing herein contained shall prohibit any property owner from personally performing any electrical construction or installing electrical wiring or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the Electrical Inspector as to his or her ability to perform such work or install such electrical

wiring, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal electrical construction or installation performed by an owner under this section shall be by himself or herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city.
(2005 Code, § 4-330)

§ 4-331 APPROVED MATERIALS.

No electric materials for wiring of appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for wiring appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances, and equipment comply with the requirements of this article.
(2005 Code, § 4-331)

§ 4-332 LIABILITY.

This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or re-inspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein.
(2005 Code, § 4-332)

ARTICLE 4: PLUMBING AND GAS-FITTING CODE

Section

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- 4-402 Uniform Plumbing Code incorporated
- 4-403 Additional provisions
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§ 4-401 DEFINITION OF PLUMBING.

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

(2005 Code, § 4-401)

§ 4-402 UNIFORM PLUMBING CODE INCORPORATED.

(a) There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the practice of plumbing and gas-fitting, including the installation, maintenance, extension, and alteration of all pipes, fixtures, appliances, and appurtenances in connection with sanitary sewers and public and private water and fuel gas systems, the Uniform Plumbing Code, 2012 Edition, as recommended by the International Association of Plumbing and Mechanical Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. One copy of the uniform code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Scranton", and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

(b) Any person violating any provisions of such code shall be punished as provided in § 1-116 of this code.

(2005 Code, § 4-402)

§ 4-403 ADDITIONAL PROVISIONS.

The following sections of this article are in addition to the provisions of the standard code incorporated by reference in § 4-402.

(2005 Code, § 4-403)

§ 4-404 BUILDING OFFICIAL; AUTHORITY.

The person designated by the city or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of a Plumbing Inspector in accordance with § 4-204, which apply in a like manner to this article.

(2005 Code, § 4-404)

§ 4-405 PLUMBING INSPECTOR; APPOINTMENT.

The person designated by the city may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of Plumbing Inspector as may be required, subject to the consent and approval of the governing body.

(2005 Code, § 4-405)

§ 4-406 SAME; DUTIES.

The Plumbing Inspector shall have the following duties:

(a) To enforce all regulations relating to plumbing construction, alteration, repair, or removal;

(b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations, or fire underwriters;

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

(d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the Building Official or Plumbing Inspector without his or her written consent.
(2005 Code, § 4-406)

§ 4-407 SAME; POWERS.

The Plumbing Inspector shall have the following powers:

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

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

(c) May cause any work done in violation of this chapter to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the plumbing regulations of the city, subject to the right of any plumber, plumbing contractor, or owner to appeal to the governing body.
(2005 Code, § 4-407)

§ 4-408 SAME; RIGHT OF ENTRY.

The Plumbing Inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure, or premises at any reasonable hour to perform his or her duties as set out in this chapter.
(2005 Code, § 4-408)

§ 4-409 CLARIFICATION; MODIFICATION.

(a) The governing body shall be the final determiner of the scope and meaning of all provisions of the Plumbing Code which may be unclear, ambiguous, or requiring interpretation.

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

(2005 Code, § 4-409)

§ 4-410 PLUMBING PERMIT REQUIRED; EXCEPTION.

(a) It shall be unlawful to install, alter, or reconstruct any plumbing or plumbing system, as defined by the Plumbing Code and § 4-401, in any building in the city without first making application to and receiving a permit therefore from the City Clerk, after approval by the Chief Building Official or his or her authorized assistant. The application for such permit shall be made and the permit obtained before any plumbing work is commenced.

(b) No permit shall be required for making minor repair or leaks in water pipes, traps, or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, replacing water heaters, and like repair work not involving original installation or reconstruction.

(2005 Code, § 4-410) (Ord. 596, passed 11-20-2007)

§ 4-411 SAME; APPLICATION INFORMATION REQUIRED.

(a) A plumbing permit shall be issued upon an application in writing to the office of City Clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:

- (1) The name of the owner of the lot or tract of ground;
- (2) The location of the building or structure;
- (3) The plumbing work proposed;
- (4) The class of occupancy;
- (5) The class of construction;
- (6) The kind of materials to be used;

- (7) The estimated cost of the work;
- (8) The date work will commence;
- (9) Expected date of completion;
- (10) Name and address of plumber, plumbing contractor, or contractors doing the work; and
- (11) Such other information as may be pertinent to the issuance of the required permit.

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

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

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

(2005 Code, § 4-411)

§ 4-412 SAME; PLANS AND SPECIFICATIONS.

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

(2005 Code, § 4-412)

§ 4-413 SAME; FEES.

The fee for a plumbing permit shall be \$25, however no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor, and materials required, is under an amount as set by the governing body. The fee herein shall be paid to the City Clerk upon obtaining a plumbing permit and the same shall be credited to the General Operating Fund of the city. (2005 Code, § 4-413)

§ 4-414 SAME; POSTING.

A copy of the plumbing permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The Plumbing Inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (2005 Code, § 4-414)

§ 4-415 REQUEST FOR INSPECTION.

Upon the completion of any plumbing work covered by this article, it shall be the duty of the person doing such work to notify the Plumbing Inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided. (2005 Code, § 4-415)

§ 4-416 INSPECTION; CONCEALMENT OF PRIOR WORK.

(a) When any plumbing is to be hidden from view by the permanent placement of parts of the building, the person, firm, or corporation installing the plumbing shall notify the Plumbing Inspector and such equipment shall not be concealed until it has been inspected, approved, or authorized by the Plumbing Inspector or until 24 hours, exclusive of Saturdays, Sundays, and holidays, shall have elapsed from the time of such notification. On large installations, where the concealment of plumbing proceeds continuously, the person, firm, or corporation installing the plumbing shall give the Plumbing Inspector due notice and inspections shall be made periodically during the progress of the work.

(b) The Plumbing Inspector shall have the authority to require owners or contractors to open such work which, in any manner, conceals plumbing that has been closed without his or her knowledge or permission, and in no case shall the Inspector issue a certificate of approval until satisfied that the work is in accordance with the provisions of this article. The Inspector shall also have the right to refuse to issue a certificate of approval on any plumbing that is concealed in such manner that it cannot be fully determined that it has been done in accordance with this article. (2005 Code, § 4-416)

§ 4-417 INSPECTION FEE.

An initial inspection fee of \$25 and an inspection fee of \$25 for subsequent inspections required shall be paid before any plumbing will be approved or a certificate of approval issued.
(2005 Code, § 4-417)

§ 4-418 CERTIFICATE OF APPROVAL.

(a) When the Plumbing Inspector finds plumbing construction to be in conformity with the provisions of this article, he or she shall issue to the person, firm, or corporation performing the plumbing construction, a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the plumbing system and connection to the supply of gas or water, as the case may be.

(b) When a certificate of approval is issued authorizing the connection and use of a temporary gas or water supply, the certificate shall expire at a time to be stated therein and shall be revocable for cause by the Plumbing Inspector.

(c) In no case shall certificates of approval be issued on plumbing or plumbing systems or parts of systems where the work installed does not conform to the requirements of this article.

(d) If, upon inspection, the plumbing or plumbing system is not found to be fully in conformity with the provisions of this article, the Plumbing Inspector shall immediately notify the person, firm, or corporation making the installation of the existing defects.

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

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

(g) No certificate of approval shall be required for making minor repairs of any plumbing including repair of leaks in water pipes, traps, or cocks, opening up stoppage in waste or supply pipes, traps, or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repair work not involving original installation or reconstruction.
(2005 Code, § 4-418)

§ 4-419 CONNECTION TO GAS OR WATER SUPPLY.

It shall be unlawful for any person, firm, or corporation to make connection to a supply of gas or water for which an inspection is required, or which has been disconnected by the order of the Plumbing Inspector, until a certificate of approval has been issued by the Plumbing Inspector authorizing the

connection and use of such plumbing or plumbing system. The Plumbing Inspector may, at his or her discretion, authorize a temporary connection.
(2005 Code, § 4-419)

§ 4-420 CONDEMNATION; APPEAL.

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

(b) When the Plumbing Inspector condemns all or part of any plumbing system, the owner may, within ten days after receiving written notice thereof, file a petition in writing for review of the action of the Plumbing Inspector by the governing body, upon the receipt of which the governing body shall at once proceed to determine the facts, and within ten days from receiving the petition make a decision in accordance with its findings.
(2005 Code, § 4-420)

§ 4-421 PLUMBER OR PLUMBING CONTRACTOR; DEFINED.

(a) A **PLUMBER** or **PLUMBING CONTRACTOR** shall mean:

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

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

(b) A **PLUMBER** or **PLUMBING CONTRACTOR** as defined in division (a) above shall not mean or include the owner of a residence who personally installs plumbing piping or equipment within and upon his or her own residence and intended for his or her own personal use and permanent occupancy; provided, the owner shall satisfy the Plumbing Inspector as to his or her ability to install such piping or equipment, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal installation by an owner under this section shall be himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the city.
(2005 Code, § 4-421)

**§ 4-422 PLUMBER'S OR PLUMBING CONTRACTOR'S LICENSE REQUIRED;
PLUMBING PERMITS; UNLAWFUL ACTS.**

(a) Each plumber or plumbing contractor shall before entering upon any plumbing work subject to regulation by city laws, apply to the City Clerk for a plumber's or plumbing contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of a plumber or plumbing contractor in the city.

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

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

(2005 Code, § 4-422) (Ord. 319, passed - -)

§ 4-423 SAME; APPLICATION; GRANTING.

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

(2005 Code, § 4-423) (Ord. 319, passed - -)

§ 4-424 SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS.

(a) The following license fees shall be paid for the calendar year or major fraction thereof:

(1) General plumber or plumbing contractor, who shall qualify to engage in more than one kind of plumbing work, the sum as set by the governing body; and

(2) Limited plumber or plumbing contractor, who shall qualify to engage in not more than one kind of plumbing work, the sum as set by the governing body.

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

(c) Each such license shall set forth the kind of plumbing work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in plumbing work or produce the same on demand of any city officer. All licenses shall be renewable annually as in the case of an original license on or before January 1 of the year for which issued.

(d) It shall be unlawful for any person, firm, or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts. (2005 Code, § 4-424)

**§ 4-425 PLUMBER'S OR PLUMBING CONTRACTOR'S BOND REQUIRED;
CONDITIONS; APPROVAL; RIGHTS RESERVED.**

(a) Before any license shall be issued to any plumber or plumbing contractor required by this article to obtain a license and pay a fee to the city, the plumber or plumbing contractor shall secure and file with the City Clerk a good and sufficient corporate surety bond in the principal sum as set by the governing body conditioned that the principal named therein shall faithfully and fully observe all laws of the city relating to the business or occupation for which a license is desired and further conditioned to hold and save the city harmless and free of claims for loss or damage to persons or property, or from damage, injury, or destruction of property belonging to the city, resulting from, or arising out of, the negligence or failure of the principal or any of his, her, or its employees, agents, or servants to use due care or diligence respecting any opening or excavation made in or adjacent to any street, alley, or public ground in the city, or any materials stored, placed, or used in any such places, or the operation or use of any vehicle, machinery, or equipment in the streets, alleys, or public grounds in connection with the business or occupation licensed. Each such bond shall be issued by a company authorized to do business in the state and shall be executed by an agent of the company residing in the county and further conditioned that in the event of cancellation or expiration that the company or agent will give ten days' notice of such fact to the City Clerk. Each such bond shall be approved as to form by the City Attorney and approved as to surety by the City Treasurer and the approval thereof shall be endorsed on the bond by the City Attorney and by the Mayor over their signatures.

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

(2005 Code, § 4-425)

§ 4-426 INSURANCE.

In addition to obtaining a corporate surety bond as required by § 4-425, a plumber or plumbing contractor must procure and maintain a liability insurance policy in the amount of \$100,000 for the death or injury of any one person, \$300,000 for the death or injury of any number of persons in any one accident, and \$50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the state. A plumber or plumbing contractor may qualify as to the insurance requirements by filing a certificate with the City Clerk

executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days' notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.
(2005 Code, § 4-426)

§ 4-427 LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS.

(a) The license of any plumber or plumbing contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the Chief Building Official upon his or her own motion or upon a complaint of the City Plumbing Inspector. Notice shall be given in writing to such plumber or plumbing contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such plumber or plumbing contractor involving any one or more of the following:

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

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

(c) It shall be unlawful to engage in the occupation or trade of plumber or plumbing contractor during the time any license of such plumber or plumbing contractor has been suspended or revoked.
(2005 Code, § 4-427)

§ 4-428 EXCAVATIONS.

When it appears that the laying or repairing of any water or sewer pipes or the making of any connection therewith shall require excavation in any street, alley, or public way of the city or the cutting or removal of any pavement, curb, or gutter or any sidewalk, during the course of such work, the application for a permit shall so state and describe the location and extent of the excavation, cutting, or removal. Before the City Clerk shall issue any permit for such work, the applicant shall pay any fee required by this code. All excavations shall be barricaded and guarded as provided by the appropriate

sections of this code. Before any such excavation shall be backfilled, new plumbing work therein shall be inspected and the bottom of the excavation holding any sewer, drain, or water pipe shall be so filled, leveled, and tamped as to properly support the pipe and permit proper drainage when carrying sewage, and the excavation shall be backfilled and all paving, curbing, guttering, or sidewalks shall be restored as near as possible to their last condition, subject always to the approval of the Plumbing Inspector or the Superintendent of Streets.

(2005 Code, § 4-428)

§ 4-429 WORK BY PROPERTY OWNERS.

Nothing herein contained shall prohibit any property owner from personally installing plumbing piping or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the Plumbing Inspector as to his or her ability to install such piping or equipment, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal installation by an owner under this section shall be by himself or herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the city.

(2005 Code, § 4-429)

§ 4-430 APPROVED MATERIALS.

No plumbing materials, appliances, or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for plumbing materials, appliances, and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances, and equipment comply with the requirements of this article.

(2005 Code, § 4-430)

§ 4-431 LIABILITY.

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

(2005 Code, § 4-431)

ARTICLE 5: MOVING BUILDINGS

Section

- 4-501 Building Official; authority
- 4-502 Permit required
- 4-503 Same: application for permit
- 4-504 Same; bond, insurance required
- 4-505 Same; fee
- 4-506 Contractor; license required; fee
- 4-507 Route; duties of Building Official
- 4-508 Notice to owners
- 4-509 Duty of owners
- 4-510 Interfering with poles; wires
- 4-511 Display of lanterns

§ 4-501 BUILDING OFFICIAL; AUTHORITY.

The person designated by the city 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 §§ 4-204 through 4-209, which apply in a like manner to this article.
(2005 Code, § 4-501)

§ 4-502 PERMIT REQUIRED.

No person, firm, or corporation shall move, haul, or transport any house, building, derrick, or other structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street, or alley, or a width of eight feet or more or which cannot be moved at a speed of four mph 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) (2005 Code, § 4-502)

§ 4-503 SAME: APPLICATION FOR PERMIT.

All applications for permits required under the provisions of this article shall be made in writing to the City Clerk specifying the day and hour said moving is to commence and the route through the city's streets over which the house, building, derrick, or other structure shall be moved and stating whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables, or other aerial

equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising, or otherwise interfering with such aerial facilities.

(K.S.A. 17-1915) (2005 Code, § 4-503)

§ 4-504 SAME; BOND, INSURANCE REQUIRED.

(a) It shall be the duty of any person at the time of making application for a permit as provided in this article to give a good and sufficient surety bond to the city, to be approved by the governing body, indemnifying the city against any loss or damage resulting from the failure of any such person to comply with the provisions of this article or for any damage or injury caused in moving any such house or structure. The bond herein shall be in the sum of \$5,000, or cash may be deposited in lieu of such surety bond.

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

(2005 Code, § 4-504)

§ 4-505 SAME; FEE.

Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee of not less than \$250 to the City Clerk; plus the additional cost for the time for any city crews involved in such moving.

(2005 Code, § 4-505)

§ 4-506 CONTRACTOR; LICENSE REQUIRED; FEE.

The provisions of §§ 4-219 through 4-225 shall apply in a like manner to this article.

(2005 Code, § 4-506)

§ 4-507 ROUTE; DUTIES OF BUILDING OFFICIAL.

The City Clerk shall, upon filing of the above application, refer the same to the Chief Building Official or his or her authorized designee to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that such route is not practical and another route may be used equally well with less danger to street and travel, then he or she may designate such other route as the one to be used and shall notify the applicant of the same. The Building Official may also require the planking of any street, bridge, or culvert or any part thereof to prevent damage thereto. It shall also be the duty of the Chief Building Official or his or her authorized designee to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this article.

(2005 Code, § 4-507)

§ 4-508 NOTICE TO OWNERS.

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

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

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

(K.S.A. 17-1916) (2005 Code, § 4-508)

§ 4-509 DUTY OF OWNERS.

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

(b) The owner of any wires, cables, or other aerial equipment, after service of notice as provided in § 4-508, shall be liable to the permit holder for damages in an amount not to exceed \$100 per day for each day the owner shall fail or refuse to accommodate the permit holder's moving operations.

(K.S.A. 17-1917) (2005 Code, § 4-509)

§ 4-510 INTERFERING WITH POLES; WIRES.

It shall be unlawful for any person engaged in moving any house or other structure to raise, cut, or in any way interfere with any wires or poles bearing wires or any other aerial equipment.

(K.S.A. 17-1918) (2005 Code, § 4-510)

§ 4-511 DISPLAY OF LANTERNS.

It shall be the duty of any person moving any of the structures mentioned in this article upon or across any street, alley, or sidewalk or other public place in this city to display red lanterns thereon in such a manner as to show the extreme height and width thereof from sunset to sunrise.

(2005 Code, § 4-511)



ARTICLE 6: DANGEROUS AND UNFIT STRUCTURES

Section

- 4-601 Purpose
- 4-602 Definitions
- 4-603 Enforcing officer; duties
- 4-604 Procedure; petition
- 4-605 Same; notice
- 4-606 Same; publication
- 4-607 Same; hearing, order
- 4-608 Duty of owner
- 4-609 Same; failure to comply
- 4-610 Same; make site safe
- 4-611 Assessment of costs
- 4-612 Immediate hazard
- 4-613 Appeals from order
- 4-614 Scope of article

§ 4-601 PURPOSE.

The governing body has found that there exists 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) (2005 Code, § 4-601)

§ 4-602 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ENFORCING OFFICER. The person designated by the city or his or her authorized representative.

STRUCTURE. Includes 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) (2005 Code, § 4-602)

§ 4-603 ENFORCING OFFICER; DUTIES.

The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article, including the following:

(a) Inspect any structure which appears to be unsafe, dangerous, or unfit for human habitation;

(b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the enforcing officer may seek an order for this purpose from a court of competent jurisdiction;

(c) Report all structures which he or she believes to be dangerous, unsafe, or unfit for human habitation to the governing body; and

(d) Receive petitions as provided in this article.

(2005 Code, § 4-603)

§ 4-604 PROCEDURE; PETITION.

Whenever a petition is filed with the enforcing officer by at least five residents charging that any structure is dangerous, unsafe, or unfit for human habitation, or whenever it appears to the enforcing officer on his or her own motion that any structure is dangerous, unsafe, or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body.

(2005 Code, § 4-604)

§ 4-605 SAME; NOTICE.

The governing body, upon receiving a report as provided in § 4-604, shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of records, and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished.

(K.S.A. 12-1752) (2005 Code, § 4-605)

§ 4-606 SAME; PUBLICATION.

(a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.

(b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder, and occupant at the last known place of residence and shall be marked "deliver to addressee only".

(K.S.A. 12-1752) (2005 Code, § 4-606)

§ 4-607 SAME; HEARING, ORDER.

If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe, or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record, and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed.

(2005 Code, § 4-607)

§ 4-608 DUTY OF OWNER.

Whenever any structure within the city shall be found to be dangerous, unsafe, or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same.

(2005 Code, § 4-608)

§ 4-609 SAME; FAILURE TO COMPLY.

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

(b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the enforcing officer may cause the structure to be removed and demolished.

(2005 Code, § 4-609)

§ 4-610 SAME; MAKE SITE SAFE.

Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe.

(2005 Code, § 4-610)

§ 4-611 ASSESSMENT OF COSTS.

(a) The cost to the city of any repairs, alterations, improvements, vacating, removal, or demolition by the enforcing officer, including making the site safe, shall be reported to the City Clerk.

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

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

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

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

(K.S.A. 12-1755) (2005 Code, § 4-611)

§ 4-612 IMMEDIATE HAZARD.

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

(K.S.A. 12-1756) (2005 Code, § 4-612)

§ 4-613 APPEALS FROM ORDER.

Any person affected by an order issued by the governing body under this article may, within 30 days following service of the order, petition the District Court of the county in which the structure is located for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case.

(2005 Code, § 4-613)

§ 4-614 SCOPE OF ARTICLE.

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

(2005 Code, § 4-614)



ARTICLE 7: HEAT LOSS STANDARDS AND EER

Section

- 4-701 Definitions
- 4-702 Certificate of compliance
- 4-703 Standards

§ 4-701 DEFINITIONS.

For the purposes of this article, the following rules of construction and definitions shall apply:

ASHRAE. Refers to the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., of New York, New York.

BTUs. British Thermal Units.

CITY UTILITY. The electric system operated by the city.

EER. Energy Efficiency Ratio, the ratio of net cooling capacity in BTUs/hr. to total electric input in watts.

HEATED SPACE. That space within a building which is provided with a positive heat supply having a connected output capacity in excess of ten BTUs/hr. per square foot.

NEW COMMERCIAL BUILDING. Any building used to provide, at wholesale or retail, storage, services, supplies, goods, or products to the public, other than a building used for the purpose of manufacturing raw material into a finished product, but shall not be construed to apply to any such building whose foundation has been completed by August 24, 1978.

NEW RESIDENTIAL DWELLING. All new hotels, motels, apartment houses, lodging houses, private homes, and other residential dwellings, construction of which commences on or after the effective date of this article, but shall not be construed to apply to mobile homes, or any such new residential dwelling where the foundation has been completed by August 24, 1978. This definition shall apply to building of mixed occupancy.

OWNER. A person, as defined herein, holding legal title to the residential dwelling or commercial building.

PERSON. Any individual, individuals, corporation, partnership, unincorporated association or other business organization, committee, board, trustee, receiver, or agent.
(2005 Code, § 4-701) (Ord. 381, passed - -)

§ 4-702 CERTIFICATE OF COMPLIANCE.

No connections or attachments of service to new residential dwellings or new commercial buildings shall be made by a city utility until such utility has received a certificate of compliance from the owner that the residential dwelling or commercial building meets the standards set forth in § 4-703 of this article. Such certificate of compliance shall include supporting statements from the architect and/or contractor, if either or both such persons were employed in the design and construction of the new residential dwelling or new commercial building. Receipt by the city utility of such certificate of compliance shall be required for permanent utility service.
(2005 Code, § 4-702) (Ord. 381, passed - -)

§ 4-703 STANDARDS.

Certificates of compliance required by § 4-702 shall certify that the following heating and cooling standards have been met where applicable:

(a) New residential dwellings shall be constructed so the total heat loss, based on the ASHRAE Handbook of Fundamentals, does not exceed 35 BTUs per square foot per hour of heated floor area of finished living space, at design temperature differential of 80°F with a maximum of one air changes per hour.

(b) New commercial buildings shall be constructed so heat transmission loss of heated areas, based on the ASHRAE Handbook of Fundamentals, does not exceed 35 BTUs per square foot per hour of floor area based on a design temperature differential of 80°F.

(c) The EER of all air conditioners in new residential dwellings and new commercial buildings on and after August 24, 1978, shall be not less than 7.0; the EER of heat pumps in such structures shall be not less than 6.7.

(d) The EER of all air conditioners in new residential dwellings and new commercial buildings on and after November 1, 1979, shall be not less than 8.0; the EER of heat pumps in such structures shall be not less than 7.5.

(e) In the case of a new residential dwelling or new commercial building which is heated and/or cooled in only a portion of the structure, the requirements of this section shall apply only to the heated and/or cooled portion of the structure.
(2005 Code, § 4-703) (Ord. 381, passed - -)

ARTICLE 8: NUMBERING BUILDINGS

Section

- 4-801 Numbering buildings
- 4-802 Letters
- 4-803 Facing streets
- 4-804 City Council resolves disputes
- 4-805 Placing of numbers
- 4-806 Numbers required

§ 4-801 NUMBERING BUILDINGS.

All lots and parts of lots abutting any street or avenue in the city shall be numbered and all business buildings, dwelling houses, and other structures located therein shall have numbers affixed thereto by the owners or the agents of the owners thereof.
(Ord. 585, passed 12-20-2006)

§ 4-802 LETTERS.

In case there are two or more dwellings, buildings, or rooms, including streets, stairway entrances, located on the same space or lot, the second dwelling, building, or entrance shall be numbered the same with alphabetical letters following in the sequence as needed.
(Ord. 585, passed 12-20-2006)

§ 4-803 FACING STREETS.

All numbering of business buildings, dwelling houses, and other structures located in the city shall be determined by the street to which it faces or fronts.
(Ord. 585, passed 12-20-2006)

§ 4-804 CITY COUNCIL RESOLVES DISPUTES.

In case of doubt or dispute, or if a question arises as to the proper number assigned to any lot or building or structure, the City Council shall decide and fix the number of such lot, building, or structure, and such decision shall be final.
(Ord. 585, passed 12-20-2006)

§ 4-805 PLACING OF NUMBERS.

The numbering placed on any building or structure shall be at least four inches in height, made of non-rusting material, and shall be of such color and placed on the building or other structure in such a position that it can be easily seen from the street fronting the building, structure, or entrance intended to be numbered.

(Ord. 585, passed 12-20-2006)

§ 4-806 NUMBERS REQUIRED.

All persons owning, occupying, or having control of any building or other structures fronting or facing any of the public streets and avenues of the city are hereby required to number such buildings or other structures, as provided herein, within 120 days after notification of the new address, and all new structures constructed after elapse of such time, must be so numbered within 30 days after completion or occupancy, whichever is earlier.

(Ord. 585, passed 12-20-2006)