

DECEMBER 7, 2010 EDITION OF
TITLE V, BUILDING AND CONSTRUCTION,
OF THE CODE OF THE CITY OF JUNCTION CITY, KANSAS



Incorporated By Reference Pursuant to K.S.A. 12-3009, *et seq.*
And the Home Rule Authority of the City

Passed by the Governing Body of the City of Junction City, Kansas

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TITLE V - BUILDING AND CONSTRUCTION

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CHAPTER 500. ADMINISTRATION

Section 500.010 **POLICY ESTABLISHED**

It is by the Governing Body of the City of Junction City, Kansas, hereby determined and declared that the safety, welfare, health and comfort of the inhabitants of the City of Junction City require the adoption of minimum standards and regulations for the construction, location, alteration, repair, equipping and maintaining of buildings and structures within said City and for the installation of plumbing, gas fittings, mechanical and electrical wiring in such structures and the attachment of appliances and fixtures therein and thereto.

Section 500.020 **SEVERABILITY**

If any section, clause, sentence, or phrase of this Title is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Title.

Section 500.030 **SCOPE**

The provisions of this Chapter shall apply to all Chapters of this Title, and amendments thereto.

Section 500.040 **APPENDICES**

Provisions in the appendices of any code or law adopted by reference shall not apply unless they are specifically adopted.

Section 500.050 **CODE REFERENCES**

All references to any code adopted by reference in this Chapter shall be read to refer to the specific version of the code adopted by the City of Junction City, and the amendments, changes or additions made by the City of Junction City.

Section 500.060 **INTENT**

The purpose of this Chapter is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

Section 500.070 **REFERENCED CODES**

The other codes listed in Section 500.070 through Section 500.150 and referenced elsewhere in this Chapter shall be considered part of the requirements of this Chapter to the prescribed extent of each such reference.

Section 500.080 **COMMERCIAL AND MULTI-FAMILY STRUCTURES**

The provisions of the International Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions: Building or structures regulated by the International Residential Code.

Section 500.090 **RESIDENTIAL ONE AND TWO FAMILY DWELLINGS**

The provisions of the International Residential Code for One- and Two-family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures.

Section 500.100 **ELECTRICAL**

The provisions of the National Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Section 500.110 **GAS**

The provisions of the International Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this Chapter. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

Section 500.120 **MECHANICAL**

The provisions of the International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

Section 500.130 **PLUMBING**

The provisions of the International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

Section 500.140 **PROPERTY MAINTENANCE**

The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

Section 500.150 **ENERGY**

The provisions of the International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

Section 500.160 **GENERAL**

Where, in any specific case, different sections of this Chapter specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Section 500.170 **OTHER LAWS**

The provisions of this Chapter shall not be deemed to nullify any provisions of local, state or federal law.

Section 500.180 **APPLICATION OF REFERENCES**

References to chapter or section numbers within referenced codes or standards, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Chapter.

Section 500.190 **REFERENCED CODES AND STANDARDS**

The codes and standards referenced in this Chapter shall be considered part of the requirements of this Chapter to the prescribed extent of each such reference. Where differences occur between provisions of this Chapter and referenced codes and standards, the provisions of this Chapter shall apply.

Section 500.200 **EXISTING STRUCTURES**

The legal occupancy of any structure existing on the date of adoption of this Chapter shall be permitted to continue without change, except as is specifically covered in this Chapter, the International Property Maintenance Code or the International Fire Code, or as is otherwise lawfully deemed necessary by the Code Administrator for the general safety and welfare of the occupants and the public.

Section 500.210 **CREATION OF ENFORCEMENT AGENCY**

The Code Enforcement Department is hereby created and the official in charge thereof shall be known as the Code Administrator.

Section 500.220 **APPOINTMENT**

The Code Administrator shall be appointed by the chief appointing authority of the jurisdiction.

Section 500.230 **CHIEF APPOINTING AUTHORITY**

The chief appointing authority of the City of Junction City shall be the City Manager or his or her designee.

Section 500.240 **DEPUTIES**

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Administrator shall have the authority to appoint a deputy Code Administrator, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Code Administrator. For the maintenance of existing properties, see the International Property Maintenance Code.

Section 500.250 **GENERAL, ENFORCEMENT**

The Code Administrator is hereby authorized and directed to enforce the provisions of this Chapter. The Code Administrator shall have the authority to render interpretations of this Chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Chapter.

Section 500.260 **APPLICATION AND PERMITS**

The Code Enforcement Department shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Chapter.

Section 500.270 **PRELIMINARY MEETING**

When requested by the permit applicant or the Code Administrator, the Code Administrator shall meet with the permit applicant prior to the application for a construction permit to discuss plans for the proposed work or change of occupancy in order to establish the specific applicability of the provisions of this Chapter.

Exception: Repairs and Level 1 alterations as defined in the International Existing Building Code.

Section 500.280 **BUILDING EVALUATION**

The Code Administrator is authorized to require an existing building to be investigated and evaluated by a registered design professional based on the circumstances agreed upon at the preliminary meeting to determine the existence of any potential nonconformance with the provisions of this Chapter.

Section 500.290 **NOTICE AND ORDERS**

The Code Administrator shall issue all necessary notices or orders to ensure compliance with this Chapter.

Section 500.300 **INSPECTION**

The Code Administrator shall make all of the required inspections, or the Code Administrator shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Administrator is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

Section 500.310 **IDENTIFICATION**

The Code Administrator shall carry proper identification when inspecting structures or premises in the performance of duties under this Chapter.

Section 500.320 **RIGHT OF ENTRY**

Where it is necessary to make an inspection to enforce the provisions of this Chapter, or where the Code Administrator has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this Chapter which makes the structure or premises unsafe, dangerous or hazardous, the Code Administrator is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Chapter, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Code Administrator shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Administrator shall have recourse to the remedies provided by law to secure entry.

Section 500.330 **DEPARTMENT RECORDS**

The Code Administrator shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

Section 500.340 **LIABILITY**

The Code Administrator, member of the board of appeals or employee charged with the enforcement of this Chapter, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this Chapter or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Chapter shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Code Administrator or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this Chapter.

Section 500.350 **APPROVED MATERIALS AND EQUIPMENT**

Materials, equipment and devices approved by the Code Administrator shall be constructed and installed in accordance with such approval.

Section 500.360 **USED MATERIALS AND EQUIPMENT**

The use of used materials which meet the requirements of this Chapter for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Code Administrator.

Section 500.370 **MODIFICATIONS**

Wherever there are practical difficulties involved in carrying out the provisions of this Chapter, the Code Administrator shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Code Administrator shall first find that special individual reason makes the strict letter of this Chapter impractical and the modification is in compliance with the intent and purpose of this Chapter and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

Section 500.380 **ALTERNATE MATERIALS, DESIGN AND METHOD OF CONSTRUCTION AND EQUIPMENT**

The provisions of this Chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Chapter, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Code Administrator finds that the proposed design is satisfactory and complies with the intent of the provisions of this Chapter, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Chapter in quality, strength, effectiveness, fire resistance, durability and safety.

Section 500.390 **RESEARCH REPORTS**

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Chapter, shall consist of valid research reports from approved sources.

Section 500.400 **TEST**

Whenever there is insufficient evidence of compliance with the provisions of this Chapter, or evidence that a material or method does not conform to the requirements of this Chapter, or in order to substantiate claims for alternative materials or methods, the Code Administrator shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this Chapter or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Administrator shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Code Administrator for the period required for retention of public records.

Section 500.410 **PERMITS REQUIRED**

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Chapter, or to cause any such work to be done, shall first make application to the Code Administrator and obtain the required permit. In addition to the requirements of this section, moved structures shall comply with the appropriate section of this Title. The required procedures for demolishing structures are found in this Title.

Section 500.420 **EMERGENCY REPAIRS**

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Code Administrator.

Section 500.430 **REPAIRS**

Application or notice to the Code Administrator is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Section 500.440 **PUBLIC SERVICE AGENCIES**

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

PERMITS, FORMS, ENFORCEMENT

- A. The Code Administrator shall prepare and supply all application forms relating to the granting of permits required under this Title relating to buildings, plumbing, gas fitting, mechanical, electrical wiring or any other related construction. Such forms shall give the adopted Code applicable to such application and permit, stating that the permit is made in accordance with the provisions of said Code requiring such permit and that the proposed construction or work will be done in accordance with terms of said Code. All such applicable Codes shall be made available to the applicant as provided in this Title.
- B. Permits for the erection, alteration or enlargement of any building or improvement to be located on any parcel (the "parcel") of real estate within the City may be issued by the Code Administrator or his/her representative. In addition to the application form there shall be filed by or on behalf of the applicant therefore (defined below) sufficient drawings, prepared and signed by a registered Kansas design professional, including a site survey and site plan, drawn to scale and in such form as may be prescribed by the Code Administrator. The submittals required shall include:
1. Location and actual dimensions of the lot to be occupied.
 2. Location and dimensions of any existing easements.
 3. The dimensions and location on the lot of the building or improvement to be erected, altered or enlarged.
 4. Rear lot elevations (not required for fencing plans).
 5. Front elevations at property line extended to curblines.
 6. Landscaping and/or screening, if required.
 7. Proposed drainage patterns.
 8. All finished floor elevations.
 9. Proposed fence locations.
 10. Proposed erosion control features.
 11. Locations of proposed water and sanitary sewer.
 12. Proposed sidewalk location, if required.
 13. A true statement in writing, signed by the applicant, must be submitted showing the use for which such building is arranged, intended or designed and furnishing such other information as the Code Administrator may require for the enforcement of the provisions of this Title. Any failure to comply with the provisions of this Title or any other ordinance shall be good cause for the revocation of any such building permit by the Code Administrator. A record of such applications and submittals shall be kept in the office of the Code Administrator.
 14. Additional information may be required as necessary by the Code Administrator for any permit application or as required in these regulations, such as:
 - a. Existing contours;
 - b. Proposed contours;
 - c. Drainage plan.

- C. In addition to the requirements of (B) above, a building permit shall not be issued or, if issued, shall not remain valid, unless the following conditions with respect to the applicant are satisfied:
1. Each individual or entity (defined below) included in the definition of "*applicant*" below, must furnish to the City a certificate, signed by the applicable individual or entity, under penalty of perjury, which identifies all real property owned by the individual or entity within the City, and for each property listed, the applicant must furnish to the City a copy of receipts or other form of verification from the County Treasurer, confirming that all real property taxes and installments of special assessments against all properties within the corporate limits of the City which are owned by the applicant, and which are due and owing on the date the permit is issued, have been paid in full.
 2. If the work is not completed and the building permit remains outstanding on subsequent dates on which taxes and installments of special assessments become due and payable. Applicant must provide evidence to the City that the then current taxes and installments of special assessments for the properties described in Subsection (C)(1) above have been paid in full on or before such subsequent tax due date.

It shall be unlawful for an applicant to transfer title to real property for the purpose of avoiding compliance with this Section.

- D. The term "*applicant*" includes:

1. Any person or legal entity (defined below) that has an ownership interest in the parcel, and
2. Any person or legal entity that will perform the work for which a building permit is issued.

If the application is signed by a person on behalf of a legal entity, "applicant" shall include that person and the legal entity. The term "*legal entity*" means any entity other than a natural person and shall include sole proprietorships, corporations, partnerships, limited liability companies, joint ventures, trusts and, as applicable, all owners, shareholders, partners, members, joint venturers, grantors or settlers and trustees of such entities. The term "*legal entity*" shall not include the shareholders, partners or members in the case of any legal entity which is a publicly traded company.

- E. If the applicant fails to satisfy the requirements of Subsections (C)(1) and (2) above, no permit shall be issued or, if issued and outstanding, the permit shall be immediately revoked and a stop work order shall be issued until the requirements are satisfied, including the payment in full of any deficient property taxes and/or deficient installments of special assessments. Such revocation and stop work order shall be in addition to any criminal or civil penalty authorized by State law or municipal ordinance.

Section 500.460

BUILDING ON UNPLATTED LAND PROHIBITED

No building or structure within the City limits of Junction City, Kansas, shall be built or erected on any unplatted land within the City limits of Junction City, Kansas, except in conformance with the provisions of Section 455.060 of this Code. The phrase "*unplatted land*" shall mean any tract of land located within the City limits of Junction City, Kansas, which shall not have been platted and approved as provided by law by the Metropolitan Planning Commission and the City Commission and which plat shall not have been acknowledged, filed and recorded in the office of the Geary County Register of Deeds, as provided by law for the purpose of showing building lots, streets, alleys (if appropriate), utility easements or other appropriate public dedications.

Section 500.470 **NO BUILDING PERMIT TO BE ISSUED FOR A BUILDING OR STRUCTURE ON UNPLATTED LAND**

The Codes Administrator of the City of Junction City, Kansas, or his/her duly authorized assistant shall not issue any building permit for the purpose of construction of any building or structure on unplatted land; provided however, a building permit may be issued if the provisions of Section 455.060 of this Code have been met.

Section 500.480 **USES OF RIGHTS-OF-WAY**

The following rules and regulations concerning use and encroachment on dedicated rights-of-way are hereby established.

1. *Unlawful use of dedicated rights-of-way or easements.* No person, firm or corporation shall construct any building or structure of any kind or nature whatsoever or plant any trees, shrubbery or vegetation upon, over or under any area which has been or which may hereafter be dedicated to the City of Junction City, Kansas, or to the public as a power, electric, sewer, water, telephone, gas line, public utility easement or right-of-way. Driveways, fences and lawn sprinkler systems may be constructed in, on and/or across easements subject to obtaining proper permits from the City for such construction, and subject to the provisions stated below.

2. *Owner liable for cost of removal or encroachment on right-of-way.* Any person, firm or corporation who shall hereafter construct or erect any building, structure, fence, driveway or lawn sprinkler system, or plant any trees or vegetation in dedicated public right-of-way and/or dedicated utility easement shall be deemed to have done so at their own risk and shall be liable for the cost of removal of the same in the event it is necessary to make any authorized use or excavation of such area for any purpose for which the same were dedicated to the public use. Neither the City of Junction City, Kansas, nor any other person, firm or corporation which may be lawfully making use of the said right-of-way or easement shall be liable to any such person claiming damages for the removal of any building, structure, driveway, fence, lawn sprinkler system, trees or vegetation from such rights-of-way or easements.

Section 500.490 **ACTION ON AN APPLICATION**

The Code Administrator shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Code Administrator shall reject such application in writing, stating the reasons therefore. If the Code Administrator is satisfied that the proposed work conforms to the requirements of this Chapter and laws and ordinances applicable thereto, the Code Administrator shall issue a permit therefore as soon as practicable.

Section 500.500 **TIME LIMITATION OF APPLICATION**

An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Code Administrator is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 500.510 **VALIDITY OF PERMIT**

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Chapter or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this Chapter or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Code Administrator from requiring the correction of errors in the construction documents and other data. The Code Administrator is also authorized to prevent occupancy or use of a structure where in violation of this Chapter or of any other ordinances of this jurisdiction.

Section 500.520 **EXPIRATION**

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Code Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 500.530 **SUSPENSION OR REVOCATION**

The Code Administrator is authorized to suspend or revoke a permit issued under the provisions of this Chapter wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this Chapter.

Section 500.540 **PLACEMENT OF PERMIT**

The building permit or copy shall be kept on the site of the work until the completion of the project.

Section 500.550 **HISTORIC PROPERTY**

Whenever a building permit is required by this Chapter for work to be performed on a site, structure or object which is defined by the City Code of Junction City as:

- (A) A landmark or within the area of an Historic District, or their environs: or,
- (B) A nominated landmark,

A copy of the application filed by the applicant shall be forwarded to the Historic Resources Commission and no building permit may be issued on such application until the applicant has obtained a Certificate of Appropriateness or Certificate of Economic Hardship for such work.

Section 500.560 **SUBMITTAL DOCUMENTS**

Construction documents, statement of special inspections and other data shall be submitted in four (4) or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Code Administrator is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The Code Administrator is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Chapter.

Section 500.570 **INFORMATION ON CONSTRUCTION DOCUMENTS**

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Code Administrator. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Chapter and relevant laws, ordinances, rules and regulations, as determined by the Code Administrator. Where required to be prepared by a design professional, said construction documents shall be wet stamped and signed by said design professional by a person licensed to conduct such business in the State of Kansas.

Section 500.580 **FIRE PROTECTION SYSTEM SHOP DRAWINGS**

Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this Chapter and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in International Building Code Chapter 9.

Section 500.590 **MEANS OF EGRESS**

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this Chapter. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

Section 500.600 **EXTERIOR WALL ENVELOPE**

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this Chapter. The construction documents shall provide details of the exterior wall envelope as required, including 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 shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the 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.

Section 500.610 **SITE PLAN**

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Code Administrator is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

Section 500.620 **EXAMINATION OF DOCUMENTS**

The Code Administrator shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Chapter and other pertinent laws or ordinances.

Section 500.630 **APPROVAL OF CONSTRUCTION DOCUMENTS**

When the Code Administrator issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the Code Administrator. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Code Administrator or a duly authorized representative.

Section 500.640 **PREVIOUS APPROVALS**

This Chapter shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this Chapter and has not been abandoned.

Section 500.650

DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE

When it is required that documents be prepared by a registered design professional, the Code Administrator shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Code Administrator shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by Section 1709 of the International Building Code, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704 of the International Building Code).

Section 500.660

DEFERRED SUBMITTALS

For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Code Administrator within a specified period.

Deferral of any submittal items shall have the prior approval of the Code Administrator. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Code Administrator.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Code Administrator with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Code Administrator.

Section 500.670

AMENDED CONSTRUCTION DOCUMENTS

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

Section 500.680

RETENTION OF CONSTRUCTION DOCUMENTS

One set of approved construction documents shall be retained by the Code Administrator for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

Section 500.690

GENERAL, TEMPORARY STRUCTURES AND USES

The Code Administrator is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 90 days. The Code Administrator is authorized to grant extensions for demonstrated cause.

Section 500.700

CONFORMANCE, TEMPORARY STRUCTURES AND USES

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this Chapter as necessary to ensure public health, safety and general welfare.

Section 500.710 **TEMPORARY POWER**

The Code Administrator is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the Electrical Code.

Section 500.720 **TERMINATION OF APPROVAL**

The Code Administrator is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

Section 500.730 **PERMIT FEES**

(A) **Definitions.**

- (1) **Applicant.** For the purposes of this section, an applicant is any person, company, or other entity, that makes application to the City of Junction City, Kansas, for a building permit for any building activity within the City of Junction City, Kansas.
- (2) **Building activity.** For the purposes of this section, building activity shall be defined as: (1) all new construction, rehabilitation or renovation of existing structures that requires the issuance of a building permit pursuant to City Code, and (2) installation or exchange of all or any part of new or existing mechanical, electrical, or plumbing systems that requires the issuance of a building permit pursuant to City Code.
- (3) **Building permit fee.** A building permit fee is a fee charged by the City of Junction City, Kansas, and assessed, pursuant to the City Code, to any applicant for any building activity within the City of Junction City, Kansas. For the purpose of this section, a sign permit is not a building permit.
- (4) **City.** As used in this section, the term City shall refer to the City of Junction City, Kansas.

Section 500.740 **PAYMENT OF FEES**

A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

Section 500.750 **SCHEDULE OF PERMIT FEES**

On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

Permit Fee Schedule

TOTAL VALUATION FEE

\$1 to \$500	\$23.50
\$501 to \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000 or fraction thereof, to and including \$25,000

\$25,001 to \$50,000	\$391.25 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 to \$5,000,000	\$5608.75 for the first \$1,000,000 plus \$3.15 for each additional \$1,000 or fraction thereof, to and including \$5,000,000
\$5,000,001 to \$15,000,000	\$17,980.92 for the first \$5,000,000 plus \$1.54 for each additional \$1,000 or fraction thereof, to and including \$15,000,000
\$15,000,001 and above	\$33,562.30 for the first \$15,000,000 plus \$1.02 for each additional \$1,000 or fraction thereof

Other Inspections and Fees:

- (A) Inspections outside of normal business hours **\$50.00** per hour (minimum charges - two hours)
- (B) Re-inspection fees when assessed by the Code Administrator **\$50.00** per hour
- (C) Inspections for which no fee is specifically indicated **\$50.00** per hour (minimum charge - one-half hour)
- (D) Additional plan review required by changes, additions, **\$50.00** per hour or revisions to approved plans (minimum charge - one-half hour)
- (E) Residential Furnaces and Air Conditioners **\$30.00**; unless after normal business hours, in which case the fee shall be \$50.00.
- (F) All construction except for permits for single-family and two-family residential structures shall be assessed a Plan Review Fee payable at the time of submittal. Such fees will be established as a percentage of the building permit fee, as follows:
 - 1. The plan review fee is 30% of the building permit fee required above, subject to the minimum charge set for below.
 - 2. The minimum plan review fee is \$500.00.
- (G) For plans determined by the Code Administrator to require an independent review of the plans by a consultant, the Plan Review Fee shall be the actual cost of such consultant.

Section 500.760 **BUILDING PERMIT VALUATIONS**

The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Code Administrator, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Code Administrator. Final building permit valuation shall be set by the Code Administrator. The determination of value or valuation under any of the provisions of this Chapter shall be made by the Code Administrator after review of the most current building valuation data supplied in the current printing of the Building Safety Journal. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

Section 500.770 **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 a fee established by the Code Administrator that shall be in addition to the required permit fees. This additional fee shall be \$500 or an amount equal to the base permit fee for the project, whichever is lower.

Section 500.780 **RELATED FEES**

The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

Section 500.790 **REFUNDS**

The Code Administrator is authorized to establish a refund policy.

Section 500.800 **RECORD OF FEES**

The Code Administrator shall keep or cause to be kept an accurate account of fees collected and received under the provisions of this Section and record the name of the person on whose account the same was paid, the date and the amount thereof together with the location of the proposed construction or installation to which the fees relate. He/she shall deposit the amount of the fees collected with the City Treasurer.

Section 500.810 **GENERAL, INSPECTIONS**

Construction or work for which a permit is required shall be subject to inspection by the Code Administrator and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Chapter or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Chapter or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Code Administrator nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Section 500.820 **PRELIMINARY INSPECTION**

Before issuing a permit, the Code Administrator is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

Section 500.830 **INSPECTION REQUESTS**

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Code Administrator when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Chapter.

Section 500.840 **APPROVAL REQUIRED**

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Code Administrator. The Code Administrator, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this Chapter. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Code Administrator.

Section 500.850 **CONNECTION OF SERVICE UTILITIES**

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this Title for which a permit is required, until released by the Code Administrator.

Section 500.860 **TEMPORARY CONNECTION**

The Code Administrator shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

Section 500.870 **AUTHORITY TO DISCONNECT SERVICE UTILITIES**

The Governing Body finds that the occupancy or habitation in a structure not in compliance with the provisions of Title V of the Code of the City of Junction City, Kansas, and amendments thereto, constitutes a hazard to the public health, safety and welfare, and that the provision of City water, sanitary sewer and/or sanitation services is reasonably related to the ability to inhabit or occupy such a structure. After lawful notice to the customer and the property owner concerning the proposed disconnection, the Code Administrator, or his or her designee, shall have the authority to order the disconnection of City water, sanitary sewer and/or sanitation services serving structures not in compliance with the provisions of Title V of the Code of the City of Junction City, Kansas, and amendments thereto.

The disconnection of City services pursuant to this Section shall only be ordered if the Code Administrator, or his or her designee, makes specific findings concerning the structure that the disconnection of City water, sanitary sewer and/or sanitation services is necessary to deter the occupancy or habitation in a structure in which the public health, safety or welfare is harmed or endangered by continued occupancy or habitation.

Section 500.880 **UTILITY TRANSFERS WITH A BUILDING PERMIT**

The City Utility Billing Division shall not approve or allow the transfer of City water, sanitary sewer, and/or sanitation service for properties or structures for which a building permit has been issued and has (1) not been issued a certificate of occupancy; (2) not completed a final inspection; or (3) not been otherwise discontinued pursuant to provisions of the International Residential Code, unless pursuant to the provisions of this Section. For properties or structures with a current building permit, the transfer of City water, sanitary sewer, and/or sanitation service to another customer shall be approved by the Code Enforcement Department upon a finding that the structure or property complies with the provisions of Title V of the Code of the City of Junction City, Kansas, and amendments thereto, including provisions regarding final inspection for the property or structures.

Section 535.890

BOARD OF BUILDING CONTRACTORS ESTABLISHED

In order to hear and decide appeals of orders decisions or determinations made by the Code Administrator relative to general construction work under all Codes adopted herein except those specifically subject to separate Boards of Appeals, there is hereby established a Board of Building Contractors which shall consist of a total of six (6) members whom shall be appointed by the Mayor with the approval of the Governing Body. The members appointed shall be comprised of the following:

- A. Three (3) contractors holding any class license.
- B. One (1) member whom shall have specific knowledge of Fire Codes.
- C. Two (2) additional members who need not be, but may be contractors,

Members of the Board of Building Contractors shall be appointed for terms of three (3) year with terms expiring on December thirty-first (31st) of each calendar year. No more than two (2) members terms shall expire at one time. The Code Administrator shall serve as Secretary to the Board.

Section 500.900

PLUMBING CODE BOARD OF APPEALS

In order to hear and decide appeals of orders decisions or determinations made by the Code Administrator relative to plumbing work, the installation of plumbing systems and equipment, there shall be and is hereby created the Plumbing Code Board of Appeals. The Plumbing Code Board of Appeals shall consist of a total of three (3) members whom shall be appointed by the Mayor with the approval of the Governing Body. The members appointed shall be licensed Master Plumbers.

Members of the Board of Building Contractors shall be appointed for terms of three (3) year with terms expiring on December thirty-first (31st) of each calendar year. No more than one (1) members term shall expire at one time. The Code Administrator shall serve as Secretary to the Board.

Section 500.910

MECHANICAL CODE BOARD OF APPEALS

In order to hear and decide appeals of orders, decisions or determinations made by the Code Administrator relative to the work on Mechanical Systems there shall be and is hereby created a Mechanical Code Board of Appeals. The Mechanical Code Board of Appeals shall consist of a total of three (3) members whom shall be appointed by the Mayor with the approval of the Governing Body. The members appointed shall be licensed mechanical contractors.

Members of the Mechanical Code Board of Appeals shall be appointed for terms of three (3) year with terms expiring on December thirty-first (31st) of each calendar year. No more than one (1) members term shall expire at one time. The Code Administrator shall serve as Secretary to the Board.

Section 500.920

ELECTRICAL CODE BOARD OF APPEALS

The Electrical Code Board of Appeals is established to function as an appeals board for those persons aggrieved by a decision concerning the National Electrical Code, as amended by the City of Junction City. The Electrical Code Board of Appeals shall consist of a total of three (3) members whom shall be appointed by the Mayor with the approval of the Governing Body. The members appointed shall be licensed Master Electricians.

Members of the Electrical Code Board of Appeals shall be appointed for terms of three (3) year with terms expiring on December thirty-first (31st) of each calendar year. No more than one (1) members term shall expire at one time. The Code Administrator shall serve as Secretary to the Board.

Section 500.930 **BOARD OF APPEALS, GENERAL**

Each Board of Appeals shall adopt rules of procedure for conducting its business, and shall render all decisions and findings and the reasons therefore in writing to the appellant with a duplicate copy to the Code Administrator. Each Board of Appeals may provide technical expertise and guidance as a code committee recommending to the City Commission any changes necessary for the adoption of technical codes and ordinances.

Section 500.940 **LIMITATION OF AUTHORITY**

No Board of Appeals shall have authority relative to interpretation of the administration of this Title, nor shall such board be empowered to waive requirements of this Title.

Section 500.950 **RULES, MEETING AND RECORDS**

Each Board of Appeals may adopt rules to govern its proceedings in accordance with the provisions of this Title.

- (A) Meetings of a Board shall be held at the call of the chairperson of the Board and at such other times as the Board may determine.
- (B) The Board shall keep minutes of its proceedings, showing the vote of each member upon every question and/or if absent or failing to vote, indicate such facts.
- (C) The Board shall keep records of hearings, examinations and other action. Such minutes and such records shall be public record.
- (D) Each appellant decision of a Board shall be by majority vote of the members of the Board present and voting.
- (E) The decision on the use of alternate materials and types of construction shall be by majority vote and, if not permitted by any code referenced in Section 500.060 herein, shall become effective only when authorized by an amendment to this Title.
- (F) After receiving the written appeal, the Board having jurisdiction shall set a date, time, and place for the hearing of the appeal. Such date shall not be more than ten (10) days from the date the appeal was filed with the administrative authority.
- (G) After hearing the evidence, a Board shall reach a decision on the appeal within five (5) days.

Section 500.960 **BOARD OF BUILDING CONTRACTORS ADDITIONAL AUTHORITY**

If it appears that the provisions of this Title do not definitively cover a method of construction, construction material, or other subject regulated by the International Building Code or the International Residential Code, the Board of Building Contractors may interpret the provisions of the International Building Code and International Residential Code in a manner consistent with the intent of those codes and to prevent manifest injustice.

Section 500.970 **DISQUALIFICATION OF MEMBER**

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

Section 500.980 **OPEN HEARING**

All hearings before a Board of Appeals shall be open to the public. The appellant, the appellant's representative, the Code Administrator and any person whose interests are affected shall be given an opportunity to be heard.

Section 500.990 **PROCEDURE**

Each Board of Appeals shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

Section 500.1000 **POSTPONED HEARING**

When two members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

Section 500.1010 **BOARD DECISION.**

A copy of the decision of a Board of Appeals and the reasons therefore shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested. Failure of any person to file an appeal as set out above shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or to any portion thereof.

Section 500.1020 **RESOLUTION**

Certified copies of a Board of Appeal's decision shall be furnished to the appellant and to the Code Administrator. Each Board of Appeals may recommend to the City Commission such new legislation as is consistent with the intent of this Title.

Section 500.1020 **COURT REVIEW**

Any person aggrieved by a decision of a Board of Appeals shall have the right to appeal said decision to District Court. Appeals to District Court shall be made in the manner and time required by law following the filing of the written decision of the Board of Appeals.

Section 500.1030 **UNLAWFUL ACTS**

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this Title, or cause same to be done, in conflict with or in violation of any of the provisions of this Title. Furthermore it shall be unlawful to:

- (A) Knowingly or intentionally misrepresent a material fact made in connection with obtaining a building permit.
- (B) Fail to obtain a building permit or to obtain a required inspection of an ongoing project as required by this Title.
- (C) Fail to obtain a timely certificate of occupancy or required final inspection for a completed structure as required by this Title.
- (D) Fail to request inspection required by section this Title.
- (E) To perform or cause to be performed any work in the City of Junction City, which requires a permit without having first secured the appropriate permit from the City.
- (F) For a person or persons through negligence or indifference to knowingly create a hazard and/or allow a hazard to exist that results in property damage or personal injury.

Section 500.1040 **APPLICATION FOR APPEAL**

A person shall have the right to appeal a decision of the Code Administrator to the Board of Appeals having jurisdiction over the appeal, as set forth in this Title. An application for appeal shall be based on a claim that the true intent of this Title or the rules legally adopted there under have been incorrectly interpreted, the provisions of this Title do not fully apply, or an equally good or better form of construction is proposed. An appeal shall only be permitted after written notification of the final determination has been made by the Code Administrator. Said written notification by the Code Administrator must be made within ten (10) working days of the determination or stop work order concerning such matter. The application to the Board of Appeals having jurisdiction shall contain the following:

- (A) A brief statement setting forth the legal interest of each of the appellants in the building and or involved in the notice and order.
- (B) A brief statement, in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellants. Only those matters or issues specifically listed by the appellant shall be considered in the hearing of the appeal.
- (C) A brief statement, in ordinary and concise language, of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.
- (D) The signatures of all parties named as appellants and their official mailing addresses.

Section 500.1050 **ADMINISTRATION**

The application shall be filed with the Code Enforcement Department within 20 days of the date of the written notice from the Code Administrator. Notice shall be placed on the next available regular meeting date of the Board of Code Appeals. It shall be the responsibility of the applicant to notify other interested parties they would like present at the meeting. Failure of any person to file an appeal as set out in this Chapter shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or to any portion thereof.

Section 500.1060 **TEST AND EVIDENCE**

The appellant shall cause to be made, at his or her own expense, any tests, research or evidence required by the Board of Code Appeals to substantiate his claims.

Section 500.1070 **NOTICE OF VIOLATION**

The Code Administrator is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this Title, or in violation of a permit or certificate issued under the provisions of this Title. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 500.1080 **PROSECUTION OF VIOLATION**

If the notice of violation is not complied with promptly, the Code Administrator is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Title or of the order or direction made pursuant thereto.

Section 500.1090 **AUTHORITY TO ISSUE NOTICE TO APPEAR**

Pursuant to the authority of Charter Ordinance No. 31, the inspector personnel of the Planning and Development Services Department are hereby authorized to issue Notice to Appear citations for alleged violations of the provisions of Chapters V, IX and XX of the Code of the City of Junction City, Kansas, and amendments thereto.

Any person who violates a provision of this Title or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Code Administrator, or of a permit or certificate issued under the provisions of this Title, shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Title is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not less than \$100 and not more than \$500 or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Any allegation of a Code violation shall be investigated by the Code Administrator, or his or her designee. Should a violation of the Code be found, and said violation is determined by the Code Administrator to threaten the health or safety of an individual, the violation shall be corrected within three (3) business days (exclusive of City holidays) of the date the responsible party is notified of the violation. In all other cases, Code violations shall be corrected within thirty (30) days of the date the responsible party is notified of the violation.

CHAPTER 505. BUILDING

Section 505.010 **BUILDING CODE INCORPORATED**

The International Building Code, 2012 Edition, including Appendices C, F, G, I and K published by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC 20001, is hereby adopted by reference as if it were fully set out in this Chapter, save and except such Articles, Sections, parts or portions thereof as hereinafter omitted, deleted, modified, changed or amended.

Section 505.020 **SAME**

Not less than one (1) copy of the International Building Code, 2012 Edition, marked or stamped in the manner provided by K.S.A. 12-3010, with all sections or portions thereof intended to be omitted clearly marked, and showing portions that are amended and to which shall be attached a copy of amendments, shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such Code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A.12-3010. Subsequent references to the "International Building Code" shall mean the "International Building Code 2012 Edition" as adopted herein.

Section 505.030 **SEVERABILITY**

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 505.040 **AMENDMENTS MADE TO THE INTERNATIONAL BUILDING CODE**

The International Building Code, 2012 Edition is amended or changed as provided below. The amendment of any section shall not serve to amend or repeal any other discretely numbered provision of the code, whether or not such provision is considered a section or subsection, unless that section or subsection is specifically referenced in the ordinance.

Section 101.1 of the International Building Code is hereby changed to read as follows:

Section 101.1 Title. These regulations shall be known as the Building Code of the City of Junction City, Kansas, herein after known as "this code".

Section 105.2 of the International Building Code is hereby changed to read as follows:

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

1. Oil derricks.
2. Retaining walls that are not over 4 feet in height measured from grade on the low side to the top of the wall, unless supporting a surcharge or impounding class I, II or IIIA liquids.
3. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
4. Sidewalks, driveways and non-enclosed or covered decks not more than 30 inches above adjacent grade at any point, and not over any story or basement below and are not part of any accessory route.
5. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
6. Temporary motion picture, television and theater state sets and scenery.
7. Prefabricated swimming pools accessory to a group R-3 occupancy that are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
8. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
9. Swings and other playground equipment.

10. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
11. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
12. Changes of occupancy to an equal or lesser hazard category as denoted in both Table 912.4 and Table 912.5 of the 2009 International Existing Building Code where no other work requiring a permit is being done.

Section 109.2 of the International Building Code is hereby changed to read as follows:

Section 109.2 Schedule of Fees. On buildings or structures requiring a permit, a fee for each permit shall be paid as required, in accordance with the following schedule:

<u>Valuation</u>	<u>Fee</u>
\$1 - \$500	\$23.50
\$501 - \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, up to and including \$2,000
\$2,001 - \$25,000	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000 or fraction thereof, up to and including \$25,000
\$25,001 – 50,000	\$391.25 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, up to and including \$50,000
\$50,001 - \$100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$100,001 - \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001 - \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000
\$1,000,000 - \$5,000,000	\$5608.75 for the first \$1,000,000 plus \$3.15 for each additional \$1,000 or fraction thereof, to and including \$5,000,000
\$5,000,001 - \$15,000,000	\$17,980.92 for the first \$5,000,000 plus \$1.54 for each additional \$1,000 or fraction thereof, to and including \$15,000,000
\$15,000,001 and above	\$33,562.30 for the first \$15,000,000 plus \$1.02 for each additional \$1,000 or fraction thereof
Swimming Pools	\$25.00

For each re-inspection beyond the second re-inspection: \$50.00.

Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for the project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

Section 109.3 of the International Building Code is hereby changed to read as follows:

Section 109.3 Building Permit Valuations. The determination of value or valuation under any of the provisions of this code shall be made by the building official. The valuation shall be calculated by using the most recent version of Valuation Data Table as published in the International Code Council Building Safety Journal Magazine. The amount to be used for determining the building permit fee shall be the total value of all construction work for which the permit is issued including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. No fee, other than that set forth above, shall be charged for new construction; although this does not preclude the building official from charging separate fees for sewer and water connections and sign installations.

The governing body shall have the right to waive fees as it deems necessary.

Section 109.4 of the International Building Code is hereby changed to read as follows:

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 a fee equal to the permit fee in addition to the required permit fees at the discretion of the Building Official.

Section 406.3.4 of the International Building Code is hereby changed to read as follows:

Section 406.3.4 Separation. Separations shall comply with the following:

1. The private garage shall be separated from the *dwelling unit* and its *attic* by means of gypsum board, not less than 1/2 inch (12.7 mm) in thickness, applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms by not less than 5/8 inch (15.9 mm) type X gypsum board and 1/2 inch (12.7 mm) gypsum board applied to structures supporting the separation from habitable rooms above the garage. Door openings between a private garage and the *dwelling unit* shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inch (34.9 mm) in thickness, or in compliance with section 716.5.3 with a fire protection rating of not less than 20 minutes. Opening from a private garage directly into a room used for sleeping purposes shall not be permitted.
2. Ducts in a private garage and ducts penetrating the walls or ceilings separating the *dwelling unit*, including its *attic* area, from the garage shall be constructed of sheet steel of not less than 0.019 inches (0.48 mm), in thickness, and shall have no openings into the garage.
3. A separation is not required between a Group R-3 and a U carport, provided the carport is entirely open on at least two or more side and there are not enclosed areas above.

Section 903.3.1.2.1 of the International Building code is hereby changed to read as follows:

Section 903.1.2.1 Balconies and Decks. Sprinkler protection shall be provided for exterior balconies, breezeways of combustible construction, decks and ground floor patios of dwelling units where there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies, breezeways and decks that are constructed of open wood joist construction.

Section 903.4.2 of the International Building Code is hereby changed to read as follows:

Section 903.4.2 Alarms. Approved audible/visual devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building directly above the fire department connection or an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

That section 906.1 Exception, of the International Building Code is hereby deleted.

Section 1008.1.9.3 of the International Building Code is hereby changed to read as follows:

Section 1008.1.9.3 Locks and latches. Locks and latches shall be permitted to prevent the operation of doors where any of the following exist:

1. Places of detention or restraint.
2. In buildings in occupancy Group A having an occupant load of 300 or less, Group B, F, M and S, and in places of religious worship, the main exterior door or doors is permitted to be equipped with thumb turn operated locking devices from the egress side provided: 2.1. A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. This sign shall be in letters one inch high on a contrasting background.
2.2. Doors other than those regulated by exception 2 in Group B, F, M and S and in places of religious worship, having an occupant load of 500 or less, the secondary exterior door or doors is permitted to be equipped with thumb turn operated locking devices from the egress side.
2.3. Doors serving rooms or spaces accessory to group A occupancies not in the means of egress for the group A occupancy, are permitted to be equipped with thumb turn operated locking devices from the egress side.
2.4. The use of key operated or thumb turn locking devices is revocable by the *building official* for due cause.
3. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface mounted hardware. The unlatching of any leaf shall not require more than one operation.
4. Doors from individual dwelling units or sleeping units of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of key or tool.
5. Fire doors after the minimum elevated temperature has disabled the unlatching mechanism in accordance with listed fire door test procedures.

Section 1009.16 of the International Building Code is hereby changed to read as follows:

Section 1009.16 Stairway to roof. In buildings four or more stories above *grade plane*, one *stairway* shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in twelve units horizontal (33 percent slope) or unless deemed not necessary by the *building official*. In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by an *alternating tread device*.

That section 1013.8 of the International Building Code is hereby changed by adding the following section:

Section 1013.8 Window sills. In occupancy groups R-2 and R-3, one and two family and multiple family dwellings, where the opening of the sill portion of an operable window is located more than 72 inches (1829 mm) above the finished grade or other surface below, the lowest part of the clear opening of the window shall be at a height not less than 18 inches (457.2 mm) above the finished floor surface of the room in which the window is located. Operable sections of windows located lower than 18 inches (457.2 mm) shall be limited to a 4 inch (101.6 mm) opening or be supplied with approved guards when more than 72 inches (1829 mm) above the finished grade or surface below.

Section 1029.1 of the International Building Code is hereby changed to read as follows:

Section 1029.1 General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in group R as applicable in Section 101.2 and Group I-1 occupancies. Basements and sleeping rooms below the fourth story shall have at least one exterior emergency escape and rescue opening in accordance with this section. Such openings shall open directly into a public street, public alley, yard or court.

Exception:

In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 may have the required above grade egress windows fixed in a closed position as long as the required ventilation is maintained.

Section 1029.2 of the International Building Code is hereby changed to read as follows:

Section 1029.2 Minimum size. Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

Chapter 11 of the International Building Code is hereby deleted.

Section 1704.2 Exceptions of the International Building code is hereby changed to read as follows:

Section 1704.2 Exception. Special inspections are not required when approved by the Building Official. The *building official* may also accept inspector qualifications other than those required in this code for specific projects.

Section 2701.1 of the International Building Code is hereby changed to read as follows:

Section 2701.1 Scope. This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the National Electrical Code as adopted in Section 515.010 of the City Code of Ordinances.

Section 2702.1 of the International Building Code is hereby changed to read as follows:

Section 2702.1 Installation. Emergency and standby power systems shall be installed in accordance with this code, the National Electrical Code, NFPA 110 and NFPA 111.

Chapter 34 of the International Building Code is hereby deleted.

Section K103.3 of the International Building Code is hereby added to read as follows:

Section K103.3 Fees. The fee for each electrical permit shall be \$30.00.

CHAPTER 510. RESIDENTIAL CODE

Section 510.010 **RESIDENTIAL CODE INCORPORATED**

The International Residential Code, 2012 Edition, including Appendices A, B, C, E, F, G, H, J, M, N, P and Q as published by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC 20001, save and except such Articles, Sections, parts or portions thereof as hereinafter omitted, deleted, modified, changed or amended, is hereby adopted by reference as if it were fully set out in this Chapter.

Section 510.020 **SAME**

Not less than one (1) copy of the International Residential Code, 2012 Edition, marked or stamped in the manner provided by K.S.A. 12-3010, with all sections or portions thereof intended to be omitted clearly marked and showing portions that are amended and to which shall be attached a copy of amendments, shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such Code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A.12-3010. Subsequent references to the "International Residential Code" shall mean the International Residential Code, 2012 Edition as adopted herein.

Section 510.030 **SEVERABILITY**

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 510.040 **AMENDMENTS MADE TO THE INTERNATIONAL RESIDENTIAL CODE**

The International Residential Code, 2012 Edition is amended or changed as provided below. The amendment of any section shall not serve to amend or repeal any other discretely numbered provision of the code, whether or not such provision is considered a section or subsection, unless that section or subsection is specifically referenced in the ordinance.

Section R101.1 of the International Residential Code is hereby changed to read as follows:

Section R101.1 Title. These regulations shall be known as the Residential Code for one and two family dwellings of the City of Junction City, Kansas, and herein after known as "this code".

Section R105.2 of the International Residential Code is hereby changed to read as follows:

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

Building:

13. One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.
14. Retaining walls that are not over 4 feet in height measured from grade on the low end to the top of the wall, unless supporting a surcharge.
15. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
16. Porches, deck and similar uses which are less than 30 inches from floor to grade at any point and are not roofed or enclosed.
17. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
18. Swings and other playground equipment.
19. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

Electrical:

Repairs and Maintenance:

A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment safe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating and ventilation appliances.
2. Portable cooling units or portable evaporative coolers.
3. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
4. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
5. Self contained refrigeration systems containing 10 pounds or less of refrigerant that are actuated by motors of 1 horsepower or less.
6. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The clearing of stoppages or stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

Section R107.3 of the International Residential Code is hereby changed to read as follows:

Section R107.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirement specified for temporary lighting, heat or power in the National Electrical Code as adopted in Section 8-47 of the city Code of Ordinances.

Section 109.2 of the International Building Code is hereby changed to read as follows:

Section 109.2 Schedule of Fees. On buildings or structures requiring a permit, a fee for each permit shall be paid as required, in accordance with the following schedule:

<u>Valuation</u>	<u>Fee</u>
\$1 - \$500	\$23.50
\$501 - \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, up to and including \$2,000
\$2,001 - \$25,000	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000 or fraction thereof, up to and including \$25,000
\$25,001 - 50,000	\$391.25 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, up to and including \$50,000
\$50,001 - \$100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000 or

	fraction thereof, up to and including \$100,000
\$100,001 - \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001 - \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000
\$1,000,000 - \$5,000,000	\$5608.75 for the first \$1,000,000 plus \$3.15 for each additional \$1,000 or fraction thereof, to and including \$5,000,000
\$5,000,001 - \$15,000,000	\$17,980.92 for the first \$5,000,000 plus \$1.54 for each additional \$1,000 or fraction thereof, to and including \$15,000,000
\$15,000,001 and above	\$33,562.30 for the first \$15,000,000 plus \$1.02 for each additional \$1,000 or fraction thereof
Swimming Pools	\$25.00

For each re-inspection beyond the second re-inspection: \$50.00.

Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for the project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

Section R108.3 of the International Residential Code is hereby changed to read as follows:

Section R108.3 Building Permit Valuations. The determination of value or valuation under any of the provisions of this code shall be made by the building official. The valuation shall be calculated by using the most recent version of Valuation Data Table as published in the International Code Council Building Safety Journal Magazine. The amount to be used for determining the building permit fee shall be the total value of all construction work for which the permit is issued including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. No fee, other than that set forth above, shall be charged for new construction; although this does not preclude the building official from charging separate fees for sewer and water connections and sign installations.

The governing body shall have the right to waive fees as it deems necessary.

Section R108.6 of the International Residential Code is hereby changed to read as follows:

Section R108.6 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 a fee equal to the permit fee in addition to the required permit fees at the discretion of the Building Official.

Section R112 of the International Residential Code is hereby deleted.

Section 406.3.4 Separation. Separations shall comply with the following:

Section R302.2 of the International Residential code is hereby changed to read as follows:

Section R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire resistance rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.

Exception:

A common 2 hour fire resistance rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

Section R302.5.1 of the International Residential Code is hereby changed to read as follows:

Section R302.5.1 Opening Protection. Opening 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 3/2 inches (35 mm) thick, or 20 minute fire rated doors.

That section R303.1 of the International Residential Code is hereby changed to read as follows:

Section R303.1 Habitable Rooms. All habitable rooms shall have an aggregate glazing area of not less than 8 percent of the floor area of such rooms. Natural ventilation shall be through windows, doors, louvers or other approved openings to the outdoor air. Such openings shall be provided with ready access or shall otherwise be readily controllable by the building occupants. The minimum openable area to the outdoors shall be 4 percent of the floor area being ventilated.

Exceptions:

1. Where not required by section R310 and where supply and return air is provided to the room, glazed openings need not be provided for ventilation.
2. Artificial light may be substituted for glazed openings at a rate of 6 foot candles (65 lux) over the entire room at a height of 30 inches (762 mm) above the floor where such openings are not required by section R310.

Section R303.4 of the International Residential Code is hereby deleted.

Section R310.1.1 of the International Residential Code is hereby changed to read as follows:

Section R310.1.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

That section R310.2 of the International Residential Code is hereby changed to read as follows:

Section R310.2 Window wells. The minimum horizontal area of the window well shall be 9 square feet, with a minimum horizontal projection and width of 36 inches. The area of the window well shall allow the emergency escape and rescue opening to be fully opened. Guards or covers shall be provided to safeguard against falls into the window well.

Exception:

The ladder or steps required by Section R310.2.1 shall be permitted to encroach a maximum of 6 inches into the required dimensions of the window well.

That section R311.7.5.1 of the International Residential Code is hereby changed by to read as follows:

Section R311.7.5.1 Risers. The maximum riser height shall be 8 inches (203 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inches (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between the treads does not permit the passage of a 4 inch diameter (102 mm) sphere.

Section R312.2.1 of the International Residential Code is hereby changed to read as follows:

Section R312.2.1 Window Sills. In dwelling units, where the opening of an operable window is located more than 72 inches (1829 mm) above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 18 inches (457 mm) above the finished floor of the room in which the window is located. Operable sections of windows shall not permit opening that allow passage of a 4 inch diameter (102 mm) sphere where such openings are located within 18 inches (457 mm) of the finished floor unless such windows are provided with approved guards.

Section R313 of the international Residential Code is hereby deleted.

Section R501.3 of the International Residential Code is hereby changed to read as follows:

Section R501.3 Fire Protection of Floors. Floor assemblies, not required elsewhere in this code to be fire resistance rated, shall be provided on the underside of the floor framing members with a 1/2 inch (12.7 mm) gypsum wallboard membrane, 5/8 inch (16 mm) wood structural panel membrane, or equivalent protection. This requirement shall become effective September 1, 2014.

Exceptions:

1. Floor assemblies located directly over a space protected by an automatic sprinkler system in accordance with Section P2904, NFPA 13D, or other approved equivalent sprinkler system.
2. Floor assemblies located directly over a crawl space not intended for storage or fuel fired appliances.
3. Portions of floor assemblies may be unprotected when the aggregate area of the unprotected portions does not exceed 80 square feet per story and are fireblocked along the perimeter of such unprotected areas in accordance with section R302.11.1.
4. Wood floor assemblies using dimension lumber or structural composite lumber equal to or greater than 2 inch by 10 inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.

Section R507.2.3 of the International Residential Code is hereby deleted.

Chapter 11 of the International Residential Code is hereby deleted.

Section M1503.4 of the International Residential Code is hereby changed to read as follows:

Section M1503.4 Makeup Air Required. Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute shall be provided with makeup air at a rate approximately equal to the difference between the maximum exhaust rate and 400 cubic feet per minute. Such makeup air systems shall be equipped with a means of closure and shall automatically be controlled to start and operate simultaneously with the exhaust system.

Section P2603.5.1 of the International Residential Code is hereby changed to read as follows:

Section P2603.5.1 Sewer Depth. Building sewers shall be a minimum of 24 inches below grade unless insulated, only at a point where the drain passes the wall line of the structure.

Section E3601.6.2 of the International Residential Code is hereby changed to read as follows:

Section E3601.6.2 Service disconnect location. The service disconnecting means shall be installed either inside or outside of a building or structure at a readily accessible location nearest the point of entrance of the service conductors.

Service disconnection means shall not be installed in bathrooms.

Additionally, an outside service disconnect shall be required when either of the following conditions exist:

- a. The distance from the KPL meter base to the service panel exceeds eight (8) lineal feet.

- b. The distance from the entrance point of the service conductors to the service panel exceeds six (6) lineal feet.

Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

Section E3901.11 of the International Residential Code is hereby deleted.

Section E3902.2 of the International Residential Code is hereby changed to read as follows:

Section E3902.2 Garage and Accessory Building Receptacles. All 125 volt, single phase, 15 or 20 ampere receptacles installed in garages and grade level portions of unfinished accessory buildings used for storage or work areas shall have ground fault circuit interrupter protection for personnel.

Exceptions:

1. Receptacles that are not readily accessible
2. A single receptacle or duplex receptacle located within dedicated space for each appliance that in normal use is not easily moved from one place to another, and that is cord and plug connected.

Section E3902.12 of the International Residential Code is hereby changed to read as follows:

Section E3902.12 Arc Fault Circuit Interrupter Protection. All branch circuits that supply 120 volt, single phase, 15 and 20 ampere receptacle outlets in bedrooms shall be protected by a combination type arc fault circuit interrupter installed to provide protection of the entire branch circuit.

Section E3902.13 of the International Residential Code is hereby deleted.

Section E4002.9 of the International Residential Code is hereby changed to read as follows:

Section E4002.9 Receptacles in Wet Locations. Where installed in a wet location, receptacles shall have an enclosure that is weatherproof when the receptacle cover is closed and an attachment plug cap is not inserted. Receptacles installed in wet locations shall be a listed weather resistant type.

Section E4002.10 of the International Residential Code is hereby deleted.

CHAPTER 515. ELECTRICAL CODE

Section 515.010 NATIONAL ELECTRICAL CODE INCORPORATED

The National Electrical Code, 2011 Edition (NFPA70-2002), published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02169 is hereby adopted as the standard Electrical Code of the City of Junction City, Kansas, is hereby incorporated by reference and made a part of this Chapter as if fully set forth herein, save and except such Chapters, sections, parts or portions that are hereinafter omitted, deleted, modified, changed or amended.

Section 515.020 SAME

At least one copy of the National Electrical Code, 2011 Edition, marked or stamped in the manner provided by K.S.A. 12-3010, with all sections or portions thereof intended to be omitted clearly marked and showing portions that are amended and to which shall be attached a copy of amendments, shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such Code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A.12-3010. Subsequent references to the "National Electrical Code" shall mean the "National Electrical Code, 2011 Edition" as adopted and incorporated herein.

Section 515.030 FEES

The fees for all electrical work requiring a permit shall be thirty dollars (\$30.00) per permit.

Section 515.040 AMENDMENTS MADE TO THE NATIONAL ELECTRICAL CODE, 2011 EDITION

The National Electrical Code, 2011 Edition is amended or changed as follows. The amendment of any section shall not serve to amend or repeal any other discretely numbered provision of the code, whether or not such provision is considered a section or subsection, unless that section or subsection is specifically referenced in the ordinance.

Article 210.8(A)(2) of the National Electrical Code is hereby changed to read as follows:

Article 210.8(A)(2) Dwelling Units. All 125 volt, single phase, 15 or 20 ampere receptacles installed in garages and grade level portions of unfinished accessory buildings used for storage or work areas shall have ground fault circuit interrupter protection for personnel.

Exceptions:

1. Receptacles that are not readily accessible.
2. A single receptacle or duplex receptacle located within dedicated space for each appliance that in normal use is not easily moved from one place to another, and that is cord and plug connected.

Article 210.8(B)(2) of the National Electrical Code is hereby changed to read as follows:

Article 210.8(B)(2) Other Than Dwelling Units. All receptacles that are readily accessible and do not serve a dedicated appliance.

Article 210.12 of the National Electrical Code is hereby changed to read as follows:

Article 210.12 Arc Fault Circuit Interrupter Protection.

- a. **Definition.** An arc-fault circuit interrupter is a device intended to provide protection from the effects of arc faults by recognizing characteristics unique to arcing and by functioning to de-energize the circuit when an arc fault is detected.

- b. **Dwelling Unit Bedrooms.** All branch circuits that supply 125 volt, single phase, 15 and 20 ampere receptacle outlets installed in dwelling unit bedrooms shall be protected by an arc-fault circuit interrupter(s) of the combination type.

Article 210.52(I) of the National Electrical Code is hereby deleted.

Article 230.70(A) of the National Electrical Code is hereby amended to read as follows:

Article 230.70(A) Location. The service disconnecting means shall be installed either inside or outside of a building or structure at a readily accessible location nearest the point of entrance of the service conductors.

Service disconnecting means shall not be installed in bathrooms.

Additionally, an outside service disconnect shall be required when either of the following conditions exist:

- a. The distance from the KPL meter base to the service panel exceeds eight (8) lineal feet.
- b. The distance from the entrance point of the service conductors to the service panel exceeds three (3) lineal feet.

Article 300.5(C) of the National Electrical Code is hereby amended to read as follows:

Article 300.5 (C) Underground Cables Under Buildings. Underground cable installed under a building shall be in a raceway.

Article 334.10 of the National Electrical Code is hereby amended to read as follows:

Article 334.10 Uses Permitted. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following:

- 1. One and two family dwellings
- 2. Multi-family dwellings permitted to be of Type III, IV and V construction
 - A) Type NM, Type NM cable shall be permitted as follows:
 - (1) For both exposed and concealed work in normally dry locations except as prohibited in section 334.10(3).
 - (2) To be installed or fished in air voids in masonry block or tile walls.
 - B) Type NMC. Type NMC cable shall be permitted as follows:
 - (1) For both exposed or concealed work in dry, moist, damp or corrosive locations, except as prohibited by 334.10(3).
 - (2) In outside and inside walls of masonry block or tile.
 - (3) In a shallow chase in masonry, concrete or adobe protected against nails or screws by a steel plate at least 1/16 inch thick and covered with plaster, adobe or similar finish.
 - C) Type NMS. Type NMS cable shall be permitted as follows:
 - (1) For both exposed and concealed work in normally dry locations except as prohibited by 334.10(3).
 - (2) To be installed or fished in air voids in masonry block or tile walls.

Article 334.12 of the National Electrical Code is hereby amended to read as follows:

Article 334.12 Uses Not Permitted.

- A) Types NM, NMC and NMS. Types NM, NMC and NMS cables shall not be permitted as follows:
 - (1) In any structure not specifically permitted in 334.10 (1) and
 - (2) As service entrance cable.
 - (3) In hoist ways or on elevators or escalators.

- (4) Embedded in poured concrete or aggregate.
- B) Types NM and NMS. Type NM and NMS cables shall not be used under the following conditions or in the following locations:
 - (1) Where exposed to corrosive fumes or vapors.
 - (2) Where embedded in masonry, concrete, adobe, fill or plaster.
 - (3) In a shallow chase in masonry, concrete, or adobe and covered with plaster, adobe or similar finish.
 - (4) Where exposed or subject to excessive moisture or dampness.

Articles 406.4(D)(4), 406.4(D)(5) and 406.4(D)(6) of the National Electrical Code are hereby deleted.

Article 406.9(B)(1) of the National Electrical Code is hereby amended to read as follows:

Article 406.9(B)(1) 15 and 20 Ampere Receptacles in a Wet Location. 15 and 20 ampere, 125 and 250 volt receptacles installed in a wet location shall have an enclosure for the receptacle that is weatherproof when the receptacle is covered (attachment plug cap not inserted and receptacle covers closed). All 15 and 20 ampere 125 and 250 volt non locking type receptacles shall be listed weather resistant type.

Article 406.12 of the National Electrical Code is hereby deleted.

CHAPTER 520. PLUMBING CODE

Section 520.010 PLUMBING CODE INCORPORATED

There is hereby incorporated by reference for the purpose of regulating all plumbing work done or performed within the corporate City limits of the City of Junction City, Kansas, the code known as the International Plumbing Code 2012 Edition, including Appendices B, D, E and F as published by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC 20001, save and except such articles, sections, parts or portions thereof as are hereinafter omitted, deleted, modified, changed or amended, is hereby adopted as the standard Plumbing Code of the City of Junction City, Kansas.

Section 520.020 SAME

Not less than one (1) copy of the International Plumbing Code, 2012 Edition, marked or stamped in the manner provided by K.S.A. 12-3010, with all sections or portions thereof intended to be omitted clearly marked and showing portions that are amended and to which shall be attached a copy of amendments, shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such Code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A.12-3010. Subsequent references to the "International Plumbing Code" or "Standard Code" shall mean the "International Plumbing Code, 2012 Edition", as adopted herein.

Section 520.030 SEVERABILITY

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 520.040 AMENDMENTS MADE TO THE INTERNATIONAL PLUMBING CODE, 2012 EDITION

The International Plumbing Code is amended or changed as follows. The amendment of any section shall not serve to amend or repeal any other discretely numbered provision of the code, whether or not such provision is considered a section or subsection, unless that section or subsection is specifically referenced in the ordinance.

That Section 101.1 of the International Plumbing Code incorporated by reference in Section 520.010 is hereby changed to read as follows:

Section 101.1 of the International Plumbing Code is hereby changed to read as follows:

Section 101.1 Title. These regulations shall be known as the Plumbing Code of the City of Junction City, Kansas, herein after known as "this code".

Section 106.6.2 of the International Plumbing Code is hereby changed to read as follows:

Section 106.6.2 Fee Schedule. The fees for all plumbing work requiring a permit shall be \$30.00. For each re-inspection beyond the second re-inspection: \$50.00.

Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for the project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

Section 106.6.3 of the International Plumbing Code is hereby changed to read as follows:

Section 106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 108.4 of the International Plumbing Code is hereby changed to read as follows:

Section 108.4 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 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 this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment not exceeding one hundred eighty days (180), or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 108.5 of the International Plumbing Code is hereby changed to read as follows:

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 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 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 liable to a fine of not less than one hundred (\$100) dollars or more than five hundred (\$500) dollars.

Section 109 of the International Plumbing Code is hereby deleted.

Section 305.4.1 of the International Plumbing code is hereby changed to read as follows:

Section 305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 24 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 24 inches below grade.

Section 306.5 of the International Plumbing Code is hereby changed to read as follows:

Section 306.5 Excavating in public way. No person shall excavate or cause excavation to be made in any street, alley or public highway in the City of Junction City, Kansas without first obtaining a right of way permit therefore from the Building and Codes office. After inspection, all trenches or excavations located in the traveled way of streets, alleys or public reservations shall be backfilled according to the "City of Junction City Engineering Standards" available at the City Engineers office.

That section 306.6 of the International Plumbing Code is hereby added to read as follows:

Section 306.6 Protection. All excavation of public grounds shall be protected at all times by approved barricades, warning devices and signage. All protective and warning devices shall meet City specifications and the "Manual on Uniform Traffic Control Devices".

Section 502.1 of the International Plumbing code is hereby changed to read as follows:

Section 502.1 General. Water heaters shall be installed in accordance with the manufacturer's installation instructions. Oil fired water heaters shall conform to the requirements of this code and the International Mechanical Code adopted in section 525.010 of the City Code of Ordinances Electric water heaters shall conform to the requirements of this code and the provisions of the National Electrical code as adopted in Section 515.010 of the City Code of Ordinances. Gas fired water heaters shall conform to the requirements of the International Fuel Gas Code as adopted in Section 530.010 of the City Code of Ordinances.

Section 607.2 of the International Plumbing Code is hereby changed to read as follows:

Section 607.2 Hot or tempered water supply to fixtures. Where the *developed length* of hot water piping from the source of hot water supply to the farthest fixture exceeds 50 feet (15,240 mm), the hot water supply system shall be provided with a method of maintaining the temperature in accordance with the International Energy Conservation Code.

That section 701.10 of the International Plumbing Code is hereby added to read as follows:

Section 701.10 Prohibited connection. No roof drains, surface water, subsurface drainage including interior and exterior foundation drains, or sump pumps, shall be connected to the sanitary sewer system.

That section 701.11 of the International Plumbing Code is hereby changed by adding the following section:

Section 701.11 Connection to public sewer. No house, building or premises shall be connected to the public sewer without permit issued by the administrative authority. All work of laying pipe shall be done by a licensed drainlayer or licensed plumber, in either case, licensed by the city of Junction City, Kansas. All connections to the public sewers shall be made through approved methods and materials only.

Section 903.1 of the International Plumbing Code is hereby changed to read as follows:

Section 903.1 Roof extensions. All open vent pipes that extend through a roof shall be terminated at least 6 inches (153 mm) 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 (2,134 mm) above the roof.

CHAPTER 525. MECHANICAL CODE

Section 525.010 **MECHANICAL CODE INCORPORATED**

There is hereby incorporated by reference for the purpose of regulating all mechanical work done or performed within the corporate City limits of the City of Junction City, Kansas, that code known as the International Mechanical Code, 2012 Edition, including Appendix A, as published by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC 20001, and the whole thereof, save and except such articles, sections, parts or portions as may be hereinafter omitted, deleted, modified, changed or amended, is hereby adopted as the standard Mechanical Code of the City of Junction City, Kansas.

Section 525.020 **SAME**

Not less than one copy of the International Mechanical Code, 2012 Edition, marked or stamped in the manner provided by K.S.A. 12-3010, with all sections or portions thereof intended to be omitted clearly marked and showing portions that are amended and to which shall be attached a copy of the amendments, shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such Code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A. 12-3010. Subsequent references to the "International Mechanical Code" or "Standard Code" shall mean the "International Mechanical Code, 2012 Edition" as adopted herein.

Section 525.030 **SEVERABILITY**

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 525.040 **AMENDMENTS MADE TO THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION**

The International Mechanical Code, 2012 Edition is amended or changed as follows. The amendment of any section shall not serve to amend or repeal any other discretely numbered provision of the code, whether or not such provision is considered a section or subsection, unless that section or subsection is specifically referenced in the ordinance.

That Section 101.1 of the International Mechanical Code is hereby amended to read as follows:

These regulations shall be known as the Mechanical Code of the City of Junction City, Kansas, hereinafter referred to as "this Code".

Section 106.5.2 of the International Mechanical Code is hereby amended to read as follows:

Section 106.5.2 Fee Schedule. The fees for mechanical work shall be \$30.00 per permit.

For each re-inspection beyond the second re-inspection, \$50.00.

Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for that project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

Section 106.5.3 of the International Mechanical Code is hereby amended to read as follows:

Section 106.5.3 Fee Refunds. The Code Official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this code.

Section 108.4 of the International Mechanical Code is hereby amended to read as follows:

Section 108.4 Violation penalties. Persons 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 mechanical work in violation of the approved construction documents or directive or the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500 or by imprisonment not exceeding 180 days, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 108.5 of the International Mechanical Code is hereby amended to read as follows:

Section 108.5 Stop work orders. Upon notice from the Code Official that mechanical work is being done contrary to the provisions of this 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, 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 liable to a fine of not less than \$100 or more than \$500.

Section 109 of the International Mechanical Code is hereby deleted.

Section 301.10 of the International Mechanical Code is hereby changed to read as follows:

Section 301.10 Electrical. Electrical wiring, controls and connections to equipment and appliances regulated by this code shall be in accordance with the National Electrical Code as adopted in Section 515.010 of the city Code of Ordinances.

Section 505.2 of the International Mechanical Code is hereby changed to read as follows:

Section 505.2 Makeup air required. Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute shall be provided with makeup air at a rate approximately equal to the difference between the exhaust air rate and 400 cubic feet per minute where other systems exist that may be affected by the exhaust hood system. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

CHAPTER 530. FUEL GAS

Section 530.010 FUEL GAS CODE INCORPORATED

There is hereby incorporated by reference for the purpose of regulating all fuel gas work done or performed within the corporate City limits of the City of Junction City, Kansas, the code known as the International Fuel Gas Code, 2012 Edition including appendices A, B and C as published by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC 20001, save and except such articles, sections, parts or portions thereof as are hereinafter omitted, deleted, modified, changed or amended.

Section 530.020 SAME

Not less than one (1) copy of the International Fuel Gas Code, 2012 Edition, marked or stamped in the manner provided by K.S.A. 12-3010, with all sections or portions thereof intended to be omitted clearly marked and showing portions that are amended and to which shall be attached a copy of amendments, shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such Code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A.12-3010. Subsequent references to the "International Fuel Gas Code" or "Standard Code" shall mean the "International Fuel Gas Code, 2012 Edition", as adopted herein.

Section 530.030 SEVERABILITY

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 520.040 AMENDMENTS MADE TO THE INTERNATIONAL FUEL GAS CODE, 2012 EDITION

The International Fuel Gas Code is amended or changed as follows. The amendment of any section shall not serve to amend or repeal any other discretely numbered provision of the code, whether or not such provision is considered a section or subsection, unless that section or subsection is specifically referenced in the ordinance.

Section 101.1 of the International Fuel Gas Code is hereby changed to read as follows:

Section 101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Junction City, Kansas, herein after known as "this code".

Section 106.6.2 of the International Fuel Gas Code is hereby changed to read as follows:

Section 106.6.2 Fee Schedule. The fees for all fuel gas work requiring a permit shall be \$30.00. For each re-inspection beyond the second re-inspection: \$50.00.

Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for the project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

Section 106.6.3 of the International Fuel Gas Code is hereby changed to read as follows:

Section 106.6.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

The full amount of any fee paid hereunder that was erroneously paid or collected.

3. Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 108.4 of the International Fuel Gas Code is hereby changed to read as follows:

Section 108.4 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 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 this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment not exceeding one hundred eighty days (180), or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 108.5 of the International Fuel Gas Code is hereby changed to read as follows:

Section 108.5 Stop work orders. Upon notice from the code official, work that is being done 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 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 liable to a fine of not less than one hundred (\$100) dollars or more than five hundred (\$500) dollars.

Section 705 of the International Fuel Gas Code is hereby deleted.

Section 309.2 of the International fuel Gas code is hereby changed to read as follows:

Section 309.2 Connections. Electrical connections between equipment and the building wiring, including the grounding of the equipment, shall conform to the National Electrical Code as adopted in Section 8-47 of the City Code of Ordinances.

Section 407.2 of the International Fuel Gas Code is hereby changed to read as follows:

Section 407.2 Design and installation. *Piping* shall be supported with pipe hooks, pipe straps, bands, brackets, hangers or building structural components, suitable for the size of *piping*, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration. *Piping* shall be anchored to prevent undue strain on connected *appliances* and shall not be supported by other *piping*. Pipe hangers and supports shall conform to the requirements of MSS SP-58 and shall be spaced in accordance with Section 415. Supports, hangers and anchors shall be installed so as not to interfere with the free expansion and contraction of the *piping* between anchors. All parts of the supporting *equipment* shall be designed and installed so they will not be disengaged by movements of the supported *piping*.

CHAPTER 535. ENERGY CODE

Section 535.010 ENERGY CONSERVATION CODE INCORPORATED

There is hereby incorporated by reference the code known as the International Energy Code, 2009 Edition as published by the International Code Council, 5360 South Workman Mill Road, Whittier, California 90601, save and except such articles, sections, parts or portions thereof as are hereinafter omitted, deleted, modified, changed or amended.

Section 535.020 SAME

Not less than one (1) copy of the International Energy Conservation Code 2009 Edition, marked or stamped in the manner provided by K.S.A. 12-3010, with all sections or portions thereof intended to be omitted clearly marked and showing portions that are amended and to which shall be attached a copy of amendments, shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such Code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A.12-3010. Subsequent references to the "International Energy Code" shall mean the "International Energy Conservation Code, 2009 Edition" as adopted herein.

Section 535.030 SEVERABILITY

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 535.040 AMENDMENTS MADE TO THE INTERNATIONAL ENERGY CONSERVATIVE CODE, 2009 EDITION

The International Energy Conservative Code is amended or changed as follows. The amendment of any section shall not serve to amend or repeal any other discretely numbered provision of the code, whether or not such provision is considered a section or subsection, unless that section or subsection is specifically referenced in the ordinance.

The International Energy Conservation Code, adopted by Section 535.010, is hereby changed, altered, modified and otherwise amended as follows:

Section 101.1 of the International Energy Conservation Code is hereby changed to read as follows:

Section 101.1 Title. These regulations shall be known as the International Energy Conservation Code of the City of Junction City, Kansas, herein after known as "this code".

Section 101.5.2 of the International Energy Conservation Code is hereby changed to read as follows:

Section 101.5.2 Low energy buildings. The following buildings, or portions thereof, separated from the remainder of the building by building thermal envelope assemblies complying with this code shall be exempt from the building thermal envelope provision of this code:

1. Those with a peak design rate of energy usage less than 15 Btu/hr per square foot or 4.4 watts per square foot of floor area for space conditioning purposes.
2. Those that do not contain conditional space.

Section 402.2.7 of the International Energy Conservation Code is hereby changed to read as follows:

Section 402.2.7 Basement walls. Walls associated with basements shall be insulated, at the time of basement finish, from the top of the basement wall down to t10 feet (3048 mm) below grade or to the basement floor, whichever is less.

Section 402.2.8 of the International Energy Conservation Code is hereby deleted.

Section 502.2.1 of the International Energy Conservation Code is hereby changed to read as follows:

Section 502.2.1 Roof assembly. The minimum thermal resistance (R-value) of the insulating material installed either between the roof frame or continuously on the roof assembly shall be as specified in Table 502.2(1), based on construction materials used in the roof assembly.

Exception:

Metal building roofs where spacer blocks are not readily available from the building manufacturer for the type of roof covering installed as long as the base R-value specified in Table 502.2(1) is maintained.

Section 502.2.4 of the International Energy Conservation Code is hereby changed to read as follows:

Section 502.2.4 Below grade walls. Walls associated with basements shall be insulated, at the time of basement finish, from the top of the basement wall down to 10 feet (3048 mm) below grade or to the basement floor, whichever is less.

Section 502.2.6 of the International Energy Conservation code is hereby deleted.

Section 505 of the International Energy Conservation Code is hereby changed to read as follows:

Section 505.1 General. This section covers lighting system controls, the connection of ballasts, the maximum lighting power for interior applications and the minimum acceptable lighting equipment for exterior applications.

Exception:

Lighting where 50 percent or more of the permanently installed light fixtures are fitted with high efficiency lamps.

CHAPTER 540. EXISTING BUILDING CODE

Section 540.010 EXISTING BUILDING CODE INCORPORATED

There is hereby incorporated by reference for the purpose of establishing rules and regulations for construction, alteration, addition, demolition, equipment, use and occupancy, location and maintenance of buildings and structures within the corporate City limits of the City of Junction City, Kansas, that certain standard building code known as the International Existing Buildings Code, 2012 Edition, including Appendices A and C as published by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC, 20001, save and except such Articles, Sections, parts or portions thereof as hereinafter omitted, deleted, modified, changed or amended.

Section 540.020 SAME

Not less than one (1) copy of the International Existing Building Code 2012 Edition, marked or stamped in the manner provided by K.S.A. 12-3010, with all sections or portions thereof intended to be omitted clearly marked and showing portions that are amended and to which shall be attached a copy of amendments, shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such Code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A.12-3010. Subsequent references to the "International Existing Building Code" shall mean the "International Existing Building Code, 2012 Edition" as adopted herein.

Section 540.030 SEVERABILITY

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 540.040 AMENDMENTS MADE TO THE INTERNATIONAL EXISTING BUILDING CODE, 2012 EDITION

The International Existing Building Code, 2012 Edition is amended or changed as follows. The amendment of any section shall not serve to amend or repeal any other discretely numbered provision of the code, whether or not such provision is considered a section or subsection, unless that section or subsection is specifically referenced in the ordinance.

Section 101.1 of the International Existing Buildings Code is hereby changed to read as follows:

Section 101.1 Title. These regulations shall be known as the Existing Buildings Code of the City of Junction City, Kansas, herein after known as "this code".

Section 108.2 of the International Existing Buildings Code is hereby changed to read as follows:

Section 108.2 Schedule of Permit Fees. On buildings or structures requiring a permit, a fee for each permit shall be paid as required, in accordance with the following schedule:

<u>Valuation</u>	<u>Fee</u>
\$1 - \$500	\$23.50
\$501 - \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, up to and including \$2,000
\$2,001 - \$25,000	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000 or fraction thereof, up to and including \$25,000
\$25,001 – 50,000	\$391.25 for the first \$25,000 plus \$10.10 for each additional \$1,000 or

	fraction thereof, up to and including \$50,000
\$50,001 - \$100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$100,001 - \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001 - \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000
\$1,000,000 - \$5,000,000	\$5608.75 for the first \$1,000,000 plus \$3.15 for each additional \$1,000 or fraction thereof, to and including \$5,000,000
\$5,000,001 - \$15,000,000	\$17,980.92 for the first \$5,000,000 plus \$1.54 for each additional \$1,000 or fraction thereof, to and including \$15,000,000
\$15,000,001 and above	\$33,562.30 for the first \$15,000,000 plus \$1.02 for each additional \$1,000 or fraction thereof
Swimming Pools	\$25.00

For each re-inspection beyond the second re-inspection: \$50.00.

Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for the project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

Section 108.3 of the International Existing Buildings Code is hereby changed to read as follows:

Section 108.3 Building Permit Valuations. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official. The valuation shall be calculated by using the most recent version of Valuation Data Table as published in the International Code Council Building Safety Journal Magazine. The amount to be used for determining the building permit fee shall be the total value of all construction work for which the permit is issued including all finish work, painting, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. No fee, other than that set forth above, shall be charged for new construction; although this does not preclude the building official from charging separate fees for sewer and water connections and sign installations.

The governing body shall have the right to waive fees as it deems necessary.

Section 108.4 of the International Existing Buildings Code is hereby changed to read as follows:

Section 108.4 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 a fee equal to the permit fee in addition to the required permit fee.

Section 702.4 of the International Existing Buildings Code is hereby changed to read as follows:

Section 702.4 Materials and methods. All new work shall comply with materials and method requirements in the National Electrical Code, International Building Code, International Energy Conservation Code, International Plumbing Code and International Mechanical Code, as applicable, that specify material standards, detail of installation and connection, joints, penetrations and continuity of any element, component, or system in the building.

Section 705 of the International Existing Buildings Code is hereby deleted.

Section 806 of the International Existing Buildings Code is hereby deleted.

Section 808.1 of the International Existing Buildings Code is hereby changed to read as follows:

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

Exception:

Electrical equipment and wiring in newly installed partitions and ceilings shall comply with all applicable requirements of the National Electrical Code as adopted in Section 515.010 of the City Code of Ordinances.

Section 808.3.4 of the International Existing Buildings Code is hereby change to read as follows:

Section 808.3.4 Ground Fault Circuit Interruption. Newly installed receptacle outlets shall be provided with ground fault circuit interruption as required by the National Electrical Code as adopted in Section 515.010 of the City Code of Ordinances.

Section 808.3.7 of the International Existing Buildings Code is hereby changed to read as follows:

Section 808.3.7 Clearance for equipment. Clearance for electrical service equipment shall be provided in accordance with the National Electrical Code as adopted in Section 515.010 of the City Code of Ordinances.

Section 906 of the International Existing Buildings Code is hereby deleted.

Section 1008.1 of the International Existing Buildings Code is hereby changed to read as follows:

Section 1008.1 Special occupancies. Where the occupancy of an existing building or part of an existing building is changed to one of the following special occupancies as described in the National Electrical 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 National Electrical Code as adopted in Section 515.010 of the City Code of Ordinances whether or not a change of occupancy group is involved:

1. Hazardous locations
2. Commercial garages, repair and storage
3. Aircraft hangers
4. Gasoline dispensing and service stations
5. Bulk storage plants
6. Spray applications, dipping and coating processes
7. Health care facilities
8. Places of assembly
9. Theatres, audience areas of motion picture and television studios, and similar locations
10. Motions picture and television studios and similar locations
11. Motion picture projectors
12. Agricultural buildings

Section 1008.2 of the International Existing Buildings Code is hereby changed to read as follows:

Section 1008.2 Unsafe conditions. Where the occupancy of an existing building or part of an existing building is changed, all unsafe conditions shall be corrected without requiring that all parts of the electrical system be brought up to the current edition of the National Electrical Code as adopted in Section 515.010 of the City Code of Ordinances.

Section 1008.3 of the International Existing Buildings Code is hereby changed to read as follows:

Section 1008.3 Service upgrade. Where the occupancy of an existing building or part of an existing building is changed, electrical service shall be upgraded to meet the requirements of the National Electrical Code as adopted in Section 515.010 of the City Code of Ordinances, for the new occupancy.

Section 1008.4 of the International Existing Buildings Code is hereby changed to read as follows:

Section 1008.4 Number of electrical outlets. Where the occupancy of an existing building or part of an existing building is changed, the number of electrical outlets shall comply with the National Electrical Code as adopted in Section 515.010 of the City Code of Ordinances, for the new occupancy.

Section 1012.8 of the International Existing Buildings Code is hereby deleted.

Section 1301.2 of the International Existing Buildings Code is hereby deleted.

Section 105.1.1 and 105.1.2 of said International Existing Buildings Code are hereby deleted.

CHAPTER 545. PROPERTY MAINTENANCE CODE

Section 545.010 **INTERNATIONAL PROPERTY MAINTENANCE CODE INCORPORATED**

There is hereby incorporated by reference that certain standard building code known as the International Property Maintenance Code, 2006 Edition, including Appendices A, B and C as published by the International Code Council, 5360 South Workman Mill Road, Whittier, California 90601, save and except such Articles, Sections, parts or portions thereof as hereinafter omitted, deleted, modified, changed or amended.

Section 545.020 **SAME**

Not less than one (1) copy of the 2006 International Property Maintenance Code, marked or stamped in the manner provided by K.S.A. 12-3010, with all sections or portions thereof intended to be omitted clearly marked and showing portions that are amended and to which shall be attached a copy of amendments, shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such Code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A.12-3010. Subsequent references to the "International Property Maintenance Code" or "Standard Code" shall mean the "International Property Maintenance Code, 2006 Edition", as adopted herein.

Section 545.030 **SEVERABILITY**

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 540.040 **AMENDMENTS MADE TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2006 EDITION**

The International Property Maintenance Code, 2006 Edition is amended or changed as follows. The amendment of any section shall not serve to amend or repeal any other discretely numbered provision of the code, whether or not such provision is considered a section or subsection, unless that section or subsection is specifically referenced in the ordinance.

Section 302.4 of the International Property Maintenance Code is hereby amended by inserting the maximum height of weeds to be eight inches (8”).

CHAPTER 550. MINIMUM HOUSING STANDARDS

Section 550.010 HOUSING CODE ADOPTED

The Uniform Housing Code, 1997 Edition is hereby adopted as the Minimum Housing Code of the City of Junction City, Kansas,

Section 550.020 SAME

Not less than one (1) copy of the 1997 Uniform Housing Code, marked or stamped in the manner provided by K.S.A. 12-3010, with all sections or portions thereof intended to be omitted clearly marked and showing portions that are amended and to which shall be attached a copy of amendments, shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such Code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A.12-3010. Subsequent references to the "Minimum Housing Code" or "Housing Code" shall mean the "1997 Uniform Housing Code" as adopted herein.

Section 550.030 OFFICE OF HOUSING INSPECTOR CREATED

There is hereby created in the City of Junction City the office of Housing Inspector. The Housing Inspector shall be the Code Administrator or his or her designee.

Section 550.040 DUTIES

The Housing Inspector's duties shall include the following:

1. To establish an effective working relationship with persons and/or corporations responsible for the operation and/or maintenance of existing housing within the City.
2. To administer this Code through diligent inspection of property to establish the existence of compliance with or violation of the quality Housing Code as adopted herein.
3. To prepare accurate documentation of inspections and keep records of the corrective actions taken as a result of the findings of an inspection.
4. To prepare written reports on inspection findings and present them to the affected parties within forty-eight (48) hours of a scheduled inspection.
5. To make a concentrated effort to locate the property owner or an authorized representative for a briefing on inspection findings prior to proceeding with a written report.

Section 550.050 AMENDMENTS—ADDITIONS OR DELETIONS MADE TO THE UNIFORM HOUSING CODE

- A. Chapter 1 "Title and Scope" as adopted is hereby amended and changed to read as follows:
 1. Section 102. The purpose of this Code is to provide minimum standards to safeguard, life, limb, health, property and the public welfare by regulating and controlling the use, occupancy, location and maintenance of all residential buildings and related accessory structures within this jurisdiction. This shall include manufactured homes, noncompliant manufactured homes and mobile homes as defined in Chapter 585 of this Code.
- B. Chapter 2 "Enforcement" as adopted is hereby amended and changed to read as follows:
 1. Section 201-.2 Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code or whenever the Code Administrator or his/her authorized representative has reasonable cause that there exists in any building or premises any condition or Code violation which makes such building or premises unsafe, dangerous or

hazardous, the Code Administrator or his/her authorized representative may enter such building or premises at all reasonable times to inspect the same. If such entry is refused, the Codes Administrator or his/her authorized representative shall have recourse to every remedy provided by law to secure entry. A reasonable effort will be made to locate the owner or other persons having charge or control of the building or premises by phone, in person or by letter and request entry.

2. Section 201-.3 Added — Any officer or employee of the City charged with the enforcement of the Uniform Housing Code, to include the amendments shall not in the discharge of his/her duties thereby render himself/herself liable personally. Any suit brought against any officer or employee of the City because of such act performed by him/her in the enforcement of any of the provisions of this Code shall be defended by the City Attorney until final termination of the proceedings therein.
3. Section 203 Quality Housing Code Hearing Board. Existing Sections 203 1 and 2 are hereby deleted and the following substituted therefore.
 1. In order to hear and decide appeals of orders, decisions or determinations made by the Codes Administrator or his/her representative to the application and interpretations of this Code, the Junction City Board of Plumbing Examiners, Board of Electrical Examiners and Board of Building Contractors shall be and are hereby constituted as the Quality Housing Code Hearing Board for hearing such appeals as may be filed concerning their area of expertise. The Codes Administrator shall be an ex officio member and shall act as Secretary to said Board. The Board may adopt rules of procedure for conducting its business and, when requested by a party, shall render all decisions and findings in writing with copies to the appellant and the Codes Administrator. Appeals to the Board shall be processed in accordance with the provisions contained in Revised Section 1201 of this Code. Copies of all rules of procedure adopted by the Board shall be delivered to the Codes Administrator who shall make them accessible to the public. The various Boards shall have no authority relative to the interpretation of the administrative provisions of this Code nor shall the Boards be empowered to waive requirements of this or any other City Code.
4. Section 205—Added—Responsibilities of Owners and Occupants.
 - a. No owner or other person shall occupy, lease, rent or permit another person to occupy any dwelling unit unless the premises are clean, sanitary, fit for human occupancy and comply with all applicable legal requirements of the City of Junction City.
 - b. Every owner of a dwelling containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.
 - c. Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling or dwelling unit and premises thereof that he/she occupies and controls.
 - d. Every occupant of a dwelling or dwelling unit shall store and dispose of all his/her garbage, rubbish, refuse and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary manner and in accordance with City ordinances. All garbage and refuse containers shall be rat-proof, insect-proof, watertight, structurally strong to withstand handling stress, easily filled, emptied and cleaned; shall be provided with tight-fitting covers or similar closures; and shall be maintained in a clean, sanitary condition.

- e. Every owner of a dwelling containing three (3) or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of a single- or two-family dwelling it shall be the responsibility of each occupant to furnish such facilities or refuse container.
5. Section 201.3—Added—The owner of a dwelling unit shall be responsible for:
- a. Providing and hanging all screens, storm doors and windows as required under the provisions of this Code or any rule or regulation adopted pursuant thereto, except where there is a written agreement between the owner and occupant. In the absence of such an agreement, maintenance or replacement of screens, storm doors and windows, once installed in any one season, become the responsibility of the occupant. The occupant's responsibility shall be exclusive to his/her dwelling unit.
 - b. Providing cabinets and/or shelves for the storage of eating, drinking and cooking equipment, utensils and food that does not under ordinary summer conditions require refrigeration for safe keeping. A counter or table for food preparation shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect to food.
 - c. Providing a stove or similar device for cooking food and a refrigerator or similar device for the safe storage of food at temperatures less than forty-five degrees Fahrenheit (45°F) and more than thirty-two degrees Fahrenheit (32°F) under ordinary summer conditions. The stove and refrigerator shall be properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator and/or similar device need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy. Sufficient space and adequate connections for the safe, efficient installation and operation of a stove, refrigerator and/or similar devices shall be provided.
 - d. Every dwelling unit shall have at least two (2) means of egress leading to safe and open space at ground level. Every dwelling unit in a multiple dwelling shall have immediate access to two (2) or more approved means of egress leading to safe and open space at ground level or as required by the laws of this State and this City. Bedrooms located below the fourth (4th) floor shall be provided with an exterior door or window of such dimensions as to be used as a means of emergency egress.
 - e. Structurally sound handrails shall be provided on steps containing four (4) risers or more. Porches, patios and/or balconies located more than thirty-six (36) inches higher than the adjacent area shall have structurally sound protective guardrails and handrails.
 - f. Each dwelling unit shall have facilities for the safe storage of drugs and household poisons.
 - g. Ingress and egress from each dwelling unit shall be provided without passing through any other dwelling unit.
 - h. No person shall lease, rent or permit another person to occupy any dwelling or dwelling unit unless all exterior doors of the dwellings or dwelling unit are equipped with functioning locking devices.
- C. Chapter 5 "Space and Occupancy Standards" as adopted is hereby amended and changed to read as follows:

1. Section 505—Added—Minimum Standards for Basic Plumbing Equipment and Facilities.
 - a. No person shall occupy as owner, occupy or lease, rent or permit another person to occupy any dwelling or dwelling unit, for the purposes of living, sleeping, cooking or eating therein, which does not comply with the following requirements.
 - b. Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area and which shall be equipped with the following.
 - c. A kitchen sink in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure and which is connected to a sewer system approved by the City of Junction City.
 - d. Plumbing shall mean and include all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures and the installation thereof, together with all connections to water, sewer or gas lines.
 - e. Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said water closet shall be equipped with easily cleanable surfaces, properly connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and properly connected to a sewer system which is approved by the City of Junction City.
 - f. Within every dwelling unit there shall be a lavatory sink. Said sink may be in the same room as the flush water closet or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system and provide an adequate amount of heated and unheated running water under pressure. Water inlets for lavatory sinks shall be located above the overflow rim of these facilities.
 - g. Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same rooms as the flush water closet or in another room and shall be properly connected to a water supply system which is approved by the City of Junction City and which provides at all times an adequate amount of heated and unheated water under pressure and which is connected to an approved sewer system. Water inlets for bathtubs shall be located above the overflow rim of these facilities.
 - h. *General plumbing standards.*
 - (1) All plumbing fixtures including the washing machine standpipes shall be equipped with proper traps, with trap arms and connected to proper vents.
 - (2) Sewer gas leaks will not be permitted.

- (3) Provide hot and cold water in sufficient quantity for proper operation of the kitchen sink, bathtub lavatory, shower and washing machine, to include cold water to the water closet and hot and cold water to the lavatory.
- (4) Repair all water leaks. Repair or replace all piping leaks in the drain, waste and vent systems.
- (5) Stool to rest on a solid surface that provides proper support and function as designed.
- (6) Replace improper pipe material in the water distribution system and eliminate any connection that could cause a cross connection.
- (7) Gas-fired hot water heaters, with the exception of direct vent systems, shall not be installed in bathrooms or bedrooms. Hot water heater to be installed on a solid surface.

Vent connector requires three (3) screws, connected to an approved vent, fire stopped at the ceiling line with a separation of one (1) inch from combustibles if it is an approved type B vent. The temperature pressure relief valve should have a three-fourths ($\frac{3}{4}$) inch discharge line that extends to within six (6) inches of the floor where approved drain exist. If a flexible connection is used for gas hookup, it is required to be AGA approved.

- (8) Every water closet compartment, bathroom and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (9) Every plumbing fixture, water and waste pipe, every chimney, flue and smoke pipe and every other facility, piece of equipment or utility which is present in a dwelling or dwelling unit, or which is required under this Code, shall be constructed and installed in conformance with the appropriate Statutes ordinances, the UPC and regulations of Junction City and the State of Kansas.

D. Chapter 6 "Structural Requirements" as adopted is hereby amended and changed to read as follows:

1. Section 601(d) Added "Accessory".

1. Every foundation, floor and exterior wall, door, skylight and window shall be weather tight, water-proof and damp-free and shall be kept in sound condition and good repair. Floors, interior walls and ceilings shall be sound and in good repair. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment. Walls shall be capable of affording privacy for the occupants.
2. Every premises shall be graded, drained, free of standing water and maintained in a clean, sanitary and safe condition.
3. Unless other provisions are made for proper drainage of stormwater, gutters, leaders and downspouts shall be provided and maintained in good working condition to provide proper drainage of stormwater.

4. Every window, exterior door, hatchway or similar device shall be so constructed to exclude insects during that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects.
5. Every doorway used for ventilation and opening directly from a dwelling unit to outside space shall be supplied with properly fitting screens having at least sixteen (16) mesh and with a self-closing device.
6. Every window or other device with openings to outdoor space, used for ventilation, shall be supplied with screens.
7. Security — All windows and doors that are accessible from the outside shall have approved locking devices.
8. Every dwelling, multiple dwellings, rooming house or accessory structure and the premises shall be maintained in a rat-free and ratproof condition.
 - a. All openings in the exterior walls, foundation, basements, ground or first (1st) floors and roofs which have a one-half (½) inch diameter or more opening shall be rat proofed in an approved manner, within forty-eight (48) inches of the existing ground level immediately below such openings or if they may be reached by rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs and other items such as trees or vines or by burrowing.
 - b. All windows used or intended to be used for ventilation, all other openings located at or near ground level and all exterior doorways shall be supplied with adequate screens or such other devices as will effectively prevent the entrance of rats into the structure.
 - c. All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed to prevent the ingress and egress of rats.
 - d. Interior floors of basements, cellars and other areas in contact with the soil shall be rat proofed in a manner approved by this Code.
 - e. Materials stored outside the dwelling shall be stacked and elevated so as to prevent the creation of a rat harborage area. No stacking or piling of material shall take place against the exterior walls of the structure.
 - f. Any material used for rat proofing shall be acceptable to the Health Officer.
9. Accessory structures provided by the owner, agent or tenant occupant on the premises of a dwelling shall be structurally sound and be maintained in good repair and free of insects and rats or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of lead-free paint or other preservatives.
10. Every rooming unit shall have immediate access to two (2) or more safe, unobstructed means of egress, leading to open space at ground level as required by the appropriate Statutes ordinances and regulations of the City of Junction City.

11. *Smoke detector.* Every corridor or area giving access to rooms used for sleeping purposes shall be provided with ICBO, NRB or UL approved detectors. All detectors shall be installed per manufactured specifications. When actuated, the detector shall provide a loud audible alarm, capable of being heard throughout the sleeping areas.
12. In every dwelling unit or rooming unit, when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-eight degrees Fahrenheit (68°F) shall be maintained in all habitable rooms, bathroom and water closet compartments at a distance of thirty-six (36) inches above the floor level under ordinary winter conditions.
13. Every owner of a dwelling or dwelling unit shall provide and maintain the dwelling or dwelling unit free from hazards to health due to the presence of toxic substances, e.g. lead-based paint, as determined by the Junction City Geary County Health Officer.
14. No owner or occupant shall apply a lead-based paint to any surface in any dwelling unit, rooming house and/or rooming unit.

E. Chapter 7 "Mechanical Requirements — Heating and Ventilation" as adopted is hereby amended and changed to read as follows:

1. Section 701.
 - a. *Heating.* Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of seventy degrees Fahrenheit (70°F) at a point three (3) feet above floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Chapter 37 of the Building Code, the Mechanical Code and all other applicable laws. All heating devices or appliances shall be of an approved type.
 - b. *Electrical equipment.* All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.
 - c. *Ventilation.* Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Mechanical Code and in this Code. Where mechanical ventilation is provided in lieu of the natural ventilation required by Section 504 of this Code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.
2. Section 701.3—Added—Unvented heaters shall be allowed under the following conditions:
 1. The appliance shall be permanently installed.
 2. The appliance shall be installed according to the manufacturer's specifications.
 3. The appliance shall be listed and bear label of the American Gas Association or be UL listed.
 4. The appliance shall be equipped with an Oxygen Depletion Sensor approved by the American Gas Association or listed by UL.
 5. The appliance shall not be installed in any room used for sleeping.

- F. Chapter 11 "Notices and Orders of Building Official" as adopted is hereby amended and changed to read as follows:
1. Section 1101.4. is amended to read as follows:

Statements advising:
 1. That a person having any record, title or legal interest in the building may appeal from the Notice and Order of any action of the Codes Administrator to the appropriate Board, provided the appeal is made in writing as provided in this Code and filed with the Codes Administrator within thirty (30) days from the date of service of such Notice and Order; and
 2. That failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.
- G. Chapter 12 "Appeal" as adopted is hereby amended and changed as follows:
1. Section 1201-.3 is amended to read as follows: As soon as practicable after receiving the written appeal, the Hearing Board shall fix a date, time and place for the hearing of the appeal by the Board. Such date shall be not less than ten (10) days nor more than thirty (30) days from the date the appeal was filed with the Codes Administrator. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the Codes Administrator either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his/her address shown on the appeal.
- H. Chapter 13 "Procedures for Conduct of Hearing Appeals", Repealed.
1. Chapter 13 is hereby repealed and the following substituted therefore:

Section 1304 Hearing. The Hearing Board shall determine, based upon the evidence presented, whether the decisions or determinations made by the Codes Administrator relative to the application and interpretation of this Code are correct. The Hearing Board shall consider all evidence, whether oral or documentary, presented by the appellant and the Codes Administrator or his/her representative in reaching such determination. The Hearing Board shall make every effort to mediate between the appellant and the Codes Administrator concerning the application and interpretation of this Code. Decisions of the Hearing Board shall be in writing at the request of either the appellant or the Codes Administrator and shall be effective as of the date stated therein.
- I. Chapter 15 "Performance of Work of Repair or Demolition", Repealed.
1. Chapter 15 is hereby deleted.
- J. Chapter 17 "Administration" added.
1. Section 1701.
 - a. Whenever in the judgment of the Codes Administrator an emergency exists which requires immediate action to protect the public health, safety or welfare, an order may be issued, without notice, conference or hearing, directing the owner, occupant, operator or agent to take such action as is appropriate to correct or abate the emergency. If circumstances warrant, the Codes Administrator may act to correct or abate the emergency. The owner, occupant or agent shall be granted a conference on the matter upon request, as soon as practicable, but such conference shall in no case stay the abatement or correction of such emergency.

b. In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or Codes of the City of Junction City existing on the effective date of this ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Chapter is found to be in conflict with a provision of any other ordinance or Code of the City of Junction City existing on the effective date of this ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Code shall be deemed to prevail and such other ordinances or Codes are hereby declared to be repealed to the extent that they may be found in conflict with this Code.

c. If any Section, Subsection, paragraph, sentence, clause or phrase of this Chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect; and to this end the provisions of this Chapter are hereby declared to be severable.

2. Section 1702 "Penalty".

a. Any person, partnership, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be deemed guilty of a misdemeanor and be fined not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) or imprisoned for a time not exceeding one (1) month, or both such fine and imprisonment.

**CHAPTER 555. MOVING BUILDINGS AND STRUCTURES,
LICENSES AND PERMITS, BONDS**

Section 555.010

MOVING BUILDINGS AND STRUCTURES, LICENSE, PERMIT, BONDS

- A. Definitions. For the purpose of this Section, the following definitions shall apply:
1. **BUILDING, STRUCTURE:** Any construction artificially built up or composed of parts joined together in some definite manner and having a floor area of two hundred (200) or more square feet and height of more than sixteen (16) feet when loaded on a mode of conveyance.
 2. **MANUFACTURED HOME:** A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, bearing a label certifying that it was built in compliance with the adopted version of the National Manufactured Home Construction and Safety Standards Act established by 42 U.S.C. 5401, and amendments thereto, and generally known as the HUD Code (said adopted version being dated July 13, 1994).
 3. **MANUFACTURED HOME, NONCOMPLIANT:** A manufactured home, as defined herein, which was built prior to the adopted version of the National Manufactured Home Construction and Safety Standards Act established by 42 U.S.C. 5401, and amendments thereto, and generally known as the HUD Code (said adopted version being dated July 13, 1994)
 3. **MOBILE HOME:** A transportable, factory-built structure designed to be used as a year-round residential dwelling, built prior to or not in conformance with the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976.
 4. **MOVING PERMIT:** The permit issued by the Code Administrator permitting a structure to move over public streets or alleys.
 5. **PERSON:** Includes any person, co-partnership, firm or corporation.
- B. Moving Permit Application.
1. Any person under this Chapter desiring to move any building or structure over or along any street, avenue, alley or public grounds within the City of Junction City shall, before beginning the removal of such building or structure, file an application for a moving permit and shall pay an inspection fee of thirty dollars (\$30.00) with the Code Administrator. It shall be the duty of the Codes Administrator upon the filing of said application and the payment of said inspection fee to inspect the building or structure to be removed and the location the building or structure will be moved to in order to determine the building or structure is capable of being brought in compliance with the Building Codes of the City of Junction City, and to determine that the Zoning Regulations and all other applicable rules and regulations of the City of Junction City can be met. If said application is approved, the Codes Administrator shall issue a moving permit and collect a fee therefore based on the schedule outlined in Subsection (D) of this Section pertaining to permit fees.
 2. In the event that the building or structure to be removed is located outside the corporate limits of the City of Junction City, mileage payable at the current IRS rate shall be paid to the Codes Administrator for inspecting such building or structure before its removal.

3. This Chapter shall not apply to applications for moving or relocating manufactured homes, noncompliant manufactured homes or mobile homes. Said structures shall be subject to the appropriate rules and regulations of the City of Junction City for placement of manufactured homes.
- C. Moving Permit Application Information. Any person under this Section making an application for a moving permit shall supply to the Code Administrator the following information:
1. Dimensions of the building or structure.
 2. The height at its highest point when loaded for moving.
 3. Specify the day and hour the moving is to commence.
 4. The place from which the building or structure is to be moved.
 5. The place to which said structure is to be moved within the City.
 6. The route over the City streets which said structure is proposed to be moved.
 7. A photograph of the structure that is to be moved.
- D. Moving Permit Fee. In the event the Code Administrator approves the issuance of a moving permit, said permit shall be issued only after the applicant shall pay to the City a fee at the rate of twenty cents (\$0.20) per square foot floor area per story using the outside of the building measurement of the building (open porches excluded). The moving permit provided herein shall be in lieu of and shall replace the building permit required by the ordinances of the City of Junction City.
- E. Issuance — Duration Of Permit. If the Code Administrator issues a moving permit, the permit shall be valid for sixty (60) days from the date of issuance.
- F. Notice Before Date of Moving. The permittee shall notify the Code Administrator at least one (1) week in advance of the projected date for the moving of the building or structure. The City Engineer shall determine the streets, avenues, alleys or other public grounds through, over or along which said building shall be moved and further for the protection of pavement, culverts, sewer, curbs, trees and other public property. The City Engineer shall have the power to require the planking of streets, sidewalks, alleys, curbs and other public property and shoring up all bridges, sewers, culverts, the typing up or back of trees and such other regulations as may be deemed necessary for the protection of the public interest. The City Engineer shall in writing place upon the moving permit any and all conditions required by them and shall approve said application by endorsing their approval on the moving permit. Provided, if in the opinion of the City Engineer the building or structure to be moved cannot be moved without serious irreparable damage or destructions, then the City Engineer shall withhold his/her approval by so endorsing the moving permit, in which case all fees paid by the applicant shall be refunded excepting a thirty dollar (\$30.00) inspection fee and further excepting any mileage fees collected for inspection outside the corporate limits of the City of Junction City.
- G. Utility Notification Required. If it is necessary to cut or move any poles; to raise, cut or in any way interfere with any wires or cables; to cut or trim any trees; or to remove any street signs, the application shall state the name of the owner or owners of such poles, wires, cables or trees and shall also state where such cutting, moving or raising of said poles, cables, wires or trees will be necessary. Such application shall be made not less than seventy-two (72) hours prior to the commencement of the moving and the applicant shall comply with all Kansas Statutes regarding notification of utilities.

The Code Administrator shall, upon receipt of said notification, give notice to the person, firm or corporation owning or operating such poles, wires, trees or cables as necessary to be cut, moved or raised for the purpose of moving any such building or structure heretofore described. Such notice shall state when and where it will be necessary to cut, move or raise such poles, wires, trees or cables. No person, firm or corporation engaged in the moving of any house or structure shall raise, cut or remove or in any way interfere with any poles, wires, trees or cables without representatives of the owner being present to do or direct the work. The necessary and actual expenses incurred in the removal of such poles or the cutting or raising of such wires, trees or cables and the replacing of the same shall be paid by the owner of the building and the owner of such poles, wires and cables may require a reasonable deposit to be made covering such estimated expenses; provided however, that the provisions of this Section shall apply only when the obstructing wire or cable is eighteen (18) feet or more above the surface of the street at the place where such wire or cable cross such street and it is hereby made the duty of the owner of any and all obstructing wires and cables which shall not be more than eighteen (18) feet above the surface of the street to cut and remove or move the same when requested, free of any charge whatsoever, but no person shall cut, remove, spring or handle in any manner whatsoever any telephone, fire alarm, TV or electric light wire or cables except the owner or owners thereof. The cost of cutting or trimming of trees shall also be paid by the mover.

- H. Additional Moving Permit Fee If Work Takes More Than One Day. If the moving operations are not completed within one (1) calendar day, the applicant shall pay to the City for use of its streets an additional fee in the amount of the initial fee for each calendar day or any part thereof for which said City streets are used in such moving operations.
- I. Additional Regulations. Any person under this Section when moving any building or structure over or along any street avenue, alley or public grounds within the City of Junction City shall comply with the following:
 - 1. All buildings and structures being moved shall be supported on at least three (3) trucks each having at least four (4) wheels twenty (20) inches or more in diameter and in all cases there shall be sufficient trucks as to insure public safety and the moving without damage to public property.
 - 2. When planking shall be required by the City Engineer, said planking shall not be less than twelve (12) inches wide, two (2) inches thick and ten (10) feet long and shall be in good and sound condition.
 - 3. In no case shall any person under this Section drive any rod or stake into or through the surface of any street, sidewalk or alley.
 - 4. No building or structure shall be moved pursuant to this Section without notice to the Chief of the Fire Department and the Chief of the Police Department given by the permittee under this Section. On receipt of said notice the Chief of the Police Department shall provide the person a Police escort which shall accompany the building or structure as it is being moved.
 - 5. The moving permit as provided in this Section shall at all times accompany the building or structure being moved under said permit.
 - 6. All bonds and permits prescribed under the terms of this Section shall be non-transferable.

- J. Closing Streets, Lights And Barricades. Coordination with the Police Department and the Fire Department is required with the assistance of other such City departments as may be assisting during the course of moving any building to close off streets occupied by such building and to reroute traffic. In the event it shall be necessary to leave any building being moved in the street during the nighttime, it shall be the duty of the movers to display red lanterns and place barricades at either entrance of the block to which such building will be located during the nighttime, all under the supervision of the Police Department or Public Works Department of the City.
- K. Bond Required — Conditions. The applicant for a moving permit under Subsection (B) hereof shall submit a surety bond duly signed by a local agent authorized on behalf of a corporate surety authorized to do business in Kansas or cash in the sum of one thousand dollars (\$1,000.00) conditioned so that the permittee will be required to install, erect and place said structure at the place so described in the application, that said structure will be completed in full compliance with the plans and specifications submitted with the application, a copy of which plans and specifications shall be attached to said bond and further providing that default shall operate as a forfeiture of said bond or cash for the benefit of the City as liquidated damages.
- L. Forfeiture Of Bond For Violating Ordinances Or Specifications. Default in compliance with any ordinance or portion thereof of the City or default in compliance with the plans and specifications or any part thereof shall operate as a forfeiture of the bond or cash submitted with the application.
- M. Forfeiture Of Bond If Work Not Completed In Six Months. The structure shall be completely installed, erected and placed in full compliance with each and every provision of the ordinances of the City and the plans and specifications submitted within six (6) months from the issuance of the permit and in the event of default said bond or cash shall be forfeited.
- N. Codes Administrator To Examine, Report Compliance — Release Of Surety. It shall be the duty of the Code Administrator to examine the structure from time to time and upon the structure being installed, erected and placed at the place described in the permit in compliance with the plans and specifications submitted as aforesaid and all ordinances of the City, the Code Administrator shall report that fact in writing to the City Manager and upon the City Manager being satisfied as to full compliance by the permittee, he/she shall release the surety on the bond or cause the cash deposit to be returned to the permittee.
- O. Additional Bond Requirements. Before a permit shall be issued to a house mover or a moving contractor, the applicant shall file with the City Clerk a good and sufficient surety bond as provided in the next Subsection of this Section, the same to be approved by the City Attorney and the City Manager, respectively. Before such bond shall be released by the City Clerk, officers of the City having charge of the moving shall determine the damage caused to the streets or property by such moving and other costs incurred incident thereto and upon payment of the same such bond shall be released by the City Clerk from liability under the individual permit involved.
- P. House Mover's Bond. The surety bonds required hereunder shall be in the penal sum of five thousand dollars (\$5,000.00) in good and lawful money of the United States of America to be paid to the City of Junction City, Kansas, conditioned in such manner that the principal shall in all respects comply with the terms and conditions of the ordinance and shall indemnify said City against any and all loss, damage or liability which shall in any way be incidental to or grow out of the act of moving buildings or other structures upon, across or through the streets, alleys or sidewalks of said City by said principal, his/her agents or employees.
- Q. Damages. If in the moving of any such building or structure any person shall cause damage to any street, alley, sidewalk or other public grounds or property belonging to the City of Junction City, the damage shall be repaired under the direction and supervision of the City Engineer and it shall be the duty of the City Engineer to inspect the streets, alleys, sidewalks and other public grounds over which said building or structure has been moved within two (2) days after the moving thereof and he/she shall ascertain the damage, if any done.

VIOLATION AND PENALTY

Any person, partnership, firm or corporation violating any of the provisions of this Chapter shall, upon conviction thereof, be deemed guilty of a misdemeanor and be fined not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) or imprisoned for a time not exceeding one (1) month or both such fine and imprisonment.

CHAPTER 560. DANGEROUS OR UNSAFE STRUCTURES

Section 560.010 DEFINITIONS

The following words and phrases when used in this Chapter shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in this Section:

- A. **ENFORCING OFFICER:** The Code Administrator or his/her designee or other officer designated by ordinance and charged with the administration of the provisions of this act.
- B. **STRUCTURE:** Any building, wall or other structure.
- C. **UNSAFE OR DANGEROUS STRUCTURE:** Any building or portion thereof, including any dwelling unit, mobile home, manufactured home, noncompliant manufactured home, guest room or suite of rooms, or the premises on which the same is located, in which there exists dangerous or unsafe conditions as established herein to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof.

Section 560.020 DANGEROUS OR UNSAFE CONDITIONS

For purposes of determining a dangerous or unsafe structure, the Enforcing Officer shall inspect and find the presence of one or more of the following conditions:

- A. **Inadequate sanitation.** Inadequate sanitation shall include, but not be limited to, the following:
 - 1. Lack of or improper water closets, lavatory, bathtub or shower in a dwelling unit.
 - 2. Lack of or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel.
 - 3. Lack of or improper kitchen sink.
 - 4. Lack of hot and cold running water to plumbing fixtures in a hotel.
 - 5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
 - 6. Lack of adequate heating facilities.
 - 7. Lack of or improper operation of required ventilating equipment.
 - 8. Room and space dimensions less than required.
 - 9. Lack of required electrical lighting.
 - 10. Infestation of insects, vermin or rodents as determined by the Health Officer.
 - 11. General dilapidation or improper maintenance.
 - 12. Lack of connection to required sewage disposal system.
- B. **Structural hazards.** Structural hazards shall include, but not be limited to, the following:
 - 1. Deteriorated or inadequate foundations.
 - 2. Defective or deteriorating flooring or floor supports.
 - 3. Flooring or floor supports of insufficient size to carry imposed loads with safety.

4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
 5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
 6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
 7. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety.
 8. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- C. Hazardous wiring. All wiring except that which conforms with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.
- D. Hazardous plumbing. All plumbing except that which conforms with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures.
- E. Hazardous mechanical equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.
- F. Faulty weather protection which shall include, but not be limited to, the following:
1. Deteriorated, crumbling or loose plaster.
 2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
 3. Defective or lack of weather protection for exterior wall coverings, including lack of paint or weathering due to lack of paint or other approved protective covering.
 4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.
- G. 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 or his/her deputy, 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.
- H. Faulty materials of construction. All materials of construction except those which are specifically allowed or approved by the Building Code and which have been adequately maintained in good and safe condition.
- I. Inadequate maintenance. Any building or portion thereof which is determined to be an unsafe building in accordance with Section 115 of the International Building Code.
- J. Improper occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

Section 560.030 **GOVERNING BODY POWERS**

The Governing Body of the City of Junction City, Kansas, shall have power to cause the repair or removal of or to remove any structure located within the City, which may have become unsafe or dangerous, subject to the provisions of this Chapter.

Section 560.040 **REMOVAL OF UNSAFE STRUCTURES, FILING STATEMENT, NOTICE AND HEARING REQUIREMENTS**

Whenever the Enforcing Officer determines, following proper inspection, conditions exist to a structure rendering said structure dangerous or unsafe, he/she shall file with the Governing Body of the City of Junction City, Kansas, a statement in writing that the structure, describing the same and where located, is unsafe or dangerous and such condition needs to be rectified in accordance with this Chapter. The Governing Body shall by resolution fix a time and place at which the owner, his/her 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. Such resolution shall be published once in the official city newspaper. A copy of said resolution shall be mailed by certified mail within three (3) days after publication to each owner, agent, lienholder and occupant at his/her or its last known place of residence and shall be marked "deliver to addressee only".

Section 560.030 **FINDINGS, RESOLUTION, CONTENTS AND NOTICE**

On the date fixed for hearing or any adjournment thereof, the Governing Body of the City of Junction City shall hear all evidence submitted by the owner, his/her agent, lienholders of record and 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 of the City of Junction City, Kansas, finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be razed and removed with all costs associated therewith payable by the owner or subject to a lien on said property as provided herein.

Section 560.040 **OWNER SHALL FILL EXCAVATIONS**

The owner of any structure, upon removing the same, shall fill any basement or other excavation located upon the premises and take any other action necessary to leave such premises in a safe and sanitary condition. The owner shall fill all excavations to grade. The Enforcing Officer shall confirm these requirements have been met. .

Section 560.050 **REMOVAL OF UNSAFE STRUCTURES, CERTIFICATION OF SALVAGE SALE, REMOVAL COSTS ON TAX ROLLS, NO FUND WARRANTS, TAX LEVIES**

- A. 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 raze 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 to include cost of publication of notices and postage for mailing of notices and including an administrative charge of five hundred dollars (\$500.00), 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 monies in excess of that necessary to pay such costs, after the payment of all costs, shall be paid to the owner of the premises upon which the structure was located.

- B. The City shall give notice to the owner of such structure by restricted mail of the total cost incurred by the City in removing such structure and making the premises safe and secure, including legal publication, mailing, and all administrative costs. Such notice also shall state that payment of such cost is due and payable within thirty (30) days following receipt of such notice. If the cost is not paid within the thirty (30) day period and if there is no salvageable material or if monies received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to Article III of this Chapter (K.S.A. 40-3901 et seq.) and amendments thereto are insufficient to pay the cost of such work, the balance shall be collected in the manner provided by K.S.A. 12-1, 115 or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located and the City Clerk, at the time of certifying other City taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the County against such lot or parcel of land. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1, 115, but only until the full cost and any applicable interest has been paid in full. Whenever any structure is removed from any premises under the provisions of this Chapter, the City Clerk shall certify to the County Appraiser that such structure, describing the same, has been removed.
- C. If there is no salvageable material or if the monies received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 et seq. and amendments thereto are insufficient to pay the cost of the work, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid, out of the general fund or by the issuance of no-fund warrants. Whenever no-fund warrants are issued under the authority of this act, the Governing Body of such City shall make a tax levy at the first (1st) tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax levy prescribed in Article 19 of Chapter 79 of the Kansas Statutes Annotated and amendments thereto. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940 and amendments thereto, except they shall not bear the notation required by that Section and may be issued without the approval of the State Board of Tax Appeals. All monies received from special assessments levied under the provisions of this Section or from an action under K.S.A. 12-1,115, when and if paid, shall be placed in the General Fund of the City.

Section 560.060

REMOVAL OF UNSAFE STRUCTURES, IMMEDIATE HAZARD, ACTION TO PROTECT PUBLIC, NOTICE NOT REQUIRED, COST

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 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 and occupants. The cost of any such action shall be assessed against the property and paid in the manner provided by Section 555.050 of this Chapter.

CHAPTER 565. FIRE INSURANCE PROCEEDS FUND

Section 565.010 SCOPE AND APPLICATION

The City of Junction 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, arising out of any fire or explosion, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) of the face value of the policy covering such building unless there is compliance with the procedures set out in this Article.

Section 565.020 LIEN CREATED

The Governing Body of the City of Junction 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, caused by or arising out of any fire or explosion, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) 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 evidence by written instrument or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one (1) year prior to the filing of a proof of loss.

Section 565.030 LIEN, ENCUMBRANCES

Prior to final settlement on any claim covered by Section 525.090, the insurer or insurers shall contact the County Treasurer, Geary 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 of Geary County Treasury. Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

Section 565.040 PROCEDURE

- A. When final settlement on a covered claim has been agreed to or arrived at between the named insured or insured and the company or companies and the final settlement exceeds seventy-five percent (75%) of the face value of the policy covering the building or other insured structure and when all amounts due to the holder of a first (1st) 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 of Junction City Treasurer in an amount equal to the sum of five thousand dollars (\$5,000.00) or ten percent (10%) of the covered claim payment, whichever is less, unless the Building Inspector of the City of Junction City has issued a license to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt or otherwise made the premises safe and secure.
- B. Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.
- C. Upon the transfer of 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 insured, 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 insured, whereupon the Building Inspector of the City of Junction City shall contact the named insured or insured by registered mail, notifying them that said insurance proceeds have been received by the City and apprise them of the procedures to be followed under this Article.

Section 565.050 **FUND CREATED, DEPOSIT OF MONIES**

The City Treasurer of the City of Junction City is hereby authorized and shall create a fund to be known as the "Fire Insurance Proceeds Fund". All monies received by the City Treasurer as provided for by this Article shall be placed in said fund and deposited in an interest-bearing account.

Section 565.060 **BUILDING INSPECTOR, INVESTIGATION, REMOVAL OF STRUCTURE**

- A. Upon receipt of monies as provided for by this Article, the City Treasurer of the City of Junction City shall immediately notify the Building Inspector of said receipt and transmit all documentation received from the insurance company or companies to the Building Inspector.
- B. Within twenty (20) days of receipt of said monies by the City Treasurer, the Building Inspector shall determine, after prior investigation, whether the City shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended, and Article I of this Chapter.
- C. Prior to the expiration of the twenty (20) days established by Subsection (B) of this Section, the Building Inspector shall notify the City Treasurer whether he/she intends to initiate proceedings under the above cited Statute and ordinance.
- D. If the Building Inspector has determined that proceedings under K.S.A. 12-1750 and Article I of this Chapter shall be initiated, he/she will do so immediately but no later than thirty (30) days after receipt of the monies by the City Treasurer.
- E. Upon notification to the City Treasurer by the Building Inspector that no proceedings shall be initiated as described above, the City Treasurer shall return all such monies received plus accrued interest to the insured or insured as identified in the communication from the insurance company or companies. Such return shall be accomplished within thirty (30) days of the receipt of the monies from the insurance company or companies.

Section 565.070 **REMOVAL OF STRUCTURE, EXCESS MONIES**

If the Building Inspector has proceeded under the provisions of K.S.A. 12-1750 and Article I of this Chapter, all monies 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.

Section 565.080 **REMOVAL OF STRUCTURE—DISPOSITION OF FUNDS**

If the Building Inspector, with regard to a building or other structure damaged by fire or explosion, determines that it is necessary to act under K.S.A. 12-1756 and Article I of this Chapter, any proceeds received by the City Treasurer under the authority of Section 525.090 relating to that building or other structure shall be used to reimburse the City for any expenses incurred by the City in proceedings under the above cited Statute and ordinance. Upon reimbursement from the insurance proceeds, the Building Inspector shall immediately affect the release of the lien resulting there from. Should the expenses incurred by the City exceed the insurance proceeds paid over to the City Treasurer under Section 525.090, the Building Inspector shall publish a new lien as authorized under K.S.A. 12-1756 and Article I of this Chapter in an amount equal to such excess expenses incurred.

Section 565.090 **AFFECT 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.

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

CHAPTER 570. ACCESSIBILITY STANDARDS FOR PUBLIC BUILDINGS

Section 570.010 **CODE ADMINISTRATOR, ENFORCEMENT**

Pursuant to K.S.A. 58-1304, and amendments thereto, the Code Administrator, or his or her designee, is designated as the City officer responsible for enforcing K.S.A. 58-1301 et seq., and amendments thereto, to the extent the state law applies to the City.

Section 570.020 **SEVERABILITY**

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

CHAPTER 575. SWIMMING POOLS AND NON-RESIDENTIAL SPAS

Section 575.010 **PRIVATE SWIMMING POOLS**

A swimming pool shall be and is hereby determined to be a structure within the meaning of the provisions of the Zoning Regulations and building and construction standards and requirements of Title V of the City Code of the City of Junction City, Kansas.

Section 575.020 **PRIVATE SWIMMING POOLS SHALL COMPLY WITH HEALTH AND SAFETY ORDINANCES**

Every swimming pool constructed within the City of Junction City, Kansas, shall comply with all health and safety ordinances as would apply to construction, use and maintenance of a structure of this type and that no drain from the pool to the sanitary sewer system shall be larger than four (4) inches in diameter.

CHAPTER 580. CONTRACTOR LICENSING REGULATIONS

Section 580.010 **PURPOSE**

The purpose of this Chapter is to ensure that all persons desiring to perform contracting work in this city be duly licensed to ensure capable and skilled craftsmanship utilized in construction projects, both public and private, through uniform compliance with the laws of this city, and protection of the public from unsafe construction practices. 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 residences. It is not the intent of this Chapter to require any person, firm, corporation or other organization performing demolition services for a project or job but providing no other building, construction, alteration, remodeling or repair services on the project or job to obtain a contractor's license pursuant to this Chapter.

Section 580.020 **DEFINITIONS**

For the purpose of this Chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this Section. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

- A. **AGENT:** An individual that has the authority to act on behalf of another.
- B. **BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy.
- C. **BUILDING CODE:** The "International Building Code 2012 Edition" adopted as the Building Code of the City of Junction City, Kansas, as provided in this Title.
- D. **BUILDING CONTRACTOR:** Any person, firm, partnership, corporation, association or any combination thereof, whether a resident or not of the City of Junction City, Kansas:
 - 1. Who undertakes, with or for another, for a fixed sum price, a fee or any compensation other than wages, to build, construct, alter, repair, add to or wreck any building or structure or portion thereof in the City of Junction City, Kansas; or
 - 2. Who advertises or represents himself/herself to the public to have the capacity or ability to undertake or submit a bid or offer to build, construct, alter, repair, add to, restore or replace any building structure or construction work, any portion thereof; or
 - 3. Who builds, constructs, alters or adds to any buildings or structures either on his/her own or other property for purposes of sale or speculation, except one-family dwellings or structures accessory thereto and intended for his/her own personal use and permanent occupancy as provided by Section 580.050.

Exclusions: "Building contractor" shall not mean or include:

- 1. Any subcontractor working under the supervision of a licensed general contractor; or
- 2. Any licensed plumbers, gas-fitters, electricians or other licensed tradesmen working within their licensed trade; or
- 3. Any owner or his/her authorized agents or employees making ordinary repairs to any building or structure not involving the structural parts of the building for which a permit is not required or on which a contractor, as defined, is not employed or engaged to perform; or
- 4. Any person doing construction work not involving a total cost of three hundred dollars (\$300.00) exclusive of labor.

- E. **CODE ADMINISTRATOR:** The officer or other authority designated by the City Manager charged with the administration and enforcement of this code, or the Code Administrator's duly authorized representative.
- F. **CONTRACTOR:** Any person, which also means and includes a firm, co-partnership, corporation, association, or other organization, or any combination thereof, who:
 1. Undertakes, with or for another within the city, to build, construct, alter, remodel, repair, or demolish any building or structure, or any portion thereof, for which a permit from the city is required, and which work is to be done for a fixed sum price, fee percentage, or other compensation;
 2. Builds, constructs, alters, or adds to another building or structure either upon his or her own or another's property; to include every general contractor, building contractor, residential contractor, concrete contractor and framing contractor.

Unless provided otherwise by this Chapter, only a contractor licensed under the provisions of this Chapter may obtain a building permit.

- G. **CONTRACTOR, SPECIALITY:** A contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.
- H. **CONTRACTORS, BOARD OF BUILDING:** The board, established pursuant to Title V of the Code of the City of Junction City, Kansas, the function of which is to hear all contested matters pertaining to the suspension, revocation, and reinstatement of licenses under this Chapter.
- I. **CO-PARTNER:** A joint partner, as in a business enterprise; an associate.
- J. **DESIGNATED REPRESENTATIVE:** An individual that may obtain a license on behalf of a firm and will be the qualifying party of the firm if the individual meets the minimum requirements defined herein.
- K. **EXPERIENCE:** Credit awarded to individuals that have worked within the specific license category for the requisite time period. Individuals must be experienced workers fully qualified and able to perform the trade without supervision. All experience claims must be verifiable by a qualified and responsible person, such as a contractor, a Code Administrator, an architect or an engineer.
- L. **GROUP M OCCUPANCY:** Private garages, carports, sheds and agricultural buildings as defined in the International Building Code, 2012 Edition.
- M. **GROUP R, DIVISION 1 OCCUPANCIES:** Apartment house as defined in the International Building Code, 2012 Edition.
- N. **GROUP R, DIVISION 3 OCCUPANCIES:** A one- or two-family dwelling as defined in the International Building Code, 2012 Edition.
- O. **HOUSING CODE:** The adopted Minimum Housing Code by the City of Junction City, Kansas, as provided in this Title.
- Q. **QUALIFYING PARTY:** The individual who meets the experience and examination requirements for a license. Every license must have a qualifying party.
- R. **STRUCTURE:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Section 580.030

CONTRACTOR LICENSE REQUIRED

- A. **License.** No person shall perform work in the City of Junction City, Kansas, as a contractor without first having obtained a contractor's license. No building permit or contract shall be issued to any contractor who has not obtained a license or who is delinquent in payment of his/her annual license fee or whose license has been suspended by action of the Board of Building Contractors. It is further unlawful for any person, firm, company, association or corporation to enter into a contract with another so as to bring himself/herself or itself under the classification of a contractor as defined in Section 580.020 or to perform any work as a contractor or work under a contract without having first obtained a contractor's license.
- B. **Certification required.** A Certificate of Competency is the accepted standard for licensure within this jurisdiction. Unless specifically accepted elsewhere in this Title, only persons so certified and who present a certificate of competency, as required by the Kansas Statutes Annotated and amendments thereto, to the Code Administrator shall be permitted to license in the electrical, mechanical, and plumbing trades in the City of Junction City, Kansas.

Section 580.040

EXEMPTION FROM LICENSE

Contractor licenses shall not be required for the following:

- A. Any person shall have the right to perform work as a contractor upon any building which is owned by him/her and which is a single-family residence in which he/she resides without procuring a contractor's license as required by this Chapter. In all other respects, such person and such construction work shall be subject to the provisions of this Title as to installation, procurement of a permit, inspection and payment of the inspection fees.
- B. Public utility companies and their employees when engaged in the installation, operation or maintenance of equipment which will be used for the production, generation, transmission or distribution of the product or service from the source of the product or service; through the facilities owner or operated by the utility company to the point of customer service, including the metering.
- C. Employees of the City of Junction City, Kansas, engaged in the discharge of their duties when performing work on City-owned property.
- D. Employees of Unified School District No. 475 engaged in the discharge of their duties when performing work on property owned by Unified School District No. 475.

Section 580.050

CONTRACTOR LICENSE CLASSIFICATION, FEES AND EXAMINATIONS

Contractor applicants shall be licensed by satisfying the following provisions:

- A. Obtain a certificate of competence from a nationally-recognized testing institution as contemplated by K.S.A. 12-1508, and amendments thereto (plumbing contractors), K.S.A. 12-1525, and amendments thereto (electrical contractors), K.S.A. 12-1541 and amendments thereto (Heating, Ventilation and Air Conditioning contractors), and K.S.A. 12-1556 and amendments thereto (building and residential contractors).
- B. License classifications and fees shall be as set forth below:
 - 1. *Limited Contractor.* The license shall entitle the holder thereof to perform work as a contractor as defined in Section 580.020 while applying siding, roofing, window replacement or construction of a deck or patio in or on any structure thereto that is included in Occupancy Group R, Division 1, apartment houses only and Group R, Division 3, as defined in the 2012 Edition of the International Building Code as adopted by reference. The fee for a limited contractor license shall be twenty-five dollars (\$25.00).

2. *Residential Contractor.* This license shall entitle the holder thereof to perform work as a contractor as defined in Section 580.020 while building, remodeling, repairing or adding to any structure thereto that is included in Occupancy Group R, Division 1, apartment houses only and Group R, Division 3 as defined in the 2012 Edition of the International Building Code as adopted by reference. The fee for a residential contractor license shall be fifty dollars (\$50.00).
3. *General Contractor.* This license shall entitle the holder thereof to perform work as a contractor while building, remodeling, adding to or repairing any structure or addition thereto that is residential or non-residential as defined in the 2012 Edition of the International Building Code as adopted by reference. The fee for a general contractor license shall be one hundred dollars (\$100.00).
4. *Electrical, Mechanical or Plumbing Contractor.* Applicants for a contractor license shall comply with the provisions of Title V of the City Code. The fee for an electrical, mechanical or plumbing contractor license shall be one hundred dollars (\$100.00).
5. *Master Electrician.* A master electrician is a person who works for an electrical contractor and designs and/or installs electrical systems, and who may supervise others, and has passed an examination as a master electrician pursuant to the Kansas Statutes Annotated, and amendments thereto. A master electrician may become an electrical contractor by meeting all of the requirements for licensure as an electrical contractor as provided herein. The fee for a master electrician license shall be twenty-six dollars (\$26.00).
6. *Master Mechanical.* A master mechanical is a person who works for a mechanical contractor and designs and/or installs mechanical systems, and who may supervise others, and has passed an examination as a master mechanical pursuant to the Kansas Statutes Annotated, and amendments thereto. A master mechanical may become a mechanical contractor by meeting all of the requirements for licensure as a mechanical contractor as provided herein. The fee for a master mechanical license shall be twenty-six dollars (\$26.00).
7. *Master Plumber.* A master plumber is a person who works for a plumbing contractor and designs and/or installs plumbing systems, and who may supervise other plumbers, and has passed an examination as a master plumber pursuant to the Kansas Statutes Annotated, and amendments thereto. A master plumber may become a plumbing contractor by meeting all of the requirements for licensure as a plumbing contractor as provided herein. The fee for a master plumber license shall be twenty-six dollars (\$26.00).
8. *Journeyman Electrician.* A journeyman electrician is a person who labors at the electrical trade as an employee of an electrical contractor, and has passed an examination as a journeyman electrician pursuant to the Kansas Statutes Annotated, and amendments thereto. The fee for a journeyman electrician license shall be eleven dollars (\$11.00).
9. *Journeyman Mechanical.* A journeyman mechanical is a person who labors at the mechanical trade as an employee of a mechanical contractor, and has passed an examination as a journeyman mechanical pursuant to the Kansas Statutes Annotated, and amendments thereto. The fee for a journeyman mechanical license shall be eleven dollars (\$11.00).
10. *Journeyman Plumber.* A journeyman plumber is a person who labors at the trade of plumbing as an employee of a plumbing contractor, and has passed an examination as a journeyman plumber pursuant to the Kansas Statutes Annotated, and amendments thereto. The fee for a limited journeyman plumber license shall be eleven dollars (\$11.00).

12. *Apprentice Electrician.* An apprentice electrician is a person who labors at the electrical trade as an employee of an electrical contractor, but has not passed an examination as a journeyman electrician pursuant to the Kansas Statutes Annotated, and amendments thereto. The fee for an apprentice electrician license shall be six dollars (\$6.00).
13. *Apprentice Mechanical.* An apprentice mechanical is a person who labors at the mechanical trade as an employee of a mechanical contractor, but has not passed an examination as a journeyman mechanical pursuant to the Kansas Statutes Annotated, and amendments thereto. The fee for an apprentice mechanical license shall be six dollars (\$6.00).
14. *Apprentice Plumber.* An apprentice plumber is a person who labors at the trade of plumbing as an employee of a plumbing contractor, but has not passed an examination as a journeyman plumber pursuant to the Kansas Statutes Annotated, and amendments thereto. The fee for an apprentice plumber license shall be six dollars (\$6.00).

Section 580.070

LICENSE APPLICATION

All licenses required in this Chapter shall set forth the type of work in which the licensee may engage as specified in Section 580.060. Applications for license shall be on a form supplied by the City. Said application shall disclose the name of the applicant, his/her business address (and home address if non-resident), the kind of contracting work engaged in such as limited contractor, residential contractor or general contractor as defined in Section 580.060. The application shall be signed by the contractor or his/her authorized agent. All licenses shall be renewed annually as in the case of an original license on or before the thirty-first (31st) day of December of the year for which issued or within ten (10) days thereafter.

Section 580.080

INSURANCE REQUIREMENTS

Each applicant for and holder of any contractor's license as provided under this Chapter shall submit and at all times maintain current proof of insurance in the form of a certificate or certificates of insurance, each with a clause providing for notice to the Code Administrator not less than ten (10) days prior to any cancellation thereof, which such proof of insurance must be submitted to and approved by the Code Administrator showing the required insurance coverage, to wit:

- A. Workers' Compensation insurance for all employees to be engaged to work on any site regulated by the International Building Code in the form as now or hereafter adopted by the City; if required by the laws of the State of Kansas.
- B. Comprehensive general liability insurance in an amount not less than five hundred thousand dollars (\$500,000.00) for each occurrence and aggregate, for bodily injury and property damage combined, for general contractors; and in an amount not less than three hundred thousand dollars (\$300,000.00) for each occurrence and aggregate, for bodily injury and property damage combined, for residential contractors; and in an amount not less than one hundred thousand dollars (\$100,000.00) for each occurrence and aggregate, for bodily injury and property damage combined, for limited contractors. Failure to maintain proof of such insurance shall be cause for revocation of said license.

Every contractor, except a contractor who has an "inactive license", shall keep in force a policy of general liability insurance including completed operations coverage.

Section 580.090 **LICENSE ISSUANCE AND ADMINISTRATION.**

- A. **Application for Licensure Review and Approval.** Any person desiring to obtain a license under this Title shall make application, display personal identification, and pay the required fees to the Code Administrator as outlined herein. A valid driver's license or State issued identification card may be used as identification. The person seeking licensure shall present an original certificate of competency. The Code Administrator may require the applicant to provide additional information. The Code Administrator shall review the application packet and make a determination of qualification for issuance of a license for the category designated by the applicant. If approved, a license shall be issued.
- B. **Transfer.** A license issued pursuant to the provisions of these regulations shall be non-transferable.
- C. **Display.** A person who is licensed under provisions of these regulations shall carry on their person the license card issued by the Code Administrator when performing work within the scope of these regulations. The person shall display the license card upon the request of the enforcing authority when the person is performing work within the scope of these regulations.
- D. **Exemptions.** No licensed contractor shall be required under the following instances:
1. Appliance and utilization equipment installers may connect an appliance or equipment to an electrical system's final branch circuit switching device. The installation, modification or extension of a system or the installation of a system as a means of connection for an appliance or equipment is subject to the permit and licensing requirements of these regulations.
 2. Utility company personnel performing work exempt from permits within utility easement and other locations.
 3. Persons working within federal and state highway easements and right of ways or railroad right of ways.
 4. Installers of Class 1, Class 2, and Class 3 electrical systems, 50 volts nominal or less, A.C. or D.C. current. This provision shall include installers of fire, burglar and similar alarm systems.
- E. **Continuing Education.** Persons seeking to obtain or renew licenses will be required to provide proof of successful completion of six (6) hours of continuing education within the previous calendar year. Each subsequent year an additional six (6) hours of training will be required to achieve the necessary twelve (12) hours every two (2) years pursuant to the State Statutes of Kansas.

Exception: Persons seeking to obtain licenses within the calendar year of the issue date on their Certificate of Competency shall not be required to provide continuing education for that year.

The Code Administrator will approve continuing education programs recognized by the Kansas Mechanical Trades Review Board. The Code Administrator will also approve training provided by International Association of Continuing Education Training (IACET) accredited Continuing Education Unit (CEU) providers, such as trade organizations with appropriate accreditation. Finally, the Code Administrator will approve classes provided by post-secondary education institutions or technical schools with proof of successful completion of the class.

1. **Passing Grade.** The passing grade for all certification categories shall be seventy five percent (75%) or better.

2. **Re-examination.** Candidates who do not pass a certification examination may make written application for re-examination to the Code Enforcement Department involving the administration of examinations. Each application for re-examination shall require an application fee.

Section 580.100 **RESPONSIBILITIES**

A contractor shall be responsible for all work included in his/her contract, whether or not such work is done by him/her directly or by a subcontractor. He/she shall be responsible for all funds or property received by him/her for prosecution or completion of a specific contract or for a specific purpose. The contractor is responsible for insuring that all construction or work for which a permit is required is inspected as required by the appropriate code.

Section 580.110 **SUSPENSION OR REVOCATION OF LICENSE AND HEARING**

The Code Administrator may, upon his/her own motion, and shall upon the verified complaint in writing of any person, require any contractor to appear before the Board of Building Contractors for hearing upon five (5) days' notice in writing and mailed to his/her last known post office address and such Board shall have the power to temporarily suspend or permanently revoke the license if the holder thereof is found guilty of or commits any one (1) or more of the following acts or omissions:

- A. Diversion of funds or property received for performance or completion of a specific contract or for a specific purpose in the performance or completion of any contract or for specified purpose in the performance or completion of any contract and their application or use for any other contract, obligation or purpose or the failure, neglect or refusal to use such funds or property for the performance or completion of such contract.
- B. Abandonment of any contract without legal cause.
- C. Fraudulent departure from or disregard of plans or specifications in any material respect without the consent of the owner or his/her duly authorized representative.
- D. Willful and deliberate disregard and violation of the provisions of this Chapter or any other ordinance of the City of Junction City, Kansas, or failure to comply with any lawful order of the Code Administrator.
- E. Failure to keep records showing all receipts and disbursements of the licensee in all of his/her transactions as a contractor as the term is defined in this Chapter and to produce the same for examination by the Board of Building Contractors when so required.
- F. Misrepresentation of a material fact by application in obtaining a license or permit.
- G. The doing of any fraudulent act by the licensee as a contractor in consequence of which another is substantially injured.
- H. Fraudulent use of a license to obtain building permits for another.
- I. Carelessness or negligence in providing reasonable safety measures for the protection of workmen and the public.
- J. Failure to obtain any permits as required by the Code of the City of Junction City, Kansas.

Section 580.120 **REINSTATEMENT OF LICENSE**

A contractor whose license has been suspended or revoked by action of the Board of Building Contractors may submit a special application for reinstatement through the office of the Codes Administrator. The Board of Building Contractors shall review the application before reinstatement of the contractor license.

Section 580.130 **LIABILITY**

This Chapter shall not be construed to relieve from legal responsibility or to lessen the legal responsibility of any person, firm or corporation who or which builds, constructs, alters or adds to any buildings or structures, nor shall the City be held as assuming any liability of any nature by reason of the inspection authorized herein or certificate or permit issued.

Section 580.140 **UNLAWFUL ACTS**

It shall be unlawful for any person:

- A. To perform or cause to be performed any work in the City of Junction City which requires a permit without having first secured the appropriate permit from the City.
- B. To perform or cause to be performed any work in the City of Junction City which requires a permit without securing the services of a duly authorized and licensed contractor to perform and/or supervise the work.
- C. For any person to conduct, carry on, or engage in the business of contracting without having first obtained a valid, current Contractor's License from the City of Junction City.
- D. For any person holding a current, valid Contractor's License to employ any person to perform any work in the City of Junction City which requires a license if that person does not hold a current, valid license from the City of Junction City for such work as required by this Title.
- E. For any person to perform any work in the City of Junction City which requires a license without first having obtained a current valid license from the City of Junction City as required by this Title.
- F. For any person to employ any individual as an apprentice, as defined in this Chapter, to perform any work in the City of Junction City without providing direct supervision as defined in this Chapter. Not more than two (2) apprentices will be supervised by one (1) licensed person at the same time.
- G. For a person through negligence or indifference to knowingly create an unsafe electrical, mechanical or plumbing condition and/or allow an unsafe electrical, mechanical or plumbing condition to exist.
- H. For a person through negligence or indifference to knowingly create an unsafe electrical, mechanical or plumbing condition and/or allow an unsafe electrical, mechanical or plumbing condition to exist that results in property damage or personal injury.

Section 580.150 **APPEAL**

Appeal may be taken from any order or ruling of the Codes Administrator of the City of Junction City, Kansas. The Board of Building Contractors shall act as the appellate authority for Building Code rulings. The decision of the Board of Building Contractors shall be final.

Section 580.160 **VIOLATION AND PENALTY**

Any contractor as defined in Section 580.020 violating any of the provisions of this Title shall, upon conviction thereof in the Municipal Court of Junction City, be deemed guilty of an unclassified misdemeanor and be fined not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) or imprisoned for a time not exceeding one (1) month, or both such fine and imprisonment. Each day that any such violation continues shall constitute a separate offense.

CHAPTER 585. MANUFACTURED HOME AND RECREATIONAL VEHICLE CODE

Section 585.010 TITLE

This code shall be known and may be cited as the "Manufactured Home and Recreational Vehicle Code of Junction City, Kansas", and shall hereinafter be referred to as "this Code."

Section 585.020 PURPOSE

This Code is intended to serve the following purposes:

- A. Promote the health, safety, morals, comfort and general welfare of the citizens of the City of Junction City, Kansas.
- B. Establish standards for the placement of manufactured homes and recreational vehicles within the City of Junction City, Kansas.

Section 585.030 APPLICABILITY

This Code shall be applicable to the placement of manufactured homes and recreational vehicles within the City of Junction City, Kansas. Nothing hereunder shall pertain to "job trailers," "construction trailers," "portable classrooms," or "portable offices."

Section 585.040 DEFINITIONS

As used in this Code, the following definitions shall apply unless the context clearly requires otherwise:

- A. **Camp.** A recreational vehicle campground.
- B. **Health Officer.** The Director of the Geary County Health Department, or his or her authorized representative.
- C. **House Trailer.** A recreational vehicle.
- D. **Inspection Officer.** The Code Administrator of the City of Junction City, or his or her authorized representative.
- E. **Manufactured Home.** A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, bearing a label certifying that it was built in compliance with the adopted version of the National Manufactured Home Construction and Safety Standards Act established by 42 U.S.C. 5401, and amendments thereto, and generally known as the HUD Code (said adopted version being dated July 13, 1994).
- F. **Manufactured Home Accessory Building or Structure.** A subordinate building or structure which is an addition to or supplements the facilities provided by a manufactured home, such as awnings, cabanas, storage structures, carports, porches, fences, skirting, or windbreaks.
- G. **Manufactured Home Installation Contractor.** A contractor who has been licensed by the State of Kansas to obtain the required permits to perform footing and pier installation, anchorage and tie-down installation, and skirting installation as required by this Code.
- H. **Manufactured Home Lot.** A plot of ground within a park for the placement of one manufactured home for single-family occupancy and the exclusive use of its occupants, and which provides the necessary utility services for water, sewage and electricity.

- I. **Manufactured Home, Noncompliant.** A manufactured home, as defined herein, which was built prior to the adopted version of the National Manufactured Home Construction and Safety Standards Act established by 42 U.S.C. 5401, and amendments thereto, and generally known as the HUD Code (said adopted version being dated July 13, 1994).
- J. **Manufactured Home Pad.** That portion of the manufactured home lot on which the manufactured home unit, and any attached awning, is placed.
- K. **Manufactured Home Park.** An area, parcel, tract, or plot of ground equipped as required for support of manufactured homes and used or intended to be used by two or more occupied manufactured homes, provided the manufactured home spaces shall not be sold or offered for sale individually. The term "manufactured home park" does not include sale lots on which unoccupied manufactured homes, whether new or used, are parked for the purpose of storage, inspection or sale.
- L. **Manufactured Home Sales Area.** An open space, other than a street or alley, used for display or sale of new or used manufactured homes, and where no repair work is done except minor incidental repair of manufactured homes to be displayed and sold on the premises.
- M. **Manufactured Home Skirting.** The enclosing of the area between the manufactured home and the ground with a material designed to obscure from view the chassis of a manufactured home.
- N. **Manufactured Home, Residential-Design.** A manufactured home on a permanent foundation which has (A) minimum dimensions of 22 body feet in width, (B) a pitched roof, and (C) siding and roofing materials which are customarily used on site-built homes. A residential-designed manufactured home shall be considered a single-family dwelling.
- O. **Mobile Home.** A transportable, factory-built structure designed to be used as a year-round residential dwelling, built prior to or not in conformance with the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976.
- P. **Modular Home.** A structure consisting of one or more components manufactured off-site in conformance to the standards of the building code of the city and related technical codes and moved to the construction site for final assembly as a dwelling unit, and placed on a permanent foundation as required for permanent structures.
- Q. **Motor Home.** A recreational vehicle.
- R. **Occupy, Occupancy, or Occupied.** The use of any mobile home, manufactured home or recreational vehicle by any person for living, sleeping, cooking or eating purposes for any period of four (4) consecutive days.
- S. **Operator.** The person or business that has charge, care or control of a licensed or unlicensed park or camp, or portion thereof; and/or the person or business that holds the license for a park or camp.
- T. **Park.** A manufactured home park, including any nonconforming manufactured home park.
- U. **Person.** Any individual, firm, trust, partnership, association or corporation.
- V. **Pier.** One of the structural supports, required by the Uniform Standard Code for Manufactured Homes and Recreational Vehicles Act, for a manufactured home which is not secured to the ground on a permanent foundation.
- W. **Recreational Vehicle.** A vehicular-type unit built on or for use on a chassis and designed as living quarters, both permanent and temporary, for recreational, camping or travel use, and which has its own motive power, or is mounted on, or which can be drawn by another vehicle. The term recreational vehicle shall include, but not be limited to, motor homes, travel trailers, camper trailers, house trailers, pickup truck campers, hauling trailers, and camper buses.

- X. **Recreational Vehicle Campground.** A lot, tract or parcel of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.
- Y. **Roadway.** Any private street located within a park or camp and providing for the general vehicular and/or pedestrian circulation within the park or camp.
- Z. **Service Building.** A building housing all of the following: separate toilet facilities for men and women, laundry facilities and separate bath or shower accommodations. Such building may also include other associated uses such as an office and recreational facilities for the park or camp.
- AA. **Trailer Camp.** A recreational vehicle campground.

Section 585.050 **MANUFACTURED HOMES AND RECREATIONAL VEHICLES; WHERE PERMITTED**

All new placements of manufactured homes and recreational vehicles shall be done in conformance with the provisions of this Code and in conformance with the Zoning Regulations of the City of Junction City, Kansas. Placement of residential-designed manufactured homes shall be treated the same as the establishment of a single-family dwelling under the terms of the Zoning Regulations, but shall comply with the siting provisions of this Code.

Exceptions:

- A. A manufactured home may be occupied at a construction site by a night watchman or by construction project workmen when approved by the Inspection Officer when deemed necessary for security and/or construction purposes, and when in conformance with the provisions of the City of Junction City Zoning Regulations. Such permission may be canceled by the Inspection Officer upon three (3) days written notice when in the opinion of the Inspection Officer the intent of this section is being violated.
- B. A manufactured home may be occupied other than within a park, and a recreational vehicle may be occupied other than within a camp, for a period not to exceed six (6) months for the purpose of providing temporary housing following a local disaster such as fire, wind or flood damage; provided a permit is secured in accordance with this Code. Such placement for an extended period of time shall be in conformance with the provisions of the City of Junction City Zoning Regulations.
- C. A recreational vehicle may occupy a manufactured home lot in a park, provided a service building as required for a camp is within two hundred (200) feet of the lot so occupied if the recreational vehicle does not provide such facilities itself.

Section 585.060 **INSTALLATION OR RELOCATION OF MOBILE HOMES OR NONCOMPLIANT MANUFACTURED HOMES PROHIBITED**

Mobile homes and noncompliant manufactured homes, as defined herein, shall not be moved into, relocated or installed within the City of Junction City. Any mobile home or noncompliant manufactured home lawfully in existence at the time of the adoption of this Code shall be subject to the license renewal provisions of this Code in the manner determined by the City for such renewals.

Section 585.070 **RECREATIONAL VEHICLES; PARKING OR STORAGE OF**

Recreational vehicles may be stored in private garages, or on the side yard or rear yard of private homes, business or industrial areas, but not on the street side of any corner lot. No recreational vehicle so stored shall be used for residential purposes. This provision shall also apply to the storage or parking of boats, jet skis, hauling trailers and the like.

Section 585.080 **RECREATIONAL VEHICLE CAMPGROUND LICENSE**

All persons operating a camp within the City of Junction City shall obtain a Recreational Vehicle Campground License from the City after approval by the Inspection Officer and the payment of the required fee. Such license shall expire on December 31 of the year of issuance, but may be renewed for additional periods of three (3) calendar years after approval by the Inspection Officer and the payment of the required fee, subject to the provisions of this code. No person shall operate a camp without a current Recreational Vehicle Campground License.

Section 585.090 **MANUFACTURED HOME PARK LICENSE**

All persons operating a park within the City of Junction City shall obtain a Manufactured Home Park License from the City after approval by the Inspection Officer and the payment of the required fee. Such license shall expire on December 31 of the year of issuance, but may be renewed for another year after approval by the Inspection Officer and the payment of the required fee, subject to the provisions of this code. No person shall operate a park without a current Manufactured Home Park License.

Section 585.100 **PERMITS REQUIRED FOR INSTALLATION OF MANUFACTURED HOMES**

A manufactured home installation permit shall be obtained from the Inspection Officer for every manufactured home placed or relocated within the City of Junction City. The purpose of such manufactured home installation permit is to assure the manufactured home is placed in conformance with the requirements of this Code. Manufactured home installation permits shall be obtained at least three (3) full business days prior to installation of any manufactured home within the City of Junction City. Manufactured home installation permits may only be obtained by a licensed Manufactured Home Installation Contractor (as defined in this Code) or by the owner of the manufactured home.

Permits and inspections for any building, electrical, plumbing, sewer or mechanical construction work other than manufactured home anchorage, footings and foundations, or skirting, must be obtained as required by the applicable City of Junction City building, electrical, plumbing, sewer and mechanical codes.

Section 585.110 **INSPECTIONS**

All construction or work for which a manufactured home installation permit is required shall be subject to inspection by the City of Junction City, Kansas. The City may, in its discretion, require a survey of the lot in question to verify that the manufactured home will be located on the lot in accordance with the approved plans.

It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection by the City. The City shall not be liable for expense entailed in the removal or replacement of any material required to allow inspection.

It shall be the duty of the person doing the work authorized by the manufactured home installation permit to notify the City that such work is ready for inspection at least five (5) working days prior to when such inspection is desired.

Section 585.120 **REQUIRED INSPECTIONS**

The manufactured home shall not be occupied prior to obtaining final inspection approval of the City of the following:

- A. Footings before any concrete is placed.
- B. Stem wall, if required, before any concrete is placed.
- C. Blocking, pursuant to K.S.A. 75-1231, as amended.

- D. Tie down, pursuant to K.S.A. 75-1227 through 75-1230, inclusive, as amended.
- E. Electrical service connection as required by the City and the electrical service supplier.
- F. Fuel gas connection as required by the City and the gas supplier.
- G. Handrails and outside stairs at each exit as required by this Code.
- H. Electric and gas meters shall not be released to the utility company until the manufactured home is blocked and tied down as set forth by this Code and by K.S.A. 75-1227 through 75-1230, inclusive, as amended.

When the inspections set forth above have been approved by the City, a temporary occupancy certificate will be issued. The owner shall then have forty-five (45) days to have the home skirted as required by this Code before the final inspection. It shall be a violation of this Code to occupy a manufactured home prior to the issuance of a temporary occupancy certificate.

Section 585.130 **INSPECTION RECORD CARD**

An inspection record card shall be posted in a conspicuous location on the property by the person doing the inspections at the time of the first site visit. The inspection record card shall remain on the property until final approval has been issued by the City.

Section 585.140 **MANUFACTURED HOME INSTALLATION CONTRACTOR; LICENSE**

No manufactured home installation permit shall be issued to any Manufactured Home Installation Contractor who has not first provided the City of Junction City a copy of the Manufactured Home Installer's License from the State of Kansas, as provided under the provisions of the Manufactured Home Act (K.S.A. 58-4201 et seq, as amended.)

Section 585.150 **PERMITS FOR INDIVIDUAL MANUFACTURED HOMES AND RECREATIONAL VEHICLES LOCATED OTHER THAN WITHIN A PARK OR A CAMP**

Prior to occupying a recreational vehicle located other than within a camp or park or a manufactured home at a location other than in an approved park as permitted by Section 585.050; a permit shall be obtained from the City. Said permit shall only be approved after receipt of the required application by the Inspection Officer, after payment of the required fee and after obtaining all other required permits required by the City.

Any person desirous of locating a recreational vehicle or manufactured home in accordance with Section 585.050 shall make an application to the Inspection Officer for a permit. Such application shall be in writing, signed by the applicant, and shall include the name, address and telephone number of the applicant; the location and legal description of the property on which the manufactured home or recreational vehicle is requested to be located; and all other applicable information as follows:

- A. The reason(s) such application is being applied for; the number of days the recreational vehicle or manufactured home is intended to be parked, which in no event shall exceed six (6) months for an administrative placement as authorized by the City Zoning Regulations; and a site or plot plan of the property in question which shows the location of all existing buildings and where the recreational vehicle or manufactured home will be installed.
- B. The connection of the recreational vehicle or manufactured home to any utility shall be in accordance with all applicable regulations of the City of Junction City.

In order for residential-designed manufactured homes, when installed on individual lots, to be substantially compatible with the appearance of an on-site, conventionally built, single-family dwelling, the following aesthetic criteria and siting standards shall apply:

- A. Any person intending to place a residential-designed manufactured home on an individual lot within the City of Junction City is expected to be sensitive to the overall size of the lot on which the residential-designed manufactured home is to be placed in relationship to the size of the residential-designed manufactured home proposed to be placed. The setback requirements of the Zoning Regulations will apply to the same extent as for a site-built home. Acquisition of a residential-designed manufactured home too large for the lot in question shall be considered a self-imposed hardship and will not be eligible for a variance.
- B. The intent of this Code is to encourage residential-designed manufactured home placement within the community in such a manner to be the least disruptive in appearance to the neighborhood. Every residential-designed manufactured home shall be placed on a lot in a manner consistent with the orientation of the homes on surrounding lots in the immediate vicinity, including those across the street. Where ranch-style homes predominate, the placement of a residential-designed manufactured home shall be such that the greatest length of the home faces the street. Where home styles in the neighborhood are other than ranch-style, the placement of the residential-designed manufactured home shall be designed to be as compatible as possible with the neighborhood. Placement of residential-designed manufactured homes at an angle to the street on interior lots shall be avoided if at all possible.
- C. Every manufactured home shall have roof pitch with a minimum vertical rise of 2.2 inches for each 12 inches of vertical run, and the roof shall be finished with a type of shingle that is commonly used in standard residential construction in the City. All roof structures shall provide an eave projection of no less than one (1) foot, which may include a gutter.
- D. The exterior siding shall consist predominantly of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard and the exterior siding shall be comparable in composition, appearance and durability to the exterior siding commonly used in residential construction.
- E. Each residential-designed manufactured home shall be placed on a permanent foundation and shall be set up in accordance with the recommended installation procedures of the manufacturer. If those standards are not available, the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1994" (NCS BCS A225.1) shall be followed. Further, a continuous, permanent masonry curtain wall, unpierced except for required ventilation and access, which may include walk-out basements and garages, shall be installed under the perimeter of the manufactured home.
- F. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home shall be installed, constructed, and anchored securely to the ground. All such structures shall comply with all adopted building codes and other applicable rules, regulations and ordinances of the City.
- G. The moving hitch, wheels and axles, and transporting lights shall be removed.

The fees for the licenses and permits required by this Code shall be as follows:

- A. The annual license fee for a Manufactured Home Park shall be ten dollars (\$10.00) per developed manufactured home space, regardless of whether occupied or not.

- B. The annual license fee for a Recreational Vehicle Campground shall be five dollars (\$5.00) per developed recreational vehicle space, regardless of whether occupied or not.
- C. The permit for initial placement shall be the same as for building permits for single-family residences within the City of Junction City; and the annual renewal of the license for the placement of a manufactured home anywhere within the City of Junction City shall be thirty dollars (\$30.00).
- D. The permit for the placement of a manufactured home or a recreational vehicle, as specified within Sections 585.050, shall be the same as for building permits for single-family residences within the City of Junction City.

Section 585.180 **EXISTING PARKS**

All persons operating existing parks shall obtain the appropriate license as required by this Code by December 31, 2011. The Inspection Officer shall determine the appropriate classification for each park based on the records filed with the City in the application for the license.

All persons operating parks at the time of the adoption of this Code shall be permitted to continue to operate said park without meeting the requirements of the provisions of this Code, but the requirements of this Code shall apply to expansions, enlargements or creation of new lots within an existing park. Failure to comply with this requirement may result in the imposition of penalties as provided herein.

Section 585.190 **EXISTING MANUFACTURED HOMES, ANNUAL PERMIT AND RENEWAL REQUIREMENTS**

All persons occupying existing manufactured homes, whether they meet the standards of the adopted HUD Code or are noncompliant manufactured homes or mobile homes as defined herein, shall obtain the appropriate license as required by this Code by December 31, 2011. The Inspection Officer shall determine the appropriate classification for each structure based on the records filed with the City in the application for the license.

All persons occupying manufactured homes or mobile homes, as noted above, at the time of the adoption of this Code shall be permitted to continue to occupy said manufactured home or mobile home without meeting the requirements of the provisions of this Code until the first annual renewal after January 1, 2012. Subsequent license renewals shall require compliance with the provisions of the inspection items identified in Section 585.120 herein, except for the provisions of tie downs of the unit, before such license shall be renewed. In conducting the inspection for renewal required herein, the City shall place priority on addressing life/safety issues first and be cognizant of the resources available to make repairs. In all cases where deficiencies are found to exist, at least one of the items identified within the annual inspection shall be corrected before a renewal is made. Failure to comply with this requirement may result in the imposition of penalties as provided herein.

Section 585.200 **APPLICATION FOR NEW RECREATIONAL VEHICLE CAMPGROUNDS AND NEW MANUFACTURED HOME PARKS**

All persons developing new Recreational Vehicle Campgrounds or new Manufactured Home Parks shall make an application to the Inspection Officer for the appropriate license. Applications may be made only after all approvals have been granted as required by the Land Development Code of the City of Junction City.

The application for a license shall include the following:

- A. Name and address of the owner/applicant.
- B. Location and legal description of the Recreational Vehicle Campground or the Manufactured Home Park.

- C. Topographic survey of the property with natural features and existing utilities.
- D. The area and dimensions of the tract of land proposed for the Recreational Vehicle Campground or Manufactured Home Park.
- E. The number, location and dimensions of all recreational vehicle spaces or manufactured home spaces.
- F. The location and width of roadways and walkways.
- G. The number, location and size of all parking stalls and parking areas.
- H. Plans for the water supply, refuse and sewage disposal facilities, electrical service and gas service.
- I. The location of water, sewer, gas, electrical, and other utility lines and easements protecting these utilities.
- J. Plans for controlling surface drainage.
- K. The location of recreation areas, storage areas, laundry areas, and other facilities and/or service buildings common to the Recreational Vehicle Campground or the Manufactured Home Park.
- L. The location and description of the lighting system.
- M. Plans for screening through the use of plant material, fencing and other landscaping structures and features.

In addition, the Recreational Vehicle Campground or Manufactured Home Park license application shall include:

1. Engineering plans and specifications of the water supply and internal distribution system.
2. Plans and specifications of the internal sanitary sewer system.
3. Plans and specifications for the lighting and electrical systems.
4. Plans and specifications for gas lines.
5. Plans and specifications for streets.

The Inspection Officer shall review, or submit for review to the appropriate officials or agencies, the information submitted above. All review comments regarding engineering aspects from the City Engineer and other appropriate persons and agencies shall be directed to the Inspection Officer. The Inspection Officer shall issue a Recreational Vehicle Campground or Manufactured Home Park license when he or she is assured that the construction, alteration or extension shall be in compliance with the site plan as approved by the Governing Body in the zoning approval and the provisions of this Code. No Recreational Vehicle Campground or Manufactured Home Park license shall be issued for the alteration or extension of an existing camp or park, whether same is conforming or nonconforming to this Code, unless the entire camp or park is brought to the standards established in this Code.

Section 585.210

RECREATIONAL VEHICLE CAMPGROUND AND MANUFACTURED HOME PARK DESIGN STANDARDS

The following standards shall apply in the design of a proposed Recreational Vehicle Campground or a proposed Manufactured Home Park, provided said site has received appropriate approval in conformance with the Zoning Regulations of Junction City, Kansas.

- A. **RECREATIONAL VEHICLE CAMPGROUND:** The location of recreational vehicle spaces, common facilities and service buildings should be arranged within the Recreational Vehicle Campground in a manner which provides maximum outdoor living area and a compatible relationship between the recreational vehicle spaces, parking, storage building area, utility corridor and outdoor living space. The following minimum design requirements shall be observed in all Recreational Vehicle Campgrounds:
1. The tract to be used as a recreational vehicle campground shall not be less than one (1) acre in area. Under no circumstances shall a mobile home or a manufactured home be parked in a recreational vehicle campground, except as provided by a Special Event Permit approved in conformance with the City Code of Junction City, Kansas.
 2. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties; provided that no individual space shall be designed for direct access to a street outside the boundaries of the recreational vehicle campground. All interior access drives shall be at least 20 feet in width. All interior access drives and parking areas shall be paved with concrete or asphalt paving.
 3. The minimum area for a space for parking one recreational vehicle shall be 1,400 square feet, with minimum dimensions of 35 feet by 40 feet and with corners of each site visibly marked by a permanent marker.
 4. The recreational vehicle campground shall contain community facilities, including play space, parking and access roads. In addition, every recreational vehicle campground shall contain at least one (1) service building and shall provide one (1) additional service building for each 100 spaces. Each service building shall:
 - (a) Be located within three hundred (300) feet of the recreational vehicle campground;
 - (b) Be of permanent construction;
 - (c) Have one (1) flush-type toilet, one (1) lavatory, and one (1) shower or bathtub for females; and one (1) flush-type toilet; one (1) lavatory, and one (1) shower or bathtub for males for each thirty (30) spaces. All lavatories, bathtubs, and showers shall be connected with both hot and cold running water;
 - (d) Have an accessible, adequate, safe and potable supply of cold water;
 - (e) Comply with all applicable adopted building codes regarding the construction of buildings and the installation of electrical, plumbing, heating and air-conditioning systems; and,
 - (f) Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants of the public or will constitute a menace.
 5. The recreational vehicle campground shall be surrounded by an open space 50 feet wide along the street frontage with an arterial highway or section line road, and 25 feet wide along all other lot lines or street frontages. Screening at least six (6) feet in height shall be provided between the recreational vehicle campground and any adjoining residential area.
 6. No recreational vehicle shall be parked closer than 25 feet to any part of any other trailer or service building and no part of a recreational vehicle shall extend closer than 5 feet to the boundaries of the individual space.

7. Off-street parking spaces for motor vehicles shall be provided in the ratio of one parking space per individual space; said spaces to be located in convenient location to individual spaces.
8. In a residential district, accessory signs, in addition to internal directional signs, shall be limited to one flat or detached sign, with sign area limited to 25 square feet. Said sign may be illuminated.
9. Proper provision shall be made for public water supply, sanitary sewage disposal, fire protection, refuse collection, laundry, toilet and bathing facilities. All shall be indicated on a site plan of the proposed recreational vehicle campground and shall be installed and/or constructed in accordance with all other state and/or local laws and regulations. A sewage dump station shall be provided within every recreational vehicle campground.
10. The proposed recreational vehicle campground shall comply with all provisions of this and other federal, state and/or local laws and regulations.

B. **MANUFACTURED HOME PARK:** The location of manufactured homes, common facilities and service buildings should be arranged within the Manufactured Home Park in a manner which provides optimum open space and accessibility and compatibility of uses. Likewise, the size and orientation of individual lots within a Manufactured Home Park should be designed to provide maximum outdoor living area and a compatible relationship between the manufactured home, parking, storage building area, utility corridor and outdoor living space. The following minimum requirements shall be observed in all Manufactured Home Parks:

1. The tract to be used as a Manufactured Home Park shall be at least two (2) acres.
2. The Manufactured Home Park shall not be developed at a gross density greater than seven (7) manufactured homes for every one (1) net acre of land, excluding road rights-of-way and common open spaces within the Manufactured Home Park.
3. No part of any manufactured home or other building or structure shall be located within 50 feet of any public road right-of-way, nor within 25 feet of any exterior property line of the Manufactured Home Park.
4. Individual Manufactured Home Lot shall be designed to meet the following standards:
 - (a) Each manufactured home lot to be occupied by a single-wide unit shall consist of at least 4,500 square feet, with a minimum width of 45 feet and a minimum length of 100 feet. Each manufactured home lot to be occupied by a double-wide unit shall consist of at least 5,000 square feet, with a minimum width of 55 feet and a minimum length of 90 feet.
 - (b) Each manufactured home lot shall have a front yard of at least 20 feet measured from the edge of the pavement to the closest point of the lower face of the manufactured home. The front yard may be reduced to 10 feet when on-street parking is provided along the same side of the street.
 - (c) Each manufactured home lot shall have a side yard on each side of the manufactured home. A minimum of 5 feet shall be allowed on one side of the lot, provided a minimum of 25 feet shall be maintained between manufactured homes on adjoining lots.
 - (d) Each manufactured lot shall have a rear yard of at least 15 feet.
 - (e) No manufactured home or other building or structure shall exceed 20 feet in height.

5. In addition to compliance with all adopted codes, rules, regulations and ordinances of the City, the minimum requirements pertaining to structural, design, utility service, and maintenance features within a Manufactured Home Park shall be as follows:

- (a) Utilities. Sanitary sewer and water facilities shall be provided for each lot within the Manufactured Home Park. All manufactured homes within the Manufactured Home Park shall be served by a central water supply adequate to provide fire protection by hydrants, and by a public sanitary sewer system.

Individual electrical service and fuel gas service shall be provided to each lot with the park. The service so provided shall be separately metered for each lot, each lot shall have separate disconnect points from any other lot, and shall not be provided service from any other home or lot.

All utility lines shall be placed underground and there shall be no overhead wires or support poles except those required for street or other lighting purposes.

- (b) Streets. All internal streets shall be asphalt or concrete surface and shall be durable and well drained under normal use and weather conditions. The surface shall be maintained free of cracks, holes and other hazards by the Manufactured Home Park management. All internal streets shall be owned and maintained by the owner of the Manufactured Home Park.

(1) Grades of all streets shall be sufficient to insure adequate surface drainage. Grades shall not exceed 8 percent.

(2) Minimum pavement widths shall be as follows:

(I) Entrance streets and all other streets with parking allowances on both sides of the street shall be a minimum of 42 feet in width.

(II) Streets with parking allowance on one side only shall be a minimum of 30 feet in width.

(III) Streets with no parking allowance shall be a minimum of 24 feet in width.

- (c) Manufactured Home Pad. Concrete runners shall be provided on every manufactured home lot to accommodate the manufactured home and its attached accessory structures. The runners shall be constructed to provide anchoring facilities for the placement and tie-down of the manufactured home to secure it against accidental uplift, sliding, rotation and over-turning. Runners shall be installed before any manufactured home is occupied.

- (d) Recreation. One or more recreation areas shall be provided within every Manufactured Home Park. The size of such recreation area(s) shall not be less than 10 percent of the gross area of the Manufactured Home Park and shall be located so as to be easily accessible to all Park residents. Recreation areas shall be maintained by the Park management and may include space for community building(s) and community use facilities such as indoor recreation, meeting rooms and similar uses.

- (e) Parking. Adequate parking shall be provided for the use of Park residents and guests. Each manufactured home lot shall have parking for at least two (2) motor vehicles. The parking spaces may be provided on-street or off-street. A parking space shall be a minimum of 9 feet by 19 feet.

- (f) Skirting. Skirting of a durable type of material and construction shall be installed on each manufactured home to enclose the open space between the bottom of the manufactured home floor and the grade level of the manufactured home pad. Such skirting shall be constructed of material consistent with the exterior surface of the manufactured home and maintained in a manner to enhance the appearance of the Manufactured Home Park.
- (g) Screening. Effective screening shall be provided along the boundary lines of the Manufactured Home Park to serve as a buffer through the use of plantings, berms or other landscaping features.
- (h) Lighting. Adequate lighting shall be provided for all streets, walkways, service buildings and other facilities subject to nighttime use.
- (i) Storm Shelter. A common storm shelter capable of providing adequate shelter from severe weather for all Manufactured Home Park residents shall be provided.
- (j) Storage Lot. All Manufactured Home Parks shall have an area or areas set aside for the storage of boats, boat trailers, hauling trailers, motor vehicles, snowmobiles, and other equipment for seasonal or periodic use to be noncommercially operated and for the exclusive use of residents of the Manufactured Home Park. Such items listed above shall not be stored upon a manufactured home lot nor upon the streets within a Manufactured Home Park. All storage lots shall be screened from external view to the standards listed in Section 585.210(B)(5)(g) above.
- (k) Lot Identification. Each manufactured home lot within the Manufactured Home Park shall be numbered in an orderly fashion and in a secure and consistent manner throughout the Manufactured Home Park. The lot number shall be displayed on the lot and be visible at all times.

Section 585.220

GARBAGE AND REFUSE

Provisions for garbage and refuse storage, collection and disposal shall be maintained by the operator for a licensed camp or park so as not to create health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution.

Section 585.230

RODENTS AND INSECTS

Camps and parks shall be maintained free of excessive insect or rodent infestation. The camp or park management shall keep all areas outside the confines of the individual recreational vehicles or manufactured homes reasonably free of breeding, harboring and feeding places for rodents and insects. Such areas shall be kept free of litter, trash, salvage material, junk and weeds or other obnoxious vegetation growths in excess of twelve (12) inches in height. Individual recreational vehicle or manufactured home occupants shall be responsible for the extermination of any rodent or insect infestations occurring within the individual recreational vehicle or manufactured home.

Section 585.240

REGISTER

It shall be the duty of the person operating each camp or park to keep a register containing a record of all recreational vehicles and manufactured home owners and tenants located within each camp or park. The register shall contain the name and address of each occupant; the make, model, year and manufacturer of each recreational vehicle or manufactured home; and the dates of arrival and departure of each recreational vehicle and manufactured home, including the name of the contractors responsible for connections to the utilities. The person operating each camp or park shall keep the register available for inspection at all reasonable hours by law enforcement officers, assessors, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

It shall be the responsibility of the person operating each park to notify the Inspection Officer of every new or relocated manufactured home to be installed at least three (3) working business days prior to the date of installation so that the appropriate inspections can be made for compliance with this Code and all other applicable rules and regulations of the City.

Section 585.250 **ALTERATIONS OR ADDITIONS TO MANUFACTURED HOMES OR MOBILE HOMES**

No alterations or additions of any kind shall be built onto or become a part of any manufactured home or existing mobile home, unless such alteration or addition is certified by a HUD Inspector to meet the HUD Code. Alterations, additions or conversions of manufactured homes or mobile homes to other uses may occur if the entire structure is brought into compliance with the adopted building codes of the City of Junction City. Accessory structures not exceeding one hundred (100) square feet in size, carports and residential patio and deck structures may be constructed adjacent to manufactured homes or existing mobile homes so long as such structures comply in all respects to the applicable provisions of the building code and other related technical codes, and the appropriate permits are secured from the City. Skirting of manufactured homes and existing mobile homes is permissible only with noncombustible material; however, skirting shall not permanently attach the manufactured home or existing mobile home to the ground, provide a harborage for rodents, or create a fire hazard. To the greatest extent possible, the provisions stated above shall also apply to recreational vehicles.

Section 585.260 **MANUFACTURED HOME GROUND ANCHORS**

Every new or relocated manufactured home installed after the effective date of this code shall be anchored in accordance with the manufacturer's printed instructions complying with the National Manufactured Home Construction and Safety Standards Act and any regulations promulgated thereunder. It shall be the responsibility of the manufactured home owner or licensed manufactured home installer to demonstrate compliance with this anchoring requirement. In the event the owner or licensed manufactured home installer is unable to do so, the manufactured home shall be anchored in the following manner:

- A. Ground anchors shall be attached both to the frame and to straps or cables that pass from one side over the top and down the opposite side.
- B. Ground anchors shall be clearly marked with identification as required by K.S.A. 75-1228, as amended, and as noted on approved certificates issued by the Director of the Architectural Services Division of the State Department of Administration.
- C. Each ground anchor shall be capable of withstanding a vertical pull force of four thousand seven hundred fifty (4,750) pounds in place.
- D. The number of anchors required shall be:
 - (1) Three (3) on each lengthwise side for a manufactured home not less than thirty-two (32) feet nor more than fifty (50) feet length.
 - (2) Four (4) on each lengthwise side for manufactured homes more than fifty (50) feet but not more than seventy (70) feet in length.
 - (3) Five (5) on each lengthwise side for manufactured homes more than seventy (70) feet in length.
- E. The anchors shall be spaced such that each anchor will resist approximately the same force as the others.
- F. Strap or cable tie-downs used to connect the manufactured home to its anchors shall be of a type that is marked with identification as required by K.S.A. 75-1228, as amended, and as noted on approval certificates issued by the Director of the Architectural Services Division of the State Department of Administration.

- G. Corner roof protectors shall be used with over-the-top cables or straps which are not factory-installed with the manufactured home.

Section 585.270 **APPEALS**

Appeals from the interpretation or application of the provisions of this code may be made to the City Council. Such appeals shall be made to the Inspection Officer who may refer the matter to an appropriate board, commission or department for recommendation prior to placing the matter on the agenda for City Council consideration.

Section 585.280 **PENALTIES**

Any person who is found guilty of violating any provision of this code is guilty of a misdemeanor and shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in jail for a period not exceeding one (1) year or by both such fine and imprisonment. Each day that a violation of this code occurs constitutes a separate offense and is punishable hereunder as a separate violation.

CHAPTER 590: DAY CARE INSPECTION CODE

Section 590.010

DEFINITIONS

As used in this Chapter, the following terms shall have these prescribed meanings:

A. CHILD CARE FACILITY:

1. Any child care center or preschool as defined by K.A.R. 28-4-420; or
2. Any day care home or group day care home as defined by K.A.R. 28-4-113; or
3. Any family day care home as defined herein; or
4. Any day reporting program, drop-in program, mobile summer program, outdoor summer camp or school-age program as defined by K.A.R. 28-4-576; or
5. Any school-aged drop-in program as defined by K.A.R. 28-4-700; or
6. Any residential center or group boarding home as defined by K.A.R. 28-4-268;
7. Any maternity center as defined by K.S.A. 65-502; or
8. Any detention center or secure care center as defined by K.A.R. 28-4-350; or
9. Any secure residential treatment facility as defined by K.A.R. 28-4-330; or
10. Any day care referral agency as defined by K.A.R. 28-4-185.

B. CITY CHILD CARE INSPECTOR: The Fire Official, Code Administrator and/or Zoning Administrator authorized to conduct the necessary inspections established herein, whether individually or collectively.

C. CODE ADMINISTRATOR: The Administrator of the Junction City Code Enforcement Department or his or her authorized representative.

D. FAMILY DAY CARE HOME: "Family Day Care Home" means a Licensed Day Care Home, as defined in K.A.R. 28-4-113, and amendments thereto, maintained for the purpose of providing children with food or lodging, or both, away from such children's home or homes, for less than 24 hours a day, but which shall comply with the following:

1. Not more than six of the children cared for at such place are less than 16 years of age; and
2. Not more than three of the children cared for at such place are less than 18 months of age.

Any child of a person maintaining a Family Day Care Home shall count toward the limitations of the number of children permitted if such child is less than 12 years of age and is cared for at such place. A person shall not be considered to be maintaining a family day care home if only children who are related by blood, marriage or legal adoption to such person are cared for.

E. FIRE OFFICIAL: The Chief of the Junction City Fire Department or his or her authorized representative.

F. PERSON: Any individual, corporation, partnership, association, firm, joint venture, company, other State franchised business entity such as a professional association, limited liability company or limited liability partnership or other organization of any kind.

- G. ZONING ADMINISTRATOR: The Director of the Junction City/Geary County Planning and Zoning Department or his or her authorized representative.

Section 590.020

CHILD CARE CERTIFICATE ESTABLISHED—STATE LICENSE OR REGISTRATION REQUIRED

All child care facilities operating within the City of Junction City, whether existing or being established new, shall first obtain a child care certificate from the City of Junction City, Kansas, prior to operation and following the inspections required herein. Further, no person shall operate a child care facility within the City of Junction City without first having secured a license from the Kansas Department of Health and Environment, nor shall any person shall operate a family day care home or a child care facility that is a day care home or group day care home within the City of Junction City without first having registered or licensed the facility through the Kansas Department of Health and Environment. All required fees shall be paid before the inspections are conducted and the child care certificate issued if the facility passes inspection. After the effective date of this Code, residential day care shall not be permitted to occur in any single-wide manufactured or mobile home. Residential day care existing on the effective date of this Code shall be permitted to continue, subject to meeting the requirements of this Code at each annual inspection.

Section 590.030

STANDARDS FOR OPERATION

K.S.A. 65-507, 65-508, 65-510, 65-516 and 65-530 are incorporated by reference and shall apply as standards of operation to all child care facilities and family day care homes as defined in Section 585.010. In addition, the following additional standards shall apply to the child care facility types indicated:

- A. *Child care centers and preschools.* Kansas regulations for licensed preschools and child care centers as published by the Kansas Department of Health and Environment (K.A.R. 28-4-123 through 28-4-132 and K.A.R. 28-4-420 through K.A.R. 28-4-442) are incorporated by reference and shall constitute the standards for operation of a child care center or preschool as defined by K.A.R. 28-4-420.
- B. *Licensed day care homes and group day care homes.* Kansas regulations for licensed day care homes and group day care homes as published by the Kansas Department of Health and Environment (K.A.R. 28-4-113 through 28-4-119(b) and K.A.R. 28-4-123 through K.A.R. 28-4-132) are incorporated by reference and shall constitute the standards for operation of a day care home as defined by K.A.R. 28-4-113(b) or group day care home as defined by K.A.R. 28-4-113(h). Those licensed day care facilities operated under the provisions of the Family Child Care Homes Off Post program through the Department of Defense and authorized to function as if they were a family day care home by this code shall be subject to the standards of a family day care home.
- C. *School age programs.* Kansas regulations for licensed school age programs as published by the Kansas Department of Health and Environment (K.A.R. 28-4-576 through 28-4-596) are incorporated by reference and shall constitute the standards for operation of drop-in programs, mobile summer programs, outdoor summer camps and school-age programs as defined by K.A.R. 28-4-576.
- D. *Drop-in programs.* Kansas regulations for drop-in programs serving school age children and youth as published by the Kansas Department of Health and Environment (K.A.R. 28-4-700 through 28-4-702.5) are incorporated by reference and shall constitute the standards for operation of a drop-in program as defined by K.A.R. 28-4-700.
- E. *Residential centers and group boarding homes.* Kansas regulations for licensed residential centers and group boarding homes as published by the Kansas Department of Health and Environment (K.A.R. 28-4-123 through 28-4-132 and K.A.R. 28-4-268 through K.A.R. 28-4-280) are incorporated by reference and shall constitute the standards for operation of a residential center or group boarding home as defined by K.A.R. 28-4-268.

- F. *Maternity centers.* Kansas regulations for licensed maternity centers as published by the Kansas Department of Health and Environment (K.A.R. 28-4-370 through 28-4-379) are incorporated by reference and shall constitute the standards for operation of a maternity center as defined by K.S.A. 65-502.
- G. *Detention and secure care centers.* Kansas regulations for licensed detention and secure care centers as published by the Kansas Department of Health and Environment (K.A.R. 28-4-350 through K.A.R. 28-4-360) are incorporated by reference and shall constitute the standards for operation of a detention center or a secure care center as defined by K.A.R. 28-4-350.
- H. *Secure residential treatment facilities.* Kansas regulations for licensed secure residential treatment facilities as published by the Kansas Department of Health and Environment (K.A.R. 28-4-330 through 28-4-343) are incorporated by reference and shall constitute the standards for operation of a secure residential treatment facility as defined by K.A.R. 28-4-330.
- I. *Day care referral agencies.* Kansas regulations for licensed day care referral agencies as published by the Kansas Department of Health and Environment (K.A.R. 28-4-185 through 28-4-189) are incorporated by reference and shall constitute the standards for operation of a day care referral agency as defined by K.A.R. 28-4-185.
- J. *Family day care homes.* The standards and operating regulations for a licensed day care home shall apply to a family day care home established herein. A licensed day care home within the City of Junction City that is operated through all recognized programs of the Department of Defense shall be considered under this code and the Zoning Regulations of the City of Junction City as if it were a family day care home; provided a copy of the certificate from the local military officials is maintained in the City offices responsible for administration of this code and the local military officials confirm the participation in said program.

Section 590.040

INSPECTION AUTHORIZATION

- A. All newly established and existing child care facilities shall be subject to an annual inspection in order to maintain the child care certificate required to operate within the corporate limits of the City of Junction City, Kansas. The City Child Care Inspector is authorized to inspect and provide other services for child care facilities and family day care homes licensed or registered by the Kansas Department of Health and Environment to aid enforcement of its regulations and Statutes. The inspection timing shall be in conjunction with the annual inspection conducted on behalf of the Kansas Department of Health and Environment by the Junction City/Geary County Health Department.
- B. The City Commission, by resolution, is authorized to set and publish a schedule of fees for inspections and other services sufficient to offset actual expenditures not otherwise fully reimbursed by grants from the Kansas Department of Health and Environment or for license fees for regulatory purposes. The child care facility license holder or registered provider, or the applicant for licensure or registration, shall be responsible for payment of fees.

Section 590.050

INSPECTION STANDARDS

- A. In order to provide a reasonable degree of safety to children and providers attending residential day care facilities, certain standards shall apply to all proposed new or existing child care facilities operated out of a residence within the City of Junction City, Kansas. These standards shall be confirmed through the inspections required herein.
- B. The City Child Care Inspector shall use the standards for operation listed herein, as well as the adopted Building Codes of the City of Junction City and the standards established by the Kansas State Fire Marshal for inspections of group, licensed and registered child care homes. In addition, the City Child Care Inspector shall confirm compliance with the following requirements:

1. *Basement and second floor use.*
 - a. Facilities which possess a certificate or day care license dated before the effective date of this code may use a basement or second (2nd) floor for day care only if there are at least two (2) separate exits to the outside. One (1) exit must be a door and one (1) exit may be an approved escape window. Day care providers must be able to demonstrate that everyone under their care can safely exit the house and go to a designated safe area within four (4) minutes. The Child Care Inspector may require day care providers to demonstrate their ability to conduct such an exit drill.
 - b. Facilities which possess a certificate or day care license dated on or after the effective date of this code may use a basement for day care only if there are at least two (2) exits to the outside. One (1) exit must be a door leading directly to the outside. If the two (2) exits in use are within ten (10) feet of each other, a third (3rd) exit, which may be an approved exit window, will be required. Residential day care is not allowed on the second (2nd) floor of a residence. Bi-level houses must be inspected by the Child Care Inspector to determine if they comply with this provision prior to their use as a day care facility.

2. *Portable fire extinguishers.*
 - a. *Type and location.* A fire extinguisher rated at 2A:10B:C is required and must be placed or mounted in conformance with the NFPA Standards as adopted by the City of Junction City, Kansas.
 - b. *Maintenance.* Fire extinguishers provided for the day care must be inspected and/or serviced and tagged within the previous twelve (12) months by a person or business licensed by the Kansas State Fire Marshal. If the fire extinguisher is purchased new, a purchase receipt must be retained that shows the date of purchase. Such a new fire extinguisher does not need to be inspected within the first (1st) twelve (12) months after the date shown on the purchase receipt.

Section 590.060

ACCESS

The City Child Care Inspector, after proper identification, shall be permitted to enter any child care facility or family day care home during its hours of operation for the purpose of making inspections to determine compliance with this Chapter. The City Child Care Inspector shall be permitted to examine records maintained in the child care facility or family day care home during such inspection or at other times upon reasonable notice.

Section 590.070

INTERFERENCE WITH A CHILD CARE INSPECTOR OR REFUSAL TO IDENTIFY

It is unlawful for any person to:

- A. Refuse to identify himself or herself by his or her correct name, address and birth date when asked to do so by the City Child Care Inspector during the inspection of a child care facility or family day care home or at any time when the City Child Care Inspector has probable cause to believe that such person has violated a Section of this Chapter; or
- B. Interfere with, molest, injure or willfully obstruct, resist or oppose the City Child Care Inspector in the lawful discharge of his or her duties as prescribed in this Chapter.

Section 590.080 **PENALTY**

Any person who violates any of the provisions of this Chapter is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment of not more than six (6) months, or by both such fine and imprisonment. Each day any violation hereof is found to exist or continues to exist shall be a separate offense and punishable as such hereunder.

Section 590.090 **SEVERABILITY**

Should any Section or provision of this Chapter for any reason be held void, unconstitutional or invalid, it shall not affect the validity of any other Section or provision hereof which is in itself not void, unconstitutional or invalid.

CHAPTER 595. MISCELLANEOUS PROVISIONS

ARTICLE 1. HOUSE NUMBERING AND STREET NAMING

Section 595.010 PROPERTY NUMBERED

All houses and property within the corporate limits of the City shall be numbered according to the plan prescribed by this Chapter.

Section 595.020 STARTING POINT

The initial or starting point to begin numbering shall be First and Washington Streets. The numbers along the east and west streets shall read from Washington Street west and from Washington Street east. The number on the north and south streets shall read from First Street north and from First Street south.

Section 595.030 ODD AND EVEN NUMBERS

There shall be at least one (1) number for each twenty-three (23) feet. All odd numbers on the north and south streets shall be on the east side of the street and all even numbers on said streets shall be on the west side. All odd numbers on the east and west streets shall be on the south side of such streets and all even numbers shall be on the north side of such streets.

Section 595.040 HOW NUMBERED

The northeast corner of First and Washington Streets shall be No. 101 North Washington Street and No. 102 East First Street. The northwest corner of First and Washington Streets shall be No. 102 North Washington and 102 West First Streets. The southwest corner of First and Washington Streets shall be 102 South Washington and 101 West First Streets. The southeast corner of First and Washington Streets shall be 101 South Washington and 101 East First Streets. All numbering, combining in streets and numbers shall read from the foregoing numbers giving 100 numbers to each block beginning with the initial street. In going north or south from First Street, 100 numbers shall be added upon crossing each street to the City limits. In going east or west from Washington Street, 100 numbers shall be added upon crossing each street to the City limits.

Section 595.050 SIZE AND PLACING OF NUMBERS

All numbers shall be in figures not less than three and one-half (3½) inches in height, in contrasting colors and shall be conspicuously placed on, above or by the side of the front door of such building and shall be plainly visible and legible from the street fronting the property. Numbering in script shall be allowed only when numbering in figures is also present in accordance with this Section. Numbering of the curb in front of the building shall not constitute compliance with this Article.

Section 595.060 CITY ENGINEER AUTHORIZED TO ASSIGN NUMBERS

In case of doubt or where a question arises as to the proper number to be assigned to any lot or building, the City Engineer shall decide the question and fix the number of such lot or building.

Section 595.070 EFFECTIVE DATE OF CHANGES TO ARTICLE

All occupants and owners of buildings in the City are hereby required to number or cause to be numbered their buildings respectively occupied or owned by them in accordance with the provisions of this Article within one hundred eighty (180) days of publication thereof. Any time new building are erected, they shall be numbered in compliance with this Article at the time of occupancy. City staff shall provide public information and notice to residents concerning the requirements of this Article as is practical and prudent.

Section 595.080

PROCEDURES TO CHANGE STREET ADDRESSES

All persons desiring to change the name of the street upon which they have a structure or to change the number previously assigned to a structure shall comply with the following procedures:

1. For street number changes contact the City Engineer and request the new number which shall not duplicate any other number on the street and shall be in sequence with the numbers of the properties on both sides.
2. For street name changes a written request must be filed with the City Engineer indicating the name to which the street would be changed. Such name shall not be duplicative or nearly the same as an existing street name in the City or within the 66441 zip code.
3. An ordinance designating the name change shall be presented to the City Commission by the Engineering Department for consideration at a public meeting.
4. Prior to consideration of such ordinance the Engineering Department shall send notification to all residences and businesses affected by the proposed name change as well as to all utilities serving the street.
5. If the ordinance is approved and published, all residents and businesses effected shall be notified by letter and advised of their responsibility to notify their correspondents of the new address. The U.S. Postal Service will also be notified of the change in name.

Section 595.090

PENALTY

Any person, firm, corporation or other entity failing to comply with this Article may be deemed guilty of a misdemeanor in Junction City Municipal Court and may be fined not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00). No person, firm, corporation or other entity shall be convicted under this Article unless they have been given adequate notice of its requirements and a reasonable opportunity to comply.

ARTICLE II. STREETS AND SIDEWALKS, REGULATIONS

Section 595.100

AWNINGS

Awnings erected or placed so as to project or extend over sidewalks shall be so constructed that all parts thereof be at least eight (8) feet above the sidewalk.

Section 595.110

BUILDING MATERIAL IN STREET

Every person desiring to use the sidewalk or any part of the street for the temporary deposit of building material, during construction or repair of any building or during the temporary use of any sidewalk while excavating any cellar, shall apply to the City Manager for permission to use the same and upon such application the City Manager may grant permission to use the same temporarily for the purpose to be named; and no person shall use or temporarily appropriate any sidewalk or street or any material part thereof without the consent of the City Manager acting for and on behalf of the Governing Body.

Section 595.120

EXCAVATIONS, HOW GUARDED

Every person who shall make any excavation or obstruction in any of the public thoroughfares or public grounds within the City or so near such thoroughfares and grounds as to be dangerous to those traveling upon such thoroughfares and grounds shall maintain, during the daytime, sufficient and appropriate warning signals and shall in the nighttime, in addition to such warning signal, maintain a sufficient number of red lights to effectually warn the traveling public of the existence of danger and shall also, when the conditions require it, maintain a sufficient fence, railing or barricade to prevent persons or animals from falling therein or colliding therewith.

Section 595.130 **PERMIT TO BE SECURED**

It shall be unlawful for any person or persons, company or corporation to cut pavements or make excavations in the streets, alleys or other public grounds in this City for any purpose, unless such person, persons, company or corporation first obtain a permit authorizing such excavation, which shall be issued by the City Engineer or his authorized agent and the payment of a permit fee of fifty dollars (\$50.00). The person, persons, company or corporation asking for the permit shall be required to pay the full amount to replace the curb, gutter and/or street according to City specifications, or shall pay a the sum equal to the City Engineer's estimate for replacement of said pavement by the City based on the current costs for such work.

Section 595.140 **PERMIT, HOW SECURED**

Any person, company or corporation desiring to obtain a permit as provided in Section 595.130 of this Article shall pay the amount stipulated in Section 595.130 hereof to the City Clerk of this City and from him/her obtain a receipt therefor and all fees thus collected by the City Clerk shall be credited to the Street and Alley Fund of this City and all expenses of replacing the pavement cut under the provisions of this Article shall be charged to such Street and Alley Fund.

Section 595.150 **CURB AND GUTTER CONFORM**

When the grade of the sidewalk and of the gutter do not conform with each other, then the curb shall be put in so as to conform with the gutter, but in no case shall the sidewalk be below the top of the curb, nor shall it be more than six (6) inches above the top of the curb, except when otherwise directed by the City Manager with the approval of the Governing Body.

Section 595.160 **SIDEWALK, CURB AND GUTTER, HOW REPAIRED**

When any sidewalk, curb or gutter shall, from any cause, become defective or out of repair, the owner of the property fronting thereon shall within five (5) days of notice by the City Clerk repair the defect and if such defect be not repaired within said five (5) day period, then the City shall repair the same, keeping accurate account of the cost thereof and the same may be assessed and collected as a special assessment against the property abutting thereon.

Section 595.170 **SIDEWALKS NOT TO BE OBSTRUCTED WITH GOODS**

Merchants and others receiving goods, merchandise, freight and other materials shall not permit the same to obstruct the sidewalk while the same is being received or thereafter. Any person violating the provisions of this Section shall, on conviction thereof, be adjudged guilty of a misdemeanor and every day such obstruction remains, after notice by the proper authority of the City to remove the same, shall be deemed a separate offense. All such obstructions shall be summarily removed by the Police Officers.

Section 595.180 **TEMPORARY USE OF SIDEWALKS, SIDEWALK SALES**

Notwithstanding the provisions of Section 595.170 of this Code, the Governing Body of the City of Junction City is hereby authorized to grant special permission to the merchants and businessmen of the City of Junction City to locate goods and merchandise upon the public sidewalks abutting upon the property which they are occupying for the purpose of a one (1) day special display and sale of their goods and merchandise. Such goods and merchandise will be located in such a manner that it will not substantially interfere with the flow of pedestrian traffic upon the sidewalks. The special permission for a one (1) day display of merchandise upon the public sidewalks shall not be granted more than four (4) times annually and then only upon a showing that a substantial number of merchants will be participating in a one (1) day special sale and display of their merchandise.

Section 595.190 **OBSTRUCTION OF SIDEWALKS BY SIGNS PROHIBITED**

Every person who shall place, maintain or suspend obstructions of any kind or character over or across any sidewalk so as to interfere with its free use shall on conviction thereof be adjudged guilty of a misdemeanor and every day such obstruction remains, after notice by the proper authority of the City to remove the same, shall be deemed a separate offense and all such obstructions shall be summarily removed by the Police Officers of the City.

Section 595.200 **ICE AND SNOW REMOVED FROM SIDEWALK**

It is hereby made the duty of each property owner, and if the property be occupied by a tenant then it is also made the duty of the tenant, to clean off and remove from the sidewalk in front of his/her property or in front of the property occupied by him/her as a tenant, as the case may be, all accumulations of ice and also all accumulations of snow when the same becomes two (2) or more inches deep and if such owner or occupant shall fail to remove such ice or snow within a reasonable time after its accumulation, then the same may be removed by the proper corporate authority of the City and an account of the cost of such removal shall be taken and by the Governing Body levied as a special assessment against each respective piece of property. And in case of a failure on the part of said owner or occupant to so remove such accumulations of ice or snow, such owner or occupant shall be deemed guilty of a misdemeanor.

Section 595.210 **OWNER TO MAINTAIN SIDEWALKS IN SAFE CONDITION**

It shall be the duty of every owner of property in the City to maintain all public sidewalks abutting on said property in a safe condition and every such property owner who shall permit any such sidewalks to be or remain in an unsafe condition for more than twenty-four (24) hours without commencing repairs thereon shall be guilty of a misdemeanor.

Section 595.220 **SIDEWALKS, LOCATION OF**

Hereafter all sidewalks shall be constructed on a grade established by ordinance and the line of such sidewalks nearest the lot line shall be one (1) foot from the lot line; provided however, that where local conditions existing at the time any such sidewalk is constructed are such as to render it inexpedient to construct the same on said grade or in said relation to the lot line, such sidewalk may be constructed on such variation from said grade or said distance from the lot line as the Governing Body shall direct.

Section 595.230 **SIDEWALKS, CONSTRUCTION OF**

Hereafter, all sidewalks shall be constructed of concrete and shall be constructed on a grade established by ordinance and shall be of four (4) classes, viz. "first class", "second class", "third class" and "fourth class". "First class" sidewalks shall be of a width of twelve (12) feet. "Second class" sidewalks shall be of a width of six (6) feet. "Third class" sidewalks shall be of a width of five (5) feet. "Fourth class" sidewalks shall be of a width of four (4) feet. The location of a particular class of sidewalk in a specified location shall be subject to the approval of the Governing Body after receipt of a recommendation from the City Planning Commission of the City of Junction City, Kansas. The construction and specific location of all sidewalks shall be under the direction and supervision of the City Engineer and shall conform to not less than the City's minimum specifications as are on file in the office of the City Clerk and City Engineer.

Section 595.240 **CONSTRUCTION, REPAIR, CONDEMNATION AND RECONSTRUCTION OF SIDEWALKS**

The Governing Body shall provide for construction, repair, condemnation and reconstruction of sidewalks in accordance with K.S.A. 12-1801 et seq., as amended.

Section 595.250 **BANNERS ACROSS STREETS**

It shall be unlawful for any person, firm or corporation to erect, construct, establish or place any sign, banner or other advertising display matter across any street in the City from one side of the street to the other; provided however, that the City Commissioners may, upon proper application, extend the privilege of placing banners or decorations across said street for temporary purposes only, the same to be under such restrictions and conditions as the City Commissioners shall deem proper at the time of granting a permit there for.

Section 595.260 **WIDTH OF STREETS, ALLEYS AND UTILITY EASEMENTS**

All street right-of-way widths within the City of Junction City, Kansas, shall be of a minimum width of sixty (60) feet or greater as directed by the Governing Body; all alleys shall have a minimum right-of-way width of twenty (20) feet; and all utility easements shall be of the minimum width of twenty (20) feet.

Section 595.270 **CROSSING OR BREAKING CURBS**

It shall be unlawful for any person to drive any vehicle over the curb or sidewalk, except at an established entrance, or to break or remove any such sidewalk or curb without a permit therefore; provided, that the City Manager acting for and on the behalf of the Governing Body may authorize the use of unimproved parking or the improvement of parking for the standing or parking of vehicles when the curb shall be removed and such portion of the street shall be improved for such purposes.

Section 595.280 **BURNING IN STREET UNLAWFUL**

It shall be unlawful for any person or persons to burn leaves, trash or any other combustible material in or on any street, alley or public road in the City.

Section 595.290 **CURB PUMPS PROHIBITED**

No person, firm or corporation shall hereafter erect or install any gasoline or oil pumps or compressed air devices in or along the parking of any street or along the curb line thereof where it shall be necessary for the person served by such pumps or devices to stop their vehicles in the street while receiving such service.

Section 595.300 **POSTING BILLS**

It shall be unlawful for any person or persons to post or put up any handbills, advertisements, posters, show bills or other signs on any building, pole or property in or along any public street or way in the City without the permission of the owner thereof having been first obtained and without complying with the provisions of the ordinances of this City with reference to signs, advertisements, posters, show bills and other advertising media

Section 595.310 **HEAVY VEHICLES**

It shall be unlawful for any person or persons to drive, operate or move any heavy vehicle, tractor, trailer or other heavy object equipped with metal lugs, sharp metal rims on or over any paved street in the City unless the paving shall be protected by planks sufficient to protect against injury from such lugs or rims or unless such vehicles or objects are otherwise protected to save such street from injury.

Section 595.320 **DAMAGING PAVEMENT AND SIDEWALKS DURING CONSTRUCTION**

It shall be unlawful for any person or persons to walk upon, drive or ride over or across any pavement, sidewalk or similar public improvement in the street during the course of the construction and before the same has been opened for public travel.

Section 595.330 **REMOVAL OF BARRICADES AND LIGHTS UNLAWFUL**

It shall be unlawful for any person or persons to remove, throw down, run down, destroy or otherwise injure or damage any barricade or safety wall erected as required by ordinance or to remove, carry away or injure any warning lights placed on about such work except such person who shall be in charge of any such work.

Section 595.340 **PENALTY**

Any person, firm or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or imprisonment for a period not exceeding thirty (30) days or sentenced to both such fine and imprisonment in the discretion of the Municipal Judge.

ARTICLE III. CURB CUTS—PERMITS

Section 595.350 **GENERAL**

It shall be unlawful for any person to cut, break out or remove any curb along a street or alley without first obtaining a permit for a driveway approach or recessed parking area as hereinafter provided.

Section 595.360 **APPLICATION FOR PERMIT**

Any person desiring to construct a driveway approach or recessed parking area across any curbing, parking sidewalk or sidewalk space shall first make application to the City Engineer for a permit therefore, said application shall be in writing upon a form provided by the City and made available at the office of the City Engineer. Such application shall contain information showing the type and estimated cost of construction, the location and dimensions of the proposed driveway approach or recessed parking area, together with the lot and block number as well as the street and house number, together with a small plot plan showing the proposed location in regard to the area and any other such information as may be required by the City Engineer. The application shall be filed by property owner desiring to construct said driveway approach or by his/her duly authorized agent.

Section 595.370 **ISSUANCE OF PERMIT**

Such permit shall be issued by the City Engineer or his/her duly authorized representative, if it is determined that the application has complied with the terms of this Chapter and such reasonable rules, regulations and specifications of the City Engineer. Such rules, regulations and specifications shall have been submitted to the Governing Body of the City of Junction City for their approval, the original of which shall be signed by the Mayor and filed in the office of the City Clerk and a copy of which shall be on file in the office of the City Engineer and shall constitute such rules, regulations and specifications for the conduct of his/her office until such a time as said rules, regulations and specifications shall have been changed or amended by the Governing Body of said City. The work specified in the application shall be completed within one hundred twenty (120) days after the date of issuance of such permit.

Section 595.380 **SUPERVISION, SPECIFICATIONS**

All work done under a permit issued in compliance with this Article shall be done under the direction and supervision of the City Engineer or his/her duly authorized representative and shall have been constructed under the approved rules, regulations and specifications as are on file in the office of the City Clerk and the City Engineer. A permit issued under the provisions of this Chapter may be revoked by the City Engineer at any time that he/she is satisfied that the work is not being performed in accordance to the provisions hereof.

Section 595.390

CONSTRUCTION

In addition to the established rules, regulations and specifications as are on file, the owner and/or contractor shall protect the public from injury and/or damage during the construction of driveway approaches and recessed areas and it is hereby stipulated as an essential condition of the issuance of the permit that the City of Junction City, Kansas, shall not be liable for damages which may arise from the prosecution of said work.

Section 595.400

MAINTENANCE, REMOVAL AND CONSTRUCTION

- A. Every driveway approach and recessed parking area shall be maintained and kept in a safe condition by the owner of the property served thereby and any such driveway approach or recessed parking area which shall not be so maintained and kept or which shall interfere with or obstruct the drainage carried by such street or the use of said street for the purposes of travel shall be repaired to conform with the specifications of the City Engineer or be removed. Upon the removal or cessation of use, as defined herein, of any such driveway approach or recessed parking area, the Governing Body or its duly authorized agent shall notify in writing the owner of the property affected that the same shall be restored as nearly as practicable to its former condition and all curbing and guttering be replaced within ninety (90) days of said notification at the expense of the owner of the property served thereby.

- B. If, after notice as above set forth, the owner of the property shall fail to replace the curbing and guttering as above provided, the City of Junction City, Kansas, may proceed to replace the same and assess the costs thereof to the property; and the City Clerk shall, at the time of certifying of the taxes to the County Clerk, certify the aforesaid costs and the same shall be extended against the property upon the tax rolls.

Section 595.410

VIOLATIONS, PENALTIES

Any person who shall violate any of the provisions of this Article or who shall not comply with the (1) terms and conditions of such permit and (2) the said rules, regulations and restrictions of the City Engineer and as to the specifications for the construction thereof, approved as aforesaid, or of a recessed parking area shall be deemed to be guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than one hundred dollars (\$100.00). Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this Article is committed, continued, suffered or permitted.