

ORDINANCE NO. 1009

AN ORDINANCE AMENDING THE WESTWOOD CITY CODE, AS AMENDED, BY REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 4 ARTICLE 1 OF THE CODE OF THE CITY OF WESTWOOD, KANSAS.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

SECTION ONE: That Chapter 4 Article 1 of the Code of the City of Westwood, Kansas, be repealed and replaced in its entirety as follows:

CHAPTER IV. BUILDINGS AND CONSTRUCTION

- Article 1. International and National Codes
 - Article 2. Building Code
 - Article 3. Residential Code for One- and Two-Family Dwellings
 - Article 4. Existing Building Code
 - Article 5. Fire Code
 - Article 6. Plumbing Code
 - Article 7. Fuel Gas Code
 - Article 8. Mechanical Code
 - Article 9. Electrical Code
 - Article 10. Energy Code
 - Article 11. Moving Buildings
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ARTICLE 1. INTERNATIONAL AND NATIONAL CODES

4-101. DEFINITIONS. As used in this article, the words and phrases herein defined shall have the following meanings unless the context otherwise requires:

- (a) Whenever the word municipality is used in the building code, it shall be held to mean the City of Westwood, Kansas;
- (b) Whenever the term corporation counsel is used in the building code, it shall be held to mean the city attorney of the City of Westwood;
- (c) Whenever the terms building official and code official are used in the building code, it shall be held to mean the building official or his or her authorized designee.
- (d) BUILDER OR BUILDING CONTRACTOR DEFINED.

(1) A builder or building contractor for purposes of this article shall be any person, firm, co-partnership, corporation, association, or any combination thereof, whether a resident or not of the city:

(A) Who or which undertakes with or for another, for a fixed sum, price, fee or any compensation other than wages, to build, construct, alter, repair, add to, wreck or move any building or structure (or any portion thereof), or any sidewalk, driveway entrance or structure in any street, or any advertising sign, panel poster or billboard,

or any other structure, in the city, for which a building or construction permit may now or hereafter be required by the laws of the city; or

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

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

(2) A builder or building contractor as defined shall not mean or include:

(A) Any subcontractor working under the supervision of a general contractor; or

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

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

(D) Any property owner personally performing any improvements, alterations or building construction within or upon his or her own residence and intended for his or her own personal use and permanent occupancy; provided, the owner shall satisfy the building official as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal building construction by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor. (Ordinance 1009)

4-102. CONFLICT CLAUSE. In the event there is a conflict between a provision in any code adopted by reference in Articles 2-9 herein, with an ordinance passed by the governing body of the City of Westwood, the Westwood ordinance shall prevail. (Code 2008)

4-103. CLARIFICATION; MODIFICATION

(a) The building official shall have power to modify any of the provisions of the building code upon application in writing by the owner or lessee or his or her authorized agent when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the building official shall see that the spirit of the code is observed, public safety secured, and substantial justice done. The particulars of a modification when granted or allowed and the decision of the inspector thereon shall be entered upon the records of the building official and a signed copy shall be furnished to the applicant. (Ordinance 1009)

4-104. BOARD OF BUILDING CODE APPEALS

(a) A Board of Building Code Appeals shall determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of the codes incorporated in this Chapter. The Board of Building Code Appeals shall be the final determiner of the scope and meaning of all provisions of the building code which may be unclear, ambiguous, or requiring interpretation.

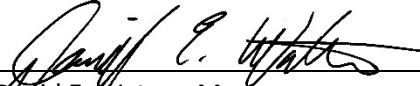
- (b) The Board of Building Code Appeals shall consist of five members appointed by the Mayor and approved by the appellant on an as-needed, case-by-case basis when an appeal is filed with the City Clerk.
- (c) All appeals to the Board of Code Appeals by any party aggrieved by any order or decision shall be filed in writing with the City Clerk. Every appeal shall be taken within thirty (30) days from the date of the order or decision from which the appeal is taken. Each appeal shall be accompanied by a fee sufficient to cover the costs of the appeal which amount shall be determined by the Clerk. In determining such amount, the Clerk shall take into account only the costs of notice and other non-administrative costs. The final disposition of any appeal to the Board shall be in the form of a resolution, which shall affirm, modify or reverse the order or decision from which the appeal is taken.
- (d) The Board of Code Appeals shall keep minutes of its proceedings, showing a summary of evidence presented at the hearing, the findings of fact by the Board, the decisions of the Board, and the vote of each member upon each question. Prior to taking binding action, the Board may take under deliberation all matters presented at the hearing. If any member is absent from a hearing or fails to vote, the minutes shall reflect this fact. All minutes and records shall be filed in the office of the City Clerk and shall be a public record.
- (e) Any person aggrieved by any action or inaction of the Board of Code Appeals may appeal the same to the District Court of Johnson County, Kansas pursuant to K.S.A. 60-2101(d), and amendments thereto. (Ordinance 1009)

4-105. LIABILITY. This article shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection authorized herein, by reason of any certificate of inspection issued by it or by reason of any permit or license granted herein. (Code 2008)

This ordinance shall take effect and be in force from and after its publication as required by law.

PASSED by the City Council the 11th day of March, 2021.

APPROVED:



David E. Waters, Mayor

ATTEST:



Leslie Herring, City Clerk

