

## Chapter 500

### GENERAL PROVISIONS

#### ARTICLE I

#### Board of Construction, Trades and Appeals

**Section 500.010. Board of Construction, Trades, and Appeals Created — Composition — Appointment.** [Ord. No. 987 §5-1001, 4-3-1995]

There shall be in the City of Mulvane, Kansas, a Board of Construction, Trades, and Appeals consisting of five (5) members. The Board created herein shall assume and perform the functions previously performed by the Board of Examiners of Plumbers and Gas Fitters, the Board of Electrical Examiners, and the Board of Examiners of Air-Conditioning, Warm Air Heating, Refrigeration, and Boilers. One (1) member shall be a certified master or journeyman plumber and/or gas fitter; one (1) member shall be a certified master or journeyman electrician; one (1) member shall be a certified mechanical master or journeyman; one (1) member shall be a building contractor; one (1) member shall be from the public at large. Members of said Board shall be appointed by the Mayor with the approval of the Governing Body. The Building Official shall be an ex officio member and is required to attend all meetings of the Board, but shall not have a vote on any decision made by the Board. This will commence the first (1st) Monday of May, 1995.

**Section 500.020. Terms of Members — Filling of Vacancies.** [Ord. No. 987 §5-1002, 4-3-1995]

After the effective date of this Article, April 3, 1995, the Mayor shall appoint the members to said Board in the following manner. Two (2) members shall be appointed for a term ending the first (1st) Monday of May, 1997, two (2) members shall be appointed for a term ending the first (1st) Monday of May, 1998, one (1) member shall be appointed for a term ending the first (1st) Monday of May, 1999, and thereafter all members shall be appointed for three (3) year terms.

**Section 500.030. Organization and Qualifications of Members.** [Ord. No. 987 §5-1003, 4-3-1995]

- A. Actual residence within the corporate limits of the City of Mulvane is not a specific requirement for appointment. All members appointed to the Board created herein shall have significant ties and contacts with the Mulvane community.
- B. The Board shall meet within thirty (30) days after the effective date of this Article and elect a Chairman, Vice-Chairman and Secretary, each to serve for one (1) year terms. The meetings shall be held once each quarter or more often at the call of the Chairman. Special meetings shall be at the call of the Chairman upon seventy-two (72) hours' advance notice in writing to all members, including ex officio members, and other interested parties who shall have filed requests for notice in accordance to the Kansas Open Meetings Act.

- C. No binding action may be taken with the exception of recess and adjournment, without the attendance of a quorum. Three (3) voting members of the Board shall constitute a quorum.
- D. The Board shall keep minutes of the proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The minutes shall be public record and shall be filed in the office of the Building Official.

**Section 500.040. Compensation.** [Ord. No. 987 §5-1004, 4-3-1995]

Members of the Board shall serve without compensation.

**Section 500.050. Board's Duties and Responsibilities.** [Ord. No. 987 §5-1005, 4-3-1995]

- A. The Board of Construction, Trades, and Appeals shall have no authority relative to interpretation of administrative provisions of the Codes nor shall the Board be empowered to waive requirements of the adopted Codes. The Board is given the responsibility of considering new methods and materials which are somewhat different than those specified in the adopted Codes. It is empowered to render reasonable interpretations of the adopted Codes. The Board shall hear appeals from any person who has been aggrieved for any reason relating to the administrative enforcement of any of the Codes and regulations of the City of Mulvane, Kansas, concerning electrical, plumbing, mechanical or minimum structures standards and requirements which may effect said person. The Board shall also hear appeals from the Building Official, and any person covered by such Codes and regulations. In addition the Board of Construction, Trades, and Appeals may from time to time make recommendations to the Governing Body of the City of Mulvane, concerning matters pertaining to the supervised trades, including but not limited to revising adopted Codes.
- B. The Board of Construction, Trades, and Appeals shall adopt regulations and procedures as necessary to carry out the intent of this Article.

## ARTICLE II

### **Certification and Licensing Requirement**

**Section 500.060. Examination and Certification.** [Ord. No. 1246 §1, 12-18-2006]

- A. Any person desiring to do business or perform work as a contractor, electrician, mechanical installer, plumber or drain layer shall first obtain certification. All holders of certificates not renewed within sixty (60) days after their expiration may be required to submit an application for renewal and may be required to take new examinations.
- B. The Board shall review or cause to be devised separate examinations of practical and elementary character, sufficiently strict to test the qualifications of an applicant for certification as master or journeyman plumbers, electricians and mechanical persons, as well as for gas fitters and building contractors if required. The Board shall designate the times and places for such examinations. If said applicant shall satisfactorily pass the examination, the Board shall direct the Building Official to issue the appropriate certificate to the applicant. The Board may authorize the use of standardized tests to be administered by competent, qualified authorities, including individuals, firms and other governmental

entities who may from time to time contract to perform such functions on behalf of the Board, with approval of the Governing Body. Further provided however, the Board may honor a master's license or journeyman's license of the affected trades issued by the City of Wichita or Sedgwick County or any other jurisdiction within the State of Kansas having a qualified Board of Construction, Trades and Appeals.

**Section 500.065. Testing and Licensing of Construction Trades and Construction Contractors.** [Ord. No. 1194, 4-19-2004; Ord. No. 1246 §1, 12-18-2006]

- A. *Purpose.* The purpose is to provide a third party testing agency for issuance of licenses to persons who have shown their qualifications through examination, experience and other requirements as required by City Code for the following categories.
- B. *License Types.*
1. Building contractor Class A as defined in City Code, Section 500.060.
  2. Building contractor Class B as defined in City Code, Section 500.060.
  3. Building contractor Class C as defined in City Code, Section 500.060.
  4. Building contractor Class D as defined in City Code, Section 500.060.
  5. *Master electrician.* A person licensed to contract and/or install electrical systems in all structures.
  6. *Journeyman electrician.* A person licensed to install electrical systems in all structures.
  7. *Master plumber with gas.* A person licensed to contract and/or install plumbing systems including gas systems in all structures.
  8. *Journeyman plumber with gas.* A person licensed to install plumbing systems in all structures including gas systems.
  9. *Master mechanical.* A person licensed to contract and/or install heating, ventilation, air conditioning and related systems in all structures.
  10. *Journeyman mechanical.* A person licensed to install heating, ventilation, air conditioning and related systems in all structures.
- C. *Examinations.* Examinations shall be required for all license types. The examination shall be an examination developed and validated by a nationally recognized organization for the type of license required. The City of Mulvane does hereby authorize the Mayor to enter into an agreement with the International Code Council to provide and administer required examinations for licensing for the City of Mulvane, Kansas, in the aforementioned trades.
- D. *Time And Place.* A schedule of examination dates and times shall be provided by the designated testing agency. The building permit office at City Hall shall post such information.

**Section 500.070. Suspension and/or Revocation of License.** [Ord. No. 987 §5-1007, 4-3-1995]

The Building Official may suspend the certificate of any person certified by this Board for a period not to exceed thirty (30) days for disregard or violation of plumbing, electrical, minimum structures or mechanical ordinances of the City of Mulvane, Kansas, or failure to comply with any lawful order of the Building Official. Whenever the certificate of any person is suspended twice within any twelve (12) month period, the Board shall call a hearing to determine if such certificate should be revoked or reinstated. The Board shall adopt procedures to insure the protection of the rights of all regulated parties to due process of law.

**Section 500.080. Suspension of Certificate.** [Ord. No. 987 §5-1008, 4-3-1995]

The Board is authorized to suspend the license issued pursuant to appropriate Sections of the ordinance of the City of Mulvane, Kansas, for a period not to exceed thirty (30) days upon satisfactory showing to the Board of bad faith or unreasonable delay in compliance with the regulations governing such license. No permit shall be issued to the licensee during the period of suspension.

**Section 500.090. Revocation of License.** [Ord. No. 987 §5-1009, 4-3-1995]

- A. The Board of Construction, Trades and Appeals is authorized to cancel and recall the license of any trades licensee for any of the following reasons:
1. Commission of any act in violation of any provisions of this Code or any other ordinance of the City or refusal or failure to comply with any lawful and reasonable order of the Building Official.
  2. Misrepresentation of a material fact by the applicant in obtaining a certificate.
  3. Carelessness or negligence in providing reasonable safety measures for the protection of workmen and the public.
  4. The abandonment of any contract without legal cause.
  5. Diversion of funds of property received for performance or completion of a specific contract or a 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 the contract.
  6. Failure of any contractor to fully certify all claims for labor and materials used in the performance of any work for which he/she has been engaged or for which he/she has been paid.
  7. Fraudulent use of the license to obtain a permit for another.
  8. Failure to obtain permits as required.
  9. Unreasonable delay in the performance and carrying out of any contract.
  10. Failure of the licensee, if a firm, co-partnership or corporation, to have at least one (1) active member or officer who has been qualified as and has a master's license as provided for.

- B. Whenever the licensee has been found by the Board to have twice violated the appropriate ordinances of the City within any twelve (12) month period, or any licensee shall refuse any specified work in accordance with the lawful order of the Building Official, the Board shall call a hearing to determine if such license shall be revoked.

**Section 500.100. Adoption of Regulations.** [Ord. No. 987 §5-1010, 4-3-1995]

The Board shall formulate by-laws which will specify procedures as are necessary to carry out the purpose and intent of this Article.

**Section 500.110. Prior Trades Boards Abolished.** [Ord. No. 987 §5-1011, 4-3-1995]

The Board of Examiners of Plumbers and Gas Fitters, and Drain Layers, as described in Ordinance Number 678, the Board of Electrical Examiners, as described in Ordinance Number 518, and the Board of Air-Conditioning, Refrigeration and Warm Air Heating and Boilers, as described in Ordinance Number 525 are hereby abolished. All references within the Mulvane Municipal Code to any of the Board of Examiners of the above mentioned trades are hereby amended to read "the Board of Construction, Trades and Appeals".

**Section 500.120. Conflict of Law.** [Ord. No. 987, 4-3-1995]

Any conflict between the provisions of any prior ordinance, including "standard" or "uniform" codes incorporated thereby, shall be resolved in favor of this Article.

## Chapter 505

### BUILDING CODE

#### ARTICLE I

##### **Building Official**

**Section 505.010. Duties of City Building Official.** [CC 1985 §5-103; Revised, 1961]

- A. There is hereby created the office of Building Official.
- B. It shall be the duty of the City Building Official to enforce all laws relating to the construction, alteration, removal and demolition of buildings and structures, to examine applications for building permits and to inspect all construction to determine whether such construction is in accordance with the written application for the permit. In the discharge of his/her official duties and upon proper identification, the City Building Official shall have authority to enter any building, structure or premises at any reasonable hour.

#### ARTICLE II

##### **Building Code**

**Section 505.020. International Building Code.** [CC 1985 §5-102; Ord. No. 937, 1-20-1992; Ord. No. 1157 §§1 — 2, 10-21-2002; Ord. No. 1250 §§1 — 3, 3-5-2007]

- A. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Mulvane, being marked and designated as the International Building Code, 2006 Edition, as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Mulvane, in the State of Kansas for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Subsection (B) of this Section.
- B. The following Sections are hereby revised:
  - 1. Section 101.1 Insert: City of Mulvane.
  - 2. Section 1612.3 Insert: City of Mulvane, Kansas.
  - 3. Section 1612.3 Insert: February 2, 2007 and September 14, 1990.

4. Section 3410.2 Insert: March 5, 2007.

**Section 505.030. Penalty.**

Any person violating any of the provisions of this Article or the Code adopted in this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**Section 505.040. International Residential Code.**<sup>1</sup> [Ord. No. 1153 §§1 — 2, 10-21-2002; Ord. No. 1251 §§1 — 3, 3-5-2007]

- A. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Mulvane, being marked and designated as the International Residential Code, 2006 Edition, as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Mulvane in the State of Kansas for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (town houses) not more than three (3) stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the City of Mulvane are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Subsection (B) of this Section.
- B. The following Sections are hereby revised:
  1. Section R101.1 Insert: City of Mulvane.
  2. Table R301.2 (1) Insert: 20 pound Ground and Snow Load, 90 mph Wind Speed, A-Seismic Design Category, Severe Weathering Probability for Concrete Design, 24" Frost Line Depth, Moderate to Heavy for Termite Infestation protection, No for Ice Barrier Underlayment Protection, Flood Hazard Maps Dated February 2, 2007 and September 14, 1990.
  3. Section 1501 shall be deleted.
  4. Chapters 33 through 42 shall be deleted.

ARTICLE III  
**Building Permits**

**Section 505.050. Application for Building Permit.** [CC 1985 §5-104; Ord. No. 151 §11, 3-10-1953]

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<sup>1</sup>. Editors Note — Ord. no. 1153 §3, adopted October 21, 2002, repealed ord. no. 957, 3-15-1993 which made up this section "Reroofing Chapter of Building Code," previously enacting the new provisions set out herein. Former section 505.040 derived from Ord. no. 957 § 5-102A, 3-15-1993, Ord. no. 1149 § 2, 8-19-2002.

All permits for the erection, alteration or enlargement of any building shall be issued by the Building Official, but no such permit shall be issued unless there is first filed in the office of the Building Official by the applicant therefor a plat, in duplicate, showing the location and the dimensions and location on the lot of the buildings to be erected, altered or enlarged, together with a true statement in writing, signed by the applicant, showing the use for which such building is arranged, intended, designed and furnished and such other information as the Building Official may require. Any failure to comply with the provisions of this Article or with the Zoning Code, shall be good cause for the revocation of such building permit. A record of such applications and plats shall be kept in the office of the Building Official and shall be subject to inspection by the public at reasonable hours.

**Section 505.060. Permit Required.** [CC 1985 §5-105; Ord. No. 638, 9-15-1980]

No person shall construct or erect, place, alter or move or cause to be constructed, erected, placed, altered or moved any building within the jurisdiction of the City of Mulvane, Kansas, without first having obtained a building permit from the Building Official. Said permit shall be issued only on the written application of the applicant and only after the Building Official has been satisfied that the proposed building, alteration or moving will not violate this Article or the Zoning Code. No permit shall be required for the alteration of an existing structure where the cost of such alteration does not exceed ten percent (10%) or two thousand dollars (\$2,000.00), whichever is the lesser amount, of the value of the existing structure. Any clause in conflict herewith shall be hereby repealed.

**Section 505.070. Building Permit Fees.** [Ord. No. 1149 §13, 8-19-2002]

Fees shall be charged for building permits, construction meter permits and mobile home/trailer park permits as set forth in Section 100.240.

**Section 505.080. Special Building Wrecking Requirements.**

No licensed general contractor of any class shall remove or wreck a building or any portion of a building without first having obtained an indemnity bond in an amount as specified by the Building Official, which bond shall be approved by and filed with the City Clerk and shall be payable to the City in the event the holder fails to comply with the building code, or should the holder fail to replace or repair damaged sidewalks, curbs, gutters, or streets within ten (10) days following completion of the demolition.

ARTICLE IV  
**Building Contractors**

**Section 505.090. Contractor License Required.** [Ord. No. 1246 §1, 12-18-2006]

A. *Contractor Defined.* A "contractor" is any person who undertakes, with or for another, to build, construct, alter, repair, add to or wreck any building or structure or any portion thereof within the City for which a permit is required for a fixed price, fee, percentage or other compensation other than wages; or who advertises or otherwise represents to the public to have the capacity or ability to undertake to build, construct, alter, repair, add to or wreck any building or structure or portion thereof.



1. *Class A license defined.* Contractor's license Class A shall entitle the holder thereof to contract for and to perform any act as a contractor, as defined herein, for the building, remodeling or repairing of any structure or addition thereto that is permitted by this Article.
2. *Class B license defined.* Contractor's license Class B shall entitle the holder thereof to contract for and perform any act as a contractor, as defined herein, in which the total value of all labor and materials entering into the work involved does not exceed five hundred thousand dollars (\$500,000.00).
3. *Class C license defined.* Contractor's license Class C shall entitle the holder thereof to contract for and to perform any act as a contractor, as defined herein, in which the total value of all labor and material entering into work involved does not exceed one hundred thousand dollars (\$100,000.00).
4. *Class D license defined.* Contractor's license Class D shall entitle the holder thereof to contract for and to perform any act as a contractor, as defined herein, in which the total value of all labor and materials entering into work does not exceed twenty thousand dollars (\$20,000.00). Work is limited to room additions and remodeling of existing structures, building of private garages, driveways, roofing and siding and wrecking contracts.

B. *Licensing Prerequisites.*

1. The applicant shall qualify under at least one (1) of the following categories in order to apply for a building contractor license:
  - a. Senior high school graduate plus four (4) years practical experience;
  - b. "General educational development" test equivalency plus four (4) years practical experience;
  - c. Completion of the eleventh (11th) grade plus five (5) years practical experience;
  - d. Completion of the tenth (10th) grade plus six (6) years practical experience;
  - e. Completion of the ninth (9th) grade plus seven (7) years practical experience;
  - f. An engineering degree in the applied field from a recognized college or university; or
  - g. Completion of an accredited vocational or technical school for the applied field.
2. The practical experience required may be gained by serving under a qualified or licensed contractor in one (1) or more of the following fields:
  - a. An apprentice in a recognized program;
  - b. Equivalent work as a journeyman, supervisor or contractor under a recognized licensing authority; or
  - c. Work as an engineer or designer in the applied field. Completion of an accredited vocational or technical school may be substituted for one (1) year of

practical experience.

- C. *Certification Required.* Any person desiring to do business as a building contractor shall first obtain certification. Certification shall be obtained through the procedure set forth in Section 500.060.

## Chapter 510

### PLUMBERS, GAS FITTERS AND DRAIN LAYERS

#### ARTICLE I

##### General

**Section 510.010. Plumbing Defined.** [CC 1985 §5-201; Ord. No. 196 §1, 2-6-1956]

For the purpose of this Chapter, the term "*plumbing*" shall mean the installing of pipes, fixtures and other apparatus or devices for either supplying water or removing liquid and waterborne wastes, or both, to or from buildings and premises in the City. The term shall also denote installed fixtures, drainage and vent systems as the case may be.

**Section 510.020. Plumbing Standards — Permits.** [CC 1985 §5-202; Ord. No. 196 §2, 2-6-1956]

It shall be unlawful to do any plumbing work as defined in the foregoing Section or to install any house plumbing or place any building sewer drains or attach the same to any public sewer in the City of Mulvane unless the same be done in accordance with the minimum plumbing standards for such work and as hereafter provided. Before any plumbing work shall be done in any building or any premises in the City, a permit therefore shall be required and issued to the licensed contractor as provided by this Article.

#### ARTICLE II

##### Plumbing Code

**Section 510.030. International Plumbing Code Adopted.** [CC 1985 §5-203; Ord. No. 939, 1-20-1992; Ord. No. 1154 §§1 — 2, 10-21-2002; Ord. No. 1252 §§1 — 3, 3-5-2007; Ord. No. 1319 §1, 12-15-2008]

- A. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Mulvane, being marked and designated as the International Plumbing Code, 2006 Edition, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Mulvane, in the State of Kansas regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Subsection (B) of this Section.
- B. The following Sections are hereby revised:
  1. Section 101.1 Insert: City of Mulvane.

2. Section 106.6.2 Insert: Fees for plumbing work shall be established and approved by the Governing Body and charged as set forth in Section 100.240.
3. Section 106.6.3 Insert: 80%.
4. Section 108.4 Insert: Misdemeanor, \$500.00 and 30 days.
5. Section 108.5 Insert: \$50.00 and \$500.00.
6. Section 109 Delete Section 109.
7. Section 305.6.1 Insert: 24 inches and 24 inches.
8. Section 904.1 Insert: 6 inches.

**Section 510.040. Penalty.**

Any person violating any of the provisions of this Article or the Code adopted in this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

ARTICLE III  
**Licenses and Permits**

**Section 510.050. Master and Journeyman Certificate Required for Plumbers, Gas Fitters and Drain Layers.** [Ord. No. 1246 §3, 12-18-2006]

- A. It shall be unlawful for any person to engage in the business of plumbing, gas fitting or drain laying contracting without first having a master certificate.
- B. Anyone engaging in or desiring to engage in the business of plumbing, plumbing repair, gas fitting, gas fitting repair, drain laying or drain repair shall, before obtaining any permit or transacting any business, procure a master certificate therefore from the Building Official or any other official or employee of the City of Mulvane, Kansas, as designated by the Governing Body of the City.
- C. *Certificates, Application And Examination.*
  1. Before sitting for a standard examination approved by the City (as set forth in Chapter 500, Article II of this Code), an applicant for a journeyman certificate shall demonstrate documented proof of a minimum of two (2) years field experience. "*Field experience*" means working under the direct supervision of a person having a valid journeyman or master certificate or attending trade related schooling. No more than one (1) year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of two hundred forty (240) hours of classroom training.
  2. Before sitting for a standard examination approved by the City, an applicant for a master certificate shall demonstrate documented proof of having a valid journeyman

certificate for a minimum of two (2) years or having field experience for a minimum of four (4) years.

3. Any qualifying applicant must have a score of a minimum of seventy-five percent (75%) from the approved testing agencies to be issued a new journeyman or master certificate.

**D. *Renewal Certificates.***

1. Any applicant for renewal of a master or journeyman certificate must provide written proof of having completed biennially not less than twelve (12) hours of continuing legal education approved by the Building Official. Continuing education may be provided by a nationally recognized trade association, community college, technical school or technical college. All twelve (12) hours of education may consist of code update training on the code currently adopted.
2. All master and journeyman certificates, regardless of when they are issued, shall expire on the thirty-first (31st) day of December of each even-numbered year.
3. All annual fees as set forth in Section 100.240 for master and journeyman certificates shall be paid on the date of renewal. Because certificates are issued for a two (2) year period, annual fees must be paid in two (2) year increments.

**Section 510.055. Liability of Persons Owning or Installing Plumbing or Gas Connections.** [CC 1985 §5-2A14; Ord. No. 517, 5-3-1976; Ord. No. 1246 §1, 12-18-2006]

This Title shall not be construed to relieve from liability or to lessen the responsibility of any person owning, controlling or installing any plumbing or gas fitting, equipment or device. The City of Mulvane shall not be held as assuming any liability of any nature by reason of the inspection authorized in this Title or certificate issued, and no officer or employee charged with the enforcement of this Title shall be held personally liable for any damage that may accrue to persons or property as a result of any act required or committed in the discharge of his/her duties.

**Section 510.060. Firm or Corporation Plumbing or Gas Fitting.** [CC 1985 §5-2A21; Ord. No. 517, 5-3-1976]

Any person not engaged in the business of installation, within the scope of this Code, who has in his/her regular and permanent employ a person or persons who possess current and valid master certificates shall be permitted to have such person or persons install plumbing or gas fitting or otherwise perform plumbing or gas fitting work in or on buildings or premises that are owned, leased, operated or managed by him/her. This shall not be construed, however, to allow the installation of plumbing or gas fitting in new buildings or to additions to existing buildings. Permits shall be obtained for such work as required in Section 510.020 of this Code, and the same shall be issued to the person causing the work to be done.

**Section 510.070. Permits Not Authority to Violate Title.** [CC 1985 §5-2A22; Ord. No. 517, 5-3-1976]

The issuance or granting of a permit shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this Title. No permit presuming to give authority to violate or cancel the provisions of this Title shall be valid except insofar as the work

or use which it authorizes is lawful.

**Section 510.080. Permits — Expiration — New Permit Required.** [CC 1985 §5-2A23; Ord. No. 517, 5-3-1976]

Every permit issued under the provisions of this Title shall expire by limitation and become null and void if the work authorized by the permit is not started within six (6) months from the date of such permit and this work diligently executed, or if the work authorized by such permit is suspended or abandoned at any time after the work is started, for a period of six (6) months. Before such work can be resumed, a new permit shall first be secured for the unfinished portion of the work.

**Section 510.090. Gas Utility Companies and Employees.** [CC 1985 §5-211; Ord. No. 196 §11, 2-6-1956]

Gas utility companies or corporations which operate under a franchise from the City of Mulvane and anyone in the employ and under the supervision of such utility company or corporation shall not be required to furnish the bond and license as required for a gas fitting business.

#### ARTICLE IV Fuel Gas Code

**Section 510.095. International Fuel Gas Code.** [Ord. No. 1160 §§1 — 2, 11-4-2002; Ord. No. 1254 §§1 — 3, 3-5-2007]

- A. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Mulvane, being marked and designated as the International Fuel Gas Code, 2006 Edition, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Mulvane in the State of Kansas for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the City of Mulvane are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Subsection (B) of this Section.
- B. The following Sections are hereby revised:
1. Section 101.1 Insert: City of Mulvane.
  2. Section 106.5.2 Insert: The fees for fuel gas work shall be determined by a separate document approved by the Governing Body.
  3. Section 106.5.3 Insert: 80%.
  4. Section 108.4 Insert: Misdemeanor, \$500.00 and 30 days.
  5. Section 108.5 Insert: \$50.00 and \$500.00.
  6. Section 109 Delete Section 109.

ARTICLE V  
**Violation — Penalty**

**Section 510.100. Violation — Penalty.** [CC 1985 §5-212; Ord. No. 196 §15, 2-6-1956]

Any person or persons who shall in any way interfere with or prevent or hinder the Building Official in the discharge of his/her duties or any person who shall neglect or refuse to comply with any provisions of this Chapter or who, after inspection by the said Official, shall refuse to comply with any lawful decision respecting any plumbing shall, upon conviction thereof, be fined in any sum not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00); provided that each day any plumbing work shall continue to remain in place contrary to the provisions hereof, after an inspection has been made, shall constitute a separate offense.

## Chapter 515

### ELECTRICAL CODE AND WIRING

#### ARTICLE I

##### Adoption of Electrical Code

**Section 515.010. National Electrical Code Adopted.** [CC 1985 §5-301; Ord. No. 1028 §5-301, 7-7-1997; Ord. No. 1156 §1, 10-21-2002; Ord. No. 1257 §§1 — 2, 3-5-2007]

A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Mulvane, being marked and designated as the National Electric Code, 2005 Edition, as published by the National Fire Protection Association, be and is hereby adopted as the Electric Code of the City of Mulvane, Kansas for regulating the design, quality of materials, erection, installation, alteration, repair, locating, relocating, replacement, addition to, use or maintenance of electrical systems in the City of Mulvane, Kansas; providing for the issuance of permits therefore; and each and all of the regulations, provisions, conditions and terms of such National Electric Code, 2005 Edition, published by the National Fire Protection Association on file in the office of the City Clerk of the City of Mulvane are hereby referred to, adopted and made a part hereof as if fully set out in this Article.

#### ARTICLE II

##### In General

**Section 515.020. Application for Permit.** [CC 1985 §5-302; Ord. No. 518, 5-3-1976; Ord. No. 1319 §1, 12-15-2008]

No person, firm or corporation shall make any material alteration or addition in the existing wiring of any building nor shall any building be wired for electric lights, motors, heating devices or any apparatus requiring the use of electric current before making application in writing to the Building Official for a permit therefore, accompanied by the required fee. The fees for electrical work shall be established and approved by the Governing Body and charged as set forth in Section 100.240. Applications for permits shall be made on forms furnished by the City and shall set forth in detail such work to be done, class and location of the building and the name of the owner; provided that no permit shall be required for maintenance or minor repairs.

**Section 515.030. Provisions Not Retroactive.** [CC 1985 §5-303; Ord. No. 518, 5-3-1976]

Except for safety, nothing in this Title shall require any change in the installation of any wiring or the construction or erection of any appliance or device which complied with the law prior to the enactment of this Title. Any wiring, appliance or device illegally erected or installed prior to the enactment of this Title shall be removed or brought into compliance with this Title within thirty (30) days of the elective date hereof.



**Section 515.040. Electrical Inspector — Authority to Issue Written Notices.** [CC 1985 §5-312; Ord. No. 518, 5-3-1976]

The Electrical Inspector shall issue a written notice for any failure to correct a violation of this Code. Should any person, firm or corporation served by such notice fail or refuse to comply with the orders contained in the notice within the time specified therein, the Electrical Inspector shall have the authority to disconnect or cause to be disconnected any electrical wiring or equipment and/or such person, firm or corporation shall be subject to the penalties provided for in Section 515.100.

**Section 515.050. Electrical Inspector — Authority to Disconnect Electrical Wiring.** [CC 1985 §5-313; Ord. No. 518, 5-3-1976]

The Electrical Inspector shall have the authority to disconnect or cause to be disconnected from electrical energy any electrical wiring or equipment in case of emergency or when necessary for the protection of life or property, and he/she shall order the discontinuance of electrical energy to any electrical wiring, device or equipment found to be dangerous to life or property and to hold such wiring device or equipment out of service until the same is made safe and conforms to the standards set forth in this Title.

**Section 515.060. Electrical Inspector — Right of Entry.** [CC 1985 §5-314; Ord. No. 518, 5-3-1976]

In order to carry out the provisions of this Title, the Electrical Inspector shall have the authority during reasonable hours to enter any building or upon any premises in the discharge of his/her official duties for the purpose of making inspections and tests of any installation of electrical wiring, device, appliance or equipment contained therein.

**Section 515.070. Liability of Persons Owning or Installing Electrical Wiring.** [CC 1985 §5-315; Ord. No. 518, 5-3-1976]

This Title shall not be construed to relieve from liability or to lessen the responsibility of any person owning, controlling or installing any electrical wiring, equipment or device. The City of Mulvane shall not be held as assuming any liability of any nature by reason of the inspection authorized in this Title or certificate issued, and no officer or employee charged with the enforcement of this Title shall be held personally liable for any damage that may accrue to persons or property as a result of any act required or committed in the discharge of his/her duties.

### ARTICLE III

#### **Certificates, Permits and Licenses**

**Section 515.080. Master and Journeyman Electricians' Certificates — Required.** [CC 1985 §5-3A01; Ord. No. 518, 5-3-1976; Ord. No. 1246 §4, 12-18-2006]

- A. It shall be unlawful for any person to engage in the business of electrical contracting without first having a master electrician's certificate.
- B. It shall further be unlawful for any person to engage in the trade or otherwise perform the act of installing electrical wiring for equipment, apparatus or devices for light, heat or power purposes within or on any building or premises within the City of Mulvane without first having secured a master electrician's certificate as herein provided for or a journeyman

electrician's certificate as herein provided and both be in the employ of a licensed electrical contractor. The following exceptions shall be allowed:

1. Apprentices shall be permitted to work when accompanied by and under the supervision of a master or journeyman electrician;
2. *Exception.* A person who has qualified himself/herself by passing a simplified residential code examination shall be permitted to install, alter or repair any electrical work on the load side of the service panelboard in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings in connection with such buildings in the event that such person is the bona fide owner of such dwelling and accessory buildings and that the same are occupied by said owner; provided that said owner shall personally purchase all material and shall personally perform all labor in connection therewith. Said person shall obtain the necessary permit, call for inspections and otherwise observe all the applicable provisions of this Title.

C. *Certificates, Application And Examination.*

1. Before sitting for a standard examination approved by the City (as set forth in Chapter 500, Article II of this Code), an applicant for a journeyman certificate shall demonstrate documented proof of a minimum of two (2) years field experience. "*Field experience*" means working under the direct supervision of a person having a valid journeyman or master certificate or attending trade related schooling. No more than one (1) year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of two hundred forty (240) hours of classroom training.
2. Before sitting for a standard examination approved by the City, an applicant for a master certificate shall demonstrate documented proof of having a valid journeyman certificate for a minimum of two (2) years or having field experience for a minimum of four (4) years.
3. Any qualifying applicant must have a score of a minimum of seventy-five percent (75%) from the approved testing agencies to be issued a new journeyman or master certificate.

D. *Renewal Certificates.*

1. Any applicant for renewal of a master or journeyman certificate must provide written proof of having completed biennially not less than twelve (12) hours of continuing legal education approved by the Building Official. Continuing education may be provided by a nationally recognized trade association, community college, technical school or technical college. All twelve (12) hours of education may consist of code update training on the code currently adopted.
2. All master and journeyman certificates, regardless of when they are issued, shall expire on the thirty-first (31st) day of December of each even-numbered year.
3. All annual fees as set forth in Section 100.240 for master and journeyman certificates shall be paid on the date of renewal. Because certificates are issued for a two (2) year

period, annual fees must be paid in two (2) year increments.

**Section 515.090. Firm or Corporation Wiring.** [CC 1985 §5-3A11; Ord. No. 518, 5-3-1976]

Any person not engaged in the business of electrical installation, within the scope of this Code, who has in his/her regular and permanent employ a person or persons who possess current and valid master electrician certificates shall be permitted to have such person or persons install electrical wiring or otherwise perform electrical work in or on buildings or premises that are owned, leased, operated or managed by him/her. This shall not be construed, however, to allow the installation of electrical wiring in new buildings or to additions to existing buildings. Permits shall be obtained for such work as required in Section 515.100 of this Code, and the same shall be issued to the person causing the work to be done.

**Section 515.100. Permits to Install Wiring — Fees Listed.** [CC 1985 §5-3A12; Ord. No. 518, 5-3-1976]

- A. It is unlawful for any person to do or cause or permit to be done any electrical wiring for light, heat or power within any building or on any premises in the City without first obtaining a permit from the Building Official. Applications for permits shall be made on forms furnished by the City, duly executed and signed by a person properly authorized to obtain permits for the applicant, which application may be presented in person or by mail, accompanied by the required fee.
- B. Any person who installs any electrical wiring for which a permit and inspection are required and who fails to report the same as ready for inspection when such work is completed shall pay a special permit fee of double the amount of the regular fees and double the amount of the permit issuance fee.

**Section 515.110. Permits Not Authority to Violate Title.** [CC 1985 §5-3A13; Ord. No. 518, 5-3-1976]

The issuance or granting of a permit shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this Title. No permit presuming to give authority to violate or cancel the provisions of this Title shall be valid, except insofar as the work or use which it authorizes is lawful.

**Section 515.120. Permits — Expiration — New Permit Required.** [CC 1985 §5-3A14; Ord. No. 518, 5-3-1976]

Every permit issued under the provisions of this Title shall expire by limitation and become null and void if the work authorized by the permit is not started within six (6) months from the date of such permit and the work diligently executed or if the work authorized by such permit is suspended or abandoned for a period of six (6) months at any time after the work is started. Before such work can be resumed, a new permit shall first be secured for the unfinished portion of the work.

## Chapter 520

### DANGEROUS AND DAMAGED STRUCTURES

#### ARTICLE I

#### Property Maintenance Code

**Section 520.010. Property Maintenance Code Adoption.** <sup>1</sup> [Ord. No. 1152 §§1 — 2, 10-21-2002; Ord. No. 1255 §§1 — 3, 3-5-2007; Ord. No. 1319 §1, 12-15-2008]

- A. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Mulvane, being marked and designated as the International Property Maintenance Code, 2006 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Mulvane in the State of Kansas for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Subsection (B) of this Section.
- B. The following Sections are hereby revised:
1. Section 101.1 Insert: City of Mulvane.
  2. Section 103.5 Insert: Fees shall be established and approved by the Governing Body and charged as set forth in Section 100.240.
  3. Section 302.4 Delete 302.4 titled (Weeds) shall be deleted.
  4. Section 302.8 titled (Motor Vehicles) shall be deleted.
  5. Section 304.14 Insert: March 1 to October 31.
  6. Section 602.3 Insert: October through April.
  7. Section 602.4 Insert: October through April.
  8. Section 604.2 Delete Section 604.2 titled (Service) shall be deleted.

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<sup>1</sup>. Editor's Note — Ord. No. 1152 §3, adopted October 21, 2002, superseded this section 520.010 "Dangerous Structures" concerning uniform code for abatement of dangerous buildings, and enacted the new provisions set out herein. Former section 520.010 derived from CC 1985 §5-401.

**Section 520.015. Placarding Buildings, Structures and/or Premises in Violation of Chapter.** [Ord. No. 1262 §1, 7-16-2007]

- A. In addition to giving notice of alleged violations as provided for in the International Property Maintenance Code as adopted herein, the Building Official may appropriately placard such buildings, structures and/or premises that have been determined to be in violation of any provisions of this Chapter. The placard shall include, but not be limited to, a statement that the building, structure and/or premises is in violation of provisions of Chapter 520 of the Code of the City. If the building, structure or premises is vacant at the time of placarding or becomes vacant after placarding, it shall not be used for human habitation until the violations particularized in the notice have been corrected and written approval secured from and the placard removed by the Building Official. The Building Official shall remove such placard affixed under the provisions of this Section upon correction of all violations particularized in the notice.
- B. It shall be unlawful for any person other than the Building Official or his authorized representative to remove the placard from a building, structure or premises. Any person who violates this Section shall be guilty of a misdemeanor subject to the penalties as set forth in Section 520.020 of this Chapter.

**Section 520.020. Penalties.** [CC 1985 §5-402]

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be fined in any sum not to exceed five hundred dollars (\$500.00) or imprisonment for not to exceed sixty (60) days or be both fined and imprisoned.

ARTICLE II  
**Removal of Damaged Structures**

**Section 520.030. Designation of Enforcement Agent.** [CC 1985 §5-4A01; Ord. No. 855, 12-19-1988]

The Building Official and/or other persons designated by the Mayor are authorized to enforce the provisions of K.S.A. 12-1750, et seq.

**Section 520.040. Authority — Requirements of Insurance Companies.** [CC 1985 §5-4A02; Ord. No. 855, 12-19-1988; Ord. No. 1111 §9, 4-1-2002]

- A. Any insurance company liable for the payment of a claim of a named insured for a loss or damage to a building or other structure caused by or arising out of any fire, explosion or windstorm located within the City where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) of the face value of the policy covering such building or other insured structure, shall comply with the following procedures:
  - 1. 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 be paid.
  - 2. The insurance company or companies shall withhold from the covered claim payment an amount not to exceed fifteen percent (15%) of the proceeds of any such payment, unless the Building Official has issued a certificate to the insurance company or

companies that the insured has removed or will remove the damaged building or other structure, as well as all associated debris, and repair, rebuild, or otherwise make the premises safe and secure, pursuant to K.S.A. Supp. 40-3906, and amendments thereto.

3. Such transfer of proceeds 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, except as otherwise provided herein.
4. Upon transfer of the funds as required in Subsection (2) of this Section, said insurance company shall provide the City with the name and address of the insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to between the insurance company or companies and the insured or insureds. The City shall then notify the named insured or insureds by registered mail that said insurance proceeds have been received by the City and apprise them of the procedures to be followed under these regulations.

**Section 520.050. Fire Insurance Proceeds Fund Established.** [CC 1985 §5-4A03; Ord. No. 855, 12-19-1988]

The City Treasurer is hereby authorized and does 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 deposited in an interest-bearing account.

**Section 520.060. Receipt of Insurance Proceeds — Duties of City.** [CC 1985 §5-4A04; Ord. No. 855, 12-19-1988]

- A. Upon receipt of the insurance proceeds referred to above, the City Treasurer shall immediately notify the City Clerk of said receipt and transmit all documentation received from the insurance company or companies.
- B. Within twenty (20) days of the receipt of said monies, the Building Official shall determine whether the City shall initiate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended, and notify the City Treasurer of his/her decision. The Building Official shall commence proceedings not later than thirty (30) days after receipt of said funds by the City Treasurer.
- C. After the expiration of said thirty (30) day period or after being notified by the City that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the City Treasurer shall refund said monies, plus accrued interest to the insured or insureds as identified in the communication from the insurance company or companies.

**Section 520.070. Excess Proceeds Paid — Duty of City.** [CC 1985 §5-4A05; Ord. No. 855, 12-19-1988]

If the Building Official has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all monies in excess of that which is ultimately necessary to comply with said provisions for the removal of the building or structure, less salvage value, shall be refunded to

the insured.

**Section 520.080. Lien Established — Other Encumbrances — Other Rules and Regulations.** [CC 1985 §5-4A06; Ord. No. 855, 12-19-1988]

- A. The City in accordance with K.S.A. Supp. 40-3901 et seq., does hereby create and establish a lien in favor of said City in and to 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, insured natural disaster or explosion. Said lien arises upon any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon any real property by or on behalf of said City which is an encumbrance on real property without regard to whether evidenced 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.
- B. Prior to final settlement of any claim covered by this Section, the insurer or insurers shall contact the County Treasurer 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 amount owing under said encumbrances a draft payable to the County Treasurer.
- C. Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.
- D. Pursuant to K.S.A. Supp. 40-3905, the City Clerk is hereby authorized and shall send a copy of this Chapter to the Commissioner of Insurance of the State of Kansas within fourteen (14) days after adoption.
- E. This Article shall apply to fire, natural disaster and explosion claims arising on all buildings or structures within the City. The Mayor is hereby authorized to promulgate reasonable regulations to carry out the provisions hereof.
- F. This Article shall not make the City a party to any insurance contract, nor is any insurer herein liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

## Chapter 525

### MECHANICAL CODE

#### ARTICLE I Code Adoption

**Section 525.010. International Mechanical Code.** [CC 1985 §5-701; Ord. No. 941, 1-20-1992; Ord. No. 1155 §§1 — 2, 10-21-2002; Ord. No. 1253 §§1 — 3, 3-5-2007; Ord. No. 1319 §1, 12-15-2008]

- A. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Mulvane, being marked and designated as the International Mechanical Code, 2006 Edition, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Mulvane in the State of Kansas regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the City of Mulvane are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Subsection (B) of this Section.
- B. The following Sections are hereby revised:
1. Section 101.1 Insert: City of Mulvane.
  2. Section 106.5.2 Insert: Fees for mechanical work shall be established and approved by the Governing Body and charged as set forth in Section 100.240.
  3. Section 106.5.3 Insert: 80% and 80%.
  4. Section 108.4 Insert: \$500.00 or 30 days.
  5. Section 108.5 Insert: \$50.00 and \$500.00.

**Section 525.020. Code Remedial.** [CC 1985 §5-702; Ord. No. 525, 7-6-1976]

This Code is declared to be remedial and shall be construed to accrue the beneficial interest and purpose thereof which are public safety, health and protection of life, property and general welfare.

**Section 525.030. Unlawful Acts — Fine.** [CC 1985 §5-703; Ord. No. 666, 4-4-1981]

- A. It shall be unlawful for any person, firm or corporation to erect, install, alter, repair, relocate, add to, replace, use or maintain heating, ventilating, comfort cooling or refrigeration equipment in the jurisdiction or cause the same to be done contrary to or in



violation of any of the provisions of this Code. Maintenance of equipment which would be unlawful under this Code if installed after the effective date of this Code shall constitute a continuing violation of this Code.

- B. Any person, firm or corporation violating any provisions of this Code 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 Code is omitted, continued or permitted. Upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

## ARTICLE II Contractors, Etc.

**Section 525.040. Contractors — Defined — Classifications.** [CC 1985 §5-704; Ord. No. 525, 7-6-1976; Ord. No. 1246 §1, 12-18-2006]

- A. A "*mechanical contractor*" or "*contractor*" as used in this Chapter 525 of the Code means any individual or form of organization engaged principally in the business of selling, erecting, installing, altering, repairing, servicing or maintaining or who represents to the public as being able and capable of engaging in the business of any or all of the classifications as hereafter set forth.
1. *Class "A" (Air-Conditioning).* This class includes air handling equipment and air distribution, chilled water systems, warm air heating systems including controls and other items pertaining thereto.
  2. *Class "B" (Refrigeration).* This class includes refrigeration systems and equipment of all types.
  3. *Class "C" (Warm Air Heating).* This class includes equipment and systems whereby heating is accomplished by distributing heated air by forced or gravity circulation or by radiation.
  4. *Class "D" (Boiler).* This class includes boilers and pressure vessels including controls and other items pertaining thereto.

**Section 525.050. Contractors — Combined Classifications.** [CC 1985 §5-705; Ord. No. 525, 7-6-1976]

A contractor who has been duly qualified to operate in one (1) of the classifications as set out in the preceding Section may become qualified in either or all of the other classes by procuring the contractor's license as set forth in Section 525.100 for the particular class involved.

**Section 525.060. Contractors — Marking of Trucks, Etc.** [CC 1985 §5-706; Ord. No. 525, 7-6-1976]

Contractor's trucks or vehicles used in the performance of installation or service shall display the contractor's permit number in two (2) inch letters in a place on each side of such vehicle.

**Section 525.070. Contractors — Established Place of Business Required.** [CC 1985 §5-707; Ord. No. 525, 7-6-1976]

Every contractor who has obtained a license as set forth in this Code shall have and maintain an established place of business at a definite address and with his/her registered name and number displayed as it appears on his/her license.

**Section 525.080. Journeyman Mechanics — Defined — Classifications.** [CC 1985 §5-708; Ord. No. 525, 7-6-1976]

- A. A "*journeyman mechanic*" as used in this Code means any individual working for a contractor of a class as set forth in Section 525.040 and engaged principally in the occupation of erecting, installing, altering, repairing, servicing or maintaining in any or all of the following classifications and who is duly certified as herein set forth to engage in such occupation:
1. Class "A" (Air-Conditioning) as defined in Section 525.040;
  2. Class "B" (Refrigeration) as defined in Section 525.040;
  3. Class "C" (Warm Air Heating) as defined in Section 525.040;
  4. Class "D" (Boiler) as defined in Section 525.040.

**Section 525.090. Apprentices.** [CC 1985 §5-709; Ord. No. 525, 7-6-1976]

Air-conditioning, refrigeration, warm air heating or boiler apprentices shall be permitted to work when accompanied by and working under the direct supervision of a contractor or journeyman who shall be responsible for the work being done by the apprentice.

### ARTICLE III Contractor's Licenses — Fees

**Section 525.100. Contractor's Licenses — Fees.** [Ord. No. 1149 §14, 8-19-2002; Ord. No. 1246 §1, 12-18-2006]

- A. Annual fees shall be charged for contractor's licenses as set forth in Section 100.240 and paid semi-annually.
- B. A certificate of insurance in the amount of one million dollars (\$1,000,000.00) is required.

**Section 525.105. Master and Journeyman Certificate Required for Mechanical Contractors.** [Ord. No. 1246 §2, 12-18-2006]

- A. It shall be unlawful for any person to engage in the business of mechanical contracting without first having a master certificate.
- B. Anyone engaging in or desiring to engage in the business of mechanical contracting shall, before obtaining any permit or transacting any business, procure a master certificate therefore from the Building Official or any other official or employee of the City of Mulvane, Kansas, as designated by the Governing Body of the City.

C. *Certificates, Application And Examination.*

1. Before sitting for a standard examination approved by the City (as set forth in Chapter 500, Article II of this Code), an applicant for a journeyman certificate shall demonstrate documented proof of a minimum of two (2) years field experience. "*Field experience*" means working under the direct supervision of a person having a valid journeyman or master certificate or attending trade related schooling. No more than one (1) year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of two hundred forty (240) hours of classroom training.
2. Before sitting for a standard examination approved by the City, an applicant for a master certificate shall demonstrate documented proof of having a valid journeyman certificate for a minimum of two (2) years or having field experience for a minimum of four (4) years.
3. Any qualifying applicant must have a score of a minimum of seventy-five percent (75%) from the approved testing agencies to be issued a new journeyman or master certificate.

D. *Renewal Certificates.*

1. Any applicant for renewal of a master or journeyman certificate must provide written proof of having completed biennially not less than twelve (12) hours of continuing legal education approved by the Building Official. Continuing education may be provided by a nationally recognized trade association, community college, technical school or technical college. All twelve (12) hours of education may consist of code update training on the code currently adopted.
2. All master and journeyman certificates, regardless of when they are issued, shall expire on the thirty-first (31st) day of December of each even-numbered year.
3. All annual fees, as set forth in Section 100.240, for master and journeyman certificates shall be paid on the date of renewal. Because certificates are issued for a two (2) year period, annual fees must be paid in two (2) year increments.

ARTICLE IV

**Permits**

**Section 525.110. Permits.** [CC 1985 §5-724; Ord. No. 525, 7-6-1976]

- A. Before any air-conditioning, refrigeration, warm air heating or boiler work shall begin on any building in the City, the licensed contractor proposing to do such work shall make application for and secure a permit from the Building Official of Mulvane. The application shall bear the signature of the licensed air-conditioning, refrigeration, warm air heating or boiler contractor, and no more work shall be done than that authorized in the permit. An additional permit shall be obtained for work not covered in the original permit. It shall not be permissible to transfer a permit from one licensee to another.
- B. A permit or license is not required for an installation of so-called packaged mechanical refrigeration units where the capacity of each unit does not exceed two (2) horsepower. A

permit or license is not required for the installation of room-type air-conditioners without duct work when the capacity of each unit does not exceed two (2) horsepower. All such installations must comply with all other requirements contained in this Code.

- C. Provided that, regardless of other Sections of this Title, any permit required by this Title may be issued to any person to do any work regulated by this Title in a single-family dwelling used exclusively for living purposes including the usual accessory buildings and quarters in connection with such buildings in the event that any such person is the bona fide owner of such dwelling and accessory buildings and quarters and that the same are occupied by the owner; provided that the owner shall personally purchase all material and shall personally perform all labor in connection therewith; and provided that such mechanical work shall be in accordance with the standards contained in this Title as verified by an inspection requested by such person and performed by the Mechanical Inspector.
- D. No permit shall be required for minor repairs or alterations which do not exceed one hundred dollars (\$100.00) as the price charged for such work, but all such work shall comply with all requirements of this Code.

#### ARTICLE V In General

**Section 525.120. Certain Persons Exempt From Certificate, License and Insurance Requirements.**  
[CC 1985 §5-727; Ord. No. 525, 7-6-1976]

Any person such as an operating engineer or maintenance mechanic who is in the continuous and permanent employ of another person and doing maintenance and repair work coming within the scope of this Code for such person shall be exempt from this Code as pertains to examination, certificate, license or insurance but shall be subject to all other requirements pertaining thereto when such work is performed on buildings owned or operated by such person.

**Section 525.130. Electrical and Plumbing Work.** [CC 1985 §5-729; Ord. No. 525, 7-6-1976]

- A. All electrical work, plumbing and gas fitting done in connection with any work covered by this Code shall be in conformance with Chapters 510 and 515. It is also unlawful for a person holding a license, as set forth in this Code, to operate as a contractor or as a journeyman mechanic to do or otherwise perform any electrical, plumbing or gas fitting work except as provided in this Section. Such contractor or mechanic shall be permitted to do all water piping within the system and make indirect connections to the City sewer but shall not make direct connections to either the City water system or the City sewers.
- B. It shall be permissible for a holder of a Class "A", "B" or "C" certificate to make original installations of package units of a capacity of seven and one-half (7½) horsepower or less on the load side of the disconnect means when such is not over five (5) feet from the unit and is within sight thereof. It shall also be permissible for such a person to do all electrical work in connection with maintenance, repairs or replacement on any system from the load side of the disconnect means of the unit. All such electrical work shall conform in all respects to the requirements of this Title V of this Code.

**Section 525.140. Unsafe Equipment.** [CC 1985 §5-730; Ord. No. 525, 7-6-1976]

If any equipment or installation included within the scope of this Code has been declared to be unsafe and hazardous to life and property by the Mechanical Inspector, it shall be removed from the system it is serving. No such equipment that has been declared unsafe shall be reused unless it has been made to comply with the provisions of this Code or other ordinances pertaining thereto.

## Chapter 530

### STREETS AND SIDEWALKS

Cross Reference — Snow emergency regulations and routes, see ch. 370.

#### ARTICLE I General Regulations

**Section 530.010. Excavation Barriers and Guards.** [R.O. 1924 §191; CC 1985 §12-101]

It shall be the duty of every person who shall have charge of the construction of any excavation or obstruction adjacent to or under any sidewalk or street of this City, during the progress of such work, to cause such excavation to be securely guarded by a fence with at least three (3) strings of good six (6) inch boards nailed not less than eighteen (18) inches apart to posts firmly set in the ground or otherwise securely fixed in place; such posts to be not more than six (6) feet apart and the top of the highest post shall be not less than four and one-half (4½) feet from the surface of the sidewalk or street; and from one-half (½) hour after sunset to one-half (½) hour before sunrise to illuminate such excavation or obstruction with red lights sufficient in number and so placed as to show the full extent thereof.

**Section 530.020. Sidewalk Defect Elimination.** [CC 1985 §12-103; Ord. No. 1004, 4-15-1996; Ord. No. 1070, 11-1-1999]

- A. This policy sets forth guidelines to uniformly promote quality sidewalks in the City of Mulvane:
  - 1. To enhance the neighborhood and homeowner property values, and
  - 2. To ensure safe surface conditions for pedestrians and/or persons confined to wheelchairs.
- B. It shall be unlawful for the owner of any property having a sidewalk adjacent thereto to permit any plank, brick, stone or segment of said sidewalk to be raised above the established level of said sidewalk more than three-quarters (¾) inch, in any manner which might catch the foot of a pedestrian, or impede the motion of a wheelchair, or to permit any holes or depressions to occur in the sidewalk in which a pedestrian might step or catch his/her foot in a manner liable to cause injury.
- C. The City Building Inspector shall investigate sidewalk conditions and make a recommendation to the City Administrator for the ordering or replacement of defective sidewalks:
  - 1. Sections of sidewalk which are inadequate and/or potentially dangerous to pedestrian or wheelchair traffic shall be condemned.

2. Sections of sidewalk with simple tight cracks shall not be condemned unless those sections are adjacent to condemned sections. Sections of sidewalk with multiple cracks or cracks wide enough to grow grass shall be replaced.
  3. Sections of sidewalk that are raised or have sunken at least three-quarters ( $\frac{3}{4}$ ) inch create a trip hazard and shall be leveled or replaced.
  4. Sections of sidewalks showing signs of spalling (crumbling) shall be replaced.
  5. Sections of sidewalk ponding water are potentially dangerous and shall be condemned; property owner may either raise the sidewalk or lower the parking.
  6. Sections of sidewalk with excessive cross-slope (more than one-half ( $\frac{1}{2}$ ) inch in twelve (12) inches) or sloped away from the street shall be replaced.
  7. The corner section and any sections between the corner and the street shall be the City's responsibility.
  8. If the property owner elects to have repairs done by anyone other than the City or its agents, a licensed contractor must be used. The City must be notified, in advance, to have the work inspected and taken off the condemned list, provided the Code has been satisfied.
  9. All sidewalks shall be constructed as per Subsection (B) of the City of Mulvane "Street Standards", Section 530.060. (As a minimum, four (4) feet wide and four (4) inches thick.)
  10. All sidewalks shall be float finished followed by a smooth trowel, leaving no low impressions that are not square to surface of the sidewalk. That shall be followed by a light broom textured finish to prevent skidding.
- D. Any property owner convicted of violating any of the provisions of this Section shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00). Each thirty (30) days in which the prior violation continues shall constitute a new and separate violation.

**Section 530.025. Permit Fees.** [Ord. No. 1149 §15, 8-19-2002]

The permit fee for construction or repair of sidewalks, driveways or curb cuts shall be as set forth in Section 100.240.

ARTICLE II  
**Sidewalk Construction and Repair**

**Section 530.030. Sidewalks to Be Built on Grades Established by City.** [R.O. 1924 §120; CC 1985 §12-201]

All sidewalks constructed or reconstructed in this City shall be constructed on the established grade on file in the City Clerk's office.

**Section 530.040. Plans and Specifications.** [R.O. 1924 §1802; CC 1985 §12-202]

All sidewalks within the City of Mulvane shall be constructed, repaired and reconstructed according to plans and specifications kept on file in the office of the City Clerk and in the office of the City Engineer, at the time of the adoption of this Code, which plans and specifications are hereby adopted by reference as provided by law.

**Section 530.050. Repairs by Owner or City.** [CC 1985 §12-204; Revised, 1961; G.S. 12-1808]

It shall be the duty of the owner of property abutting on any sidewalk to keep the same repaired, but the City may, after giving five (5) days' notice to the owner or his/her agent (if known) of the necessity of making the repairs and without notice if the abutting lot or piece of land is unoccupied, make all necessary repairs at any time; provided, that the same shall be done and the cost thereof be assessed against the lot, or piece of land abutting on the sidewalks so repaired as may be provided by law.

ARTICLE III  
**Street Design and Construction**

**Section 530.060. Minimum Standards for Paved Streets.** <sup>1</sup> [Ord. No. 976, 9-7-1994; Ord. No. 1068 §1, 9-20-1999]

- A. Street design and construction shall conform to all applicable regulations in effect in addition to the following standards.
- B. *Standards For New Development.* This Subsection covers required improvements under the Mulvane Subdivision Regulations for "Urban Type Subdivisions". This Section of standards may also be applied to new construction or to the reconstruction of collector and arterial streets in developed or previously platted parts of the City, where City at large funds are used to pay for at least a portion of the street improvements. Refer to the Section entitled "Standards for Existing Development" for additional information.

1. *Earthworks/subgrade.*

- a. In fill sections, fill shall be Type B compaction, except for the top six (6) inches placed immediately under the subgrade upon which the pavement is supported which shall have ninety-five percent (95%) of standard proctor density.
- b. All newly constructed streets shall be supported by a stabilized subgrade. The subgrade may consist of soil chemically stabilized in place by lime, flyash or Portland cement; alternately, the subgrade may consist of a rock base.
- c. Minimum subgrade thicknesses are as follows:

		<b>Chemical Stabilization</b>	<b>Rock Base</b>
(1)	Local streets	6 inches	5inches
(2)	Collector streets	6 inches	6 inches
(3)	Arterial streets	6 inches	6 inches

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<sup>1</sup>. Editor's note — As to additional street standards, see ord. no. 961 on file in the office of the city clerk.



Detailed soils investigations to determine soil types and stabilization chemicals and application rates may be performed at the street design engineer's option, or if the designer is familiar with soil types he/she may use his/her own judgment to select stabilization methods and application rates for local and collector streets only. A soils investigation performed by a geotechnical engineer is required for arterial street design. If no soils investigation is obtained for local or collector street design, the following shall serve as a recommended guideline for chemical stabilization:

Clay soils:	Pebble lime, 20 — 25 pounds per square yard
Clay and sand clay mixtures:	Flyash, 70 — 80 pounds per square yard
Sandy soils:	Portland cement, 50 pounds per square yard

Rock base materials and construction methods shall conform to applicable City of Wichita Standard Specifications and detailed sheets.

2. *Pavements.*

- a. Pavement material shall consist of either Portland cement concrete or asphalt concrete. Minimum thickness shall be six (6) inches. Minimum pavement thickness based on street classification are as follows:

		<b>Concrete</b>	<b>Asphalt</b>
(1)	Local streets	6 inches	6 inches
(2)	Collector streets	6 inches	7 inches
(3)	Arterial streets	8 inches	9 inches

- b. All concrete pavement constructed at the above thickness shall be reinforced in accordance with the design engineer's recommendations. If unreinforced concrete is used, the pavement thickness shall be increased an appropriate amount to offset the lack of reinforcement. Plans for the construction of concrete streets shall include a joint plan. All joints shall be sawed and sealed.

3. *Valley gutters.* Where stormwater runoff crosses an intersection, a concrete valley gutter shall be provided. No valley gutters will be allowed across arterial streets; valley gutters will generally not be allowed to cross collector streets, unless a significant amount of storm sewer can be eliminated. Valley gutters shall conform to concrete pavement standards above. Minimum reinforcement shall be six (6) inches by six (6) inches/4-4 WWF, with dowel bars as required by the joint plan.

4. *Curbs and gutters.*

- a. Curbs and gutters shall be required along all street pavement. Along concrete

pavement, curbs and gutter may be poured in advance of the street pavement; alternately, curbs may be poured monolithically with the street pavement with a slipform machine.

- b. Curbs and gutters shall be a minimum of two (2) feet to six (6) inches in width; gutter sections shall have a minimum thickness of six (6) inches. High curb (full curb) shall have a height of six (6) inches to six and five-eighths ( $6 \frac{5}{8}$  inches above the gutter flowline; low curb (roll curb) shall have a height of three (3) inches to three and one-half ( $3\frac{1}{2}$ ) inches above the gutter flowline. The amount of stormwater runoff which the street is to carry and the longitudinal slope of the street shall be considered when roll curb is selected. The use of roll curb may necessitate additional inlets and storm sewers. Roll curb shall not be used along arterial streets; roll curb generally shall not be used along collector streets, however, the Planning Commission may make exceptions if stormwater runoff flows and traffic volumes are relatively low.
  - c. *Designation of curbs and gutters.* It is hereby found and determined to be advisable and in the best interests and for the general health and welfare of the public, that all curbs and gutters constructed within the boundaries of the City of Mulvane, Kansas (hereinafter the "City"), from and after the date of adoption hereof (September 20, 1999), shall be and hereby are determined to be necessary for the purpose of carrying away excess storm water which accumulates on the surfaces of the streets, avenues, roads, highways, trafficways, alleys, overpasses, underpasses, culverts and bridges located within the City; and as such, are hereby declared and designated to be a part of the City's Storm Water Collection and Drainage System.
5. *Street geometrics.* The following geometric design criteria are established in the Mulvane Subdivision Regulations: right-of-way width, pavement width, longitudinal slopes, horizontal curves, intersection radii, horizontal sight distances and vision triangles. Additional geometric designs criteria are as follows:
- a. Pavement cross-slope (transverse to street) shall be one-quarter ( $\frac{1}{4}$ ) inch per foot minimum and three-eighths ( $\frac{3}{8}$ ) inch per foot maximum.
  - b. Parking slope (between back of curb and right-of-way line) shall be one-quarter ( $\frac{1}{4}$ ) inch per foot minimum.
6. *Storm sewers.* All storm sewers installed in conjunction with new streets shall be reinforced concrete pipe. Curb inlets and manholes shall be brick, cast in place concrete or precast concrete. Curb inlets shall have concrete tops. Where storm sewers discharge to open channels or natural drainageways, erosion protection shall be provided and may consist of limestone riprap, concrete or other material which is functional and aesthetically satisfactory.
7. *Traffic control signs, signals and striping.*
- a. For local and collector streets constructed as required improvements under the Mulvane Subdivision Regulations, it is preferable to have street name signs and traffic control signs included in the design and construction of the project and

paid for by the developer or special assessments. If the City and the developer mutually agree, the street signs and traffic control signs may be furnished and installed by the City of Mulvane and paid for either by the developer or charged to the property as part of the special assessments. Generally, no street striping is provided along local or collector streets; however, crosswalks or school crosswalks may be required at some locations.

- b. Traffic control signs and street name signs shall be installed along newly constructed arterials. Traffic signals shall be installed where traffic volumes and intersection considerations are such that they are required.
  - c. All signs, striping and other traffic control devices shall be designed, furnished and installed in accordance with the manual on Uniform Traffic Control Devices (MUTCD) (latest edition).
8. *Approaches, sidewalks and wheelchair ramps.*
- a. Concrete driveway approaches shall be six (6) inches concrete (minimum) and shall extend from back of curb to right-of-way line. Approaches may be unreinforced or reinforced at the property owner's request. Commercial or industrial approaches shall be eight (8) inches concrete where heavy truck traffic is a consideration.
  - b. Concrete sidewalks, where required, shall be four (4) inches thick concrete with a four (4) foot width, unreinforced. Wheelchair ramps shall conform with applicable standards.
  - c. All driveway approach, sidewalk wheelchair ramp and other incidental items of street construction shall conform to applicable City of Wichita Standard Specifications and details.
9. *Reference specifications/plan preparation.* All construction equipment, methods and materials necessary to construct the above-described pavement items, with the exception of signs, striping and traffic control devices shall conform to applicable portions of the City of Wichita Standard Specification (latest edition) and related standard detail sheets.
10. *Commercial and industrial development.* The above-described standards are generally applicable for residential or light commercial land uses. The Planning Commission and/or City Council shall have the right to require local and collector streets in commercial or industrial areas to conform to higher standards, particularly with regard to pavement thickness and subgrade requirements, in areas where heavy truck traffic is likely.
11. *Exceptions.* Where arterial streets within the corporate limits of the City of Mulvane are to be paved with partial or complete Federal, State or County funds, design and construction standards established by the applicable funding agency shall govern over the standards contained herein, when said standards are more restrictive. In the event that the standards of the funding agency are partially or completely less restrictive than these City of Mulvane standards, the Mulvane City Council reserves the right to

partially or completely waive these standards, upon agreement with or knowledge of the funding agency.

C. *Standards For Existing Development.*

1. In areas which are partially or completely developed with businesses or houses and where streets are not required to be constructed as part of platting, this Subsection shall apply.
2. Except for the interconnecting street law in the Kansas Statutes, where a City is authorized to require property owners to be assessed for paving a short length of street between two (2) streets which are already paved, the City of Mulvane is not expected to authorize paving of any local streets or collector streets, unless property owners present a valid paving petition under Kansas law.
3. When a valid petition is submitted by property owners for paving a local or collector street, the City Council shall decide at the public hearing required under improvement law what standards shall be applied to the petitioned project. The following options are submitted for consideration by the City Council:
  - a. The Council may determine that above-described standards which apply to new development may be applied to the petitioned project.
  - b. In older developed areas, where properties are served by rural-type sand or gravel surfaced roads where ditches and driveway pipes exist for drainage purposes, the Council may allow the continued use of the existing drainage system provided that the system is adequate to contain stormwater flows within public street or drainage right-of-way. This requirement may necessitate regarding ditches, installing new drainage pipes at some locations and replacing existing pipes with larger pipes at other locations. The Council may opt to not require curbs and gutter if the existing ditches and pipes are adequate or made to be adequate. New pavement shall be six (6) inches minimum thickness hot-mix asphalt. If the existing roadbed has sufficient strength through sand or gravel stabilization, chemical stabilization of subgrade may not be needed.
  - c. In developed areas which have curb and gutter streets but the pavement is deteriorated and property owners wish to have the street reconstructed, the Council may opt to save the existing curb and gutter or make spot repairs where needed and reconstruct the pavement between the existing gutter.
  - d. New pavement construction shall conform to the applicable standards described above for new development. Any necessary drainage improvements shall be constructed prior to constructing pavement.
4. Priming and sealing of existing sand or gravel roads shall not be allowed. (This does not refer to periodic sealing of existing streets which the City currently performs as part of its street maintenance program). Thin hot-mix overlays (thickness in the range of one (1) to four (4) inches) shall not be applied to existing sand or gravel roads.

ARTICLE IV

## **Driveways and Curb Cuts <sup>2</sup>**

**Section 530.070. Driveways Generally — Plans and Specifications Approved.** [CC 1985 §12-401; Ord. No. 230 §1, 1-5-1959]

All driveways hereafter constructed in the City of Mulvane on streets with curb and gutter or where curb and gutter is under contract to be constructed, shall be constructed, repaired and reconstructed according to plans and specifications prepared by the City Engineer, approved by the Governing Body and filed in the office of the City Clerk.

**Section 530.080. Driveway Widths.** [CC 1985 §12-402; Ord. No. 230 §2, 1-5-1959]

All such driveways shall be not less than ten (10) feet in width; provided, that when the Governing Body deems it necessary or advisable, it may order a driveway to be constructed of greater width.

**Section 530.090. Driveway Location.** [CC 1985 §12-403; Ord. No. 230 §3, 1-5-1959]

All such driveways shall be located so that the nearest edge of the driveway is not less than six (6) feet from the side property line; provided, that where the Governing Body deems it necessary or advisable, it may give permission to locate a driveway less than six (6) feet from said property line.

**Section 530.100. Driveway Specifications — Removal of Curb and Gutter.** [CC 1985 §12-404; Ord. No. 230 §4, 1-5-1959]

The owner of any property abutting on any street or his/her duly authorized agent or contractor may, in accordance with Section 530.070 of this Article, cut and remove any curb and gutter at construction joints to construct a driveway entrance to his/her premises; provided, that the curb and gutter shall be entirely cut and removed and replaced according to such plans and specifications filed in the office of the City Clerk and the driveway entrances shall not be so constructed as to change the grade of any existing sidewalk or curb and gutter except with the prior approval of the Governing Body.

**Section 530.110. Penalty for Violation — Injunction Proceedings.** [CC 1985 §12-405; Ord. No. 230 §5, 1-5-1959]

It shall be unlawful for any person to construct, repair or reconstruct or cause or permit to be constructed, repaired or reconstructed any driveways in the City of Mulvane on streets with curb and gutter or where curb and gutter is under contract to be constructed, except in accordance with this Article and the plans and specifications filed in the office of the City Clerk; and any person who shall violate any of the provisions of this Article shall, upon conviction thereof, be fined not to exceed one hundred dollars (\$100.00). In addition to the imposition of the penalty herein provided, the Governing Body shall have the authority to enforce compliance with the provisions of this Article by injunction or other appropriate proceedings.

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2. Cross Reference — As to permit fees, see §530.025.

ARTICLE V  
**Moving Buildings**

**Section 530.120. Permit Necessary.** [R.O. 1924 §145; CC 1985 §12-501]

It shall be unlawful for any firm or corporation to move any house or other structure of the height of sixteen (16) feet or over or of a width of fifteen (15) feet or more or which cannot be moved at a speed of four (4) miles per hour or more upon or across any street, alley or sidewalk in this City without first obtaining a permit to do so as hereinafter provided.

**Section 530.130. Application for Permits.** [R.O. 1924 §146; CC 1985 §12-502]

All applications for permits to move houses, buildings, derricks or other structures mentioned in Section 530.120 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 said building or structure shall be moved. If it shall be necessary to cut down and move, raise or in any way interfere with any wires or poles, the application shall state the name of the owners of said wires or poles and the time and place, when and where the removal of said poles or the cutting, raising or otherwise interfering with said wires will be necessary.

**Section 530.140. Applicant to Notify Wire Owners.** [R.O. 1924 §147; CC 1985 §12-503]

The applicant shall, upon the filing of such application, give not less than fifteen (15) days' written notice to the person, firm or corporation owning or operating such wires or poles, or to their agents, of the time and place, when and where the removal of said poles or the cutting, raising or otherwise interfering with said wires shall be necessary.

**Section 530.150. Duty of Owner of Poles or Wires.** [R.O. 1924 §148; CC 1985 §12-504]

It shall be the duty of the person, firm or corporation owning or operating said poles or wires after service of notice, as provided in Section 530.140, to furnish competent workmen to remove such poles or raise or cut such wires, as will be necessary to facilitate the moving of such house or other structure. The necessary expense which is incurred thereby shall be paid by the holder of the moving permit.

**Section 530.160. Duty of Mover.** [R.O. 1924 §151; CC 1985 §12-507]

It shall be the duty of any person, firm or corporation moving any of the structures mentioned in Section 530.120 of this Article upon or across any street, alley or sidewalk in this City, to display red lanterns thereon in such manner as to show the extreme height and width thereof from thirty (30) minutes after sunset to thirty (30) minutes before sunrise.

**Section 530.170. Mover to Provide Insurance.** [R.O. 1924 §152; CC 1985 §12-508]

The City may require any person, firm or corporation at the time of making application for a permit as provided in Section 530.130 of this Article to provide insurance in the amount of five hundred thousand dollars (\$500,000.00) and name the City as an additional insured on such policy thereby indemnifying the City against any loss or damage suit resulting from the failure of such person, firm or corporation to comply with the provisions of this Article or from their

negligence.

**Section 530.180. Penalty.** [R.O. 1924 §153; CC 1985 §12-510]

Any person violating the provisions of this Article shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not more than sixty (60) days or by both such fine and imprisonment.

## Chapter 535

### ARTERIAL ROADWAY IMPACT FEE

**Section 535.010. Purpose.** [Ord. No. 1071 §1, 11-1-1999]

A City of Mulvane arterial roadway impact fee is hereby imposed upon new development for the purpose of equitably apportioning the costs associated with expanding the City's arterial roadway system to accommodate the needs created by such new development. The impact fee shall be imposed on all new residential construction within the City of Mulvane, Kansas, and all fees collected shall be utilized solely for arterial roadway improvements as such roads are designated in the City of Mulvane's Comprehensive Development Plan.

**Section 535.020. Imposition of Impact Fee.** [Ord. No. 1071 §2, 11-1-1999]

Except as otherwise permitted herein, the impact fee provided for herein shall be assessed and collected at the time of the issuance of a building permit and no building permit for construction shall be issued to the owner of property assessed unless the owner of such assessed property has paid in full the assessment applicable to the property to be developed.

**Section 535.030. Calculation of Impact Fee.**<sup>1</sup> [Ord. No. 1071 §3, 11-1-1999]

- A. Upon receipt of an application for a building permit for development subject to this Chapter, the City's Zoning Administrator shall determine the amount of the applicable impact fee. For residential development the fee shall be based upon the number of dwelling units. The actual amount of the fee per dwelling unit shall be set by official resolution of the City adopted by the City Council initially upon the adoption of this Chapter which shall be reviewed not less than biannually thereafter. Revisions to the amount of the impact fee shall be made by subsequent resolution.
- B. Upon determination of the appropriate impact fee as determined by the City's Zoning Administrator, the fee so imposed shall be collected by the Zoning Administrator as a condition precedent to the issuance of the building permit.
- C. Notwithstanding the foregoing, a land developer can request the assessment of an estimated impact fee at the time of final plat approval and may be permitted to pay the estimated fee then in effect. In such cases, the estimated fees collected shall be credited against the individual lots within the platted subdivision. At the time of the issuance of the building permit the requested development upon each lot will be taken into account and a determination will be made as to whether the actual development will be the same as assumed at the time of the payment of the estimated fee. If so, no additional fee will be

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1. Editor's Note — Res. no. 99-10 enacted November 1, 1999, set the arterial roadway impact fee at \$700.00 for a residential dwelling unit.



imposed. If the usage of the lot as reflected within the building permit application indicates the construction of improvements will result in a higher fee than represented by the estimated fee, the City's Zoning Administrator shall collect an additional fee consistent with the actual proposed development of the lot, which additional fee shall be based upon rates prevailing at the time of the payment of the additional fee.

- D. An applicant for a zoning permit who feels aggrieved by the impact fee as determined by the City's Zoning Administrator may file a petition for review with the City Clerk or the Clerk's duly designated agent for the purpose of seeking administrative review of a decision by the Zoning Administrator as to the applicability of the impact fee ordinance or the amount of the impact fee due. The City Clerk or his/her duly designated agent must provide the applicant, in writing, with a decision upon such request. The decision shall include the reasons for the decision. Pending the outcome of such review a building permit may be issued, but only upon the posting of satisfactory financial sureties guaranteeing the payment of the fee as ultimately determined by the City Clerk or his/her duly designated agent.

**Section 535.040. Use of Impact Fee.** [Ord. No. 1071 §4, 11-1-1999]

- A. Upon receipt of impact fees, the Zoning Administrator shall transfer such funds to the City Treasurer who shall be responsible for the placement of such funds in a segregated interest-bearing fund designated as the Transportation Impact Fund (TIF). All monies placed in said fund and all interest earned thereon shall be utilized solely and exclusively for the improvement of arterial roads as follows:
1. For the costs associated with engineering, financing, and actual construction or reconstruction of such arterial roads;
  2. As reimbursement to the City for arterial roads in place, the costs for which were paid by the City at large after November 1, 1999.
  3. Impact fee funds collected shall not be used for ordinary maintenance or repairs of the existing or new street networks.

**Section 535.050. Credit for Prior Assessment.** [Ord. No. 1071 §5, 11-1-1999]

Any property owner whose land has been previously assessed a TIF fee shall be allowed a credit against the impact fee provided herein. The credit shall be equal to but may not exceed the dollar amount for which land was originally assessed a TIF fee, providing that such prior assessment has been fully paid. This Section shall generally only be applicable in the event of a change in the usage of land requiring a property owner to apply for a building permit for additional construction or reconstruction of improvements.

**Section 535.060. Variances, Exceptions, Appeals.** [Ord. No. 1071 §6, 11-1-1999]

Petitions for variance and exceptions to the application of this Chapter shall be made to the City Clerk or his/her designated agent. Any person aggrieved by such determination may appeal the same within thirty (30) days; provided however, that the imposition and collection of such fee shall not be stayed unless a bond or other sufficient surety in an amount equal to the fee has been

filed simultaneously with the filing of appeal. The appeal shall be to the entire Governing Body which will consider the appeal within thirty (30) days thereafter and the Governing Body may take into account any inequities to the property owner or any benefits to the City associated with the proposed development.

**Section 535.070. Effect of Impact Fee on Zoning and Subdivision Regulations and Other Laws or Regulations Applicable.** [Ord. No. 1071 §7, 11-1-1999]

The imposition of the impact fees provided for herein does not alter, negate, supersede or otherwise affect any other requirement of the City, County, State or Federal legislation or regulations that may be applicable to a development, including general or special benefit district participation, City Zoning and/or subdivision regulations and/or requirements that may impose or involve a transportation operational improvement. This Chapter shall not negate or alter any City requirements, standards or policies relating to transportation or street improvements including payment for or dedication of land for right-of-way or utility easements.

**Title V Notes**

**BUILDING CODE**

*Cross Reference — As to uniform fire Code, see §225.010.*