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ORDINANCE NO 2018 - 26

AN ORDINANCE AMENDING SECTION 21-106. BUILDING TRADES BOARD OF CHAPTER 21. BUILDING REGULATIONS OF THE CODE OF THE CITY OF HUTCHINSON, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUTCHINSON, KANSAS:

Section 1. That Section 21-106. Building Trades Board of Chapter 21. Building Regulations of the Code of the City of Hutchinson, Kansas is hereby amended to read as follows:

Sec. 21-106. Building Trades Board

The Building Trades Board hereby known as "Board" is established to (a) determine questions of fact as to the acceptability and adequacy of alternate materials, equipment and types of construction, (b) provide for the review of decisions of the Building Official in the interpretation of all regulations of this chapter, (c) determine the qualifications of applicants for the licenses and certificates established and required by this chapter, (d) approve the examination standards as required by Kansas Statutes and any amendments thereto, (e) render decisions on all appeals of the interpretation of building codes and disciplinary hearings relating to the limitation, suspension, or revocation of any contractor license, registration or certificate, and (f) act in an advisory capacity to the City Council in amending and/or revising regulations of this Chapter.

a. Creation.

The review board consists of nine (9) members to be appointed by the mayor and approved by the city council. Prior to the initial appointment or subsequent expiration of any term of a board member, the building official will submit to the mayor and city council a list of names of persons of recognized ability who have the qualifications prescribed for board members. The city council shall give consideration to the list of names submitted.

b. Qualifications of members.

1. The Building Trades Board shall, to the extent qualified individuals are willing to serve, consist of the following members:
 - (a) One member shall be licensed by the state as an architect or as an engineer.
 - (b) One member shall be a licensed general contractor or an employee of such contractor.

- (c) One member shall be a licensed building contractor or an employee of such contractor.
 - (d) One member shall be a licensed residential contractor or an employee of such contractor.
 - (e) One member shall be a licensed plumbing contractor or an employee of such contractor.
 - (f) One member shall be a licensed electrical contractor or an employee of such contractor.
 - (g) One member shall be a licensed mechanical contractor or an employee of such contractor.
 - (h) Two members shall be appointed at-large.
2. Every member shall, at the time of the appointment, be a resident of the City of Hutchinson, or if not a resident of Hutchinson, a resident of Reno County, Kansas.
 3. Every member shall, at the time of the appointment, be active in the appointee's profession or trade and have had at least five years' experience in such appointee's profession or trade.
 4. The building official shall be an ex officio, nonvoting member of said board. The building official shall be secretary of the board and shall keep the minutes of the board.

c. **Term; compensation; officers; rules.**

1. The term of office for Building Trades Board members shall be three (3) years except that initial appointments to the Board will be made as follows: three (3) positions for one (1) year; three (3) positions for two (2) years; and three (3) positions for three (3) years. The initial one (1) year appointees shall be eligible to be reappointed to serve an additional three (3) year term. Vacancies occurring before the expiration of a term shall be filled in the manner of the original appointment for the remainder of the unexpired term. Board members who have served a full three-year term may not be reappointed so as to succeed themselves but may be subsequently appointed after at least one year of non-membership.
2. The members of the Board shall serve, without compensation.
3. No member of the Board shall vote on any matter in which he or she has a direct or financial interest.
4. The members of the Board shall, by majority vote, elect a member as chairperson and vice-chairperson. The chairperson and vice-chairperson

shall hold their respective offices for one year and may be reelected for successive terms.

5. All decisions of the Board shall be by a majority vote of the attending members provided that a quorum is present.

d. Duties.

1. The Board shall 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.
2. The Board shall 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.
3. 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.
4. The Board shall determine the qualifications and standardized testing required for any license, registration or certificate provided for in this chapter and recognition of licenses, registration and certificates issued by other governmental entities.
5. The building official and board shall, in addition, administer the provisions of this chapter pertaining to (a) renewal, suspension or revocation of any such contractor license, registration or certificate.
6. The Board shall be empowered to make recommendations directly to the City Council for amendments and/or revisions to the regulations of this Chapter.

e. Hearing an Appeal.

1. 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 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 and payment. The building official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

2. The Building Official may, upon his own motion, and shall upon the verified complaint in writing of any person, require any licensed contractor or tradesman to appear before the Board for hearing due to the violation of the requirements of a contractor as provided in this chapter.
3. 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 of the request for a hearing. When a hearing is conducted, the licensee and other interested parties may be in attendance. All evidence admitted shall be taken under advisement when rendering a ruling. Upon completion of the hearing, the board shall render all decisions and findings in writing to the appellant or contractor by certified mail.

f. **Rules and regulations.**

The Board shall meet regularly once per month, unless the Board shall determine that such a meeting is not necessary, or more often if required by matters concerning this chapter. The Board may adopt rules, regulations and procedures consistent with the provisions of this article.

Section 2. That the existing Hutchinson City Code Section 21-106 of Chapter 21. Building Regulations is hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage and publication once in the official City newspaper.

PASSED BY THE GOVERNING BODY, this 18th day of September, 2018, for the City of Hutchinson, Kansas.

Steven A. Dechant, Mayor

ATTEST:

Karen Weltmer, City Clerk