

CHAPTER 21

BUILDING REGULATIONS

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Article I. Building trade certificates and licenses

Sec. 21-101. Title and scope.

a. **Title.** This article shall be known as the "Licensing Code" of the City and may be cited as such.

b. **Definitions.** The following words and phrases shall, for purposes of this article, have the meaning ascribed to them herein, unless the context clearly requires otherwise.

1. **“Board”** means the Board of Appeals and Examinations of the City.
2. **“Building official”** means the head of the building inspection department of the City.
3. **“Building regulations”** means the provisions of this Chapter, together with all uniform and model construction industry codes adopted by reference herein.
4. **“City”** means the City of Hutchinson, Kansas, unless the context requires otherwise.
5. **“Department”** means the building inspection department of the City.
6. **“This code”** means Article I of Chapter 21 of the City Code.

c. **Scope.** The provisions of this chapter, insofar as they require employment of licensed contractors or certified mechanics, craftsmen or engineers, shall not apply to:

1. Maintenance, operation or repair of equipment and accessories used for production or processing by governmental agencies, manufacturing or processing plants or commercial enterprises;
2. Routine maintenance and repair of a building, including the mechanical, plumbing and electrical systems thereof, by any such agency, plant, enterprise, or utility, if such maintenance or repair is (a) minor, not requiring issuance of a building

permit, and (b) is done by a person regularly employed by such utility, agency, plant or enterprise to perform work of that type.

3. Installation, operation and maintenance of equipment used for the production, generation, transmission or generation of a product or service by a public utility, when such work is done by employees of a public utility upon equipment owned or controlled by such utility;

4. Work performed by any person upon such person's own dwelling, including usual accessory buildings and quarters, if (a) such person is the owner of such dwelling; (b) the dwelling is not occupied by anyone other than the owner and his or her family; and (c) such owner personally purchases all materials and performs all labor in connection with such work; and

5. Work performed by students enrolled in the Central Kansas Area Vocational Technical School-Hutchinson Division Carpentry Program, while such students are engaged in erection of a structure as part of the curriculum of such Program; provided, that all such work shall be performed by such students with the advice of duly licensed members of the various construction trades and inspected by the city building inspector as otherwise required. The person supervising such work shall timely notify the city building inspector of the time for and necessity of such inspection.

d. In addition to any other right of entry or inspection provided for elsewhere in the building regulations of the City, the building official or his or her representative shall be authorized to enter upon and inspect the premises of any governmental agency, manufacturing or processing plant, public utility or other commercial enterprise for the purpose of ascertaining whether maintenance thereof and additions or improvements thereto have been or are being prosecuted in accordance with the building regulations of the City. Such entry and inspection may be made at any reasonable time, with or without notice to the owner or occupant of the premises. The building official may apply to any court of competent jurisdiction for the purpose of enforcing this right of entry and inspection.

e. Nothing herein shall be construed to relieve any person of any duty, provided elsewhere in the City's building regulations, to secure a building permit, perform work in accordance with standards established by the City and procure required inspections.
(Ord. 7040, Adop. 2/25/86)

Sec. 21-102 Public emergency - authorized licensing

a. Notwithstanding any other provision of City ordinance, any person to whom an electrician's license or certificate of qualification has been issued by any city may perform electrical work within the City when the Mayor has declared the existence of a public emergency and authorized such work. Any such person shall register with the building official of the City and provide satisfactory evidence of his or her qualifications prior to performing any such electrical work in the City.

b. Any declaration of emergency issued pursuant to this section shall:

1. Include an expiration date, which shall not be more than four weeks following the date of issuance;

2. Reasonably describe the categories of work which may be performed by electricians whose qualifications have not been examined locally; and

3. Require that permits be obtained for all such work and that such work be inspected by the building official to the extent otherwise required by city ordinance.

c. The building official may revoke any person's privilege to perform electrical work pursuant to a declaration of emergency upon a finding that:

1. Such person does not possess the required license or certificate of qualification from another city;

2. Such person has performed work beyond the scope of that authorized in the declaration of emergency; or

3. Such person's work does not meet minimally acceptable standards.

Sec. 21-103 Authority to determine qualifications.

The building official and the board shall determine the qualifications of applicants for the several licenses and certificates established and required by this chapter. In evaluating the qualifications of applicants for initial issuance of any license or certificate provided for in this chapter, or for reissuance thereof after lapse or revocation, the several examinations prepared and distributed by the firm of Block and Associates shall be used. The building official and board shall, in addition, administer the provisions of this chapter pertaining to (a) renewal, suspension or revocation of any such license or certificate; and (b) recognition of licenses and certificates issued by other governmental entities pursuant to a reciprocity agreement to which this City is a party. *Ord. 7040, Adop. 2/25/86*)

Sec. 21-104 Licenses - Generally.

a. **Definitions.** A license is authority granted to a person, firm, partnership, company, corporation, association, agency or political entity to engage in the business of performing certain work, and is not transferable.

b. **Licenses required.** Licenses shall be required for all types of work hereinafter classified and described.

c. **Application.** Every applicant for a license shall fill out a form provided by the department. When required, the name of the supervisor certified upon examination or by

reciprocal recognition shall appear on the license application. The building official shall review and take appropriate action on each license application, and the applicant shall be notified accordingly.

d. **Issuance of license.** After notification of approval, the applicant shall procure the license within ninety days, or such application shall become null and void. Thereafter, a new application shall be filed.

e. If an application for a license is disapproved, the applicant may appeal from such adverse decision to the board of appeals and examination in the manner provided. (Ord. 7040, Adop. 2/25/86)

Sec. 21-105 Same - Classification.

There shall be various classes of licenses and the holder of each license shall be authorized to do the following:

a. **Electrical contractor.** Installation, alteration, repair, or removal of any electrical equipment regulated by the Electrical Code. All work shall be performed by or under the supervision of the holder of a master electrician certificate of qualification. Removal of electrical equipment must have the prior approval of the building official and the equipment must have been deenergized by a licensed electrical contractor prior to removal.

b. **Plumbing contractor.** Installation of all sanitary plumbing and potable water supply piping and appliances connected thereto, and including gas piping and the complete installation of water heaters; the installation of piping for transmission of chemicals and gases; the installation of gas ranges, domestic gas incinerators, gas dryers and gas refrigerators; the installation of steam heating plants; and the installation of hot water heating plants. All work shall be performed by or under the supervision of the holder of a master plumber certificate of qualification.

c. **Gas fitter contractor.** Installing, repairing, remodeling, relocating or servicing any gas service or gas distribution system, for gas consuming appliances or appurtenances thereto. All work shall be performed by or under the supervision of a holder of a master gas fitter certificate of qualification.

d. **Mechanical contractor.** Installing, altering, repairing, relocating, replacing, using or maintaining heating, ventilating, comfort cooling, refrigeration systems, boilers, unfired pressure vessels, pipe fitting, incinerators and miscellaneous heat producing appliances. All work shall be performed by or under the supervision of the holder of a master mechanic certificate of qualification.

e. **Wrecking contractor.** Demolishing or wrecking any building or structure or portion thereof. All work shall be performed by or under the supervision of the holder of a wrecking supervisor certificate of qualification. (Ord. 7409, Adop. 10/05/93; Ord. 7387, Adop. 3/16/93)

Sec. 21-106 Licensee Supervisor.

a. **General.** Each licensee shall be required to have a supervisor who holds a certificate of qualification as follows:

<u>License</u>	<u>Certificate</u>
Electrical contractor	Master electrician
Plumbing contractor	Master plumber
Gas fitter contractor	Master gas fitter
Mechanical contractor	Master mechanic
Wrecking contractor	Wrecking supervisor

b. **Qualifications.** An applicant for a license may qualify in regard to the supervisor in the following ways:

1. If an individual, he may qualify by personal certification or by certification of a responsible managing employee.
2. If a co-partnership or limited partnership, it may qualify by certification of a general partner or a responsible managing employee.
3. If a corporation or any other combination or organization, it may qualify by the certification of the responsible managing employee or member of the personnel of such applicant.

The person qualifying on behalf of an individual, firm or corporation shall be responsible for exercising direct supervision and control of his employer's or principal's construction operations as is necessary to ensure full compliance with the provisions of the various rules and regulations of the city.

c. **Change of supervisor.** The license shall be valid only as long as the named supervisor remains in the employ of the licensee in an active full time capacity.

1. **Notification of disassociation.** If the individual qualifying for the license is a responsible managing officer or responsible managing employee and ceases for any reason whatsoever to be connected with the individual or firm to whom the license is issued, the licensee and the responsible managing officer or responsible managing employee qualifying for such license shall notify the department in writing within 30 days from such cessation.

2. **Failure to notify of disassociation.** If the licensee or his responsible managing officer or responsible managing employee qualifying for the license fails to notify the department in writing within the 30 day period, at the end of the period the license shall be automatically suspended. The license shall be reinstated upon the

qualification of an individual in place of the responsible managing officer or responsible managing employee who has ceased to be connected with the license.

To replace a responsible managing officer or responsible managing employee, the licensee shall file with the department an application, designating an individual to qualify as required by this article on behalf of the licensee. The application shall be accompanied by the fee fixed by this article and shall state that the individual qualifying has a valid certificate of qualification.

Sec. 21-107 Licenses - Fees.

a. **Fees required.** The annual contractor's license fees applicable to this article shall be as follows:

- (1) Electrical contractor..... \$150
- (2) Plumbing contractor \$150
- (3) Gas Fitter contractor \$100
- (4) Mechanical contractor \$150
- (5) Wrecking contractor \$100

b. No fee shall be required of the City or any of its agencies.
(Ord. 7040, Adop. 2/25/86)

Sec. 21-108 Licenses - Term.

All licenses issued pursuant to this article shall, unless sooner renewed, expire at the end of the calendar year for which they are issued. (Ord. 7040, Adop. 2/25/86)

Sec. 21-109 Licensee responsibility.

a. Licensees shall be responsible for all their work requiring a permit under the provisions of this chapter and without limitation be reason of enumeration, for the following specific duties:

- 1. To use safety measures and equipment to protect workmen and the public in accordance with generally accepted industry practice or as prescribed by City ordinance or regulation.
- 2. To present his license card when requested by the building official or his or her authorized representative.
- 3. To employ a qualified supervisor certified in accordance with the requirements of this article and to provide the name of such supervisor on the employer's license card.
- 4. To obtain a permit when such is required.

5. To faithfully perform all work without substantial departure from drawings and specifications, filed with the department.

6. To complete all work authorized by the permit issued under the authority of this chapter unless good cause is shown.

7. To obtain such inspections as are required by this chapter.

8. To pay all fees imposed pursuant to this chapter.

9. To obey all orders issued under authority of the building regulations.

10. To label all vehicles used in the operation of a business regulated by this chapter with identification of such business, in a manner as prescribed by the department.

11. To furnish the City a certificate of insurance in a company qualified to do business in this state, evidencing issuance to Licensee of a comprehensive general liability and property damage policy that includes contractual coverage with minimum limits of one hundred thousand dollars for injuries, including accidental death to any one person, and subject to the same limits for each person, in an amount not less than three hundred thousand dollars on account of injuries sustained in any one accident; and property damage insurance in an amount not less than twenty thousand dollars for each accident. The certificate of insurance shall name the City as an additional insured, and the policy shall be so endorsed, that the company shall notify the City in writing of any change or cancellation at least ten days prior thereto.

b. The holder of any license issued pursuant to this article shall in all respects comply with the requirements of the city engineer and director of public works in making excavations upon any street, sidewalk, alley, curb or other public property. In connection with any such excavation, a licensee shall:

1. Indemnify the city and hold it harmless from all claims, losses, damages and expenses arising out of any injury or damage to persons or property, which injury or damage is attributable to an excavation made by the licensee or any employee, agent or subcontractor; and

2. Be solely responsible for properly safeguarding any such excavation, from commencement of the work to completion of filling or resurfacing, unless specifically relieved of such responsibility by the city engineer or director of public works.

(Ord. 2009-09, Adop. 3/03/09; Ord. 7040, Adop. 2/25/86)

Sec. 21-110 Licenses - Change of Name, Organization or Ownership.

a. A change in name, business designation or personnel of a license holder shall be reported by the licensee to the department within 30 days after making such change or the license shall be terminated.

b. Incorporation or change in incorporation creating a new legal entity shall require a license even though one or more stockholders or directors have a license.

c. The organization or a partnership or the change in a partnership creating a new legal entity shall require a new license even though one or more of the partners are licensed.

d. The dissolution of a corporation or partnership which has been licensed terminates the license, and no individual or firm may operate under such license.

Sec. 21-111 Same - Suspension or Revocation.

a. **Authority.** The building official may recommend the suspension or revocation of a license when the licensee commits one or more of the following acts or omissions:

1. Failure to comply with any of the licensee responsibilities as outlined in Section 27-109.

2. Knowingly combining or conspiring with a person, firm or corporation by permitting one's license to be used by such firm or corporation, with the intention to evade the provisions of this chapter.

3. By acting as agent, partner, associate or in any other capacity with persons, firms or corporations to evade the provisions of this chapter.

4. Failure to provide evidence, in such form and at such times as required by the Building Official, that the licensee supervisor remains in the employ of the licensee in an active, full-time capacity.

5. Violation of any provisions of this chapter.

b. **Procedure.** When any of the acts or omissions as herein enumerated are committed by a license holder, and the building official deems that such license should be suspended or revoked, the procedure shall be as follows:

1. The licensee shall be notified in writing, by certified mail, at least 7 days prior to suspension or revocation.

2. Upon receipt of the notice, the licensee may request a hearing. Such request shall be in writing to the building official within seven days of receipt of notice.

3. If a hearing is requested by the licensee, the building official shall set a time, date and place and so notify the licensee.

4. When a hearing is conducted, the licensee and other interested parties may be in attendance. Upon completion of the hearing, the building official shall take all evidence admitted under advisement, and shall notify the licensee of his findings and ruling in writing, by certified mail.

5. If the decision rendered by the building official is adverse to the licensee, the licensee may appeal to the board of appeals and examination as an aggrieved person, and shall file an application in the manner prescribed in Article I of this chapter within 30 days after notice of ruling.

c. **Emergency suspension.** If the building official finds that cause does exist for suspension or revocation of a license, he may enter an order for immediate suspension of such license, pending further investigation or appeal. The licensee may, upon notice of such suspension, request an immediate hearing before the building official and the hearing shall be conducted in the manner prescribed in this section.
(§Ord. 7469, Adop. 7/11/95)

Sec. 21-112 Certificates of qualification - Generally.

a. **Definition.** A certificate of qualification (a "certificate") authorizes the holder, if a licensed contractor or employed by a licensed contractor, to engage in a certain construction industry trade. Certificates are issued by the department upon successful completion of an examination given by the building official; provided, that candidates for master, journeyman and apprentice plumbing certificates shall be examined by the board of plumbing examiners. No person shall be eligible to apply for a certificate hereunder unless he or she meets such experience requirements as may be established from time to time by the Board. A certificate is not transferable.

b. **Certificates required.** Certificates shall be required for all types of work hereinafter specified and classified. A certificate shall not be construed as a license.

c. **Application and fee.** Applicants for certificates shall be at least eighteen years of age. Every applicant for a certificate shall fill out the form provided by the department and shall at the time of filing pay an application fee in such amount as is from time to time determined by the building official to be sufficient to cover the cost of administering the examination. The application fee shall not apply on the certificate fee. Such fee shall entitle the applicant to one examination only. If the applicant is re-examined for any reason whatsoever, a new application shall be filed and the applicable fee paid. No application fee shall be required for employees of the city or its departments when a certificate is required for such employment.

d. **Residence.** No examination shall be given to any person who:

1. Resides or has a place of business within any jurisdiction which is a signatory party, with this City, to an agreement providing for reciprocal recognition of construction industry licenses or certificates; or

2. Resides or has a place of business nearer to any other signatory jurisdiction than to this City.

e. **Examinations.** For the purpose of evaluating the education and experience of candidates in accordance with standards established by the board, as authorized by this chapter, the building official shall periodically examine the qualifications of all candidates for certificates issued pursuant to this section. The frequency of such examinations shall be fixed by the Board in consultation with the building official; provided, that an interim examination for certification as a supervisor or master shall be administered to any applicant who:

1. Who has paid all applicable fees;

2. Has not within the preceding 5 years been examined locally for a certificate as a supervisor or master; and

3. Applies for such certification more than 30 days prior to the next regularly scheduled examination.

Interim examinations shall be administered within 5 days following receipt of the examination from the testing agency furnishing it, and shall be scored within 5 days following administration.

f. **Successful applicants.** After an applicant has successfully passed the examination, the building official shall submit his recommendation to the board of appeals and examination. The board of appeals and examination shall make final review of the examination papers and the qualifications of the applicant. If a successful applicant fails to secure a certificate within 90 days following notification of successful completion of an examination, such certificate shall be declared null and void. Thereafter a new application shall be filed but no re-examination shall be required if re-application is made within one year from date of the original examination.

g. **Failure to pass examination.** When an applicant has failed to pass an examination, he shall be so notified in writing by the building official. An applicant who fails to pass the required examination shall be ineligible for re-examination until the next regularly scheduled examination thereafter, and any applicant who shall fail to pass a second examination shall be ineligible for re-examination for a period of six months thereafter. Where an examination of more than one part is administered, each part of the examination may be considered separately for application of the re-examination requirements, including fees, upon concurrence by the board of appeals and examination.

h. **Reciprocal certification.** Notwithstanding any other provision of this article, the building official shall certify an applicant to work within the city if he or she:

1. Holds a comparable certificate issued by any governmental entity which administers Block & Associates examinations and which is a party to an agreement previously entered into by the City, which agreement provides for reciprocal recognition of construction industry certificates;

2. Has paid all fees and furnished such bonds as are otherwise required by the provisions of this article; and

3. Meets all experience requirements for such certificate, as established by this article. The building official may require such proof of qualification under this subsection (h) as he or she deems appropriate. No person may perform work for which a certificate is required if his or her certificate has lapsed or been revoked or suspended in the locality where it was issued.

i. **Right of appeal.** In the event the Building Official:

1. Determines a person is not qualified to make application for a certificate by reason of his or her failure to meet applicable experience requirements; or

2. Refuses reciprocal recognition of a certificate;

The applicant may appeal from such adverse decision to the board in the manner provided in Article I of this Chapter.

(Ord. 7040, Adop. 2/25/86)

Sec. 21-113 Same - Classification.

a. **Generally.** There shall be various classes of certificates of qualification and the holder of each certificate shall be authorized to do the work specified for each class.

b. **Supervisor certificates.** A supervisor certificate of qualification shall be required for certain contractor licenses as set forth elsewhere in this article.

c. **Master certificates.** A master certificate of qualification shall be required for certain contractor licenses as set forth elsewhere in this article and shall allow the holder thereof to serve as supervisor as follows:

Supervisor	License
Master electrician	Electrical contractor
Master plumber	Plumbing contractor
Master gas fitter	Gas fitting contractor
Master mechanic	Mechanical contractor
Wrecking supervisor	Wrecking contractor

d. **Journeyman certificates.** A journeyman certificate of qualification shall be required to labor at plumbing, mechanical and electrical trades as an employee.

e. **Apprentice certificates.** An apprentice certificate of qualification shall be required to labor at plumbing, mechanical and electrical trades as an employee. The apprentice: supervisor ratio for the direct supervision of the apprentice by a journeyman or master shall be 2:1 (two apprentice to one journeyman or master supervisor per job). Direct supervision shall mean the presence of a journeyman or master on the job at all times.

f. **Operator certificates.** An operator certificate of qualification shall be required to operate and maintain the following equipment and shall entitle the holder thereof to operate and maintain the equipment for which he is certified; except, that equipment and accessories used for operations, production or processing by public utilities, government agencies, manufacturing or processing plants or commercial enterprises may be operated and maintained by a regular operating and maintenance staff when supervised by a professional engineer registered by the state or by a plant operating engineer certified by the city. The work done under such supervision shall comply with all applicable provisions of this chapter, including required permits and inspection.

g. **Operating engineer certificates of qualification.** An operating engineer certificate shall entitle the holder thereof to take charge of and operate all steam generating boilers, steam engines, internal combustion engines, turbines, condensers, compressors, generators, motors, refrigeration systems, blowers, fuel burning equipment and all auxiliary apparatus together with any necessary maintenance of piping used in connection therewith and all other work hereinbefore covered by Article I of this chapter.
(Ord. 7362, Adop. 4/28/92)

Sec. 21-114 Same - Fees.

a. **Annual fees.** The annual fees, required for issuance of a certificate of qualification pursuant to this article, shall be as follows:

Certificate	Fee
Supervisor certificate	\$25.00
Master certificate	\$25.00
Journeyman certificate	\$15.00
Apprentice certificate	\$ 5.00
Operating engineer certificate	\$25.00

b. Notwithstanding the provisions of subsection (a) hereof, any individual holding a current, valid certificate of qualification issued pursuant to this article and who has bona fide retired from such trade or business may obtain renewal of such certificate of qualification at the time specified therefor, and no fee shall be charged for such renewal or any subsequent renewal during the period of such retirement. Any certificate of qualification renewed pursuant to this subsection (b) shall, at the time of such renewal, be stamped or otherwise conspicuously marked so as to indicate that the holder thereof is retired. No

person holding a certificate renewed pursuant to this subsection (b) shall engage in any work for which a certificate of qualification is required by this article unless such person:

1. Pays the applicable certificate of qualification fee set forth in subsection (a) hereof; and
 2. Successfully completes the appropriate examination or otherwise qualifies for initial issuance of such certificate of qualification.
- c. The certificate of qualification fee for employees of the city, when performing work for the city as tradesmen or inspectors, shall be waived.
 - d. Certificate of qualification fees shall not be refunded.

Sec. 21-115 Certificates - Term.

All certificates issued pursuant to this article shall, unless sooner renewed, expire at the end of the calendar year for which they are issued. (*Ord. 7040, Adop. 2/25/86*)

Sec. 21-116 Same - Reissuance.

The building official shall have the authority to reissue a certificate without examination provided such reissuance shall be accomplished during the first three months following expiration. If a certificate is not reissued during this time, the qualification for the certificate shall expire and a new application shall be filed and examination given.

Sec. 21-117 Same - Holder's Responsibility.

All certificate holders shall be responsible for the work they assume in accordance with the requirements of this chapter, without limitation, and with the times as herein listed:

- a. To have a certificate on his person at all times.
- b. To present his certificate when requested by any member of the department.
- c. To faithfully construct without departure from or disregard of approved drawings and specifications.
- d. To obey any order issued under authority of this chapter.
- e. To pay any order issued under authority of this chapter.
- f. To observe any city ordinances prescribing measures for the safety of workmen and of the public.

g. In addition to the foregoing, the supervisor for a licensee shall maintain supervision of the workmen under his direction on a day to day basis during normal working hours of the licensee.

Sec. 21-118 Same - Validity of Supervisor's Certificate.

When a certified supervisor leaves the employ of a licensee, such certificate shall be null and void. The certificate shall be deemed to be a master certificate until such certificate holder establishes employment with a new licensee and informs the department of this fact and he is issued a new certificate indicating the new employer and such change is indicated on the license of the employer.

Sec. 21-119. Same - Suspension or revocation.

a. **Authority.** The building official may suspend or revoke a certificate issued under the provisions of this chapter, or terminate reciprocal recognition of a certificate issued by another governmental entity, for any one or more of the following acts or omissions:

1. Incompetence.
2. Misuse of the certificate.
3. Violation of any provisions of this chapter.
4. Failure to comply with any of the certificate holder responsibilities as outlined in Section 21-117.

b. **Procedure.** When any of the acts or omissions as herein enumerated are committed by a certificate holder, and the building official deems that such certificate should be suspended or revoked;

1. The building official shall notify the certificate holder of his or her intent to suspend or revoke such certificate. Such notice shall be in writing, and sent by certified mail at least 10 days prior to the effective date of such suspension or revocation.
2. The certificate holder may request a hearing before the building official. Such request shall be made in writing to the building official within 7 days of mailing of notice.
3. If a hearing is requested by the certificate holder, the building official shall set a time, date and place and so notify the certificate holder. Such hearing shall, whenever possible, be held prior to the effective date of the proposed suspension or revocation.

4. At any hearing conducted hereunder, the certificate holder may participate personally or through a representative, and any other interested parties may attend. At the conclusion of the hearing, the building official shall consider all relevant information presented at the hearing or contained in the departmental file, render a decision and notify the certificate holder of the ruling in writing, by certified mail or personal service.

5. If the decision rendered by the building official is adverse to the certificate holder, the certificate holder may appeal to the board by filing a notice of appeal within 30 days after such decision. The board shall hear and determine the matter within a reasonable time thereafter.

c. **Emergency suspension.** If the building official finds that because of exigent circumstances, just cause exists for immediate suspension or revocation of a certificate, or termination of reciprocal recognition of a certificate issued by another governmental entity, he or she may enter an order for immediate suspension of such certificate pending further investigation. The certificate holder may, upon notice of suspension, request an immediate hearing before the building official, and the hearing shall be conducted in the manner prescribed in this section.

d. **Delegation of authority.** For the purpose of any such hearing, the building official may appoint an employee of the department to conduct such hearing in his stead and recommend a disposition of the matter. Any final decision shall be rendered by the building official.

(Ord. 7040, Adop. 2/25/86)

Sec. 21-120 Board of Appeals and Examinations.

a. **Purpose.** For the purpose of determining questions of fact as to the acceptability and adequacy of alternate materials, equipment and types of construction and for providing for the review of the decisions of the Building Official in the interpretation of all Building Regulations of the city, there is hereby established the Board of Appeals and Examinations (the "Board").

b. **Right of appeal.** Any decision of the Building Official in the enforcement of the Building Regulations of the City may be appealed to the Board by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the said Building Official. Such appeal shall be made within 30 days from the date of the order or other ruling of the Building Official, by filing with the Building Official a written notice of appeal specifying the ground therefor. Before the Board is called, the appellant shall submit a fee of \$25 to the city treasurer. The building official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from unless the Building Official certifies to the Board, after notice of appeal shall have been filed with him,

that by reason of the facts stated in the certificate a stay would in his opinion cause imminent peril to life or property.

c. **Meetings.** The Board shall fix a reasonable time for the hearing of the appeal, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing before the Board, any party may appear in person or by an agent.

d. **Powers and duties.** The Board shall have the power to:

1. Approve the use of alternate materials, equipment and types of construction, whenever in any specific case, the Board shall find and determine that the application of a general rule or regulation governing such use will by reason of exceptional circumstances or conditions, constitute a practical difficulty or unnecessary hardship; to hear and render decisions on all appeals from the decisions of the Building Official. The Board shall further be empowered to interpret the intent of the Building Regulations in specific cases and to authorize responsible, minimum variance from the literal provisions of the Building Regulations, where it is determined that such variance is, for the purpose intended, at least the equivalent of that prescribed in the Building Regulations with respect to quality, strength, effectiveness, fire resistance, durability and safety. All such rulings and actions of the Board shall be consistent with the spirit and intent of the Building Regulations with respect to safety of human life.

2. Act as the examining agency for the Department and shall have the powers, duties, and functions prescribed in Article II of the Building Regulations.

3. Adopt reasonable rules and regulations for its conduct as it may deem necessary to carry out the requirements of the Building Regulations.

4. Recommend to the City Council such new legislation as is consistent with their decisions.

e. **Appointment.** Members and their alternates shall be appointed by the Mayor, with the approval of the City Council, and shall serve for a term of 4 years. One member and one alternate shall be appointed from each of the designated fields. The Mayor may remove members and alternates for just cause upon written notice and may appoint new members in case of vacancies in the same manner as original appointments.

f. **Conflict of interest.** No member of the Board shall vote on any matter in which he or she has a direct or financial interest.

g. **Decisions.** All decisions of the Board shall be by a majority vote of the attending members or their alternates; provided, that a quorum is present. All decisions of the Board shall be in writing and shall be filed with the City Clerk with a copy to the appellant and the Building Official.

Sec. 21-121 Same - Examination of applicants for certificate.

a. **Duties.** The Board shall act as the examining agency for the department. The Board shall have the duties, powers and functions prescribed by this article for the purpose of giving examinations and determining facts in connection with the issuance of certificates of qualification.

b. **Examination standards.** The board of appeals and examination shall approve the examination standards to be followed by the building official. The standards shall be consistent with the purpose of this chapter, which is the protection of the public health and public safety of the people of the city, so that those who are recommended to be certified under the building regulations are qualified in terms of their skills, knowledge, practical experience and knowledge of pertinent law to supervise or perform the work for which they may be certified.

The board of appeals and examination shall set standards for certificates of qualification in the following areas:

1. Applicable technical portions of this chapter.
2. Technical knowledge.
3. Skills.
4. Education.
5. Experience.

Annual review of standards shall be made to maintain the standards current with improvements in this chapter and other building practices. If other licenses, certificates or lawful requirements are required from the applicant by other ordinances of the city, such licenses, certificates or other requirements shall be deemed prerequisites to the recommendation for the issuance of a certificate.

Article II. Building Code

Sec. 21-201 Adoption of International Building Code

There is hereby incorporated by reference for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Hutchinson; providing for the issuance of permits and collection of fees therefore within the corporate limits of the City of Hutchinson, Kansas,

the “International Building Code”, 2012 Edition, including Appendix Chapters C, E, F, I, J and K (see International Building Code Section 101.2.1, 2012 edition), as published by the International Code Council. No fewer than three copies of said International Building Code shall be marked or stamped “Official Copy as Adopted by Ordinance No. 2013 - 20,” and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Building Inspector and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such International Building Code as may be deemed expedient.

(Ord. 2013-20, Adop. 8/06/13; Ord. 2007-17, Adop. 5/01/07; Ord. 7650, Adop. 11/09/99; Ord. 7359, Adop. 4/07/92; Ord. 7144, Adop. 9/06/88)

Sec. 21-202 Local amendments to International Building Code.

That the following sections of the International Building Code are hereby modified as follows:

Section 101.1. Title. These regulations shall be known as the Building Code of the City of Hutchinson, hereinafter referred to as the “Building Code.”

Section 105.2 Work exempt from permit. Exemptions from permit requirements of the Building Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Building Code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
3. Oil derricks.
4. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
7. Painting, papering, tiling, carpeting, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R-3 occupancy, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.

10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

11. Swings and other playground equipment accessory to detached one- and two-family dwellings.

12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Section 109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to 200 percent of the usual permit fee in addition to the required permit fee.

Section 1101.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with the Building Code and the Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines.

Section 1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for City of Hutchinson, dated January 6, 2010, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

Section 1809.4 Depth and Width of footings. The minimum depth of footings below the undisturbed ground surface shall be 12 inches (305 mm). Where applicable, the requirements of Section 1809.5 shall also be satisfied. The minimum width of footings shall be 12 inches (305 mm).

Section 1809.5 Frost protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of building and structures shall be protected from frost by one or more of the following methods:

1. Extending below the frost line of the locality (32 inches minimum below adjacent finished grade);
2. Constructing in accordance with ASCE-32; or
3. Erecting on solid rock.

Exception: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to Risk Category I, in accordance with Section 1604.5;
2. Area of 600 square feet or less for light-framed construction or 400 square feet or less for other than light-frame construction: and
3. Eave height of 10 feet or less.

Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

Section 3412.2 Applicability. Structures existing prior to September 5, 1978, in which there is work involving additions alterations or changes of occupancy shall be made to conform to the requirements of this or the provisions of Section 3403 through 3409. The provisions in Section 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies Group H or I.

Section E101.2 Design. Technical requirements for items herein shall comply with this code and the Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines.

The following sections and chapters of the International Building Code, 2012 Edition, are hereby declared to be omitted and deleted: Paragraphs 2 and 6 of Section 105.2 in Chapter 1, Chapter 13 relating to Energy Efficiency and Chapter 29 relating to Plumbing Systems. (*Ord. 2013-20, Adop. 8/06/13; Ord. 2007-17, Adop. 5/01/07; §d Ord. 2006-29, Adop. 9/05/06; Ord. 7650, Adop. 11/09/99; §a Ord. 7485, Adop. 12/12/95; Ord. 7359, Adop 4/07/92; §a Ord. 7144, Adop. 9/06/88*)

Sec. 21-203 Mobile Home Park Storm Shelters

The owner of each mobile home park existing as of November 19, 1991, located within the City, and every person supervising the operation of any such mobile home park shall either provide a storm shelter adequate to accommodate all residents of such park and constructed in all respects according to the City's building regulations or, in the alternative, post a sign reading as follows:

WARNING

This mobile home park does not have a storm shelter

Such sign shall:

a. be printed in letters at least 2 inches (2") high and posted in a conspicuous place at or near the entrance to the park or in the park management office; or

b. stamp the warning conspicuously upon the face of each lot rental agreement executed from and after November 19, 1991.

Any person violating the provisions of this section shall, upon conviction, be fined not less than \$50 nor more than \$500; no portion of such fine shall be remitted or suspended. Each day any such violation continues shall be considered to be a separate offense.

(Ord. 2007-25, Adop. 6/05/07)

Article III.

Sec. 21-301 Adoption of International Plumbing Code

There is hereby incorporated by reference for the purpose of regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Hutchinson; providing for the issuance of permits, and collection of fees therefore within the corporate limits of the City of Hutchinson, Kansas, the "International Plumbing Code", 2012 Edition, including Appendix Chapters B, E, and F, as published by the International Code Council. No fewer than three copies of said International Plumbing Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2013 - 21," and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Building Inspector and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such International Plumbing Code as may be deemed expedient.

(Ord. 2013-21, Adop. 8/06/13; Ord. 2007-20, Adop. 5/01/07)

Sec. 21-302 Local Amendments to International Plumbing Code

That the following sections of the International Plumbing Code are hereby modified as follows:

Section 101.1 Title. These regulations shall be known as the International Plumbing Code of the City of Hutchinson hereinafter referred to as the "Plumbing Code."

Section 106.6 Fees. A permit shall not be issued until the fees have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the plumbing systems, has been paid.

Section 106.6.1 Work commencing before permit issuance. Any person who commences any work on a plumbing system before obtaining the necessary permits shall be subject to 200 percent of the usual permit fee in addition to the required permit fees.

Section 108.4 Violation penalties. Any person who shall violate a provision of the Plumbing Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of the Plumbing Code, shall be guilty of a Class C misdemeanor, punishable by a fine or by imprisonment or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of the Plumbing Code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C misdemeanor.

Section 305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 18 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below grade.

TABLE 403.1
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES
(See Sections 403.2 and 403.3)

f. Drinking fountains are not required for an occupant load of 15 or fewer (type B occupancy - 30 occupant load or less, and type M occupancy - 100 occupant load or less).

Section 608.1 General. A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from nonpotable liquids, solids or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. Backflow preventer

applications shall conform to Table 608.1, except as specifically stated in Section 608.2 through 608.16.10.

Section 608.1.1 Purpose. To protect the public potable water supply of the public water supply system; to provide maintenance of a continuing effective cross-connection control program and thus protect the public health.

Section 608.1.2 Cross-connection responsibility. The code official and/or authorized representatives shall be responsible for the administration of the cross-connection control program of the City of Hutchinson to protect the public potable water supply. If in the judgment of the code official or authorized representative, an approved backflow prevention device is required, the code official or authorized representative will give notice in writing to the property owner or owner's agent to immediately install the proper backflow prevention device at the owner's expense. Failure to comply with this order will cause the property to be disconnected from the potable water supply and be guilty of a Class C misdemeanor. Water service to the property will not be reconnected until the proper backflow prevention device is installed.

Section 608.1.3 Maintenance and repair. It shall be the responsibility of the property owner or the owner's agent to maintain all backflow prevention devices located on the property or within any structures located on the property in proper working condition and to ensure no piping or other arrangements have been installed for the purpose of by passing any backflow prevention devices.

Section 608.1.4 Testing and repair technicians. Testing and repair of backflow prevention devices shall be made by qualified technicians who are licensed journeyman or master plumbers who have completed at least 20 hours of an approved cross-connection course or persons who have completed the 40 hour cross-connection course as approved by the Kansas Department of Health and Environment and have passed a written examination and are listed with the Kansas Department of Health and Environment as a certified technician to test and repair backflow prevention devices. All certified backflow prevention device technicians shall be recertified at not less than three year intervals.

Section 608.1.5 Installation. The code official or authorized representative will ensure the proper installation of all backflow prevention devices within the jurisdiction. Installation of backflow prevention devices shall be performed by a licensed plumbing contractor or agents of the contractor issued a journeyman or master trade card by the City of Hutchinson.

Section 608.1.6 Testing. Testing of backflow prevention devices shall be completed annually on the anniversary of their installation and shall be rebuilt every five (5) years after their installation.

Section 903.1 Roof Extensions. All open vent pipes that extend through a roof shall be terminated at least 8 inches above the roof, except that where a roof is to be used

for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

Section 1002.1 Fixture traps. Each plumbing fixture shall be separately trapped by a water-seal trap, except as otherwise permitted by this code. The trap shall be placed as close as possible to the fixture outlet. The vertical distance from the fixture outlet to the trap weir shall not exceed 24 inches (610 mm). The distance of a clothes washer above the trap shall conform to Section 802.4. A fixture shall not be double trapped.

Exceptions:

1. This section shall not apply to fixtures with integral traps.
2. A combination plumbing fixture is permitted to be installed on one trap provided that one compartment is not more than 6 inches (152 mm) deeper than the other compartment and the waste outlets are not more than 30 inches (762 mm) apart.
3. A grease trap intended to serve as fixture trap in accordance with the manufacturer's installation instruction shall be permitted to serve as the trap for single fixture or a combination sink of not more than three compartments where the vertical distance from the fixture outlet to the inlet of the interceptor does not exceed 30 inches (762 mm), and the developed length of the waste pipe from the most upstream fixture outlet to the inlet of the interceptor does not exceed 60 inches (1524 mm).
4. Two traps may be installed on a single trap arm which serves a residential kitchen sink.

Section 1003.3.4.1 Grease trap capacity. Grease traps shall have a capacity of 1000 gallons installed to collect grease-laden waste from fixtures located in restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias, or restaurant and clubs. Where the installation of a 1000 gallon grease trap is not feasible due to extenuating circumstances related to the location of the property, grease traps shall have the grease retention capacity indicated in Table 1003.3.4.1 for the flow- through rates indicated.

TABLE 1003.3.4.1
CAPACITY OF GREASE TRAPS

TOTAL FLOW-THROUGH RATINGS (gpm)	GREASE RETENTION CAPACITY (pounds)
4	8
6	12
7	14
9	18
10	20
12	24
14	28
15	30
18	36
20	40
25	50
35	70
50	100

For SI: 1gallon per minute = 3.785 L/m, 1 pound = 0.454 kg.
(Ord. 2014-9, Adop. 8/05/14; Ord. 2013-21, Adop. 8/06/13; Ord. 2010-19, Adop. 4/20/10; Ord. 2007-20, Adop. 5/01/07; Ord. 7650, Adop. 11/09/99)

Article IV. Mechanical Code

Sec. 21-401 Adoption of International Mechanical Code

There is hereby incorporated by reference for the purpose of regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Hutchinson, providing for the issuance of permits, and collection of fees therefore within the corporate limits of the City of Hutchinson, Kansas, the “International Mechanical Code”, 2012 Edition, including Appendix Chapter A, as published by the International Code Council. No fewer than three copies of said International Mechanical Code shall be marked or stamped “Official Copy as Adopted by Ordinance No. 2013 - 22,” and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Building Inspector and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such International Mechanical Code as may be deemed expedient.

(Ord. 2013-22, Adop. 8/06/13; Ord. 2007-19, Adop. 5/10/07; Ord. 7650, Adop. 11/09/99; Ord. 7144, Adop. 9/06/88)

Sec. 21-402 Local amendments to International Mechanical Code

That the following sections of the International Mechanical Code are hereby modified as follows:

Section 101.1 Title. These regulations shall be known as the Mechanical Code of the City of Hutchinson, hereinafter referred to as the “Mechanical Code.”

Section 106.5 Fees. A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the mechanical system, has been paid.

Section 106.5.1 Work commencing before permit issuance. Any person who commences work on a mechanical system before obtaining the necessary permits shall be subject to 200 percent of the usual permit fee in addition to the required permit fees.

Section 108.4 Violation penalties. Persons who shall violate a provision of the Mechanical Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of the Mechanical Code, shall be guilty of a *Class C misdemeanor*, punishable by a fine or by imprisonment or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of the Mechanical Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the property, or to the owner’s agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C misdemeanor.

Section 306.5 Equipment and appliances on roofs or elevated structures. Where equipment and appliances requiring access are installed on roofs or elevated structures at a height exceeding 16 feet (4877 mm), such access shall be provided by a permanent approved means of access, the extent of which shall be from grade or floor level to the equipment and appliances’ level service space. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) high or walking on roofs having a slope greater than 4 units in 12 units horizontal (33-percent slope).

Permanent ladders installed to provide the required access shall comply with the following minimum design criteria:

1. The side railing shall extend above the parapet or roof edge not less than 30 inches (762 mm).

2. Ladders shall have rung spacing not to exceed 14 inches (356 mm) on center. The uppermost rung shall be a maximum of 24 inches (610 mm) below the upper edge of the roof hatch, roof or parapet, as applicable.

3. Ladders shall have a toe spacing not less than 6 inches (152 mm) deep.

4. There shall be a minimum of 18 inches (457 mm) between rails.

5. Rungs shall have a minimum 0.75-inch (19 mm) diameter and be capable of withstanding a 300-pound (136.1kg) load.

6. Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings capable of withstanding 100 pounds per square foot (488.2 kg/m²). Landing dimensions shall be not less than 18 inches (457 mm) and not less than the width of the ladder served. A guard rail shall be provided on all open sides of the landing.

7. Climbing clearance. The distance from the centerline of the rungs to the nearest permanent object on the climbing side of the ladder shall be a minimum of 30 inches (762 mm) measured perpendicular to the rungs. This distance shall be maintained from the point of ladder access to the bottom of the roof hatch. A minimum clear width of 15-inches (381 mm) shall be provided on both sides of the ladder measured from the midpoint of and parallel with the rungs except where cages or wells are installed.

8. Landing required. The ladder shall be provided with a clear and unobstructed bottom landing area having a minimum dimension of 30 inches (762 mm) by 30 inches (762 mm) centered in front of the ladder.

9. Ladders shall be protected against corrosion by approved means.

10. Access to ladders shall be provided at all times.

Catwalks installed to provide the required access shall be not less than 24 inches (610 mm) wide and shall have railings as required for service platforms.

Exception:

1. This section shall not apply to Group R-3 occupancies.

2. Ladders are not required to be installed on existing buildings when another approved access means is provided.

(Ord. 2013-22, Adop. 8/06/13; Ord. 2007-19, Adop. 5/01/07; Ord. 7650, Adop. 11/09/99; Ord. 7359, Adop. 4/07/92; Ord. 7254, Adop. 10/25/88)

Article V. Electrical Code

Sec. 21-501 Adoption of the National Electrical Code

There is hereby incorporated by reference for the purpose of regulating and governing new and existing installations, additions, alterations, modifications, construction, maintenance, testing and repair to electric systems in the City of Hutchinson, providing for the issuance of permits, and collection of fees therefore within the corporate limits of the City of Hutchinson, Kansas, the "National Electric Code", 2011 Edition, including Annex A, B, C, D, E, F and H, as published by the National Fire Protection Association, Inc. No fewer than three copies of said National Electrical shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2013 - 23," and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Building Inspector and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such National Electrical Code as may be deemed expedient.

(Ord. 2013-23, Adop. 8/06/13; Ord. 2007-22, Adop. 5/01/07; Ord. 7650, Adop. 11/09/99; Ord. 7359, Adop. 4/07/92; Ord. 7144, Adop. 9/06/88)

Sec. 21-502 Local amendments to the National Electric Code

That the following sections of the National Electrical Code are hereby modified as follows:

ANNEX H

Section 80.2 Definitions

Authority Having Jurisdiction. The organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure.

ANNEX H

Section 80.23 Notice of Violation, Penalties. Notice of violations and penalties shall conform to (A) and (B).

(A) Violations.

(1) Whenever the authority having jurisdiction determines that there are violations of this Code, a written notice shall be issued to confirm such findings.

(2) Any order or notice issued pursuant to this Code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service or mail or by delivering the same to, and leaving it with some person of responsibility upon the premises.

For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice shall be mailed by registered or certified mail, with return receipt requested, to the last known address of the owner, occupant, or both.

(B) Penalties.

(1) Any person who fails to comply with the provisions of this Code or who fails to carry out an order made pursuant to this Code or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by this jurisdiction.

(2) Failure to comply with the time limits of an abatement notice or other corrective notice issued by the authority having jurisdiction shall result in each day that such violation continues being regarded as a new and separate offense.

(3) Any person, firm, or corporation who shall willfully violation any of the applicable provisions of this article shall be guilty of a Class C misdemeanor and, upon conviction thereof, shall be punished by a fine or imprisonment or both.

ANNEX H

Section 80.25 Connection to Electricity Supply. Connections to the electric supply shall conform to (A) through (E).

(A) Authorization. Except as otherwise provided in 80.25, it shall be unlawful for any person, firm, or corporation to make connection to a supply of electricity or to supply electricity to any electric equipment installation for which a permit is required or that has been disconnected or ordered to be disconnected.

(B) Special Consideration. By special permission of the authority having jurisdiction, temporary power shall be permitted to be supplied to the premises for specific needs of the construction project. The Building Official shall determine what needs are permitted under this provision.

(E) Disconnection. Where a connection is made to and installation that has not been inspected, as outlined in the preceding paragraphs or this section, the supplier of electricity shall immediately report such connection to the Building Official. If, upon subsequent inspection, it is found that the installation is not in conformity with the provisions of Article 80, the Building Official shall notify the person, firm, or corporation making the installation to rectify the defects and, if such work is not completed within 15 business days or a longer period as may be specified, the Building

Official shall have the authority to cause the disconnection of that portion of the installation not in conformity.

ANNEX H

Section 80.29 Liability for Damages. Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the City of Hutchinson or any of its employees be held as assuming any such liability by reason of the inspection, re-inspection, or other examination authorized.

(Ord. 2013-23, Adop. 8/06/13; Ord. 2007-22, Adop. 5/01/07)

Article VI. Existing Building Codes

Sec. 21-601 Adoption of the International Existing Building Code

There is hereby incorporated by reference for the purpose of regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings; providing for the issuance of permits and collection of fees therefore within the corporate limits of the City of Hutchinson, Kansas, the "International Existing Building Code", 2012 Edition, including Appendix Chapter A, and Resource A, as published by the International Code Council. No fewer than three copies of said International Building Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2013 - 27," and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Building Inspector and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such International Existing Building Code as may be deemed expedient.

(Ord. 2013-27, Adop. 8/06/13)

Sec. 21-602 Local Amendments to the International Existing Building Code

That the following sections of the International Existing Building Code are hereby modified as follows:

101.1 Title. These regulations shall be known as the Existing Building Code of City of Hutchinson, KS hereinafter referred to as the "Existing Building Code."

106.2.4 Exterior wall envelope. Construction documents for all work affecting the exterior wall envelope shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including windows, doors, flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane, and details around openings.

The construction documents may include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the wind and weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

705.1 General. A building, facility, or element that is altered shall comply with the applicable provisions in the American with Disability Act Accessibility Guidelines (ADAAG) unless technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible.

Exceptions:

1. The altered element or space is not required to be on an accessible route unless required by Section 506.2.
2. Accessible means of egress required by Chapter 10 of the International Building Code are not required to be provided in existing buildings and facilities.
3. Type B dwelling or sleeping units required by Section 1107 of the International Building Code are not required to be provided in existing buildings and facilities.

705.1.1 Entrances. Where an alteration includes alterations to an entrance, and the building or facility has an accessible entrance on an accessible route, the altered entrance is not required to be accessible unless required by Section 506.2. The accessible entrance on an accessible route shall have approved signage.

705.1.2 Elevators. Altered elements of existing elevators shall comply with ASME A17.1. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

705.1.3 Platform lifts. Platform (wheelchair) lifts complying with Americans with Disabilities Act Accessibility Guidelines and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route.

705.1.8 Accessible Dwelling or sleeping units. Where Group I-1, I-2, I-3, R-1, R-2, or R-4 dwelling or sleeping units are being altered, the requirements of the Americans with Disabilities Act Accessibility Guidelines or subsequent Federal regulations for accessible or Type A units and Chapter 9 of the International Building Code for accessible alarms apply only to the quantity of the spaces being altered.

705.1.13 Thresholds. The maximum height of thresholds at doorways shall be ½ inch. Such thresholds shall have beveled edges on each side.

804.4.2 Supplemental fire alarm system requirements. Where the work area on any floor exceeds 50 percent of that floor area, Section 804.4.1 shall apply throughout the floor.

Exception: Alarm-initiating and notification appliances shall be required to be installed in tenant spaces outside of the work area

804.4.3 Smoke alarms. Individual sleeping units and individual dwelling units in any work area in Group R-1, R-2, R-3, R-4, and I-1 occupancies shall be provided with smoke alarms in accordance with the International Fire Code.

Exception: Interconnection of smoke alarms outside of the rehabilitation work area shall be required.

806.2 Stairs and escalators in existing buildings. In alterations where an escalator or stair is added where none existed previously, an accessible route shall be provided in accordance with the American with Disabilities Act Accessibility Guidelines or subsequent Federal regulations.

806.3 Dwelling units and sleeping units. Where Group I-1, I-2, I-3, R-1, R-2, or R-4 dwelling units or sleeping units are being added, the requirements of the Americans with Disabilities Act Accessible Guidelines or subsequent Federal regulations for accessible units or Type A units and Chapter 9 of the International Building Code for accessible alarms apply only to the quantity of spaces being added.

808.1 New installations. All newly installed electrical equipment and wiring relating to work done in any work area shall comply with the materials and methods requirements of Chapter 5.

Exception: Electrical equipment and wiring in newly installed partitions and ceilings shall comply with all applicable requirements of the adopted electric code.

808.3.4 Ground fault circuit interruption. Newly installed receptacle outlets shall be provided with ground fault circuit interruption as required by the adopted electric code.

808.3.7 Clearance for equipment. Clearance for electrical service equipment shall be provided in accordance with the adopted electric code.

1001.4 Certificate of occupancy required. A certificate of occupancy shall be issued where a change of occupancy occurs or results in a different occupancy classification as determined by the International Building Code.

1008.1 Special occupancies. Where the occupancy of an existing building or part of an existing building is changed to one of the following special occupancies as described in the adopted electric code, the electrical wiring and equipment of the building or portion thereof that contains the proposed occupancy shall comply with the applicable requirements of the adopted electrical code whether or not a change of occupancy group is involved:

1008.2 Unsafe conditions. Where the occupancy of an existing building or part of an existing building is changed, all unsafe conditions shall be corrected without requiring that all parts of the electrical system be brought up to the current edition of the adopted electric code.

1008.3 Service upgrade. Where the occupancy of an existing building or part of an existing building is changed, electrical service shall be upgraded to meet the requirements of the adopted electric code for the new occupancy.

1008.4 Number of electrical outlets. Where the occupancy of an existing building or part of an existing building is changed, the number of electrical outlets shall comply with the adopted electric code for the new occupancy.

1009.1 Mechanical requirements. Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to different kitchen exhaust requirements or to increased mechanical ventilation requirements in accordance with the International Mechanical Code, the new occupancy shall comply with the respective International Mechanical Code provisions.

1010.1 Increased demand. Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to increased or different plumbing fixture requirements or to increased water supply requirements in accordance with the International Plumbing Code, the new occupancy shall comply with the respective International Plumbing Code provisions.

1101.1 Scope.

An addition to a building or structure shall comply with the building, plumbing, electrical, and mechanical codes, without requiring the existing building or structure to comply with any requirements of those codes or of these provisions.

Exception: In flood hazard areas, the existing building is subject to the requirements of Chapter 21, Article X of the Hutchinson City Code.

1401.2 Applicability.

Structures existing prior to September 5, 1978 in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 10. The provisions of Sections 1201.2.1 through 1201.2.5 shall apply to existing occupancies

that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

1401.2.5 Accessibility requirements.

All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of the Americans with Disabilities Act Accessibility Guidelines or subsequent Federal regulations.

(Ord. 2013-27, Adop. 8/06/13)

Article VII. Unsafe or Dangerous Buildings.

Sec. 21-701 Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section:

- a. "Enforcing officer" means the building official of the City of Hutchinson, Kansas.
- b. "Structure" means any building, wall or part thereof.
- c. "Substandard Building" means any building or portion thereof which is determined to be unsafe due to any condition listed below or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public of the occupants thereof.

1. Inadequate Sanitation. Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include but not be limited to the following:

- a. Lack of hot and cold running water to plumbing fixtures in a dwelling unit, lodging house, or any structure that is required by the current Uniform Building Code adopted.
- b. Lack of adequate heating facilities.
- c. Lack of required electrical lighting, by current National Electrical Code adopted.
- d. Infestation of insects, vermin or rodents.
- e. Lack of connection to required sewage disposal system.

2. Structural Hazards. Building or portions thereof shall be deemed substandard when they are or contain structural hazards. Structural hazards shall include but not be limited to the following:

- a. Deteriorated or inadequate foundation.
- b. Defective or deteriorated flooring or floor supports.
- c. Flooring or floor supports of insufficient size to carry imposed loads safely.
- d. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
- e. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
- f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- g. Those open to unauthorized persons.
- h. Risk of movement or instability of the ground necessary for the purpose of supporting such building which may cause the structure to collapse when such structure is located in an area identified as vulnerable by the Kansas Department of Health and Environment or Kansas Geological Survey.

3. Hazardous Electrical Wiring. Electrical wiring which was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not being used in a safe manner shall be considered substandard.

4. Hazardous Plumbing. Plumbing which was installed in violation of code requirement in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not free of cross-connections or siphonage between fixtures shall be considered substandard.

5. Hazardous Mechanical Equipment. Mechanical equipment which was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good and safe condition shall be considered substandard.

6. Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the chief of the fire department, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered a substandard building.

(Ord. 2010-23, Adop. 5/18/10; Ord. 7511, Adop. 7/23/96)

Sec. 21-702 Posting of Structure.

a. Each structure found to be substandard by the building official shall be posted at or upon each exit of the building, and shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building,
or to remove or deface this notice.

Building Official
City of Hutchinson

b. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Sec. 27-703, reciting the emergency and specifying the conditions which necessitate the posting. No person shall enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and the Certificate of Occupancy issued pursuant to the provisions of the Building Code. Any person violating this subsection shall be guilty of a misdemeanor.

(Ord. 7511, Adop. 7/23/96)

Sec. 21-703 Procedure for repair or demolition - Notice and hearing.

a. Whenever the enforcing officer files with the governing body a statement in writing, giving the description and location of a structure and stating that such structure is unsafe or dangerous, the governing body shall by resolution fix a time and place at which the owner, his agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished.

b. Such 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. A copy of the resolution shall be mailed by certified mail within 3 days after its first publication to each such owner, agent, lienholder and occupant, at his, her or its last known place of residence, and such mailing shall be marked "deliver to addressee only"; provided, that if such owner is a resident of Reno County, Kansas, such

resolution shall be personally served on such owner, or delivered to his, her or its last known address at least one week in advance of the date set for the hearing.

c. On the date fixed for the hearing or any adjournment thereof, the governing body shall hear all evidence submitted by the owner, his agent, lienholders of record or occupants having an interest in such structure, as well as evidence submitted by the enforcing officer filing the statement, and shall make findings by resolution. If the governing body finds that such structure is unsafe or dangerous, such resolution shall direct that the structure be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official city newspaper and a copy mailed to the owner, agent, lienholders of record and occupants, in the same manner as provided for the notice of hearing. Such resolution shall be filed with the Register of Deeds at the Courthouse and will become part of the legal record of the property. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and shall require a cash bond to be provided by the property owner, in an amount to be determined by the enforcing officer, sufficient to cover costs of removal of the structure by the City and shall include 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, or repaired. The maximum time allowed for repair or demolition shall be 120 days, unless extended by the City Council.

(§c Ord. 2003-05, Adop. 1/28/03; Ord. 7511, Adop. 2/23/96)

Sec. 21-704 Payment of cost of repair or removal.

If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter, the city may proceed to raise and remove such structure, make the premises safe and secure, or let the same to contract. The city shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All moneys in excess of that necessary to pay such costs shall, after the payment of all costs, be paid to the owner of the premises upon which such structure was located. If there be no salvageable material or if the moneys received from such salvage is insufficient to pay the cost of such work, such cost or any portion thereof in excess of the amount received from the sale of salvage shall be assessed as a special assessment against the parcel of land on which the structure was located and the city clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the aforesaid costs and the county clerk shall extend the same on the tax rolls of the county against the lot or parcel of land. Whenever any structure is removed from any premises under the provisions of this article, the city clerk shall certify to the county assessor the fact that such structure has been removed, and such certification shall include a description of the property affected. *(Ord. 7511, Adop. 2/23/96)*

Sec. 21-705 Procedure in case of immediate hazard.

When, in the opinion of the enforcing officer, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer may erect barricades or cause the property to be vacated, taken down, repaired, shored up or otherwise made safe without delay and such action may, under such circumstances, be taken without prior notice to or hearing of the owners, agents, lienholders or occupants. The cost of any such action shall be assessed against the property in the manner provided by Sec. 21-704 hereof. (*Ord. 7511, Adop. 2/23/96*)

Article VIII. Numbering Buildings.

Sec. 21-801 Method and manner of numbering.

All buildings fronting on public street shall be numbered in conformity with the following provisions:

a. Odd numbers shall be given to the building on the west and south side of streets, and even numbers to those on the east and north sides of streets.

b. On streets and avenues running north and south in the city the numbering shall commence with number 1 at the northwest and southwest corner of each and every street at its intersection with Sherman Street, and shall increase north and south at the rate of 100 numbers for each space between streets, the numbers alternating from side to side.

c. On streets running east and west in the city, numbering shall commence with number 1 at the southeast corner of each and every street at its intersection with Main Street, and increase east and west from Main Street at the rate of 100 numbers for each block or space between streets, the numbers alternating from side to side.

d. Each separate functional unit of a building located upon one lot but divided for use by two or more occupants and having the several fronts and entrances upon the same street shall;

1. If the building is owned by a single person, have a number as hereinabove required and in addition have an upper case letter, commencing with the letter "A", following such number; or

2. If each such unit be separately owned, be treated for purposes of this section as though they were separated buildings and have a number as hereinabove required.

(*Ord. 6899, Adop. 9/14/82*)

Sec. 21-802 Owner or occupant to place numbers.

The owner or occupant of each and every house or building shall be required to place on his house or building in a conspicuous front position, the proper number in plain Arabic figures, which shall be at least two and a half inches in height. The number shall be neat and of a permanent quality.

Sec. 21-803 Duty of owner or occupant to correct illegible or incorrect number; notice.

In the event any building or dwelling house in the city shall be unnumbered or incorrectly numbered, or the number thereof shall have become defaced or illegible, it shall be the duty of the owner or occupant of the same to cause such building or dwelling house to be numbered correctly within ten days after notification so to do, given by or under the direction of the building inspector. Such notice may be served by leaving a copy thereof at the building or dwelling house in charge of any person found there, or it may be given by posting such notice on the building door or at the entrance-way to such building.

Such notice shall specify the correct number of the building.

No person shall deface, remove or destroy any notice so posted until the building on which the same is posted has been correctly and properly numbered.

Sec. 21-804 Building inspector to give correct number.

It shall be the duty of the building inspector to give the correct number of any building upon demand.

Sec. 21-805 Assignment of numbers to new buildings.

Upon the issuance of building permits, for new structures, the building inspector shall assign a number to such building in conformity with the provisions of this article concerning the numbering of buildings.

Article IX. Moving Buildings

Sec. 21-901 Permit - Required; bond.

No person shall move or cause to be moved any building through, over, or along any street, avenue or alley in the city without first obtaining from such city a permit for so doing. Before any such permit is issued, such person must execute and deliver to the city a good and sufficient surety company bond in the sum of \$2000, to be approved by the city attorney and the Governing Body, and conditioned that such person will pay any and all damages which may occur to any pavement, street or sidewalk, or to any city fire or police alarm, bridge or viaduct belonging to the city on account of moving any building through, over, or along any street, avenue or alley in the city, whether such damages shall be caused by such person or

his agents, employees or workmen, and conditioned also that such person will save, indemnify and keep harmless the city against all liabilities, judgments, damages, costs and expenses which may in anyway accrue against the city in consequence of the granting of such permit or operating thereunder, and will in all things strictly comply with the conditions of such permit, this chapter and the other ordinances of the city.

Sec. 21-902 Same - Application.

Any person desiring a permit required by the preceding section shall file a written application with the building inspector, which application shall set forth the size and dimensions of such building to be moved, the time when the applicant desires to move such building, the location of the building, the location to which it will be moved, and shall designate the streets, avenues or alleys through, over and along which such building shall be moved and such other information as the building inspector may require.

Sec. 21-903 Same - Fees.

The permit fee shall be \$5.00 for the first day that such building shall occupy the streets, avenues or alleys of the city, and shall be paid to the building inspector before the permit is issued. The permit holder shall, within 48 hours after moving such building, pay to the building inspector an additional fee for such permit in the amount of \$10.00 for the second day such building shall occupy the streets, avenues or alleys of the city, and \$15.00 per day thereafter.

Sec. 21-904 Repair of damage.

If in moving any building, any person shall cause damage to any street, avenue, alley or public place, or to any building, bridge or other property belonging to the city, the same shall be repaired immediately at the expense of such person under the direction and supervision of the city engineer.

Sec. 21-905 Passageway for vehicles.

Any such person moving such building shall cause a sufficient passageway for vehicles to be kept open upon one or both sides of such building while the same is being moved upon any street, avenue or alley.

Sec. 21-906 Notice to be given to owners of wires, etc.

Before any person shall move any building through, over or along any street, avenue or alley in the city such person shall, at least 48 hours before such building is moved, give a written notice to any person owning or operating any wires, cables or poles which shall have to be cut or moved in order to permit the moving of the building.

Article X. Flood Protection

Sec. 21-1001 Adoption of Model Code

The Model Code for Cities in Reno County, Kansas, for Protection of Structures and other Development from Damage from Flooding, and for Mitigation of the Pollution Hazard caused by Flood Conditions (1990 Edition), hereinafter sometimes referred to as the "Code," prepared, compiled and promulgated as a standard of the Reno County Conference of Planning Officials, three copies of which are on file in the Office of the City Clerk, is for all intents and purposes incorporated into the municipal code of the City as fully as if set forth therein, and the same shall be in full force and effect for the City of Hutchinson, Kansas, except as hereby amended. (*Ord. 2009-_____, Amended 12/15/2009; Ord. 7314, Adop. 9/25/90*)

Sec. 21-1002 Amendments to Model Code

The Code, as hereinabove adopted by reference, is hereby amended in the following particulars:

- a. Subsection "g" of section 3 of the Code shall be amended to read as follows:
 - g. "Board of Zoning Appeals" means the Board of Zoning Appeals of the City of Hutchinson, Kansas.

All succeeding subsections of said section 3 shall be redesignated to reflect inclusion of such additional definition.

- b. Subsection "h" of section 3 of the Code, as so redesignated, shall be amended to read as follows:
 - h. "City" means the City of Hutchinson, Kansas.

**MODEL CODE FOR CITIES IN RENO COUNTY, KANSAS, FOR
PROTECTION OF STRUCTURES AND OTHER DEVELOPMENT FROM
DAMAGE FROM FLOODING, AND FOR MITIGATION OF THE POLLUTION
HAZARD CAUSED BY FLOOD CONDITIONS (1990 EDITION).**

SECTION 1. Purpose; legislative findings

- a. It is the purpose of this Code to promote the public health, safety, and general welfare by:
 - 1. Restricting or prohibiting uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;

2. Requiring that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction;

3. Protecting individuals from buying lands which are unsuited for intended purposes because of flood hazard; and

4. Assuring that eligibility for flood insurance through the National Flood Insurance Program is maintained for property owners in the community.

b. Pursuant to the authority granted cities by K.S.A. 12-766, the Governing Body of the City makes the following findings of fact:

1. Flood hazard areas of the City are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare; and

2. Flood losses are caused by: (a) the cumulative effect of obstructions in floodways causing increases in flood heights and velocities; and (b) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

SECTION 2. Flood hazard analysis

Flood hazard in the City shall be analyzed by the following criteria:

a. The regulatory flood selected for this chapter is one which could be expected to have a 1% chance of occurrence in any one year, as determined on the Federal Emergency Management Agency's Flood Insurance Study, as it is from time to time revised.

b. Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

c. Computation of the floodway required to convey the regulatory flood without increasing flood heights more than one foot at any point.

d. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.

e. Delineation of floodplain, as being that area outside the floodway encroachment lines but still subject to inundation by the regulatory flood.

SECTION 3. Definitions

Unless the context requires another meaning, words and phrases used in this Code shall have the meaning respectively ascribed to them in this section.

a. "Actuarial" or "Risk Premium Rates" mean those rates established by the administrator for flood insurance, and may include provisions for operating costs and allowances.

b. "Administrator" means the administrator of the FEMA.

c. "Appeal" means a request for a review of a decision by the Enforcement Officer regarding interpretation of any provision of this chapter or of a variance.

d. "Area of shallow flooding" means a zone, designated AH on the City's flood insurance rate map, having a 1% or greater annual chance of flooding to an average depth of 1 to 3 feet, where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

e. "Area of special flood hazard" means land subject to 1% or greater chance of flooding in any year.

f. "Base flood" means a flood having a 1% chance of being equaled or exceeded in any year.

g. "Board of Zoning Appeals" means the Board of Zoning Appeals of the City of Hutchinson.

h. "City" means the City of Hutchinson.

i. "Development" means any man-made change to real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

j. "Enforcement officer" means the city manager of the City or his designee.

k. "Engineer" means professional engineer licensed in the State of Kansas.

l. "Existing construction" or existing structure" means, for the purposes of determining rates hereunder, structures for which the start of construction occurred prior to effective date of the FIRM or before January 6, 2010, for FIRM's effective before that date.

m. "FEMA" means the Federal Emergency Management Agency or any successor agency thereto.

n. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land area, resulting from the overflow of creeks or rivers or from the unusual and rapid runoff of surface water from any source.

o. "Flood Insurance Rate Map" or "FIRM" means the flood insurance rate map for the City, applicable at the time in issue, on which are delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the City. The FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) dated July 29, 1000 and any subsequent amendments are hereby adopted.

p. "Flood Insurance Study" means the official report provided by FEMA for purpose of evaluating in detail the existence and severity of flood hazards, providing flood profiles as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood. The FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) dated January 6, 2010 and any subsequent amendments are hereby adopted.

q. "Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.

r. "Floodplain" means that area outside of the floodway which on average that has a 1% chance of flooding in any year, or any land area susceptible to being inundated by water as a result of a flood.

s. "Freeboard" means a safety factor, usually expressed in feet above a flood level for purposes of floodplain management, which tends to compensate for unknown factors, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

t. "Highest adjacent grade" means the highest natural elevation of the ground surface next to the proposed walls of a structure, prior to construction thereof.

u. "Lowest floor" means the lowest floor of the lowest enclosed area of a structure, including any basement; in an unfinished or flood resistant enclosure, space usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered such building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Code.

v. "Manufactured home" means a structure, transportable in one or more sections, built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities; and includes any factory built single family structure which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, but which is not constructed with a permanent hitch, wheels, axles or other devices allowing it to be moved

about. The floodplain management purposes, the term also includes park trailers, travel trailers, mobile homes, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term does not include park trailers, travel trailers, and other similar vehicles.

w. "Manufactured home park or subdivision" means a tract of land divided into two or more manufactured home lots for rent or sale.

x. "New construction" means structures start of construction of which occurred on or after the effective date of the FIRM.

y. "Overlay District" means a district in which additional requirements act in conjunction with the underlying zoning requirements and does not change the original zoning district designation or requirements.

z. "Recreational Vehicle", means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

aa. "Start of construction," includes substantial improvement, and means the date the building permit was issued; provided, that the actual start of construction, repair, reconstruction, replacement, or other improvement was within 180 days of the permit date. For this purpose, "actual start" means the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

bb. "Structure" means a walled and roofed building which is principally above ground, a manufactured home, and a gas or liquid storage tank which is principally above ground.

cc. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

dd. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "*start of construction*" of the improvement. This term includes structures which have incurred "*substantial damage*", regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement

of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) an alteration of a "*historic structure*", provided that the alteration will not preclude the structure's continued designation as a "*historic structure*".

ee. "Variance" means a grant of relief to a person from the requirements of this Code, permitting construction in a manner otherwise prohibited by this Code, where specific enforcement would result in unnecessary hardship.

SECTION 4. General provisions

a. This Code applies to all lands within the jurisdiction of the City, as identified on the FIRM as numbered and unnumbered A Zones (including AE and AH Zones) and within the Zoning Districts FW and FP of the City. In all areas covered by this Code, no development shall be allowed except where approved by the City. The City may impose reasonable safeguards and restrictions to protect the general welfare, health of the inhabitants of the community from flood hazards, and where specifically authorized other applicable City ordinances.

b. The boundaries of the floodway and floodplain overlay districts shall be determined by scaling distances on the official FIRM. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the FIRM, the Enforcement Officer shall make the necessary interpretation. In cases where any such interpretation is contested, the Board of Zoning Appeals will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence thereon.

c. No development located within known flood hazard areas of this community shall be located, extended, converted or structurally altered unless the same be in full compliance with the terms of this Code and other applicable regulations.

d. This Code shall not be construed to repeal, abrogate or impair any existing easements, covenants, or deed restrictions; provided, that where this chapter imposes greater restrictions, the provision of this chapter shall prevail.

e. In interpretation and application of this Code, its provisions shall be deemed to be minimum requirements and this Code shall be liberally construed to achieve the goals set hereinabove set forth. The provisions of this Code shall not be construed to limit exercise of any other powers of the City.

f. The degree of flood protection required by this Code is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or

natural causes, such as ice jams and bridge openings restricted by debris. This Code does not imply that areas outside floodway and floodplain district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This Code shall not be deemed to create liability on the part of the City or any officer or employee thereof for any flood damages that may result from reliance on this chapter or any administrative decision lawfully made thereunder.

g. If any section, clause, provision or portion of this Code is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Code shall not be affected thereby.

h. Where a request for a permit to develop or a variance is denied by the Enforcement Officer the applicant may appeal such denial to the Board of Zoning Appeals.

i. A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five (5) calendar years does not exceed fifty (50) percent of the structure's current market value. If the cumulative value of the improvement exceeds fifty (50) percent of the structure's current market value, the structure must be brought into compliance with Section 8. Floodplain Overlay District (including AH Zone), b.1. which requires elevations of residential structures to be one (1) foot above the base flood elevation or the elevation/floodproofing of non-residential structures to one (1) foot above the base flood elevation.

SECTION 5. Development Permit

a. No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a development permit pursuant to this Code.

b. Applications for development permits shall be made on forms provided for that purpose by the Enforcement Officer. All such applications shall:

1. Identify and describe the work to be covered by the permit;
2. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
3. Indicate the use or occupancy for which the proposed permit is intended;
4. Be accompanied by plans and specifications for proposed construction;
5. Give such other information as reasonably may be required by the enforcement officer; and

6. Be signed by the applicant or by one authorized to sign on behalf of the applicant;

7. Be accompanied by an application fee of \$50, which fee shall be in addition to any building permit fee or other applicable fees required by the City.

c. The Enforcement Officer shall:

1. Review all such applications to assure that sites are reasonably safe from flooding and that the requirements of this chapter have been satisfied;

2. Review all such applications to assure that all required permits have been obtained from federal, state or local governmental agencies;

3. Notify adjacent communities and the Kansas Board of Agriculture, Division of Water Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA;

4. Assure that maintenance is provided for within any altered or relocated watercourse to assure that the flood carrying capacity is not diminished;

5. Verify and record the actual elevation, in relation to mean sea level, of the lowest floor, including any basement, of each new or substantially improved structure;

6. Verify, record, and maintain record of the actual elevation, in relation to mean sea level, to which each new or substantially improved structure has been floodproofed; and

7. When floodproofing is utilized for a particular structure, require certification thereof by a licensed professional engineer and architect.

SECTION 6. Establishment of flood zones

The mapped floodplain areas of the City, as identified on the FIRM, shall be divided into the following districts:

a. A Floodway Overlay District (FW); and

b. A Floodplain Overlay District (FP).

Within these districts, all uses not in compliance with this Code and all other applicable land use regulations of the City shall be prohibited.

SECTION 7. Standards for Floodway Overlay District and Floodplain Overlay District

No new construction, substantial improvements and other improvements, including the placement of manufactured homes, shall be permitted within all numbered and unnumbered A Zones (including AE and AH zones) except in compliance with the following requirements:

a. All areas identified as unnumbered A Zones shall be subject to all development provisions of this chapter. If Flood Insurance Study data is not available for a particular site, any base flood elevation or floodway data currently available from federal, state or local sources may be used.

b. New construction, new subdivisions, substantial improvements, prefabricated buildings and placement of manufactured homes and other developments shall require:

1. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. New or replacement water supply systems and/or sanitary sewage systems designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, or on-site waste disposal systems, where otherwise permitted, located so as to avoid impairment or contamination;

3. Construction materials resistant to flood damage, and electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding, all incorporated by methods and practices which minimize flood damage;

4. Utility and sanitary facilities elevated or floodproofed up to the regulatory flood protection elevation;

5. New subdivisions and other proposed new development, including manufactured home parks or subdivisions, to assure that:

(a) All such proposals are consistent with the need to minimize flood damage;

(b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage;

(c) Adequate drainage is provided so as to reduce exposure to flood hazards; and

(d) The regulatory flood elevation is included in all proposals for development (including proposals for manufactured home parks and subdivisions) of either 5 or more acres or 50 or more lots.

c. Until a floodway has been designated, no development, including landfill, shall be permitted within Zones A1-30 and AE unless the applicant demonstrates that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the base flood more than one foot of the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Study incorporated herein by reference.

d. Storage of material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning; provided, that storage and processing of material and equipment which in time of flooding would be buoyant, flammable, explosive, or otherwise injurious to human, animal or plant life is prohibited.

SECTION 8. Floodplain Overlay District (including AH Zone)

a. Subject to the other provisions of this Code, any use permitted in section 7 of this Code shall be permitted in the Floodplain Overlay District.

b. Development within the Floodplain Fringe Overlay District shall:

1. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated one foot above the base flood elevation and have fill at this elevation extend at least 15 feet beyond the limits of any structure erected thereon. Alternate methods of elevating, such as piers or fill, may be allowed by the Board of Zoning Appeals or by issuance of a Special Use Permit under applicable land development regulations. The elevation of the lowest floor shall be certified by a licensed professional engineer or licensed land surveyor.

2. Require new construction or substantial improvements of nonresidential structures to have the lowest floor, including basement, elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed one (1) foot above base flood level so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A licensed professional engineer shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Enforcement Officer. The elevation of the lowest floor shall be certified by a licensed professional engineer or licensed land surveyor.

3. For all new construction and substantial improvements, require that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Compliance with this requirement must either be certified by a licensed land surveyor, or have a minimum of two openings, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

4. For development within AH Zones, drainage paths around structures on slopes adequate to guide floodwaters around and away from all structures.

5. All manufactured homes shall be anchored to resist flotation, collapse and lateral movement. Manufactured homes shall be anchored in accordance with local building codes or FEMA guidelines:

(a) For use of over-the-top frame ties to ground anchors, ties be placed at each corner, with two additional ties per side at intermediate locations; provided, that for homes less than 50 feet long, one additional tie per side shall be sufficient; and provided further, that the Enforcement Officer may approve alternative methods offering substantially identical protection;

(b) Frame ties be provided at each corner with five additional ties per side at intermediate points; provided, that for homes less than 50 feet long requiring four additional ties per side shall be sufficient;

(c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(d) Any additions to the manufactured home be similarly anchored. All manufactured homes to be placed within Zones A1-30, AH or AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of b.(5) of this section. The elevation of the lowest floor shall be certified by a licensed professional engineer or licensed land surveyor.

All manufactured homes to be placed within Zones A1-30, AH or AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of b.(5) of this section. The elevation of the lowest floor shall be certified by a licensed land surveyor.

SECTION 9. Floodway Overlay District

Only uses having a low flood-damage potential and which do not obstruct flood flows shall be permitted within the Floodway District. All encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification by a licensed professional engineer is provided, demonstrating that encroachments will not result in any increase in flood levels during occurrence of the base flood. No use shall increase the flood levels of the regulatory flood elevation. The following uses are permitted within the Floodway District; provided, that such uses are in all respects subject to the requirements of this Code.

- a. Agricultural uses such as general farming, pasture, nurseries, forestry;
- b. Residential uses such as lawns, gardens, parking and play areas;
- c. Nonresidential areas such as loading areas, parking and airport landing strips;
and
- d. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

In Zone A unnumbered, any floodway data available through federal, state or other sources shall be utilized in meeting the requirements of this section.

SECTION 10. Appeal and variance procedures

a. The Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Code when it is alleged that there is an error in any requirement, decision, or determination made by the Enforcement Officer in the enforcement or administration of this Code.

b. Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the District Court as provided by Kansas law.

c. In passing upon such appeals, the Board of Zoning Appeals shall consider all technical evaluations, the requirements of this Code and all other relevant factors, including but not limited to:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use to the comprehensive plan and floodplain management program for that area;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges in keeping with local, state, and Federal rules and regulations.

d. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances shall only be issued upon findings that:

1. Good and sufficient cause for the variance has been shown;
2. Denial of a variance would result in exceptional hardship to the applicant; and
3. Granting of a variance will not result in increased flood heights, or cause additional threats to public safety, extraordinary public expense, create nuisances, fraud on or victimization of the public, or in any way conflict with other applicable land use regulations.

Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 11. Nonconforming Use

A structure or use of a structure on land which was lawful at the time of amendment of this Code, but which is not in conformity with the provisions of this Code as so amended, may be maintained or continued; provided, that:

- a. No such use shall be expanded, changed, enlarged or altered in a way which increases the magnitude or alters the character of its nonconformity;
- b. such use is discontinued for 12 consecutive months;
- c. Such use or any adjunct thereof does not become a public nuisance;
- d. If any such structure or use is destroyed or damaged to such an extent that the cost of repairing or reconstructing the same is more than 50 percent of the market value of the structure before the damage occurred, such structure or use shall not be reconstructed except in full compliance with the provisions of this Code; provided, that costs computed for the purpose of applying this subsection shall not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- e. Any applicant to whom a variance is granted shall be given written notice over the signature of enforcement officer that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this section.

SECTION 12. Penalties

- a. Any person violating any provision of this Code shall upon conviction thereof be fined not more than \$100. Each day such violation continues shall be considered a separate offense.
- b. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or abate any violation.
(Ord. 2009-36, Adop. 12/15/09; Ord. 2000-28, Adop. 10/03/00; Ord. 2000-22, Adop. 8/15/00; Ord. 7324, Adop. 1/15/91; Ord. 7314, Adop. 9/25/90)

Article XI. Residential Rental Registration and Inspection

Sec. 21-1101. Purpose.

A residential rental registration and inspection program is hereby established in order to:

- a. Correct and prevent housing conditions that adversely impact life, health, safety and general welfare of tenants and the surrounding area.
- b. Protect the quality, character, and stability of residential areas.
- c. Preserve the value of land and buildings and the local tax base.
- d. Reduce complaint-based inspections.
- e. Protect the public from increased criminal activity, which tends to occur in residential areas that are unstable, blighted or substandard.

Sec. 21-1102. Title and Definitions

a. **Title.** This article shall be known as the “Rental Registration and Inspection Program” of the City and may be cited as such.

b. **Definitions.** The following words and phrases shall, for the purposes of this article, have the meaning ascribed to them herein, unless the context clearly requires otherwise.

1. **“Building Official”** means the City of Hutchinson Building Official or designee.

2. **“Director of Planning and Development”** means the Director of the Planning and Development Department for the City of Hutchinson or designee.

3. **“Dwelling Unit”** means one room or a suite of two or more rooms designed for or used for **living** and sleeping purposes. Each of said units shall have a restroom and kitchen.

4. **“Inspections Department”** means the Inspections Department of the City of Hutchinson, Kansas.

5. **“Landlord”** means the Owner of property that is offered for Rent, as defined by this article.

6. **“Lawful Occupant”** shall mean a tenant that is lawfully authorized to Occupy a Residential Rental Unit, as defined herein.

7. **“Let”** means to provide or to offer for possession or Occupancy a Dwelling Unit to a Tenant for no consideration.

8. **“Occupancy”** or **“Occupy”** means residing or sleeping at a Dwelling Unit the majority of a person’s time.

9. **“Owner”** means the individual or individual(s), natural or corporate, in possession of lawful title to real property. As used in this Article, Owner may also include Resident Agent.

10. **“Premises”** shall mean a lot, or contiguous lots under common ownership, together with all buildings, structures and appurtenances existing thereon.

11. **“Re-inspection”** means any subsequent inspection conducted for the purpose of verifying that any violations reported during any inspection have been remediated.

12. **“Rent”** means to provide or to offer for possession or Occupancy a Dwelling Unit to a Tenant for consideration, pursuant to a written, oral or implied agreement.

13. **“Resident Agent”** means any person or business entity located or residing within Reno County, Kansas, who has been authorized to carry out transactions, as required under this Article, on behalf of the Owner.

14. **“Residential Rental Unit”** means any Premises having one or more Dwelling Units that are Rented to one or more Tenants.

15. **“Tenant”** means any person who Occupies a Dwelling Unit, other than the Owner or any person residing with the Owner.

(Ord. 2016-11; Adop. 6/21/2016; Ord. 2015-31; Adop. 7/21/2015)

Sec. 21-1103. Residential rental registration required.

a. **Registration required.** On or after April 1, 2016, no owner of property located within the City Limits of the City of Hutchinson shall rent to a tenant any dwelling unit or portion thereof, as defined by this Article, without registering said unit with the Director of Planning and Development.

1. Failure to register a residential rental unit within a given calendar year by the rental registration deadline for that year shall result in a \$20 administration fee per month for each month that a unit is used as a rental and goes unregistered.

Units not registered by June 30, 2016 shall be in violation of this ordinance and the provisions of Hutchinson City Code Section 21-1104 shall apply.

b. In the case of multiple owners of any residential rental unit subject to this article, it shall be sufficient for any one of the owners to register said unit.

c. Beginning January 1, 2017, residential rental units shall be registered annually, on or before January 31st of each year.

d. Landlords who reside more than 100 miles from the City of Hutchinson shall be required to identify a resident agent who resides within Reno County and who will be held responsible for ensuring compliance with registration and other provisions of Article XI.

e. The annual registration fee shall be based upon the type of residential rental unit according to the following schedule:

Rental Registration Fee Schedule	
Single Family Dwelling Unit	\$20 per unit
Other Dwelling Unit	\$20 per unit
Duplex/Triplex	\$20 per unit
Apartments	\$15 per unit

f. Rental registration shall be accomplished via forms provided by the Director of Planning and Development.

g. The Director of Planning and Development shall provide confirmation of registration to all registrants.

h. Exemptions. The following types of units are exempt from this article and do not require registration:

1. Hotels and motels.

2. Any residential unit that is occupied by the owner, provided that units that are not occupied by the owner but are located within the same building or complex, shall be registered.

3. The following transient / congregate care uses, provided said uses have obtained the appropriate approvals and licenses, as defined by the International Building Code, including:

- a) Bed and breakfasts
- b) Campgrounds
- c) Group homes or Adult care homes
- d) Assisted living facilities
- e) Extended care, Dependent living or Nursing care facilities
- f) Extended stay lodging
- g) Dormitories, if owned by an educational institution licensed by the State of Kansas
- h) Parsonages, if located on the same premises as the place of religious assembly

4. Properties on Land Contract.

5. Properties where the unit is offered by “Let” and no rental agreement is in place.

(Ord. 2016-11; Adop. 6/21/2016; Ord. 2015-31; Adop. 7/21/2015)

Sec. 21-1104. Unregistered units.

It is unlawful for any person to rent to another, offer for rent or allow to be occupied any rental dwelling unit without first registering said unit as required in Sec. 21-1103. Violation of this section is a Class C misdemeanor, punishable as provided in Hutchinson City Code Sections 24-901 and 24-902. Each rental of an unregistered dwelling unit shall be deemed a separate offense.

(Ord. 2016-11; Adop. 6/21/2016; Ord. 2015-31; Adop. 7/21/2015)

Sec. 21-1105. Rental inspection program.

a. The exterior of all residential rental units registered in accordance with this Article shall be inspected by the Building Official.

b. The interior of residential rental units registered under this Article shall be inspected upon consent of the lawful occupant of the residential rental unit or upon consent of the landlord, should a unit be vacant.

c. Residential rental units shall be inspected for compliance with the International Property Maintenance Code, as amended by the City of Hutchinson, and shall include any and all common areas.

d. The Building Official shall notify landlords of all residential rental units scheduled for inspection during a given calendar year. Notification shall be made by first class mail, email or text, dependent upon the notification method selected by the landlord or resident agent. Tenants will also be notified and given the option to sign a consent form authorizing an interior inspection of the unit.

e. For new construction, the Certificate of Occupancy shall count as the initial inspection and a deferral from inspection shall be granted for a period of up to six years from the date of Certificate of Occupancy. Annual rental unit registration is still required during any deferral period.

(Ord. 2016-11; Adop. 6/21/2016; Ord. 2016-3; Adop. 3/01/2016)

Sec. 21-1106. Rental inspection results and re-inspection.

a. Residential rental units that pass exterior inspection only shall receive a “certificate of rental compliance: exterior” from the Building Official. Residential rental units that pass both interior and exterior inspections shall receive a “certificate of rental compliance: exterior and interior” from the Building Official. Notices shall be delivered by first class mail or email.

b. Residential rental units that do not pass inspection shall receive a “notice of rental non-compliance” from the Building Official; said notice will detail noted deficiencies. Notices shall be delivered by first class mail.

1. The landlord shall have up to 30 days to correct noted deficiencies.

2. Re-inspection will occur on or before the compliance deadline.

3. No fee will be charged for the initial re-inspection. If the residential rental unit passes inspection on the first re-inspection, a “certificate of rental compliance”, as provided for in this section, shall be issued.

4. If the noted deficiencies are not corrected at the time of the first re-inspection, the Building Official will work with the landlord to achieve compliance within a reasonable timeframe. If compliance is not obtained within a reasonable timeframe, normal enforcement procedures will be followed as provided in the adopted building codes of the City of Hutchinson.

5. The Building Official may charge a re-inspection fee of \$25 for those residential rental units requiring multiple re-inspections.

6. Normal enforcement procedures of the Inspections Department shall be invoked for those residential rental units that are deemed uninhabitable upon initial or subsequent inspection.

c. Results of residential rental unit inspections shall be made available to the public pursuant to the Kansas Open Records Act.

(Ord. 2016-11; Adop 6/21/2016)

Sec. 21-1107. Incentives.

Residential rental units that are found to have five or fewer deficiencies upon inspection shall be eligible to be placed on a six-year inspection cycle once noted deficiencies are corrected, provided the following requirements are met:

- a. Annual registration and payment of the \$25 registration fee shall be required;
- b. Units shall be inspected upon change of ownership; and
- c. Units shall be inspected sooner than the six-year cycle, should a tenant complaint be received.

Sec. 21-1108. Program Termination

The residential rental registration and inspection program shall terminate on December 31, 2019 unless specific authorization by the Governing Body of the City of Hutchinson is made to continue the provisions thereof.

(Ord. 2016-11, Adop. 6/21/2016; Ord. 2015 – 11; Adop. 4/07/2015)

Article XII. Insurance Proceeds Fund

Sec. 21-1201. Scope and Application.

The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et. seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this chapter.

(Ord. 2016-13, Adop. 6/21/2016; Ord. 7557, Adop. 7/15/97)

Sec. 21-1202. Lien Created.

The governing body of the city hereby creates a lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

(Ord. 2016-13, Adop. 6/21/2016; Ord. 7557, Adop. 7/15/97)

Sec. 21-1203. Same; Encumbrances.

Prior to final settlement on any claim covered by Sec. 21-1202, the insurer or insurers shall contact the county treasurer, Reno County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer, Reno County, Kansas
(Ord. 2016-13, Adop. 6/21/2016; Ord. 7557, Adop. 7/15/97)

Sec. 21-1204. Same; Pro Rata Basis.

Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.
(Ord. 2016-13, Adop. 6/21/2016; Ord. 7557, Adop. 7/15/97)

Sec. 21-1205. Procedure.

(a) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75 percent of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the city treasurer in an amount equal to the sum of 15 percent of the covered claim payment unless the building official of the city has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure;

(b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy terms; and

(c) Upon the transfer of the funds as required by subsection (a) of this section, the insurance company shall provide the city with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the building official shall contact the named insured or insureds by certified mail, return receipt requested, notifying them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this chapter.

(Ord. 2016-13, Adop. 6/21/2016; Ord. 7557, Adop. 7/15/97)

Sec. 21-1206. Fund Created; Deposit of Moneys.

The city treasurer is hereby authorized and shall create a fund to be known as the "Insurance Proceeds Fund." All moneys received by the city treasurer as provided for by this chapter shall be placed in said fund and deposited in an interest-bearing account.

(Ord. 2016-13, Adop. 6/21/2016; Ord. 7557, Adop. 7/15/97)

Sec. 21-1207. Building Official; Investigation, Removal of Structure.

(a) Upon receipt of moneys as provided for by this chapter, the city treasurer shall immediately notify the building official of said receipt, and transmit all documentation received from the insurance company or companies to the building official;

(b) Within 30 days of the receipt of said moneys, the building official shall determine, after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 et. seq., as amended;

(c) Prior to the expiration of the 30 days established by subsection (b) of this section, the building official shall notify the city treasurer whether he or she intends to initiate proceedings under K.S.A. 12-1750 et. seq., as amended;

(d) If the building official has determined that proceedings under K.S.A. 12-1750 et. seq., as amended shall be initiated, he or she will do so immediately but no later than 45 days after receipt of the moneys by the city treasurer; and

(e) Upon notification to the city treasurer by the building official that no proceedings shall be initiated under K.S.A. 12-1750 et. seq., as amended, the city treasurer shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within 45 days of the receipt of the moneys from the insurance company or companies.

(Ord. 2016-13, Adop. 6/21/2016; Ord. 7557, Adop. 7/15/97)

Sec. 21-1208. Removal of Structure; Excess Moneys.

If the building official has proceeded under the provisions of K.S.A. 12-1750 et. seq., as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

(Ord. 2016-13, Adop. 6/21/2016; Ord. 7557, Adop. 7/15/97)

Sec. 21-1209. Same; Disposition of Funds.

If the building official, with regard to a building or other structure damaged, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the city treasurer under

the authority of Sec. 21-1205(a) relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the building official shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the city treasurer under Sec. 21-1205(a), the building official shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred.

(Ord. 2016-13, Adop. 6/21/2016; Ord. 7557, Adop. 7/15/97)

Sec. 21-1210. Effect upon Insurance Policies.

This article shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

(Ord. 2016-13, Adop. 6/21/2016; Ord. 7557, Adop. 7/15/97)

Sec. 21-1211. Insurers; Liability.

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

(Ord. 2016-13, Adop. 6/21/2016; Ord. 7557, Adop. 7/15/97)

Article XIII.

Reserved (Repealed by Ord. 2003-30, Adop. 8/05/03)

Article XIV. Registration Of Contractor/Tradesman

Sec. 21-1401. Definitions.

a. A contractor/ tradesman, within the meaning of this title, is any person who undertakes with or for another, to build, construct, alter, repair, add to any building or structure, or any portion thereof, within the city, (for which a permit is required under Section 21-1402), for a fixed price, fee, percentage or other compensation other than wages; or who advertises or otherwise represent to the public to have the capacity or ability to undertake to build, construct, alter, repair, add to any building or structure or any portion thereof; or who builds, constructs, alters, adds to any building or structure either on his own or other property for purposes of speculation, or for his own use.

b. Contractor: a person that plans and supervises the unlimited construction, alteration, remodeling, addition or repair of any building or structure exceeding \$25,000.

c. Tradesman: a person that plans and supervises the construction, alteration, remodeling, addition, improvement or repair of building or structure in an amount not to exceed \$25,000. (Samples of Tradesman: building remodeling, roofing, siding, painting, fence, masonry, concrete, contractors, pool and spa installers, commercial glass installers, installers of microwave dishes, antenna poles, towers, tanks, tile, guttering, underground sprinklers, water wells, etc.)
(Ord. 2002-06, Adop. 4/30/02)

Sec. 21-1402. Registration Authority.

The Building Official shall register the following classes of contractors/tradesman, and the annual fee shall be as prescribed for each class. All registration fees shall be payable annually on or before the first day of the renewal year. Fees shall not be prorated because part of the year has elapsed. (Ord. 2002-06, Adop. 4/30/02)

Sec. 21-1403. Application Form and Fee to Register.

(a) Application for contractor/ tradesman registration, name changes, organizational change, or change of the qualified person shall include information as the Building Official may prescribe and shall be accompanied by the appropriate fee. The registration fee for Contractor is \$75.00 annually and \$50.00 annually for Tradesman.

(b) Each application must list a qualified person. The qualified person is considered the applicant for the registration, and must have the ability to sign contracts that legally bind the individual, partnership or corporation. The qualified person shall be; the individual, for an individual registration; one of the partners, for a partnership registration; an officer or active member in the corporation approved by the Building Official, for a corporate registration.

(c) Each contractor or tradesman must provide proof of at least \$500,000 liability insurance to apply for registration, and the City reserves the right to review the insurance policy anytime.

(d) If, in the opinion of the Building Official, the applicant is qualified by examination, training or experience, and is financially responsible to fulfill the obligations as a contractor/ tradesman, the applicant shall be issued a registration upon payment of the annual registration fee prescribed in Sections 21-1404 through 21-1407. Any applicant can appeal the Building Official's decision to the Board of Appeals & Examinations first, then to the City Manager and final appeal to the City Council.

(Ord. 2009-09, Adop. 3/03/09; Ord. 2002-06, Adop. 4/30/02)

Sec. 21-1404. Registration Required.

No building permit shall be issued to any contractor/ tradesman who has not first registered or who is delinquent in payment of his/ her annual registration (contractor/ tradesman will be required to reregister every year after adoption) and or permit fees, or whose registration has been suspended or revoked by action of the Building Official. It is further unlawful for any

person to enter into a contract with another so as to bring himself under the classification of a contractor or tradesman as defined in Section 21-1401, or to perform any work as a contractor or tradesman, or any work under a contract, without having first obtained a contractor or tradesman registration. It is unlawful for any person issued a registration as required by Sections 21-1404 through 21-1411 to contract for any work other than specified by such registration, without first being approved for such other work by the Building Official. (Ord. 2002-06, Adop. 4/30/02)

Sec. 21-1405. Responsibilities.

A contractor/ tradesman shall be responsible for all work included in his contract, whether or not he does such work directly or by subcontractor. He shall be responsible for all funds or property received by him for prosecution or completion of a specific contract or for a specific purpose. (Ord. 2002-06, Adop. 4/30/02)

Sec. 21-1406. Board of Appeals and Examinations

(a) The Building Official may, upon his own motion, and shall upon the verified complaint in writing of any person, require any contractor or tradesman to appear before the Board of Appeals and Examinations for hearing upon five (5) days' notice in writing, and mailed to his last known post office address, and such Board of Appeals and Examinations shall have the power to place on probation for a specified time period, temporarily suspend or permanently revoke the registration if the holder thereof is determined, by a preponderance of the evidence, to have committed:

- (1) Abandonment of any contract without legal cause;
- (2) Diversion of funds or property received for performance or completion of a specific contract, or for a specified purpose in the performance or completion of any contract, and their application or use for any other contract, obligation or purpose, or the failure, neglect or refusal to use such funds or property for the performance or completion of such contract;
- (3) Fraudulent departure from or disregard of plans or specifications in any material respect, without consent of the owner or his duly authorized representative and the Building Official;
- (4) Willful and deliberate disregard and violation of the provisions of this title or any other ordinance of the City, or failure to comply with any lawful order of the Building Official;
- (5) Misrepresentations of a material fact by application in obtaining a registration or permit;
- (6) The doing of any fraudulent act by the registration as a contractor in consequence of which another is substantially injured;

- (7) Fraudulent use of registration to obtain building permits for another;
- (8) Carelessness or negligence in providing reasonable safety measures for the protection of workmen and the public; and
- (9) Failure to obtain permits as required in Section 106 of the 1997 Uniform Building Code.
(Ord. 2002-06, Adop. 4/30/02)

Sec. 21-1407. Renewal or Reinstatement of Registration.

All Registrations expire on December 31st of the annual year. Registration renewal fees are due annually on or before the first day of the renewal year. Registration renewals beginning the first week of December through the last week of January are without penalty. Registration renewal after January will be at the following:

- February 1 - March 31st - A late fee of \$25.00 will be applied.
- April 1 - The registration fee will be doubled
(Ord. 2002-06, Adop. 4/30/02)

Sec. 21-1408. Hearings.

(a) All matters pertaining to the appeal, suspension, revocation, renewal, and reinstatement of registrations, shall be by the Board of Appeals and Examinations.

(b) Contractors/ tradesman whose registration has been suspended shall not be reinstated until the contractor/tradesman has appeared before the Board of Appeals and Examinations to show just cause why the registration should be reinstated. If the suspension involves a code violation, the contractor/tradesman must also show that the violation has been corrected in accordance with this code or any ordinance of the City. The registration shall be revoked if the violation is not corrected prior to the lapse of the suspension.

(c) Where a registration of a contractor/ tradesman has been revoked, a new registration shall not be granted until the contractor/tradesman has appeared before the Board of Appeals and Examinations to show just cause why the new registration should be granted. If the registration was revoked due to a code violation, a new registration will not be granted until the violation has been corrected in accordance with this code or any ordinance of the City.
(Ord. 2002-06, Adop. 4/30/02)

Sec. 21-1409 Exemptions.

Sections 21-1401 through 21-1410, inclusive, shall not apply to:

(a) An owner remodeling or repairing a single-family dwelling, provided that all sub-contractors are licensed or registered.

(b) An owner constructing a single-family dwelling for his own personal use and occupancy, provided that only one building permit is issued within a three (3) year period to any one individual, and all sub-contractors are licensed or registered by the City.

(c) An owner of a residential property may remove a portion thereof or wreck a wood framed single family dwelling and buildings accessory thereto;

(d) A job where the work involved is nonstructural and does not exceed a total cost of Five Hundred Dollars (\$500.00);

(e) A building owner may install awnings on such buildings provided that a permit is obtained from the Inspection Department prior to the installation; and

(f) A building owner may remove existing windows from such building and close the opening(s) with the same kind of wall material provided that the openings are not required by the Building Code and a permit is obtained from the Inspection Department prior to any such alteration.

(g) Landlords making repair or improvements to the property they own.

(h) Property maintenance firms where the work is less than \$1,500.
(*Ord. 2002-06, Adop. 4/30/02*)

Sec. 21-1410. Penalties.

Any person violating any of the provisions of this title is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or be imprisoned in the Reno County Detention Center not more than thirty (30) days, or by both fine and imprisonment. Each and every day during which any violation of any provision of this title is committed, continued or permitted is a separate violation. (*Ord. 2002-06, Adop. 4/30/02*)

Article XV. Standards for Treatment Homes Housing Sex Offenders

Sec. 21-1501. Definitions.

A sex offender, as that term is used herewith referring to the sex offender population, is defined as a sex offender who is required by K.S.A. 22-4901 et seq. (or as may be amended from time to time) to register with the sheriff within ten (10) days of moving into a community/county. (*Ord. 2003-18, Adop. 4/22/03*)

Sec. 21-1502. Security Plan.

1. The operator, owner, and/or manager of any Treatment Home which has a sex offender population, must implement a security plan approved in writing by any government agency that places sex offenders in the facility, The security plan must be in writing and approved by the Chief of Police and by the City Manager or his/her designee. The security plan shall include but not be limited to:

- a. Physical features of the facility which will maximize visibility;
- b. Placement of gathering areas in locations that maximize surveillance and access control possibilities and when possible, away from view of surrounding occupants;
- c. Minimum lighting standards that provide for nighttime illumination of parking lots, walkways, entrances, exits and related areas to promote a safe environment;
- d. Sidewalks, pavement, gates, lights and landscaping used to clearly designate entrances and exits;
- e. Gates, fences, walls, landscaping and lighting used to minimize dark or unmonitored areas;
- f. Lighting fixtures which are maintained properly to prescribed standards;
- g. Landscaping maintained to prescribed standards;
- h. Conflicts between surveillance and landscaping such as ground cover, shrubs and trees minimized as such plants mature.
- i. Consideration of transportation access points which minimize locations in the residential neighborhood.

2. Facility operators, owners and/or managers shall show a commitment to work with the surrounding neighborhood and Hutchinson Police Department to engage neighbors in community education and dialogue relating to personal safety and to inform neighbors of all existing education, training and personal safety programs offered by the police department.

3. Facility operators, owners, and/or managers shall show a commitment to maintain continued communication with police officers assigned to the neighborhood, encourage periodic visits to the facility and surrounding businesses by such police officers, and facilities training and education programs provided by police for neighborhood audiences.

4. The population of sex offenders at such facilities shall be limited to fifty percent (50%) of the facilities' total licensed capacity at any given point in time. The facility shall maintain at all times a current list of residents who are sex offenders. A copy of this list shall be maintained on the premises of the facility at all times and shall be provided to the Chief of Police, or his/her designee and the City Attorney.

5. Facility operators, owners and/or managers shall be responsible for disclosing to the neighborhood residents and businesses the plan for supervision of sex offenders housed in such facility.

6. Compliance with the provisions of this section shall be monitored by any or all of the following: officers of the Hutchinson Police Department or agents of the City of Hutchinson.

7. Facilities will be given one hundred eighty (180) days from the effective date of this ordinance to comply with the requirements set forth in this section.
(Ord. 2003-18, Adop. 4/22/03)

Article XVI – International Fuel Gas Code

Section 21-1601 Adoption of the International Fuel Gas Code

There is hereby incorporated by reference for the purpose of regulating and governing fuel gas systems and gas-fired appliances as herein provided, providing for the issuance of permits, and collection of fees therefore within the corporate limits of the City of Hutchinson, Kansas, the "International Fuel Gas Code", 2012 Edition, including Appendix Chapters A, B, C and D, as published by the International Code Council. No fewer than three copies of said International Fuel Gas Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2013 - 24," and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Building Inspector and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such International Fuel Gas Code as may be deemed expedient.
(Ord. 2013-24, Adop. 8/06/13; Ord. 2007-18, Adop. 5/01/07)

Sec. 21-1602 Local amendments to the International Fuel Gas Code

That the following sections of the International Fuel Gas Code are hereby modified as follows:

Section 101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Hutchinson, hereinafter referred to as the "Fuel Gas Code."

Section 106.6 Fees. A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase of the installation, has been paid.

Section 108.4 Violation penalties. Persons who shall violate a provision of the Fuel Gas Code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of the Fuel Gas Code, shall be guilty of a Class C misdemeanor punishable by a fine, by imprisonment or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 Stop work orders. Upon notice from the code official that work is being done contrary to the provisions of the Fuel Gas Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C misdemeanor.

(Ord. 2013-24, Adop. 8/06/13; Ord. 2007-18, Adop. 5/01/07)

Article XVII – International Residential Code

Section 21-1701 Adoption of the International Residential Code

There is hereby incorporated by reference for the purpose of regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore within the corporate limits of the City of Hutchinson, Kansas, the "International Residential Code", 2012 Edition, including Appendix Chapters A, B, C, D, E, G, H, J and L, as published by the International Code Council. No fewer than three copies of said International Residential Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2013 - 25," and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Building Inspector and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such International Residential Code as may be deemed expedient.

(Ord. 2013-25, Adop. 8/06/13; Ord. 2007-21, Adop. 5/01/07)

Sec. 21-1702 Local amendments to the International Residential Code

That the following sections of the International Residential Code are hereby modified as follows:

Section R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Hutchinson, and shall be cited as such and will be referred to herein as the Residential Code.

Section R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of the Residential Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Residential Code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures, provided the floor area does not exceed 120 square feet.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. Painting, papering, tiling, carpeting, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment accessory to a one or two-family dwelling.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

Section M1301.1.1 Flood-resistant installation. In areas prone to flooding, mechanical appliances, equipment and systems shall be located or installed in accordance with the adopted ordinances of the City of Hutchinson.

Section M1401.5 Flood hazard. In areas prone to flooding, heating and cooling equipment and appliances shall be located or installed in accordance with the adopted ordinances of the City of Hutchinson.

Section M2001.4 Flood-resistant installation. In areas prone to flooding, boilers, water heaters, and their control systems shall be located or installed in accordance with the adopted ordinances of the City of Hutchinson.

Section M2201.6 Flood-resistant installation. In areas prone to flooding, tanks shall be installed in accordance to the ordinances of the City of Hutchinson or shall be anchored to prevent flotation, collapse and lateral movement under conditions of the design flood.

Section G2404.7 (301.11) Flood hazard. For structures located in flood hazard areas, the appliance, equipment and system installations regulated by the jurisdiction shall be located 1 foot above the design flood elevation and shall comply with the flood-resistant construction requirements of the adopted ordinances of the City of Hutchinson.

Exception: The appliance, equipment and system installations regulated by the jurisdiction are permitted to be located below the design flood elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation and shall comply with the flood-resistant construction requirements of the City of Hutchinson.

Section P2601.3 Flood hazard area. In areas prone to flooding, plumbing fixtures, drains, and appliances shall be located or installed in accordance with the adopted ordinances of the City of Hutchinson.

Section P2602.2 Flood-resistant installation. In areas prone to flooding as established by the adopted ordinances of the City of Hutchinson:

1. Water supply systems shall be designed and constructed to prevent infiltration of floodwaters.
2. Pipes for sewage disposal systems shall be designed and constructed to prevent infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

Section P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 18 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches (mm) below grade.

Section P3001.3 Flood-resistant installation. In areas prone to flooding, drainage, waste and vent systems shall be located and installed to prevent infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

Section P3101.5 Flood resistance. In areas prone to flooding as established by the jurisdiction, vents shall be located 1 foot above the design flood elevation established by the adopted ordinances of the City of Hutchinson.

Section P3103.1 Roof extensions. All open vent pipes which extend through a roof shall be terminated at least 8 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof.

(Ord. 2013-25, Adop. 8/06/13; Ord. 2007-21, Adop. 5/01/07)

Article XVIII – International Property Maintenance Code

Sec. 21-1801 Adoption of the International Property Maintenance Code

There is hereby incorporated by reference for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures within the corporate limits of the City of Hutchinson, Kansas; providing for the issuance of permits and collection of fees therefore; the “International Property Maintenance Code”, 2012 Edition, as published by the International Code Council. No fewer than three copies of said International Property Maintenance Code shall be marked or stamped “Official Copy as Adopted by Ordinance No. 2013 - 26,” and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Building Inspector and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such International Property Maintenance Code as may be deemed expedient.

(Ord. 2013-26, Adop. 8/06/13; Ord. 2011-2, Adop. 2/01/2011)

Sec. 21-1802 Local amendments to the International Property Maintenance Code

That the following sections of the International Property Maintenance Code are hereby modified as follows:

Section 101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Hutchinson, and shall be cited as such and will be referred to herein as the Property Maintenance Code.

Section 102.3 Application of other codes. Repairs, addition or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Residential Code, Uniform Code of Building Conservation, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, ICC National Electric Code, International Fire Code, or other currently adopted code.

Section 104.1. General. The City Council shall have the authority as necessary in the interest of public health, safety, and general welfare to adopt and promulgate rules. The Building Official shall develop procedures and shall interpret and implement the

provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

Section 106.3. Prosecution of violation.

1. Whenever the authority having jurisdiction determines that there are violations of this Code, a written notice shall be issued to confirm such findings.

2. Any order or notice issued pursuant to this Code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service or mail or by delivering the same to, and leaving it with some person of responsibility upon the premises.

3. For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice shall be mailed by registered or certified mail, return receipt requested, to the last known address of the owner, occupant, or both.

Section 106.4. Violations penalties.

1. Any person who fails to comply with the provisions of this Code or who fails to carry out an order made pursuant to this Code or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by this jurisdiction.

2. Failure to comply with the time limits of an abatement notice or other corrective notice issued by the authority having jurisdiction shall result in each day that such violation continues being regarded as a new and separate offense.

3. Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this article shall be guilty of a Class C misdemeanor and, upon conviction thereof, shall be punished by a fine or imprisonment or both.

Section 107.2. Form. Such notice described in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

Section 107.3. Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally.
2. Sent by certified mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Section 108.4. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Building Official shall post on the premises or on defective equipment a placard bearing the word "Violation" and a statement of the penalties provided for occupying the premises, operating the equipment, or removing the placard.

Section 109.1. Imminent danger. When, in the opinion of the Building Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Building Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Building Official shall cause to be posted at each entrance to such structure a notice reading as follows: "DO NOT ENTER. UNSAFE TO OCCUPY. It is a misdemeanor to occupy this building, or to remove or deface this notice. Building Official, City of Hutchinson." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Section 109.3. Closing streets. When necessary for public safety, the Building Official shall temporarily close structures and close sidewalks, streets, public ways and places adjacent to unsafe structures and prohibit the same from being utilized.

Section 110. Demolition. Chapter 21, Article VII, of the City Code of the City of Hutchinson (Unsafe and Dangerous Structures) and specifically Section 21-703 through 21-705, inclusive, shall govern the demolition of structures.

Section 201.3. Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code or

currently adopted code, International Residential Code, Uniform Code of Building Conservation, International Fuel Gas Code, International Plumbing Code, International Mechanical Code, ICC National Electric Code or currently adopted code, and such terms shall have the meanings ascribed to them as stated in those codes.

Section 202. General Definitions

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code shall be the Building Official or any duly authorized representative of the City of Hutchinson.

Section 302.4 Weeds. Chapter 8, Article IV of the Hutchinson City Code, Weeds and Obnoxious Vegetation, governs the enforcement of tall grass and weeds.

Section 302.8. Motor Vehicles. Chapter 12 of the Hutchinson City Code, Inoperable Vehicles, shall regulate inoperable or unlicensed motor vehicles.

Section 304.5. Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents, other pests, and water.

Section 304.14. Insect screens. During the period from April 1 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 23 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 304.18.1. Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort. For the purpose of this section, a sliding lock shall not be considered an acceptable lock. A sliding bolt, by itself, is not adequate to secure a door and requires special knowledge to find and open. The lock should be part of the doorknob or door handle mechanism. Such locks shall be installed according to the manufacturer's specifications and maintained in good working order.

Section 308.3.2. Containers. The operator of every establishment which produces garbage shall provide, and at all times cause to be utilized, an appropriate number and size of leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

Section 404.4.3. Water closet accessibility. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

Section 602.3. Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to May 31 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to May 31 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 604.2. Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the currently adopted electric code. Dwelling units shall be served with a three-wire, 120/240 volt single-phase electrical service having a rating of not less than 60 amperes.

(Ord. 2013-26, Adop. 8/06/13; Ord. 2011-2, Adop. 2/01/2011)