

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. Mechanical Code
- Article 5. Fire Code
- Article 6. Plumbing Code
- Article 7. Fuel Gas Code
- Article 8. Electrical Code
- Article 9. Existing Building Code
- Article 10. Appeals
- Article 11. Moving Buildings

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 term building official is used in the building code, it shall be held to mean the building official or his or her authorized designee.
- (Code 2008)
- 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)

ARTICLE 2. BUILDING CODE

4-201. INCORPORATING THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE. There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the "International Building Code," 2003 Edition, including Appendix J, excluding all other Appendices, as published by the International Code Council, Inc., save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three copies of the International Building Code shall be marked or stamped "Official Copy," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be on a CD-ROM or in another electronic form, provided that any changes or amendments are attached to or recorded in such electronic format so as to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such International Building Code similarly marked, as may be deemed expedient. (Code 2008)

4-202. REVISED, AMENDED, OR DELETED SECTIONS OF THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE: The following sections of the International Building Code shall be revised, amended, or deleted:

(a) Section 101.1 shall be amended to read "These regulations shall be known as the Building Code of the City of Westwood, Kansas."

(b) Section 101.2 shall be amended to read : "Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code as amended."

(c) Section 101.4.1. shall be amended to read: "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."

(d) Section 105.2, entitled "Work exempt from permit," shall be revised to and amended to delete the following exemptions from the permit requirement:

(1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 square meters).

(2) Fences not over 6 feet (1829 mm) high.

(3) Oil derricks.

(4) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

(5) Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.

(e) Section 105.2, entitled "Work exempt from permit," shall also be revised and amended to amend Section 105.2.9. to read, "Prefabricated swimming pools which are less than 12 inches deep."

(f) Section 105.3.2 shall be amended to read as follows: "An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension or extensions shall be requested in writing and justifiable cause demonstrated."

(g) Section 108.3, entitled "Building permit valuations," shall be amended to add the following sentence at the end of said provision: "Alternatively, building permits fees may be set and established administratively by the City according to the schedule as established by the City and as amended."

(h) Section 108.4, entitled "work commencing before permit issuance" shall be amended to read; "Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits, shall be subject to a fee equal to one half of the permit fee, in addition to required fees.

(i) Section 113.4, entitled "Violation penalties," shall be amended to add the following at the end of said provision:

In addition to any administrative remedies or other legal or equitable remedies provided, any persons violating the provisions of this code shall, upon conviction thereof, be fined in a sum not to exceed \$500.00, or be imprisoned not to exceed six months or be both so fined and imprisoned. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person.

(j) Section 114.2, entitled "Issuance" (Stop Work Order) shall be amended by adding to the first sentence, "or by posting the notice on the property in a conspicuous place."

(k) Section 1612.3, entitled "Establishment of flood hazard area," shall be deleted, and in lieu thereof, shall be inserted the following: "To establish flood hazard areas, the City of Westwood may adopt a flood hazard map and supporting data. If and when the city undertakes such a task, such shall comply with the requirements of Section 1612.3 and shall be incorporated into the city's code requirements."

(l) Section 2701.1, entitled "Scope," is hereby change to read; "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 NEC 2002 Electrical Code."

(m) Section 3410.2, entitled "Applicability," shall be amended so that the first sentence thereof shall read: "Structures existing prior to the date of adoption of this code, in which there is work involving additions, alterations or changes of

occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3402 through 3406.”
(Code 2008)

4-203. BUILDING OFFICIAL; APPOINTMENT; ENFORCEMENT OF BUILDING CODES. (a) This and other articles of the city relating generally to building and structures shall be administered and enforced by the building official. The mayor, with the consent and approval of the council, shall appoint a building official and such other assistants as may be advisable for the issuance of building permits and the inspection of building work.

(b) The building official shall prepare such application, permit, inspection and record forms as may be required for the purposes of the article. The building official may make and promulgate the necessary rules and regulations to obtain conformity with this article pertaining to the making of applications for building permits, issuing of building permits and inspecting of buildings and building works.
(Code 2008)

4-204. BUILDING OFFICIAL; ACTING. The Building Official may in his or her absence appoint some qualified officer or employee of the city to be and perform the duties of building inspector as may be required, subject to the consent and approval of the governing body. (Code 2008)

4-205. SAME; DUTIES. The building official shall have the following duties:

(a) To enforce all regulations relating to construction, alteration, repair, removal and demolition of building and structures; electrical construction, alteration, repair and removal; plumbing construction, alteration, repair and removal; Fire Code building issues; fuel gas issues

(b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;

(c) To examine all buildings in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and;

(d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the building official without his or her written consent.
(Code 2008)

4-206. SAME; POWERS. The building official shall have the following powers:

(a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter;

(b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the city;

(c) May cause any work done in violation of this chapter to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the building regulations of the city, subject to the right of any builder or owner to appeal to the governing body.

(Code 2008)

4-207. SAME; RIGHT OF ENTRY. The building official, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter.

(Code 2008)

4-208. CLARIFICATION; MODIFICATION. (a) 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 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.

(Code 2008)

4-209. BUILDING PERMIT REQUIRED; APPLICATION; APPROVAL. It shall be unlawful for any person to hereafter erect or cause to be erected within the city any building or structure of any kind or enlarge or add to the outside dimension thereof, or relocate any building or structure already erected or which may hereafter be erected or remodel any building or structure within the city without a building permit being first obtained therefor from the city clerk, after approval by the chief building official or his or her duly authorized assistant. The application for such permit shall be made and the permit obtained before work is commenced upon any building or structure or the foundation thereof, or before the removal of any building begins.

(Code 2008)

4-210. SAME; APPLICATION INFORMATION REQUIRED. (a) A building permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:

- (1) The name of the owner of the lot or tract of ground;
- (2) The location of the building or structure;
- (3) The building work proposed;
- (4) The outside dimensions of the building by floors and dimensions of the basement (if any);

- (5) The class of occupancy;
- (6) The class of construction;
- (7) The kind of materials to be used for walls, floors, ceilings, roofs, and foundations;
- (8) The estimated cost of the work;
- (9) The date work will commence;
- (10) Expected date of completion;
- (11) Name and address of contractor or contractors doing the work;
- (12) Such other information as may be pertinent to the issuance of the required permit.

(b) An application for a building permit shall be signed by the owner or his or her duly authorized agent, or a building contractor. If the application is made by the owner or his or her agent, it shall contain the name or names of the contractor or contractors doing the work described, or a building permit may be issued to the owner upon his or her application disclosing satisfactory evidence that the proposed work will be performed by the owner, himself or herself and not by a contractor, and likewise subject to the final approval of the building inspector for work performed.

(c) Upon approval of the completed application and a determination that a permit should be issued, the chief building official or his or her assistant shall issue a permit to the owner or contractor authorizing the building work covered by the application.

(d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the building work authorized by such permit. Building work commenced for the purpose of this section shall mean the beginning of building work other than the preparation of plans or the staking out of the building location or the letting of a building contract.
(Code 2008)

4-211. SAME; PLANS AND SPECIFICATIONS. Whenever an application for a building permit is made, the chief building official may, if he or she finds it necessary to determine whether building work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed building as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the building official may require the applicant to file complete architectural and engineering plans and specifications for such building, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any building work for conformity with this article. (Code 2008)

4-212. SAME; FEES. The fees for a building permit shall be established administratively by the city. (Code 2008)

4-213. SAME; POSTING. A copy of the building permit shall be posted on the premises for public inspection from the premise's exterior, during the performance

of the work and until the completion of the same. The building inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 2008)

4-214. CERTIFICATE OF APPROVAL. Upon the completion of any work under a building permit, the chief building official, the building inspector or his or her designee is authorized to issue a certificate of approval for the occupancy and use of the building or structure. The certificate shall show the number of inspections made and the orders and corrections required during the course of the work. A copy of such certificate shall be given the owner. (Code 2008)

4-215. INSPECTIONS OF BUILDING; LAYOUT OF BUILDING; FOUNDATIONS AND FOOTINGS; NOTICE TO INSPECTOR. (a) The contractor or builder having a permit for new construction, or additions to existing buildings, shall notify the building official immediately upon the marking or laying out of the site and foundation for such work. The official shall inspect the layout for conformity with this article and with respect to lot lines, setbacks and location of the proposed buildings to determine conformity with the city zoning regulations. In case of doubt respecting the required location, the building official may require an official survey of the lot lines to determine conformity, at the expense of the permit holder.

(b) Upon completion of the excavation for the building foundation and footings and the construction of the necessary forms thereof and before the foundation and footings are poured or laid, the official or inspector shall be notified as in the first case, and it shall be his or her duty to inspect all such work for conformity with laws respecting location of the building foundations and footings.

(c) The building official shall during the course of all building make such other inspections, with or without notice, as may be necessary to be made during any successive stage of the construction or other work covered by a permit in order to secure compliance with laws pertaining thereto.

(Code 2008)

4-216. REQUEST FOR INSPECTION. Upon the completion of any building construction work covered by this article, it shall be the duty of the person doing such work to notify the building official and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided.

(Code 2008)

4-217. BUILDER OR BUILDING CONTRACTOR DEFINED. (a) 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:

(1) 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

(2) 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

(3) 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.

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

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

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

(3) 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

(4) 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.

(Code 2008)

4-218. WORK BY PROPERTY OWNERS. Nothing herein contained shall prohibit any property owner from personally performing any building or construction work within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of final inspection. (Code 2008)

4-219. 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)

4-220. SEVERABILITY. If any section of the International Building Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining sections, the section to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 2008)

ARTICLE 3. RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS

4-301. INCORPORATING THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS. There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the "International Residential Code for One- and Two-Family Dwellings" 2003 Edition, excluding Appendix Chapters D, E, H, I and L. but including Appendix Chapters A, B, C, F, G, J, and K, as published by the International Code Council, Inc., save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. However, with respect to Appendix F, Radon Controls, this Appendix shall apply only to the construction of new residential structures, and shall not apply to additions to or the remodeling of existing residential structures. No fewer than three copies of the International Residential Code for One- and Two-Family Dwellings shall be marked or stamped "Official Copy" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be on a CD-ROM or in another electronic form, provided that any changes or amendments are attached to or recorded in such electronic format so as to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such International Residential Code for One- and Two-Family Dwellings similarly marked, as may be deemed expedient.
(Code 2008)

4-302. REVISED, AMENDED, OR DELETED SECTIONS OF THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS. The following sections of the International Residential Code for One-and Two-Family Dwellings 2003 Edition shall be revised, amended, or deleted:

(a) Section R101.1, entitled "Title," shall be amended to read: "These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Westwood, Kansas, and shall be cited as such and will be referred to herein as 'this code.'"

(b) Section R105.2, entitled "Work exempt from permit," shall be revised and amended to delete the following exemptions from the permit requirement:

(1) One-story detached accessory structures, provided the floor area does not exceed 120 square feet (11.15 square meters).

(2) Fences not over 6 feet (1829 mm) high.

(3) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

(4) Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below.

(5) Window awnings supported by an exterior wall.

(c) Section R108.3, entitled "Building permit valuations," shall be amended to add the following sentence at the end of said provision: "Alternatively, building permits fees maybe set and established administratively by the City according to the schedule as established by the City and as amended."

(d) Section R113.4, entitled "Violation penalties," shall be amended to add the following at the end of said provision:

In addition to any administrative remedies or other legal or equitable remedies provided, any persons violating the provisions of this code shall, upon conviction thereof be fined in a sum not to exceed \$500.00, or be imprisoned not to exceed six months or be both so fined and imprisoned. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person.

(e) Section R114., entitled "Notice to Owner (Stop Work Order)" shall be amended so that the second sentence shall read; "The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, or posted on the property in a conspicuous place; and shall state the conditions under which work will be permitted to resume."

(f) Section R201.3, entitled "Terms defined in other codes," shall be amended to read as follows: "Where terms are not defined in this code and are defined in the 1999 National Electrical Code, International Building Code, International Fire Code, the International Fuel Gas Code, or the International Mechanical Code, such terms shall have meanings ascribed to them as in those codes."

(g) Section R301.2, entitled "Climatic and geographic design criteria, shall be amended as follows: "The criteria herein shall be administratively established by the building official and inserted herein."

(h) Section R305.1, entitled "Minimum height," shall be amended to amend only the first sentence thereof to read as follows: "Habitable rooms, hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have a ceiling height of not less than 6 feet 8 inches." Also, the subparagraph of section R305.1, entitled "Exceptions 3.," shall be amended to read as follows: "Not more than 50% of the required floor area of a room or space is permitted to have a sloped ceiling less than 5 feet, 8 inches in height with no portion of the required floor area less than 5 feet in height."

(Code 2008)

ARTICLE 4. MECHANICAL CODE

4-401. INCORPORATING THE 2003 EDITION OF THE INTERNATIONAL MECHANICAL CODE. There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the "International Mechanical Code" 2003 Edition, including Appendix Chapter A., but excluding Appendix Chapter B., as published by the International Code Council, Inc., save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three copies of the International Mechanical Code shall be marked or stamped "Official Copy," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be on a CD-ROM or in another electronic form, provided that any changes or amendments are attached to or recorded in such electronic format so as to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such International Mechanical Code similarly marked, as may be deemed expedient. (Code 2008)

4-402. REVISED, AMENDED, OR DELETED SECTIONS OF THE 2003 EDITION OF THE INTERNATIONAL MECHANICAL CODE. The following sections of the International Mechanical Code 2000 Edition shall be revised, amended, or deleted:

(a) Section 101.1, entitled "Title," shall be amended to read: "These regulations shall be known as the Mechanical Code of the City of Westwood, Kansas, hereinafter referred to as 'this code.'"

(b) Section 106.5.2, entitled "Fee schedule," shall be amended to read as follows:

"The fees for mechanical work and the permits therefor shall be set and established administratively by the City according to the schedule as established by the City and as amended."

(c) Section 106.5.3, entitled "Fee refunds," shall be amended to read as follows: "The building official is authorized to establish a refund policy."

(d) Section 108.4, entitled "Violation penalties," shall be amended to read as follows:

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 of the code official, or of a permit or certificate issued under the provisions of this code shall be guilty of a violation of this code. In addition to any administrative remedies or other legal or equitable remedies provided, any persons violating the provisions of this code shall, upon conviction thereof, be fined in a sum not to exceed \$500.00, or be imprisoned not to exceed six months or be both so fined and imprisoned. Each person shall be guilty of a separate offense for each and every day during

any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person.

(e) Section 108.5, entitled "Stop work orders," shall be amended so that the following shall be added to the second sentence, "or shall be posted on the property in a conspicuous place," and the final sentence thereof shall read: "Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a violation of this code, and punished in accordance herewith."

(f) Section 201.3, entitled "Terms defined in other codes," shall be amended to read as follows: "Where terms are not defined in this code and are used in the international Building Code, the National Electrical Code, the International Fire Code, the International Fuel Gas Code, or the International Plumbing Code, such terms shall have meanings ascribed to them as in those codes."

(Code 2008)

ARTICLE 5. FIRE CODE

4-501. INCORPORATING THE 2003 EDITION OF THE INTERNATIONAL FIRE CODE. There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the "International Fire Code" 2003 Edition, including Appendix D, and excluding all other Appendix Chapters, as published by the International Code Council, Inc., save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three copies of the International Fire Code shall be marked or stamped "Official Copy," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be on a CD-ROM or in another electronic form, provided that any changes or amendments are attached to or recorded in such electronic format so as to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such International Fire Code similarly marked, as may be deemed expedient. (Code 2008)

4-502. REVISED, AMENDED, OR DELETED SECTIONS OF THE 2000 EDITION OF THE INTERNATIONAL FIRE CODE. The following sections of the International Fire Code 2000 Edition shall be revised, amended, or deleted:

(a) Section 101.1, entitled "Title," shall be amended to read as follows: "These regulations shall be known as the International Fire Code of the City of Westwood, Kansas, hereinafter referred to as 'this code.'"

(b) Section 105.1.1, entitled "Permits required," shall be amended to add a final sentence as follows: "The fees for this code and the permits therefor shall be set and established administratively by the City according to the schedule as established by the City and as amended."

(c) Section 109.3, entitled "Prosecution of violations," shall be amended to add the following:

In addition to any administrative remedies or other legal or equitable remedies provided, any persons violating the provisions of this code shall, upon conviction thereof, be fined in a sum not to exceed \$500.00, or be imprisoned not to exceed six months or be both so fined and imprisoned. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person.

(d) Section 111.2, entitled "Issuance (Stop Work Order)" shall be amended to add to the first sentence, "or posted on the property in a conspicuous place."

(e) Section 111.4, entitled "Failure to comply," shall be amended to read as follows: "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a violation of this code, and punished in accordance herewith."

(f) Section 201.3, entitled "Terms defined in other codes," shall be amended to read as follows: "Where terms are not defined in this code and are defined in the 2002 National Electrical Code, International Building Code, the International Fuel Gas Code, International Mechanical Code, or International Plumbing Code, such terms shall have meanings ascribed to them as in those codes."

(g) Section 3406.2.4.4., entitled "Locations where above-ground tanks are prohibited," shall be amended to read: "The storage of Class I and II liquids in above-ground tanks is prohibited anywhere in the city, except that a permit for such tanks may be granted by the Governing Body upon good cause shown and assurances by all competent sources that such tank poses no unreasonable threat or danger to persons or property."

(Code 2008)

ARTICLE 6. PLUMBING CODE

4-601. INCORPORATING THE 2003 EDITION OF THE INTERNATIONAL PLUMBING CODE. There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the "International Plumbing Code" 2003 Edition, , including Appendix F, and excluding all other Appendix Chapters; A, B, C, D, E, and G., as published by the International Code Council, Inc., save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three copies of the International Plumbing Code shall be marked or stamped "Official Copy," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be on a CD-ROM or in another electronic form, provided that any changes or amendments are attached to or recorded in such electronic format so as to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such International Plumbing Code similarly marked, as may be deemed expedient.
(Code 2008)

4-602. REVISED, AMENDED, OR DELETED SECTIONS OF THE 2000 EDITION OF THE INTERNATIONAL PLUMBING CODE. The following sections of the International Plumbing Code 2000 Edition shall be revised, amended, or deleted:

(a) Section 101.1, entitled "Title," shall be amended to read: "These regulations shall be known as the International Plumbing Code of the City of Westwood, Kansas, hereinafter referred to as 'this code.'"

(b) Section 106.6.2., entitled "Fee schedule," shall be amended to read as follows: "The fees for all plumbing work and the permits therefor shall be set and established administratively by the City according to the schedule as established by the City and as amended."

(c) Section 106.6.3., entitled "Fee refunds," shall be amended to read as follows: "The building official is authorized to establish a refund policy."

(d) Section 108.4, entitled "Violation penalties," shall be amended to read as follows:

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 violation of this code. In addition to any administrative remedies or other legal or equitable remedies provided, any persons violating the provisions of this code shall, upon conviction thereof, be fined in a sum not to exceed \$500.00, or be imprisoned not to exceed six months or be both so fined and imprisoned. Each person shall be guilty of a separate offense for each and every day during

any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person.

(e) Section 108.5, entitled "Stop work orders," shall be amended so that the second sentence shall have added the following, "or posted on the property in a conspicuous place," and the final sentence thereof shall read: "any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a violation of this code and punished in accordance herewith."

(f) Section 201.3, entitled "Terms defined in other codes," shall be amended to read as follows: "Where terms are not defined in this code and are defined in the 2002 National Electrical Code, International Building Code, International Fire Code, the International Fuel Gas Code, or the International Mechanical Code, such terms shall have meanings ascribed to them as in those codes."

(g) Section 305.6.1, entitled "Sewer depth," shall be amended to read as follows: Building sewers that connect to private sewage disposal systems shall be a minimum of 36 inches below finished grade at the point of septic tank connection. Building sewers shall be constructed in accordance with the requirements of Johnson County Wastewater.

(h) Section 904.1, entitled "Roof extension," shall be amended to read as follows:

All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall be run at least 7 feet (2134 mm) above the roof.

(Code 2008)

ARTICLE 7. FUEL GAS CODE

4-701. INCORPORATING THE 2003 EDITION OF THE INTERNATIONAL FUEL GAS CODE. There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the "International Fuel Gas Code" 2003 Edition, including Appendix Chapters A., B., and C., but excluding Appendix D., as published by the International Code Council, Inc., save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three copies of the International Fuel Gas Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 837," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be on a CD-ROM or in another electronic form, provided that any changes or amendments are attached to or recorded in such electronic format so as to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such International Fuel Gas Code similarly marked, as may be deemed expedient. (Code 2008)

4-702. REVISED, AMENDED, OR DELETED SECTIONS OF THE 2003 EDITION OF THE INTERNATIONAL FUEL GAS CODE. The following sections of the International Fuel Gas Code 2003 Edition shall be revised, amended, or deleted:

(a) Section 101.1, entitled "Title," shall be amended to read: "These regulations shall be known as the International Fuel Gas Code of the City of Westwood, Kansas, hereinafter referred to as 'this code.'"

(b) Section 106.5.2, entitled "Fee schedule," shall be amended to read as follows: "The fees for all work pursuant to this code and the permits therefor shall be set and established administratively by the City according to the schedule as established by the City and as amended."

(c) Section 106.5.3., entitled "Fee refunds," shall be amended to read as follows: "The building official is authorized to establish a refund policy."

(d) Section 108.4., entitled "Violation penalties," shall be amended to read as follows:

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 violation of this code. In addition to any administrative remedies or other legal or equitable remedies provided, any persons violating the provisions of this code shall, upon conviction thereof, be fined in a sum not to exceed \$500.00, or be imprisoned not to exceed six months or be both so fined and imprisoned. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person.

(e) Section 108.5 entitled "Stop work orders," shall be amended so that the second sentence shall have added thereto, "or posted on the property in a conspicuous place," and the final sentence thereof shall read: any person who shall continue any work and or about the structure after having been served with a stop order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a violation of this code, and punished in accordance herewith."

(f) Section 201.3, entitled "Terms defined in other codes," shall be amended to read as follows: "Where terms are not defined in this code and are defined in the 2002 National Electrical Code, International Building Code, International Fire Code, International Mechanical Code, or International Plumbing Code, such terms shall have meanings ascribed to them as in those codes."

(Code 2008)

ARTICLE 8. ELECTRICAL CODE

- 4-801. INCORPORATING THE 2002 EDITION OF THE NATIONAL ELECTRICAL CODE. There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the "National Electrical Code 2002 Edition, excluding all Annex Chapters A, B, C, D, E, and F, as published by the National Fire Protection Association, Inc., save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three copies of the National Electrical Code shall be marked or stamped "Official Copy," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be on a CD-ROM or in another electronic form, provided that any changes or amendments are attached to or recorded in such electronic format so as to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such National Electrical Code similarly marked, as may be deemed expedient. (Code 2008)
- 4-802. REVISED, AMENDED OR DELETED SECTION OF THE 2002 NATIONAL ELECTRIC CODE. The following section(s) of the National Electric Code, 2002 Edition shall be revised, amended or deleted:
(a) Section 625.17, entitled "EV Supply Equipment Cable," shall be deleted. (Code 2008)
- 4-803. BUILDING OFFICIAL; AUTHORITY. The building official or his or her authorized designee shall be responsible for the administration and enforcement of this article and shall conduct an electrical inspection in accordance with section 4-204 of this chapter, which shall apply in a like manner to this article. (Code 2008)

ARTICLE 9. EXISTING BUILDING CODE

4-901. INCORPORATING THE 2003 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE. There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City Of Westwood, Kansas, that certain document known as the "International Existing Building Code" 2003 Edition, excluding Appendix A, and including Appendix B as published by the International Code Council, Inc., save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three copies of the National Electrical Code shall be marked or stamped "Official Copy," with all sections of portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be on a CD-ROM or in another electronic form, provided that any changes or amendments are attached to or recorded in such electronic format as to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such International Existing Building Code similarly marked, as may be deemed expedient. (Code 2008)

4-902. REVISED, AMENDED; OR DELETED SECTIONS OF THE 2003 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE. The following sections of the International Existing Building Code 2003 Edition shall be revised, amended, or deleted:

(a) Section 101.1, entitled "Title," shall be amended to read: "These regulations shall be known as the International Existing Building Code of the City of Westwood, Kansas, hereinafter referred to as "this code."

(b) Section 105.2, entitled "Work Exempt from Permit," shall be amended to delete the following exemptions from the permit requirements:

- (1) sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below.
- (2) Window awnings supported by an exterior wall.

(c) Section 113.4, entitled "Violation penalties," shall be amended to add the following:

In addition to any administrative remedies or other legal or equitable remedies provided, any persons violating the provisions of this code shall, upon conviction thereof, be fined in a sum not to exceed \$500.00, or be imprisoned not to exceed six months or be both so fined and imprisoned. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person.

(d) Section 114.2, entitled "Issuance (Stop Work Order), shall be amended to add to the first sentence, "or posted on the property in a conspicuous place."

(e) Section 201.3, entitled "Terms defined in other codes," shall be amended to add after the term "other International Codes," the term "and the National Electrical Code."

(Code 2008)

ARTICLE 10. BOARD OF CODE APPEALS

- 4-1001. BOARD OF CODE APPEALS. There is hereby established and created a Westwood, Kansas "Board of Code Appeals." This shall succeed to the duties and responsibilities of the Building Codes Board of Appeals previously established. (Ord. 837, Sec. 16.1; Code 2008)
- 4-1002. SAME; MEMBERSHIP. The Board shall consist of five members to be appointed by the mayor with the consent of the governing body. The members shall succeed to the terms of the incumbent members of the Building Codes Board of Appeals, and thereafter, members shall be appointed for terms of three years each. Vacancies shall be filled by appointments for the unexpired term. The members of the Board shall serve without compensation. (Ord. 837, Sec. 16.2; Code 2008)
- 4-1003. SAME; POWERS AND DUTIES. The Board of Code Appeals shall be authorized to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of this code. Any decisions of the Board of Code Appeals shall be in writing and provided to the appellant. Any decision of the Board of Code appeals shall preserve and not be detrimental to the health and safety of the community. (Code 2008)

ARTICLE 11. MOVING BUILDINGS

- 4-1101. PUBLIC WORKS DIRECTOR; AUTHORITY. The Public Works Director or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an inspector in accordance with sections 4-204:209 of this chapter, which apply in a like manner to this article. (Code 2008)
- 4-1102. PERMIT REQUIRED. No person, firm or corporation shall move, haul, or transport any house, building, derrick, or other structure of the height when loaded for movement of 12 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more or which cannot be moved at a speed of four miles per hour or faster, upon, across or over any street, alley or sidewalk in this city without first obtaining a permit therefor. (K.S.A. 17-1914; Code 2008)
- 4-1103. SAME: APPLICATION FOR PERMIT. All applications for permits required under the provisions of this article shall be made in writing to the city clerk specifying the day and hour said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved and stating whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities. (K.S.A. 17-1915; Code 2008)
- 4-1104. SAME; BOND, INSURANCE REQUIRED. It shall be the duty of any person at the time of making application for a permit as provided in this article to provide public liability insurance policy issued by an insurance company authorized to do business in the State of Kansas, in the amount of \$1 million. (Code 2008)
- 4-1105. SAME; FEE. Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee established administratively to the city clerk; plus any additional costs for the time for any city personnel involved in such moving, including, but not limited to, any public works or law enforcement personnel needed to accomplish the move safely. All said fees shall be paid to the city clerk. (Code 2008)
- 4-1106. CONTRACTOR; LICENSE REQUIRED; FEE. The provisions of sections 4-219:225 of this chapter shall apply in a like manner to this article. (Code 2008)
- 4-1107. ROUTE; DUTIES OF PUBLIC WORKS DIRECTOR. The city clerk shall, upon filing of the above application, refer the same to the public works director or his or her authorized designee to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that such route is not practical and another route may be used equally well with less danger to street and travel, then he or she may designate such other route as the one to be used and shall notify the applicant of the same. The Public

Works Director may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto. It shall also be the duty of the chief building official or his or her authorized designee to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this article. (Code 2008)

4-1108. NOTICE TO OWNERS. (a) Upon issuance of a moving permit the applicant shall give not less than 15 days written notice to any person owning or operating any wires, cables or other aerial equipment along the proposed route of the intent to move the structure, giving the time and location that the applicants moving operation shall necessitate the cutting, moving, raising or interfering of any wires, cables or other aerial equipment.

(b) The notice provision of subsection (a) shall not apply where the person owning or operating any wires, cables or other aerial equipment has waived their right to advance notice.

(c) Should the moving operation be delayed, the applicant shall give the owner or his or her agent not less than 24 hours advance notice of the actual operation.

(K.S.A. 17-1916; Code 1993, 4-205)

4-1109. DUTY OF OWNERS. (a) It shall be the duty of the person or the city owning or operating such poles or wires after service of notice as provided herein, to furnish competent lineman or workmen to remove such poles, or raise or cut such wires as will be necessary to facilitate the moving of such house or structure. The necessary expense which is incurred thereby shall be paid by the holder of the moving permit.

(b) The owner of any wires, cables or other aerial equipment, after service of notice as provided in section 4-508, shall be liable to the permit holder for damages in an amount not to exceed \$100.00 per day for each day the owner shall fail or refuse to accommodate the permit holder's moving operations.

(K.S.A. 17-1917; Code 2008)

4-1110. INTERFERING WITH POLES; WIRES. It shall be unlawful for any person engaged in moving any house or other structure to raise, cut or in any way interfere with any wires or poles bearing wires or any other aerial equipment.

(K.S.A. 17-1918; Code 2008)

4-1111. DISPLAY OF LANTERNS. It shall be the duty of any person moving any of the structures mentioned in this article upon or across any street, alley or sidewalk or other public place, in this city, to display red lanterns thereon in such a manner as to show the extreme height and width thereof from sunset to sunrise. (Code 2008)