

## CHAPTER 21

### BUILDING REGULATIONS

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## Article I. Building Trade License and Certification

### Sec. 21-101 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“**Board**” means the Building Trades Board of the City.

“**Building Official**” means the head of the building inspection department of the City.

“**City**” means the City of Hutchinson, Kansas.

“**Contractor**” means any person or firm that undertakes with or for another to construct, alter, repair, or demolish any structure or any portion thereof including: General Contractor, Building Contractor, Residential Contractor; Commercial Roofing Contractor, Framing Contractor, Swimming Pool Contractor, Demolition Contractor, Fire Sprinkler Installer, Limited Contractor, Plumbing Contractor, Electrical Contractor, and Mechanical Contractor. Unless provided otherwise by this chapter, only a contractor licensed or registered under the provisions of this article may obtain a building permit.

“**Department**” means the building inspection department of the City.

“**Field Experience**” means working under the direct supervision of a person having a valid journeyman or master certificate in a trade field.

“**Firm**” means any sole proprietorship, partnership, association, limited liability company, or corporation.

“**Fulltime employee**” means employed a minimum of 30 hours a week carrying out the work of the firm.

“**This code**” means Article 1 of Chapter 21 of the City Code.  
(Ord. 2015-47, Adop. 11/17/2015)

### Sec. 21-102 Intent.

The purpose of this article is to protect the public welfare by ensuring that those undertaking the construction, alteration, repair, or demolition of structures are qualified to perform such services. It is further the intent that owner-occupants of single-family residential structures be permitted, without first obtaining a contractor's license, to perform minor work on such homeowner's residence. (Ord. 2015-47, Adop. 11/17/2015)

**Sec. 21-103 Exclusions.**

a. It is the intent of this article that the contractor that obtains a building permit shall be responsible, within the scope of such permit, for the completion of the construction, alteration, repair, or demolition in accordance with all applicable building, electrical, plumbing and mechanical codes. However, the following work shall be exempt from the building contractor licensing requirements within the meaning of this article:

1. A homeowner who personally occupies or will occupy as the exclusive dwelling and undertakes the construction, alteration, repair, or maintenance of such homeowner's single-family residence or an accessory structure.
2. An owner remodeling or repairing a single-family dwelling other than the home they occupy, provided that all sub-contractors are licensed or registered.
3. Landlords remodeling or repairing property they own.
4. 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 minor, not requiring issuance of a building permit and is done by a person regularly employed by such utility, agency, plant or enterprise to perform work of that type.
5. Work performed by students enrolled in the Hutchinson Career and Technical Educational Academy 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 continuous supervision. Students shall be allowed to apprentice under a Master in the respective field under continuous supervision. The Master shall be allowed to have a maximum of two apprentices at any given time. The supervisor shall timely notify the City Building Inspector of all necessary inspections.

b. For purposes of this section and notwithstanding subsection (a) of this section, any homeowner who undertakes the construction of a new residence for such homeowner's personal occupancy more than three times in any five-year period shall be deemed to be a contractor under this article.

*(Ord. 2020-1, Adop. 2/04/2020; Ord. 2015-47, Adop. 11/17/2015)*

**Sec. 21-104 Contractor Responsibilities.**

- a. Upon issuance of a building permit to a contractor, such contractor shall be responsible for all work undertaken pursuant to such building permit, including work done by the contractor's employees, agents and subcontractors.
- b. Faithfully perform all work without deviation from drawings and specifications, filed with the department, without consent of the owner or his duly authorized representative and the Building Official.
- c. Complete all work authorized by the permit issued under the authority of this chapter unless good cause is shown.
- d. Obtain such inspections as are required by this chapter.
- e. Pay all fees imposed pursuant to this article.
- f. Label all vehicles used in the operation of a firm regulated by this article with identification of such firm in a manner as prescribed by the department.
- g. 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.

*(Ord. 2015-47, Adop. 11/17/2015)*

**Sec. 21-105 Suspension or Revocation of Contractor License, Registration or Trade Certification.**

- a. **Authority.**

The building official may recommend the suspension or revocation of a license, registration or trade certification 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 21-104 and Section 21-109, d.
  - 2. Willful and deliberate disregard and violation of the provisions of this article or any other ordinance of the City.
  - 3. Misrepresentations of a material fact by application in obtaining a registration or permit.
  - 4. Fraudulent use of license, registration or trade certification to obtain building permits for another.
  - 5. Failure to provide evidence, in such form and at such times as required by the Building Official, that the designated qualified representative or designated certified master remains in the employment of the licensee in an active, full-time capacity.
  - 6. Failure to obtain permits as required in the adopted codes.

**b. Emergency suspension.**

If the building official finds that cause does exist for suspension or revocation of a license, registration or trade certification, he may enter an order for immediate suspension of such license/registration/trade certification, pending further investigation or appeal. The licensee may, upon notice of such suspension, request an immediate hearing before the Building Trades Board and the hearing shall be conducted in the manner prescribed in this article.

*(Ord. 2015-47, Adop. 11/17/2015)*

**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.

*(Ord. 2018-26, Adop. 9/18/2018; Ord. 2015-47, Adop. 11/17/2015)*

**Sec. 21-107 Building Contractor License & Limited Contractor Registration Required.**

It shall be unlawful for any person to construct, remodel, install, repair, or otherwise perform or cause to be performed for hire unless such person holds a classification of building contractor license or is registered with the city as a limited contractor subject to the exclusions set forth in section 21-103.

Building contractors and limited building contractors that are licensed or registered shall not entitle the holder to perform mechanical, plumbing or electrical services.

a. **Classifications.**

Licensed contractors and limited contractor shall be classified as follows:

1. **“Class A Contractor License” – Unlimited Commercial or Residential.** A Class A license shall entitle the licensee to build unlimited commercial buildings and structures and shall entitle the licensee to those privileges held by holders of Class B and C in addition thereto that is permitted by this code. The annual class A license fee shall be \$150.00.
2. **“Class B Contractor License” – Three Story or Less.** A Class B license shall entitle the licensee to contract to build structures of three stories or less in height, whether commercial or residential, and to contract to perform non-structural remodels of buildings exceeding three stories in height, and shall entitle the licensee to those privileges held by holders of Class C in addition thereto that is permitted by this code. The annual class B license fee shall be \$150.00.

3. **“Class C Contractor License” – 1 & 2 Family Residential and Accessory Structures.** Class C licenses shall entitle the licensee to contract to build 1 & 2 family residential structures and accessory buildings to such residential structures, and to perform residential remodeling. The annual class C license fee shall be \$150.00.
4. **“Class L Limited Contractor Registration”.** Limited contractors shall entitle the holder thereof to contract for and to perform such work as installing windows, doors and siding; drywall or sheetrock; ceiling; millwork; structural concrete; residential roofing; masonry; fencing; unless such person is a licensed building contractor. The annual limited contractor registration shall be \$100.00.
5. **“Class S Specialty License.** Class S license shall entitle the licensee to contract to perform any one of the following according to the sub-class of Specialty license obtained:
  - (a) **“Roofing Contractors (Commercial)”.** Roofing contractor's license shall entitle the holder thereof to contract for and to install, repair and replace roofs on commercial and industrial buildings. Work may include roof deck insulation, roof coating, painting and covering, and may include use of sheet metal and installation of other sheet metal products incidental to roofing work or other material in connection therewith, or any combination thereof. The annual license fee shall be \$150.00.
  - (b) **“Framing Contractors (Commercial and Residential)”.** Rough framing of structural and non-structural building components such as walls, floors and roofs using wood or metal. The annual license fee shall be \$150.00.
  - (c) **“Swimming Pool Contractors”.** Installation and repair of permanent in-ground or above-ground swimming pools as defined by city code. The annual license fee shall be \$150.00.
  - (d) **“Fire Sprinkler Contractors”.** Installation, maintenance, alteration and repair of fire sprinkler/suppression systems and related fire protection equipment. The annual license fee shall be \$150.00.
  - (e) **“Demolition Contractors”.** Demolition and removal of any building or structure or portion thereof. The annual license fee shall be \$100.00.

A separate Class S license shall be required for each and every sub-class and a separate license fee shall be collected thereof.

b. **General Licensing and Registration Requirements.**

1. **Application form and fee.**

Any person, firm or corporation desiring to engage in or work as a contractor shall submit the prescribed application form to the Building Inspection department along with required documentation. All application and license fees shall be paid without proration. No contractor's license may be transferred or assigned.

2. **Contractor insurance.**

Every contractor except a contractor who has an inactive license, shall keep in force a policy of general liability insurance including completed operations coverage. All contractors shall maintain general liability coverage in an amount not less than \$500,000 per occurrence. A contractor, at the time of licensing under this article, shall provide the inspection department with a certificate of insurance or other satisfactory evidence of the insurance coverage required by this section. 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.

3. **Firms designated representatives.**

(a) Under this article, a firm may obtain, in the firm's name, a contractor's license provided that such firm has at least one fulltime employee who is designated by the firm as its qualified representative and such representative satisfies one of the requirements of Section 21-107, c.

(b) 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.

4. **Change in status of qualified representative.**

When the qualified representative becomes no longer associated with or employed by the licensee for any reason (the "date of disassociation"), the licensed contractor shall immediately notify the building official in writing of the date of disassociation and another qualified representative must be designated within thirty days. No further permits or inspections shall be granted to the licensee from the date of disassociation until a new qualified representative has been designated. If a qualified representative is not designated within thirty days after the date of disassociation, work on all permits previously issued to the licensee shall be suspended until a new qualified representative has been designated.

c. **Qualifications.**

1. Contractor applicants for Class A, Class B, Class C and Class S (excluding Demolition) shall be licensed if the firms designated representative has satisfied one or more of the following provisions:
  - (a) Submit or obtain a certificate of competency from a nationally recognized testing institution. Applicants shall provide proof of test score of the appropriate exam from International Conference of Building Officials, Block & Associates, Thompson Prometric, International Code Council (ICC) or other nationally recognized examination with a minimum score of seventy-five (75%) in compliance with Kansas Statutes Annotated 12-1556 and 12-1567.
  - (b) Hold a bachelor's degree in engineering, architecture, or construction science from an accredited college or university.
  - (c) Until July 1, 2016, a license may be obtained upon verification that a person or a firm's designated representative has the required number of years of fulltime experience in the building construction industry for that license:
    - (1) Class A license: fifteen (15) years or more experience.
    - (2) Class B license: ten (10) years or more experience.
    - (3) Class C license: five (5) years or more experience.
    - (4) Class S license (excluding demolition): five (5) years or more experience.After July 1, 2016, applicants shall be required to qualify by certification (a) or education (b) only.
2. Any contractor installing commercial or residential roofing must also provide proof of State of Kansas Roofing Contractor certification.

d. **Provisional License.**

1. Until January 1, 2017, any person or firm that is unable to meet the qualifications for a contractor's license as described in Section 21-108, c., and secured a building permit in the previous year, may apply for a provisional contractor's license if all of the following conditions are met:
  - (a) At the time of the license application, the applicant, if an individual, or the designated representative, if a firm, is working fulltime in the construction industry for the license class requested.
  - (b) The applicant for a Class A license shall have not less than seven (7) years of fulltime experience in planning, supervising, and undertaking Class A type construction.

- (c) The applicant for a Class B license shall have not less than five (5) years of fulltime experience in planning, supervising, and undertaking Class B type construction.
  - (d) The applicant for a Class C and Class S (excluding Demolition) license shall have not less than three (3) years of fulltime experience in planning, supervising, and undertaking Class C and Class S type construction.
  - (e) The applicant provides evidence of insurance coverage as required by Section 21-107, b.
  - (f) All application and license fees are paid.
- 2. For the purposes of this section, twenty-four (24) credit hours of post-secondary education in the courses of engineering, architecture, or building trades shall be deemed equivalent to one year of fulltime experience.
  - 3. The holder of a provisional license may renew the provisional license for an additional three hundred sixty five (365) days following its expiration with the approval by the building official. Upon the expiration of a provisional license, a contractor licensed under the provisional licensing provisions of the article shall be required to satisfy the licensing requirements of Section 21-107, c.
- e. **Renewal or Reinstatement of License.**
- 1. Every contractor's license/registration shall be issued on a calendar year basis to expire on December 31 of each year. A contractor shall be entitled to renew such contractor's license/registration upon satisfaction of the requirements of this article. A license/registration renewal application may be submitted to the city beginning on December 1. Unless an expired license is renewed within one year of its expiration, the contractor shall be required to make a new application and satisfy all of the then-existing contractor licensing requirements.
  - 2. Every Class A, Class B, Class C and Class S (excluding demolition) contractor shall complete at least three (3) hours of continuing education as required each calendar year to meet the requirements for renewal of such contractor's license. The board shall provide for the recognition of codes-related education provided by governmental entities, trade associations, contractor education providers, and others for courses and instruction directly related to those codes adopted by the city.
  - 3. Any contractor whose license/registration is suspended during the year for any violation(s) of the code must provide satisfactory evidence to the Building Trades Board that the violation(s) has been corrected in accordance with the applicable code. Failure to provide such evidence may result in the revocation of the contractor's license/registration.

4. When a contractor's license/registration is revoked, a new license/ registration shall not be granted until the contractor has first passed an examination as required by Section 21-107, c, (a), and has provided the board with satisfactory evidence that a new license should be issued. If the contractor's license/registration was revoked as the result of a code-related violation, such contractor may not be relicensed/registered unless the board determines that the violation has been corrected.

*(Ord. 2015-47, Adop. 11/17/2015)*

### **Sec. 21-108 Trade Contractor License Required.**

It shall be unlawful for any person, firm or corporation to engage in the business of contracting to perform, provide, broker or sub-contract for electrical, mechanical or plumbing construction without first securing the applicable contractor's license except as permitted herein.

#### **a. Classifications.**

Licensed trade contractors shall be classified as follows:

1. **“Electrical Contractor”**. Includes the installation, replacement, repair or alteration of panel, service or control equipment or of permanent premises electrical wiring, lighting, fixtures and/or utilization equipment or devices not otherwise connected by approved attachment cord and cap. Electrical work shall not include circuits and equipment operating at less than 50 volts, communication wiring or devices, or the repair of motors or utilization equipment. Electrical work also includes the installation, replacement, or repair of predesigned fire alarm and fire alarm communications systems, except to the extent the same work can also be performed by a Specialty Fire Alarm company licensed pursuant to this chapter. The annual licensing fee shall be \$150.00.
2. **“Mechanical Contractor”**. Includes the installation, replacement, repair or alteration of any ventilation or exhaust system, chilled water systems, hydronic, refrigerant, fuel gas or condensate piping, water heaters and boilers for both domestic hot water and space heating, refrigeration systems including electrical disconnecting means immediately adjacent to remote condensers, incinerators or other miscellaneous heat-producing appliances or warm air heating systems whereby heating is accomplished by distributing heated air by forced or gravity circulation or by radiation. Mechanical work also includes the installation or repair of solid-fuel appliances, cooking or clothes drying equipment, fully self-contained permanent electrical environmental heating and/or cooling appliances, or self-contained appliances or refrigeration equipment such as, but not limited to, ice

machines, ice cream machines, walk-in coolers and freezers without remote condensers and other similar appliances which require only electrical and/or water hook-ups. The annual licensing fee shall be \$150.00.

3. **“Plumbing Contractor”**. Includes the installation, replacement, repair or alteration of water, wastewater, vent, hydronic and fuel gas piping, water heaters and boilers for both domestic potable water and environmental heating and their vents, medical gas systems, plumbing fixtures and appliances. Plumbing work shall not include the clearing of stoppages or the repair of plumbing appliances such as but not limited to dishwashers, garbage disposals, water softeners or ice machines. Plumbing work also includes the installation, replacement, or repair of predesigned fire suppression systems, except to the extent the same work can be performed by a Specialty Fire Sprinkler Contractor licensed or registered pursuant to this chapter. The annual licensing fee shall be \$150.00.

b. **General Licensing Requirements.**

1. **Application form and fee.**

Any person or firm desiring to engage in or work as a trade contractor shall submit the prescribed application form to the Building Inspection department along with required documentation. All application and license fees shall be paid without proration. No contractor's license may be transferred or assigned.
2. **Contractor insurance.**

Every contractor except a contractor who has an inactive license, shall keep in force a policy of general liability insurance including completed operations coverage. Such insurance policy shall be written with an insurance company licensed to do business in the state. All contractors shall maintain general liability coverage in an amount not less than \$500,000 per occurrence. A contractor, at the time of licensing under this article, shall provide the inspection department with a certificate of insurance or other satisfactory evidence of the insurance coverage required by this section. 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.
3. **Firms designated certified master.**
  - (a) In order to qualify for an electrical, plumbing or mechanical contractor license, an applicant shall designate at least one fulltime owner, officer or employee, certified as a master, as defined by Section 21-109 in the trade for which licensing is sought. The designated master shall: (1) be the legal



representative for the business entity relative to the provisions of this article, and (2) satisfy the requirements of this article.

- (b) 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.

4. **Change in status of designated master.**

When the designated master becomes no longer associated with or employed by the licensee for any reason (the "date of disassociation"), the licensed trade contractor shall immediately notify the building official in writing of the date of disassociation and another designated master must be designated within thirty (30) days. No further permits or inspections shall be granted to the licensee from the date of disassociation until a new designated master has been designated. If a designated master is not designated within thirty (30) days after the date of disassociation, work on all permits previously issued to the licensee shall be suspended until a new designated master has been assigned.

5. **Requirements on construction site.**

The designated master shall be responsible to ensure that either a certified master or journeyman in the employment of the trade contractor be on the construction site at all times work is being conducted. Apprentices shall work at all times under the supervision of a master or journeyman. Failure to do so will result in a citation being issued to the master who is responsible for the company.

c. **Renewal or Reinstatement of License.**

- 1. Every contractor's license shall be issued on a calendar year basis to expire on December 31 of each year. A contractor shall be entitled to renew such contractor's license upon satisfaction of the requirements of this article. A license renewal application may be submitted to the city beginning on December 1 of each year.
- 2. Any contractor whose license is suspended during the year for any violation(s) of the code must provide satisfactory evidence to the Building Trades Board that the violation(s) has been corrected in accordance with the applicable code. Failure to provide such evidence may result in the revocation of the contractor's license.

*(Ord. 2015-47, Adop. 11/17/2015)*

**Sec. 21-109 Individual Certification of Trades Required.**

It shall be unlawful for any individual to engage in the trade or otherwise perform plumbing, electrical or mechanical work as defined in Section 21-108 within or on any building or premises within the city without first having secured a trade certificate issued

by the City of Hutchinson as a master, journeyman or apprentice for the trade at which they are laboring and being in the employment of a licensed trade contractor.

a. **Classification of Trade Certifications.**

Trade certifications shall be classified as follows:

1. **“Master”**. A plumbing, electrical or mechanical master shall provide written certification of passage of the standard trade exam for Master administered by a recognized testing agency as prescribed by the State of Kansas with a minimum score of 75%. Plumbing, electrical and mechanical master certificates shall be limited to certification of passage of those examinations that qualify an applicant to do all types of the work in that specific trade as defined in this chapter upon any kind of building or structure. Plumbing and mechanical examinations shall include natural gas/fuel piping. An applicant for a master’s certificate in plumbing or mechanical must provide documented proof of a minimum of four (4) years of field experience or having a valid journeyman certificate for a minimum of two (2) years in the trade for which they seek certification, doing the type of work they will be required under the direct supervision of a person holding a valid journeyman or master certificate. An applicant for a master’s certificate in electrical must provide documented proof of having a valid journeyman certificate as an electrician for a minimum of two (2) years. The annual master certificate fee is \$25.00.
2. **“Journeyman”**. A plumbing, electrical or mechanical journeyman shall provide written certification of passage of the standard trade exam for journeyman administered by a recognized testing agency as prescribed by the State of Kansas with a minimum score of 75%. Plumbing, electrical and mechanical journeyman certificates shall be limited to certification of passage of those examinations that qualify an applicant to do all of the work in that specific trade as defined in this chapter upon any kind of building or structure. Plumbing and mechanical examinations shall include natural gas/fuel piping. An applicant for a journeyman’s license must provide documented proof of a minimum of two (2) years of field experience in the trade for which they seek licensure, doing the type of work they will be required to perform, under the direct supervision of a person holding a valid journeyman or master certificate. The annual journeyman certificate fee is \$15.00.

Note: An applicant for a journeyman certificate may use completion of a technical or trade related school for one (1) year of the required two (2) years. The training shall consist of a minimum of two hundred and forty (240) hours of classroom training.

3. **“Apprentice”**. Any person earning his livelihood as a plumber, electrician, or mechanic but who has not acquired the necessary longevity of experience to be eligible to become a journeyman, or who with the necessary longevity of experience has not passed the required journeyman examination, is hereby classified as an apprentice. An apprentice shall not labor at the trade in which they are apprenticing except when under the immediate supervision and direction of a journeyman or master, properly certified by the City of Hutchinson. The apprentice to supervisor ratio shall be one (1) certified journeyman or master to two (2) apprentices. A mechanical apprentice that has been authorized by the building official to install duct work (“duct installer” indicated on the apprentice certificate), does not require supervision by a certified journeyman or master. The annual apprentice certificate fee is \$5.00.
4. **“Grandfathered”**. A trade certificate issued by the City based on any test or criteria other than passage of the standard trade exam prescribed by the State of Kansas shall remain valid 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 based on passage of the standard trade exam in order to continue to labor at the trade for which they seek certification.
5. **“Inactive”**. An inactive certificate shall entitle the license holder to retain the certified status most recently held prior to becoming inactive upon renewal of such trade certificate, and no fee shall be charged for such renewal or any subsequent renewal during the period of such retirement or inactivity. Any trade certificate renewed pursuant to this subsection, shall at the time of such renewal, be stamped or otherwise conspicuously marked so as to indicate that the holder thereof is inactive. An inactive license shall be renewed at each renewal rotation, and if such inactive license is not renewed, it shall expire and the provisions relating to obtaining a new license shall apply.

b. **General Certification Requirements.**

1. **Application and Fees.**

Any person desiring to engage in or work at the business of plumbing, electrical, mechanical, shall submit the prescribed application form to the Building Inspection Department for a certificate along with the required documentation.

The fee shall be paid to the Building Inspection Department when the application for a certificate is made. All such certificates shall expire

on December 31<sup>st</sup> of the year and no reduction shall be made for part of the year being elapsed.

The trade certificate fee for employees of the city, when performing work for the city as tradesmen or inspectors, shall be waived.

**2. Qualifications.**

Applicants for a Master or Journeyman certification shall be approved if the individual has satisfied one or more of the following provisions:

- (a) Submit a certificate of competency from a nationally recognized testing institution. Applicants shall provide proof of test score of the appropriate exam from Block & Associates, Thompson Prometric, International Code Council (ICC), International Association of Plumbing and Mechanical Officials (IAPMO) or other nationally recognized examination with a minimum score of seventy-five (75) percent.
- (b) Submit documentation of completed six (6) hours of continuing education courses related to the building trades during the previous year of application. Three (3) hours of the six (6) required, shall be instruction on codes that are equivalent to or newer than the adopted codes in the specific trade of the applicant.
- (c) Individuals who obtain a certificate during such certificate cycle by the standardized test required by K.S.A. 12-1508, 12-1525 and 12-1541, will be issued the initial certificate without documentation of continuing education. Such certificate will be issued noting the test provider, specific test type and grade. Such test shall be completed during the certificate cycle.

**c. Renewal or Reinstatement of certificate.**

- 1. Every trade certificate shall be issued on a calendar year basis to expire on December 31 of each year. A certificate holder shall be entitled to renew such trade certificate upon satisfaction of the requirements of this article. A trade certificate renewal application may be submitted to the city beginning on December 1. It is the total responsibility of the certificate holder to assure that his/her certificate has been renewed and is valid.
- 2. Any person certified as a journeyman or master in the plumbing, electrical, or mechanical trade shall, as a precondition of renewal of the certification yearly, be required to complete and submit six (6) hours of continuing education courses related to the building trades during the term of the license of which three (3) hours each calendar

year must be instruction on codes that are equivalent to or newer than the adopted codes. These will include, but not be limited to the International or Uniform Plumbing Codes, International or Uniform Mechanical Codes, or National Electrical Codes. Continuing education courses must be applicable to the skilled trade for which the journeyman or master is certified.

3. Any person whose trade certification is suspended during the year for any violation(s) must provide satisfactory evidence to the Building Trades Board that the violation(s) has been corrected in accordance with the applicable code. Failure to provide such evidence may result in the revocation of the trade certification issued by the city.

d. **Holder's Responsibility.**

All certificate holders shall be responsible for the work they assume in accordance with the requirements of this chapter including the following:

1. To have the city issued certificate on his/her person at all times.
2. To present his/her certificate when requested by any member of the department.
3. Demonstrate competency or knowledge in matters relating to the certificate issued.
4. Obey any order issued under authority of this chapter.
5. Observe any city ordinances prescribing measures for the safety of workmen and of the public.
6. The designated master 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.

*(Ord. 2015-47, Adop. 11/17/2015)*

## **Article II. Building Code**

### **Sec. 21-201 Adoption of International Building Code, 2018 Edition**

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", 2018 Edition, including Appendix Chapters C, E, F, I, J and K and the following sections from Appendix Chapter H; H103.1, H105.3, H105.4, H105.5, H105.6, H111.2 and H112.3 (see International Building Code Section 101.2.1, 2018 edition), as published by the International Code Council. At least

one copy of said International Building Code, 2018 Edition, shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2020 - 2," 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. 2020-2, Adop. 2/04/2020; Ord. 2013-20, Adop. 8/06/2013; Ord. 2007-17, Adop. 5/01/2007; Ord. 7650, Adop. 11/09/1999; Ord. 7359, Adop. 4/07/1992; Ord. 7144, Adop. 9/06/1988)*

### **Sec. 21-202 Local amendments to International Building Code, 2018 Edition.**

That the following sections of the International Building Code, 2018 Edition, 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 m<sup>2</sup>).
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 [F] 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area; except for one and two-family dwellings in a mixed-use building meeting all the following requirements:

1. Shall be Fire Separated by no less than 2 HR. Fire rated construction and compliant with Table 508.4.
2. Shall have 2 approved means of egress compliant with Chapter 10 of the International Building code, 2018 Edition.
3. Shall have Emergency Escape and Rescue as required per Section 1029.
4. Shall have interconnected smoke detection installed for all users and areas in the building.

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 1704.2 Special inspections and tests. Where application is made for construction as described in this section, the owner or the registered design professional in responsible charge acting as the owner's agent shall employ one or more approved agencies to perform inspections during construction on the types of work listed under Section 1705. These inspections are in addition to the inspections identified in Section 110.

Exceptions:

1. Special inspections are not required for construction of a minor nature or as warranted by conditions in the jurisdiction as approved by the building official.
2. Unless otherwise required by the building official, special inspections are not required for Group U occupancies that are accessory to a residential occupancy including, but not limited to, those listed in Section 312.1.
3. Special inspections are not required for portions of structures designed and constructed in accordance with the cold-formed steel light-frame construction provisions of Section 2211.1.2 or the conventional light-frame construction provisions of Section 2308.
4. The contractor is permitted to employ an approved agency where the contractor is also the owner.
5. Special inspections and tests are not required for construction where all the following items are met:
  - a. Construction is no more than 30 ft. eave height and no more than 30,000 sq. ft. in total net floor area.
  - b. The structure contains no more than two stories, and the second story area is no more than 20% of the total net floor area.
  - c. The structure use group is one of the following:
    - i. Group B, F, M, S and Group U.
6. Any portion of the structure designed as a storm shelter shall not be exempt from the special inspection requirements .

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 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.

*(Ord. 2020 – 2, Adop. 2/04/2020; Ord. 2013-20, Adop. 8/06/2013; Ord. 2007-17, Adop. 5/01/2007; Ord. 2006-29, Adop. 9/05/2006; Ord. 7650, Adop. 11/09/1999; Ord. 7485, Adop. 12/12/1995; Ord. 7359, Adop 4/07/1992; Ord. 7144, Adop. 9/06/1988)*

### **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. 6/05/2007)*

### **Article III.**

#### **Sec. 21-301 Adoption of International Plumbing Code, 2018 Edition**

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", 2018 Edition, including Appendix Chapters B, C, D and E, as published by the International Code Council. At least one copy of said International Plumbing Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2020 - 3," 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 Official 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.

#### **Sec. 21-302 Local Amendments to the International Plumbing Code, 2018 Edition**

That the following sections of the International Plumbing Code, 2018 Edition, 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, as provided in Hutchinson City Code Sections 24-901 and 24-902. 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, as provided in Hutchinson City Code Sections 24-901 and 24-902.

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.

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 1003.3.5.1 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 1003.3.5.1 for the flow- through rates indicated.

TABLE 1003.3.5.1  
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. 2020 – 3, Adop. 2/04/2020; Ord. 2014-9, Adop. 8/05/2014; Ord. 2013-21, Adop. 8/06/2013; Ord. 2010-19, Adop. 4/20/2010; Ord. 2007-20, Adop. 5/01/2007; Ord. 7650, Adop. 11/09/1999)*

## Article IV. Mechanical Code

### Sec. 21-401 Adoption of International Mechanical Code, 2018 Edition

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", 2018 Edition, including Appendix Chapter A, as published by the International Code Council. At least one copy of said International Mechanical Code, 2018 Edition, shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2020 - 4," 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 Official 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, 2018 Edition, as may be deemed expedient. (Ord. 2020 – 4, Adop. 2/04/2020; Ord. 2013-22, Adop. 8/06/2013; Ord. 2007-19, Adop. 5/10/2007; Ord. 7650, Adop. 11/09/1999; Ord. 7144, Adop. 9/06/1988)

### Sec. 21-402 Local amendments to International Mechanical Code, 2018 Edition

That the following sections of the International Mechanical Code, 2018 Edition, 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, as provided in Hutchinson City Code Sections 24-901 and 24-902. 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, as provided in Hutchinson City Code Sections 24-901 and 24-902.

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/m<sup>2</sup>). 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.

Section 602.2.1.8 Pipe and duct insulation within plenums.

Pipe and duct insulation contained within plenums, including insulation adhesives, shall have a flame spread index of not more than 25 and a smoke developed index of not more than 50 when tested in accordance with ATMS E84 or UL 723, using the specimen preparation and mounting procedures of ASTM E2231. Pipe and duct insulation shall not flame, glow, smolder or smoke when tested in accordance with ASTM C411 at the temperature to which they are exposed in service. The test temperature shall not fall below 250°F (121°C). Pipe and duct insulation shall be listed and labeled. All piping passing through corridors will be enclosed in a fire rated enclosure.

*(Ord. 2020 – 4, Adop. 2/04/2020; Ord. 2013-22, Adop. 8/06/2013; Ord. 2007-19, Adop. 5/01/2007; Ord. 7650, Adop. 11/09/1999; Ord. 7359, Adop. 4/07/1992; Ord. 7254, Adop. 10/25/1988)*



## Article V. Electrical Code

### Sec. 21-501 Adoption of the National Electrical Code, 2017 Edition

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 "NFPA 70, National Electrical Code", 2017 Edition, including Annex A, B, C, D, E, F and H, as published by the National Fire Protection Association, Inc. At least one copy of said NFPA 70, National Electrical Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2020 - 5," 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 NFPA 70, National Electrical Code as may be deemed expedient.

*(Ord. 2020 – 5, Adop. 2/04/2020; Ord. 2013-23, Adop. 8/06/2013; Ord. 2007-22, Adop. 5/01/2007; Ord. 7650, Adop. 11/09/1999; Ord. 7359, Adop. 4/07/1992; Ord. 7144, Adop. 9/06/1988)*

### Sec. 21-502 Local amendments to the National Electric Code, 2017 Edition

That the following sections of the NFPA 70, National Electrical Code, 2017 Edition, are hereby modified as follows:

#### **ARTICLE 230 – SERVICES, PART VI. Service Equipment – Disconnecting Means**

**230.70 General.** Means shall be provided to disconnect all conductors in a building or other structure from the service-entrance conductors.

**(A) Location.** The service disconnecting means shall be installed in accordance with 230.70(A)(1), (A)(2), and (A)(3).

**(1) Readily Accessible Location.** The service disconnecting means shall be installed at a readily accessible location outside of a building or structure and within 1 foot of the Utility Meter.

**(2) Bathrooms.** Service disconnecting means shall not be installed in bathrooms.

**(3) Remote Control.** Where a remote control device(s) is used to actuate the service disconnecting means, the service disconnecting means shall be located in accordance with 230.70(A)(1).

**(B) Marketing.** Each service disconnect shall be permanently marked to identify it as a service disconnect.

**(C) Suitable for Use.** Each service disconnecting means shall be suitable for the prevailing conditions. Service equipment installed in hazardous (classified) locations shall comply with the requirements of Articles 500 through 517.

## 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 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 as provided in Hutchinson City Code sections 24-901 and 24-902..

#### ANNEX H

Section 80.25 Connection to Electricity Supply. Connections to the electric supply shall conform to (A), (B) and (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. 2020 – 5, Adop. 2/04/2020; Ord. 2013-23, Adop. 8/06/2013; Ord. 2007-22, Adop. 5/01/2007)*

## Article VI. Existing Building Codes

### Section 21-601 Adoption of the International Existing Building Code, 2018 Edition

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", 2018 Edition, including Appendix Chapter A, and Resource A, as published by the International Code Council. At least one copy of said International Building Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2020 - 6," 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 Official 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.

### Section 21-602 Local Amendments to the International Existing Building Code, 2018 Edition

That the following sections of the International Existing Building Code, 2018 Edition, 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.

**1007.1 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:

**1007.2 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.

**1007.3 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.

**1007.4 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 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.

**1301.2 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.

*(Ord. 2020 – 6, Adop. 2/04/2020; Ord. 2013-27, Adop. 8/06/2013)*

## **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. 5/18/2010; Ord. 7511, Adop. 7/23/1996; Ord. 6795, Adop. 6/24/1980)

**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. 7/23/1996)

**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 be 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. (Ord. 2003-05, Adop. 1/28/2003; Ord. 7511, Adop. 2/23/1996; Ord. 6795, Adop. 7/01/1980)

#### **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. 2/23/1996; Ord. 6795, Adop. 7/01/1980)

**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. 2/23/1996)*

**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. 9/14/1982)*

**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. *(Ord. 3305, Adop. 2/16/1949)*

**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.  
*(Ord. 3305, Adop. 2/16/1949)*

**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. *(Ord. 3305, Adop. 2/16/1949)*

**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. *(Ord. 3305, Adop. 2/16/1949)*

**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. FLOODPLAIN MANAGEMENT**

### **Sec. 21-1001 FINDINGS OF FACT AND PURPOSES**

#### **A. FINDINGS OF FACT**

1. Flood Losses Resulting From Periodic Inundation

The special 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.

2. General Causes of the Flood Losses

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

3. Methods Used To Analyze Flood Hazards

The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps.

- a. Selection of a base flood that is based upon engineering calculations, which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this ordinance is representative of large floods, which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. The base flood is the flood that is estimated to have a one percent chance of being equaled or exceeded in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated January 29, 2021 as amended, and any future revisions thereto.

- b. Calculation of water surface profiles that are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
- c. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
- d. Delineation of floodway encroachment lines within which no development is permitted that would cause **any** increase in flood height.
- e. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

**B. STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare of the public; to minimize those losses described in Sec. 21-1001(A)1; to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) § 59.22(a)(3); and to meet the requirements of 44 CFR § 60.3(d) and K.A.R. 5-44-4 by applying the provisions of this ordinance to:

- 1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
- 2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
- 3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

**Sec. 21-1002 GENERAL PROVISIONS**

**A. LANDS TO WHICH ORDINANCE APPLIES**

This ordinance shall apply to all lands within the jurisdiction of the City of Hutchinson, Kansas, as identified as numbered and unnumbered A Zones, AE, AO and AH Zones on the Flood Insurance Rate Map (FIRM) panels referenced on the associated FIRM Index dated January 29, 2021 as

amended, and any future revisions thereto, and within the FP Floodplain Overlay District of the City. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Governing Body of the City of Hutchinson or its duly designated representative under such safeguards and restrictions as the Governing Body of the City of Hutchinson or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Sec. 21-1004 of this article.

**B. COMPLIANCE**

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

**C. ABROGATION AND GREATER RESTRICTIONS**

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

**D. INTERPRETATION**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by Kansas statutes.

**E. WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance 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 heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create a liability on the part of the City, any officer or employee thereof, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

F. SEVERABILITY

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

**Sec. 21-1003 ADMINISTRATION**

A. FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured or mobile homes, in the areas described in Sec. 21-1002(A). No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

B. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Director of Planning & Development of the City of Hutchinson is hereby appointed to administer and implement the provisions of this ordinance.

C. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. Issue floodplain development permits for all approved applications;



5. Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse; and
7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
9. When floodproofing techniques are utilized for a particular non-residential structure, the floodplain administrator shall require certification from a registered professional engineer or architect.

#### D. APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

Applications for floodplain development permits shall be made on forms provided for that purpose by the Floodplain Administrator. All such applications shall:

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
2. Identify and describe the work to be covered by the floodplain development permit;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Specify whether development is located in designated flood fringe or floodway;
6. Identify the existing base flood elevation and the elevation of the proposed development;

7. Give such other information as reasonably may be required by the floodplain administrator;
8. Be accompanied by plans and specifications for proposed construction;
9. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority; and
10. Be accompanied by an application fee of \$50.00, which shall be in addition to any building permit fee or other applicable fees required by the City.

**Sec. 21-1004 PROVISIONS FOR FLOOD HAZARD REDUCTION**

**A. GENERAL STANDARDS**

1. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured or mobile homes, within any special flood hazard area unless the conditions of this section are satisfied.
2. All areas identified as Zone A on the FIRM are subject to inundation of the one percent annual chance or 100-year flood; however, the base flood elevation is not provided. Development within Zone A is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
3. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any special flood hazard area, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured or mobile homes, and other developments shall require:
  - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from

hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- b. Construction with materials resistant to flood damage;
- c. Utilization of methods and practices that minimize flood damages;
- d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
- f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
  - 1. All such proposals are consistent with the need to minimize flood damage;
  - 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
  - 3. Adequate drainage is provided so as to reduce exposure to flood hazards; and
  - 4. All proposals for development, including proposals for manufactured home parks and subdivisions, of greater than five (5) acres or fifty (50) lots, whichever is less, include within such proposals base flood elevation data.
  - 5. Storage of material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

## 6. Nonconforming Use

A structure, or the use of a structure or premises that was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

- a. If such structure, use, or utility service has been or is discontinued for twelve (12) consecutive months, any future use of the building shall conform to this ordinance.
- b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

## B. SPECIFIC STANDARDS

1. In all areas identified as numbered and unnumbered A zones, AE, and AH Zones, where base flood elevation data have been provided, as set forth in Sec. 21-1004(A)(2), the following provisions are required:

### a. Residential Construction

New construction or substantial-improvement of any residential structures, including manufactured or mobile homes, shall have the lowest floor, including basement, elevated a minimum of one (1) foot above base flood elevation. Mechanical and heating equipment will be elevated one (1) foot above the base flood elevation to have same freeboard as the lowest floor. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.

b. Non-Residential Construction

New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured or mobile homes, shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below one foot above the base flood elevation 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. Mechanical and heating equipment will be elevated one (1) foot above the base flood elevation to have same freeboard as the lowest floor. A registered professional engineer or architect shall verify that the standards of this subsection are satisfied. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer. Such certification shall be provided to the floodplain administrator as set forth in Sec. 21-1003(C)(7)(8)(9).

c. Accessory Structures

Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 600 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; the accessory structure meets the following floodplain management requirements listed below; and a floodplain development permit has been issued. Wet-floodproofing is only allowed for small low-cost structures.

A permit issued for an accessory structure shall be reviewed based on a case by case analysis of the structure's unique characteristics. In order to minimize flood damages during a one percent annual chance flood event and the threat to the public health and safety, the following conditions shall be required for any permit issued for accessory structures that are constructed at-grade and wet-floodproofed:

1. Use of the accessory structure must be solely for parking and limited storage purposes in any special

flood hazard area as identified on the City's Flood Insurance Rate Map (FIRM).

2. For any new or substantially damaged accessory structure, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials.
3. Accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement. All the structure's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces.
4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight enclosure that is capable of resisting damage and prevents water from entering or accumulation within the components during conditions of flooding.
5. The accessory structure must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires a minimum of one square inch for each square foot of enclosed area. Openings must permit the automatic entry and exit of flood waters and must meet the requirements of *NFIP Technical Bulletin 1*.
6. No permits may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during any 100-year flood event.
7. Equipment, machinery, or other contents must be protected from flood damage.
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of any flood damage of the accessory structure.

9. Wet-floodproofing constriction techniques must be reviewed and approved by the City. The City may request approval by a registered professional engineer or architect prior to the issuance of a floodplain development permit for any non-standard floodproofing technique. Cost for any professional certification is to be paid by the applicant.
10. All accessory structures over 600 square feet shall be elevated either one foot above the base flood elevation or dry floodproofed.

d. Critical Facilities

1. All new or substantially improved critical nonresidential facilities including, but not limited to, governmental structures, police stations, fire stations, hospitals, orphanages, penal institutions, communication centers, water and sewer pumping stations, water and sewer treatment facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated at least one (1) foot above the 0.2 percent annual chance flood event, also referred to as the 500-year floodplain level. If the structure cannot be elevated, then the structure together with attendant utility and sanitary facilities must be floodproofed so that a minimum of one (1) foot above the 500-year flood level of 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 the effects of buoyancy. A registered professional engineer or architect shall verify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Sec. 21-1003(C).
2. All critical facilities shall have access routes that are above the elevation of the 0.2 percent annual chance flood.

3. No critical facilities shall be constructed in any designated floodway.

e. Hazardous Materials

All hazardous material storage and handling sites shall be located outside of the Special Flood Hazard Area.

f. Enclosures Below Lowest Floor

Require, for all new construction and substantial-improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and 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 flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
2. The bottom of all opening shall be no higher than one (1) 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 flood waters.

C. MANUFACTURED or MOBILE HOMES

1. All manufactured or mobile homes to be placed within the special flood hazard area, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured or mobile homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
2. Require manufactured or mobile homes that are placed or substantially improved within the special flood hazard area, on the community's FIRM on sites:



- a. Outside of a manufactured home park or subdivision;
  - b. In a new manufactured home park or subdivision;
  - c. In an expansion to an existing manufactured home park or subdivision; or
  - d. In an existing manufactured home park or subdivision on which a manufactured or mobile home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Mechanical and heating equipment will be elevated one (1) foot above the base flood elevation to have same freeboard as the lowest floor. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.
3. Require that manufactured or mobile homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within the special flood hazard area, on the community's FIRM, that are not subject to the provisions of Sec. 21-1004(C)(2) of this ordinance, be elevated so that:
- a. The lowest floor of the manufactured or mobile home is a minimum of one (1) foot above the base flood level. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.
  - b. Mechanical and heating equipment will be elevated one (1) foot above the base flood elevation to have same freeboard as the lowest floor.

D. AREAS OF SHALLOW FLOODING (AO and AH zones)

Located within the areas of special flood hazard as described in Sec. 21-1002(A) are areas designated as AO zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:

1. AO Zones

- a. All new construction and substantial-improvements of residential structures, including manufactured or mobile homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus one (1) foot of freeboard, or at least two (2) feet plus one (1) foot of freeboard if no depth number is specified.
- b. All new construction and substantial-improvements of any commercial, industrial, or other non-residential structures, including manufactured or mobile homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community FIRM (at least two (2) feet if no depth number is specified) or together with attendant utilities and sanitary facilities be completely floodproofed 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.
- c. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

2. AH Zones

- a. The specific standards for all areas of special flood hazard where base flood elevation has been provided shall be required as set forth in Sec. 21-1004(B).
- b. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

E. FLOODWAY

Located within areas of special flood hazard established in Sec. 21-1002(A), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

1. The City shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
2. The City shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in **any** increase in flood levels within the community during the occurrence of the base flood discharge.
3. The City may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the City first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of 44 CFR 65.12, and receives the approval of FEMA.
4. If Sec. 21-1004(E)(2), is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of Sec. 21-1004.
5. In Zone A, the City shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Sec. 21-1004(A)(2).

#### F. RECREATIONAL VEHICLES

Require that recreational vehicles placed on sites within the special flood hazard area on the City's FIRM either:

1. Be on the site for fewer than 180 consecutive days, or
2. Be fully licensed and ready for highway use\*; or
3. Meet the permitting, elevation, and anchoring requirements for manufactured homes of this ordinance.

\*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

## **Sec. 21-1005 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES**

### **A. Establishment Of Appeal Board**

The Hutchinson Board of Zoning Appeals (Board of Zoning Appeals) shall act as the Appeal Board, as established by the Governing Body of the City of Hutchinson, shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

### **B. Responsibility Of Appeal Board**

Where an application for a floodplain development permit is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit directly to the Board of Zoning Appeals, as defined in Sec. 21-1005(A).

The Board of Zoning Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

### **C. Further Appeals**

Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the District Court as provided in K.S.A. 12-759 and 12-760.

### **D. Floodplain Management Variance Criteria**

In passing upon such applications for variances, the Board of Zoning Appeals shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

1. Danger to life and property due to flood damage;
2. Danger that materials may be swept onto other lands to the injury of others;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;

6. Availability of alternative locations, not subject to flood damage, for the proposed use;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in times of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
11. 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.

E. Conditions For Approving Floodplain Management Variances

1. Generally, 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 elevation, providing items two (2) through six (6) below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, repair, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination, provided the proposed activity will not preclude the structure's continued historic designation and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway if any significant increase in flood discharge or base flood elevation would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon: (a) showing of good and sufficient cause, (b) determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. The City shall notify the applicant in writing over the signature of the Floodplain Administrator that: (a) 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 (b) 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 ordinance.
7. The City shall maintain a record of all variance actions, including justification for their issuance.
8. Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of items 1 through 5 of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**Sec. 21-1006 VIOLATIONS**

- A. The Floodplain Administrator may make reasonable entry upon any lands and waters in the City for the purpose of making an investigation, inspection or survey to verify compliance with these regulations. The Floodplain Administrator shall provide notice of entry by mail, electronic mail, phone call, or personal delivery to the owner, owner's agent, lessee, or lessee's agent whose lands will be entered. If none of these persons can be found, the Floodplain Administrator shall affix a copy of the notice to one or more conspicuous places on the property a minimum of five (5) days prior to entry.
- B. A structure or other development without a floodplain development permit or other evidence of compliance is presumed to be in violation until such documentation is provided.

- C. The Floodplain Administrator shall provide written notice of a violation of this ordinance to the owner, the owner's agent, lessee, or lessee's agent by personal service or by certified mail, return receipt requested. The written notice shall include instructions and a deadline to request a hearing before the Board of Zoning Appeals, and if no hearing is requested, a deadline by which the violation must be corrected.
- D. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues, shall be considered a separate offense. Nothing herein contained shall prevent the City of Hutchinson or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.
- E. Notwithstanding any criminal prosecutions or in lieu of any criminal prosecutions, if the owner, occupant or agent in charge of the property has neither alleviated the conditions causing the alleged violation nor requested a hearing within the period specified, the public officer or an authorized assistant shall abate or remove the conditions causing the violation.
- F. If the public officer or an authorized assistant abates or removes the nuisance pursuant to this section, notice shall be provided to the owner, the owner's agent, lessee, or lessee's agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred. The notice shall also state that the payment is due within 30 days following receipt of the notice. The cost of providing notice, including any postage, required by this section may also be recovered.
- G. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full. (K.S.A. 12-1617f).

## **Sec. 21-1007            AMENDMENTS**

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Hutchinson, Kansas. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the FEMA Region VII office. The regulations of this ordinance are in compliance with the NFIP regulations.

## **Sec. 21-1008            DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

**"100-year Flood"** *see "base flood."*

**"Accessory Structure"** means the same as *"appurtenant structure."*

**"Actuarial Rates"** *see "risk premium rates."*

**"Administrator"** means the Federal Insurance Administrator.

**"Agency"** means the Federal Emergency Management Agency (FEMA).

**"Appeal"** means a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

**"Appurtenant Structure"** means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

**"Area of Shallow Flooding"** means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**"Area of Special Flood Hazard"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.



**"Base Flood Elevation"** means the elevation of the surface of the water during a one percent annual chance flood event.

**"Basement"** means any area of the structure having its floor subgrade (below ground level) on all sides.

**"Building"** see *"structure."*

**"Chief Engineer"** means the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture.

**"Chief Executive Officer" or "Chief Elected Official"** means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

**"City"** means the City of Hutchinson located in Reno County, Kansas, a municipal corporation.

**"Community"** means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**"Elevated Building"** means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**"Eligible Community" or "Participating Community"** means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

**"Existing Construction"** means for the purposes of determining rates, structures for which the *"start of construction"* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"existing construction"* may also be referred to as *"existing structures."*

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete

pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

**"Flood Boundary and Floodway Map (FBFM)"** means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

**"Flood Elevation Determination"** means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**"Flood Elevation Study"** means an examination, evaluation and determination of flood hazards.

**"Flood Fringe"** means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

**"Flood Hazard Map"** means the document adopted by the governing body showing the limits of: (1) the floodplain; (2) the floodway; (3) streets; (4) stream channel; and (5) other geographic features.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**"Flood Insurance Study (FIS)"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**"Floodplain" or "Flood-prone Area"** means any land area susceptible to being inundated by water from any source (see *"flooding"*).

**"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**"Floodplain Management Regulations"** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

**"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 one foot.

**"Floodway Encroachment Lines"** means the lines marking the limits of floodways on Federal, State and local floodplain maps.

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

**"Functionally Dependent Use"** means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**"Historic Structure"** means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered

historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

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

**"Manufactured Home"** means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* does include mobile homes manufactured prior to 1976 but **does not include** a *"recreational vehicle."*

**"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Map"** means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

**"Market Value" or "Fair Market Value"** means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

**"Mean Sea Level"** means, for purposes of the National Flood Insurance Program (NFIP), the National American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**"New Construction"** means, for the purposes of determining insurance rates, structures for which the *"start of construction"* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *"new construction"* means structures for which the *"start of construction"* commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads)

is completed on or after the effective date of floodplain management regulations adopted by the community.

"**(NFIP)**" means the National Flood Insurance Program (NFIP).

"**Numbered A Zone**" means a special flood hazard area where the Flood Insurance Rate Map shows the Base Flood Elevation.

"**One percent annual chance flood**" see "*base flood.*"

"**Ordinance**" or "**this Ordinance**" means Article X. Floodplain Management of Chapter 21 of the Code of Hutchinson, Kansas.

"**Participating Community**" also known as an "*eligible community,*" means a community in which the Administrator has authorized the sale of flood insurance.

"**Permit**" means a signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate; and (3) any other necessary or applicable approvals or authorizations from local, state or federal authorities.

"**Person**" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

"**Principally Above Ground**" means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

"**Reasonably Safe From Flooding**" means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

"**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 able to be towed 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.

"**Remedy A Violation**" means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

"**Risk Premium Rates**" means those rates established by the Administrator pursuant to individual community studies and investigations, which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act

of 1973 and the accepted actuarial principles. *"Risk premium rates"* include provisions for operating costs and allowances.

**"Special Flood Hazard Area"** see *"area of special flood hazard."*

**"Special Hazard Area"** means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A, AO, AE, or AH.

**"Start of Construction"** includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The ***actual start*** means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, 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 a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the ***actual start of construction*** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** means the Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

**"Structure"** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *"Structure"* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

**"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.

**"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) any alteration of a "*historic structure*," provided that the alteration will not preclude the structure's continued designation as a "*historic structure*."

**"Unnumbered A Zone"** means a special flood hazard area shown on either a flood hazard boundary map or flood insurance rate map where the base flood elevation is not determined.

**"Variance"** means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

**"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.  
(Ord. 2021-3, Adop. 1/19/2021; Ord. 2009-36, Adop. 12/15/2009; Ord. 2000-28, Adop. 10/03/2000; Ord. 2000-22, Adop. 8/15/2000; Ord. 7324, Adop. 1/15/1991; Ord. 7314, Adop. 9/25/1990)

## **Article XI. - RESERVED**

## **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 – SWIMMING POOL AND SPA CODE**

Section 21-1301      Adoption of the International Swimming Pool and Spa Code, 2018 Edition.

There is hereby incorporated by reference for the purpose of regulating and governing the design, construction, alteration, repair and maintenance of swimming pools, spas, hot

tubs and aquatic facilities; providing for the issuance of permits and collection of fees therefore within the corporate limits of the City of Hutchinson, Kansas, the "International Swimming Pool and Spa Code, 2018 Edition, as published by the International Code Council. At least one copy of said International Swimming Pool and Spa Code, 2018 Edition, shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2020 - 10," 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 Official 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 Swimming Pool and Spa Code as may be deemed expedient.

Section 21-1302 Local Amendments to the International Swimming Pool and Spa Code, 2018 Edition

That the following sections of the International Swimming Pool and Spa Code, 2018 Edition, are hereby modified as follows:

**Section 101.1 Title.** These regulations shall be known as the Swimming Pool and Spa Code of City of Hutchinson, KS hereinafter referred to as the "Swimming Pool and Spa Code."

**Section 107.4 Violation penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the approved construction documents or directive of the code official, or of a permit or certified issued under the provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine or by imprisonment or both as provided in Hutchinson City Code Sections 24-901 and 24-902. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Section 107.5 Stop work orders.** Upon notice from the code official, work on any system that is being performed contrary to the provisions of this 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 to the owner's authorized agent, or to the person performing 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 or remove a violation or unsafe condition, shall be guilty of a Class C misdemeanor, punishable by a fine or by imprisonment or both as provided in Hutchinson City Code Sections 24-901 and 24-902.

*(Ord. 2020 – 10, Adop. 2/04/2020)*

## Article XIV - RESERVED

### 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, 2018 Edition**

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", 2018 Edition, including Appendix Chapters A, B, C and D, as published by the International Code Council. At least one copy of said International Fuel Gas Code, 2018 Edition, shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2020 - 7 , " 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 Official 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.

Sec. 21-1602 Local amendments to the International Fuel Gas Code, 2018 Edition

That the following sections of the International Fuel Gas Code, 2018 Edition, 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 as provided in Hutchinson City Code Sections 24-901 and 24-902. 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 as provided in Hutchinson City Code Sections 24-901 and 24-902.

*(Ord. 2020 – 7, Adop. 2/04/2020; Ord. 2013-24, Adop. 8/06/13; Ord. 2007-18, Adop. 5/01/07)*

**Article XVII – Residential Code**

Section 21-1701 Adoption of the International Residential Code, 2018 Edition

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”, 2018 Edition, including Appendix Chapters A, B, C, D, E, G, H, J and L, as published by the International Code Council. At least one copy of said International Residential Code, 2018 Edition, shall be marked or stamped “Official Copy as Adopted by Ordinance No. 2020 - 8,” 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 Official 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, 2018 Edition, as may be deemed expedient.

#### Sec. 21-1702 Local amendments to the International Residential Code, 2018 Edition

That the following sections of the International Residential Code, 2018 Edition, 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 used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (18.58 m<sup>2</sup>)
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.



**TABLE R301.2(1)**

**CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD <sup>o</sup>	WIND DESIGN				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>e</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>h</sup>	FLOOD HAZARDS <sup>g</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMP <sup>j</sup>
	Speed <sup>d</sup> (mph)	Topographic effects <sup>k</sup>	Special wind region <sup>l</sup>	Windborne debris zone <sup>m</sup>		Weathering <sup>a</sup>	Frost line depth <sup>b</sup>	Termite <sup>c</sup>					
20	115	NO	NO	NO	A	SEVERE	32"	MODERATE TO HEAVY	5°	YES	January 6, 2010	1500 or less	55°
Panel Numbers for Flood Hazards section in table 301.2(1) ABOVE Panel Numbers 20155C0277F, 20155C0279F, 20155C281F, 20155C0282F, 20155C0283F, 20155C0284F, 20155C0287F, 20155C0291F, 20155C0292F, 20155C0293F, 20155C0294F, 20155C0303F, 20155C0305F, 20155C0311F													

Section R309.5 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors.

Section R309.6 Separation required. The garage shall be separated from the residence and its attic area by not less than 1/2-inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8-inch (15.9 mm) Type X gypsum board or equivalent. When the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 1/2-inch (12.7 mm) gypsum board or equivalent. Garages located less than 3 feet (914 mm) from a dwelling unit on the same lot shall be protected with not less than 1/2-inch (12.7 mm) gypsum board applied to the interior side of exterior walls that are within this area. Openings in these walls shall be regulated by Section R309.5. This provision does not apply to garage walls that are perpendicular to the adjacent dwelling unit wall.

Section R314.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

Interconnection of smoke alarms in existing areas shall not be required where alterations or repairs do not result in the removal of interior wall or ceiling finishing exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

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 P3103.1.1 Roof extension. 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.

E3601.6.2 Service disconnect location. The service disconnecting means shall be installed at a readily accessible location outside of a building and within one (1) foot of the utility meter. Service disconnecting means shall not be installed in bathrooms. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

*(Ord. 2020 – 8, Adop. 2/04/2020; Ord. 2013-25, Adop. 8/06/13; Ord. 2007-21, Adop. 5/01/07)*

## **Article XVIII – International Property Maintenance Code**

### Section 21-1801 Adoption of the International Property Maintenance Code, 2018 Edition

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”, 2018 Edition, as published by the International Code Council. At least one copy of said International Property Maintenance Code, 2018 Edition shall be marked or stamped “Official Copy as Adopted by Ordinance No. 2020 - 9,” 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 Official 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, 2018 Edition as may be deemed expedient.

### Sec. 21-1802 Local amendments to the International Property Maintenance Code, 2018 Edition

That the following sections of the International Property Maintenance Code, 2018 Edition 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 as provided in Hutchinson City Code Sections 24-901 and 24-902.

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.



Section 605.2.1. Bathroom receptacles. All 125-volt, single-phase, 15- and 20-ampere receptacles installed in bathrooms shall have ground-fault circuit interrupter protection for personnel.

Section 602.2.2. Kitchen receptacles. All 125-volt, single-phase, 15- and 20-ampere receptacles that serve countertop surfaces shall have ground-fault circuit-interrupter protection for personnel.

Section 605.2.3. Sink receptacles. All 125-volt, single-phase, 15- and 20-ampere receptacles that are located within 6 feet (1829 mm) of the top inside edge of a bowl of the sink shall have ground-fault circuit-interrupter protection for personnel.

*(Ord. 2020 – 9, Adop. 2/04/2020; Ord. 2013-26, Adop. 8/06/13; Ord. 2011-2, Adop. 2/01/2011)*